



# City of Tigard Tigard Business Meeting - Agenda

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

**MEETING DATE AND TIME:** February 14, 2012 - 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.  |

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City of Tigard  
**Tigard Business Meeting - Agenda**

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

**MEETING DATE AND TIME:** February 14, 2012 - 6:30 p.m. Study Session; 7:30 p.m. Business Meeting

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

6:30 PM

- **STUDY SESSION**

- A. Discuss Proposed Amendment to Resolution No. 07-13 to Renew the City's Incentives to Annex until February 2013

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

7:30 PM

1. **BUSINESS MEETING -- FEBRUARY 14, 2012**
  - 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)**  
7:35 p.m. - time is estimated
  - A. Follow-up to Previous Citizen Communication
  - B. Tigard High School Student Envoy
  - C. Tigard Area Chamber of Commerce
  - D. Citizen Communication – Sign Up Sheet

3. CONSENT AGENDA: (Tigard City Council) These items are considered routine and may be enacted in one motion without separate discussion. Anyone may request that an item be removed by motion for discussion and separate action. Motion to:  
7:45 - time is estimated
  - A. Approve City Council Meeting Minutes for:
    1. December 13, 2011
    2. December 20, 2011
    3. January 10, 2012
    4. January 17, 2012
    5. January 24, 2012
  - B. Receive and File:
    1. Council Calendar
    2. Tentative Agenda
  - C. Add the Sunrise Property Purchase to the List of 2006 Metro Bond Projects and Approve an Agreement Regarding the Property
  - D. Add Two Trail Projects to the List of 2006 Metro Bond Projects - Resolution
  - E. Initiate the Transfer of Jurisdiction of a Portion of Barrows Road to the City
  - F. Authorize the Submission of a Grant Application to Partially Fund the Aquifer Storage and Recovery (ASR) Improvement Project - Resolution
  - *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. NAME THE TIGARD LIBRARY COMMUNITY ROOM THE "GEORGE AND YVONNE BURGESS COMMUNITY ROOM" - RESOLUTION  
7:55 p.m. - time is estimated
5. PRESENTATION BY METRO COUNCILOR CARL HOSTICKA ON CLIMATE SMART COMMUNITIES SCENARIOS PROJECT  
8:05 p.m. - time is estimated
6. REVIEW AND DISCUSS THE PROPOSED 2012 FEDERAL LEGISLATIVE AGENDA  
8:30 p.m. - time is estimated
7. COUNCIL LIAISON REPORTS  
8:40 p.m. - time is estimated
8. NON AGENDA ITEMS
9. 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.

10. ADJOURNMENT  
8:50 p.m. - time is estimated

AIS-757

A.

**Business Meeting**

**Meeting Date:** 02/14/2012

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

**Agenda Title:** Discuss Proposed Amendment to Resolution No. 07-13 to Renew the City's Incentives to Annex until February 2013

**Prepared For:** Ron Bunch

**Submitted By:** Gary Pagenstecher, Community Development

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

**Meeting Type:** Council Business Mtg - Study Sess.

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**Information**

**ISSUE**

Overview of proposed process for extending to February 2013 Resolution No. 07-13, which defines incentives for voluntary annexation of unincorporated lands to the municipal city limits, and initial discussion of overall annexation policy and efforts.

**STAFF RECOMMENDATION / ACTION REQUEST**

Staff requests that council review the process for amending Resolution No. 07-13 extending voluntary annexation incentives within the context of a broader discussion on annexation policy. Staff proposes council consider the amended resolution at it's February 28th business meeting to ensure continuation of the existing policy. In addition, the agenda item includes time for an initial discussion of council's direction on the 2012 goals to reevaluate the annexation policy and develop a philosophy and approach to consider annexations, including islands.

**KEY FACTS AND INFORMATION SUMMARY**

As stipulated in Resolution 11-08, council's annual review of its annexation policy, including annexation incentives, is to occur in February 2012.

Res. 07 - 13 expanded annexation incentives to include: 1) waiver of the city annexation application fee for all annexation requests, and 2) phasing in of city property taxes over a three-year period at the rate of 33%, 67%, and 100%. The resolution required an annual review of these practices. Later, through Resolution 07-47, council decided to add payment by the city of Metro's annexation mapping fees. City staff then began the practice of assisting applicants with property descriptions provided it does not involve field work. Resolutions extending the incentives were adopted annually after the initial adoption.

**OTHER ALTERNATIVES**

NA

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

2012 City Council Goal

4. Annexation

a. Re-evaluate the city's annexation policy.

b. Develop a philosophy and approach to consider annexations, including islands.

**DATES OF PREVIOUS COUNCIL CONSIDERATION**

Resolutions extending the incentives were adopted in 2008, 2009, 2010 and on February 22, 2011.

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**Attachments**

Res No. 07-13

Res No. 11-08

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CITY OF TIGARD, OREGON  
TIGARD CITY COUNCIL  
RESOLUTION NO. 07- 13

A RESOLUTION OF THE CITY OF TIGARD ESTABLISHING POLICY TO GUIDE CITY ACTIONS PERTAINING TO ANNEXATION OF UNINCORPORATED LAND TO THE MUNICIPAL CITY LIMITS

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WHEREAS, Oregon law provides standards and procedures that permits annexation of unincorporated lands to cities and the City of Tigard has adopted, as part of its acknowledged Comprehensive Plan, guiding policies pertaining to annexation; and

WHEREAS, Washington County and the City of Tigard have, by intergovernmental agreement, mutually determined: a) the extent of an area called the Tigard Urban Services Area (TUSA) within which the City shall be the ultimate provider of urban services and, b) these lands shall be eventually part of the City of Tigard; and

WHEREAS, accessible governance and complete urban services are essential to the quality of urban life and annexation is a necessary means to: a) ensure delivery of complete urban services to the TUSA, and b) guarantee the cost of services are more equitably shared among all those that use them; and

WHEREAS, annexation is an important tool to establish and maintain regular and logical city boundaries necessary for effective planning for public facilities services; the provision of said services and timely response by law enforcement; and

WHEREAS, parts of Tigard's municipal boundary are irregular and confusing, and there exists unincorporated lands (islands) completely surrounded by the City; and this situation is incongruous with the City's responsibility to promote the effective and efficient provision of urban services; and

WHEREAS, the City of Tigard offers a wide range of benefits to its citizens including, full urban services; proximate and responsive governance and political representation; opportunities for civic participation, and quick to respond law enforcement, and consequently many property owners within the unincorporated TUSA have expressed interest in annexation; and

WHEREAS, the City wishes to promote the benefits of being part of the City and wishes to encourage voluntary annexation.

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

**SECTION 1:** The City shall not resort to involuntary annexation of unincorporated land, except in cases where it is found that such action is in the overall City's interest, such as to resolve public safety and/or health issues where it is necessary to extend or provide essential City services consistent with an adopted Community

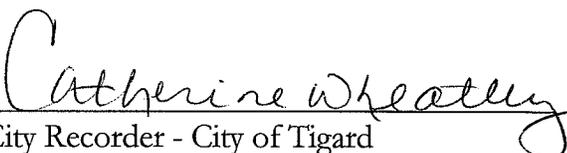
Investment Plan (CIP) or Public Facility Plan (PFP), and/or resolve incongruous municipal boundaries.

- SECTION 2:** Tigard shall work with other cities, Washington County, Metro and the state to promote regional and statewide policies and actions that recognize that logical, efficient and economically sustainable urban development can best occur in existing incorporated cities.
- SECTION 3:** The City shall proactively promote the benefits of being within the municipal City limits and invite owners of unincorporated properties to voluntarily join the City. However, each annexation shall be evaluated on its own merits to ensure it is in the City's overall interests.
- SECTION 4:** The City shall communicate with and otherwise work directly with those that express voluntary interest in annexation to facilitate the annexation process. This shall include providing incentives to annex such as the following:
- Waiver of the City annexation application fee until July 1, 2008.
  - Phasing in of increased property taxes over a three-year period at the rate of 33 percent, 67 percent, and 100 percent, for properties that annex during the period of March 13, 2007 to February, 2008, per Oregon Administrative Rule (OAR 150-222.111).
- SECTION 5:** In consideration that conditions and circumstances change over time, the City Council shall revisit this policy in February 2008 and make changes if warranted.
- SECTION 6:** This resolution takes is effective upon passage.

PASSED: This 13<sup>th</sup> day of March 2007.

  
\_\_\_\_\_  
Mayor - City of Tigard

ATTEST:

  
\_\_\_\_\_  
City Recorder - City of Tigard

**CITY OF TIGARD, OREGON**  
**TIGARD CITY COUNCIL**  
**RESOLUTION NO. 11- 08**

A RESOLUTION AMENDING RESOLUTION NO. 07-13 TO EXTEND THE INCENTIVES FOR VOLUNTARY ANNEXATION OF UNINCORPORATED LANDS TO THE MUNICIPAL CITY LIMITS TO FEBRUARY 2012.

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WHEREAS, Resolution 07-13 establishes policy to guide City actions pertaining to annexation of unincorporated lands to the municipal City limits, and provides incentives to annex, including waiver of the City annexation application fee until July 1, 2008 and phasing in of increased property taxes over a three-year period at the rate of 33 percent, 67 percent, and 100 percent, for properties that annex during the period of March 13, 2007, to February 2008 per Oregon Administrative Rule (OAR 150-222.111); and

WHEREAS, Resolution 07-47 amends Resolution 07-13 to expand the incentives to include City payment of the Metro mapping/ filing fee until July 1, 2008; and

WHEREAS, the City's operational and administrative procedures have been to assist in the preparation of legal descriptions as long as they do not require field survey work and to waive the pre-application conference fee for individual property owners interested in voluntary annexation; and

WHEREAS, Resolution 08-12 amends Resolution 07-13 to extend the offer of incentives to annex until February, 2009; and

WHEREAS, the City Council passed Resolution 09-12 on February 24, 2009 to continue to offer incentives to property owners who voluntarily annex to the City until February 2010;

WHEREAS, the City Council passed Resolution 010-12 on February 9, 2010 to continue to offer incentives to property owners who voluntarily annex to the City until February 2011;

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

SECTION 1: Resolution 07-13 is hereby amended to renew the offer of incentives to annex until February 2012, including:

- Waiver of the City annexation application fee;
- Phasing in of increased property taxes for properties that annex during the period of March 13, 2007, to February, 2012, per Oregon Administrative Rule (OAR 150-222.111);
- City payment of the Metro mapping/ filing fee;
- Assistance in the preparation of legal descriptions, not to include field survey work; and
- Waiver of the pre-application conference fee for individual property owners interested in voluntary annexation.

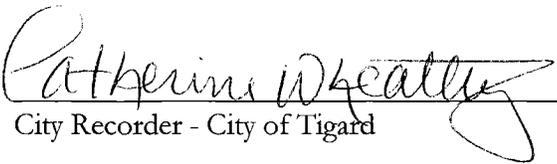
SECTION 2: An annual review of the annexation policy and associated incentives shall occur concurrently.

SECTION 3: This resolution is effective immediately upon passage.

PASSED: This 22<sup>nd</sup> day of February 2011.

  
\_\_\_\_\_  
Mayor - City of Tigard

ATTEST:

  
\_\_\_\_\_  
City Recorder - City of Tigard

AIS-803

3. A.

**Business Meeting**

**Meeting Date:** 02/14/2012

**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

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**Information**

**ISSUE**

Approve City Council meeting minutes.

**STAFF RECOMMENDATION / ACTION REQUEST**

Approve minutes as submitted.

**KEY FACTS AND INFORMATION SUMMARY**

Attached council minutes are submitted for City Council approval. (Dates of meetings are listed under "Attachments" below.)

**OTHER ALTERNATIVES**

N/A

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

N/A

**DATES OF PREVIOUS COUNCIL CONSIDERATION**

N/A

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**Attachments**

December 13, 2011

December 20, 2011

January 10, 2012

January 17, 2012

January 24, 2012

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# City of Tigard Tigard Business Meeting - Minutes

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

### **MEETING DATE AND TIME:**

December 13, 2011 – 6:30 p.m.

### **MEETING LOCATION:**

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



Council Present: Council President Buehner, Councilor Wilson, Councilor Woodard, and Councilor Henderson. Mayor Dirksen was absent.

Staff Present: City Manager Wine, Assistant to the City Manager Mills, Assistant City Manager Newton, Redevelopment Project Manager Farrelly, Engineer McMillan, Community Development Director Bunch, Deputy Recorder Krager, and City Attorney Bennett

Press: Sally Ho, The Oregonian

### **EXECUTIVE SESSION**

At 6:30 p.m. Council President Buehner announced that there would be a **City Center Development Agency** Executive Session to discuss real property transactions under ORS 192.660 (2) (e). The Study Session continued after the Executive Session.

### **STUDY SESSION**

#### **A. BRIEFING ON A CLEAN WATER SERVICES (CWS) INTERGOVERNMENTAL AGREEMENT (IGA) REGARDING THE DERRY DELL SEWER PROJECT**

Engineer McMillan gave a briefing on the IGA with Clean Water Services for sewer work and creek realignment necessary in the Derry Dell area. She showed pictures of existing and future alignments. She said this IGA covers how the work will be shared; CWS will complete the sewer work and the City of Tigard will acquire the property or easement. The work has been pushed back to the summer of 2013 because Tigard asked CWS to include in their permitting process with Oregon Department of Fish and Wildlife and the Corps of Engineers, the crossing for the storm sewer culvert at Walnut Street and replacing a water line crossing at Johnson. She said it is advantageous to get all the permits at once. She said this IGA will be a future consent agenda item.

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## **TIGARD CITY COUNCIL MEETING MINUTES – DECEMBER 13, 2011**

## EXECUTIVE SESSION

Council President Buehner announced that the **Tigard City Council** would enter into an executive session called under pending litigation 192.660 (2) (h). The executive session ended at 7:22 p.m.

## STUDY SESSION (CONTINUED)

### B. Administrative Items

City Manager Wine said a draft developed at the December 6 council goal setting session was sent out for review and asked for comments. Councilor Henderson said the document covered what was discussed but the descriptions seemed vague. Councilor Woodard agreed and suggested that the goals need to be more detailed. Councilor Henderson said he was interested in the department work plans in response to the council goals because that would help expand their meaning. Councilor Wilson suggested reworking the wording and timeline of Downtown Goal 3.A. City Manager Wine said she will bring this back for continued discussion at the December 20, 2011 council meeting.

City Manager Wine said she hoped to schedule a time for council to meet in early 2012 to re-examine groundrules, council liaison assignments and how council works together.

Council President Buehner asked if the council goals could be a consent item for approval at the January 10, 2012 ceremonial meeting. City Manager Wine said they could be added if council has a chance to work on them and is comfortable with the wording. Councilor Henderson said it is important for the public to hear what the goals are for the year.

## 1. BUSINESS MEETING

- A. At 7:36 p.m. Council President Buehner called the meeting of the Tigard City Council and Local Contract Review Board to order.
- B. Deputy City Recorder Krager called the roll.

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

- C. Pledge of Allegiance

- D. Council Communications & Liaison Reports – None.

## **TIGARD CITY COUNCIL MEETING MINUTES – DECEMBER 13, 2011**

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

## 2. CITIZEN COMMUNICATION

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

B. Sophomore Class President E.J. Albaugh represented Tigard High School and reported on recent and upcoming Tigard High events and activities. He announced a Loaves & Fishes food bank collection at the school and Council President Buehner asked where food items could be delivered at the high school. He advised that there was a collection point at the main office at the high school.

C. Tigard Area Chamber of Commerce - Executive Director Debi Mollihan gave a wrap-up of 2011 Chamber activities. She said the Tigard Chamber is one of eight in Washington County and together they have a coalition called the Washington County Chambers of Commerce Partnership focusing on business community impacts from a governmental perspective. The WCCCP is bringing to Tigard a debate between Suzanne Bonamici and Rob Cornilles on January 10, at 7:30-8:30 a.m. The Broadway Rose Theater is hosting and Broadway Rose General Manager and Chamber Board President Dan Murphy will moderate. She mentioned that the annual Bowl-O-Rama will be held March 3, 2012 at Tigard Bowl and encouraged council participation.



D. Citizen Communication – Mark Padgett, 12975 SW Princeton Lane, Tigard, OR 97223, spoke on behalf of the Tigard Basketball Association (TBA), a non-profit, volunteer-run program for youth in grades 3-12. He said they also train high-school age youth to referee games, which gives them weekend income. Annual scholarships are made available and an effort is made to give scholarships to at-risk youth. This year 63 scholarships were provided. They started with 200 youngsters and have over 800 involved this year.

He requested that the Tigard City Council officially recognize the TBA with a proclamation for 30 years of providing basketball to Tigard children.

Councilor Woodard said it is commendable that their numbers are as high as 800 and thanked them for providing this opportunity.

Councilor Wilson said his children have participated and benefitted from this program in the past and he appreciated it. He referred to Councilor Woodard's push for more city involvement in recreation programs.

Councilor Henderson said, "This is what makes Tigard great."

Council President Buehner thanked him for coming and said she will discuss a proclamation with the Mayor.

## **TIGARD CITY COUNCIL MEETING MINUTES – DECEMBER 13, 2011**

 Councilor Henderson introduced new City Manager Marty Wine to the audience. City Manager Wine said she was happy to be in Tigard and appreciated the warm welcome from the council and the community.

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

A. Approve Council Meeting Minutes:

October 11, 2011

October 18, 2011

November 1, 2011

B. Receive and File:

1. Council Calendar

2. Tentative Agenda

C. Authorize the City Manager to Sign an Agreement and an Amendment to an Agreement with Oregon Department of Transportation for 2010 Pavement Overlays

D. Local Contract Review Board:

1. Award Contracts for Vehicle and Light Truck Repair to Multiple Auto Services Shops: Landmark Ford, Tyler Automotive, and Russ Automotive and Direct the City Manager to Carry the Contract through Execution

Councilor Wilson moved to approve the consent agenda and Councilor Woodard seconded the motion. All present voted in favor of approving the consent agenda.

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

4. PRESENT THE AMERICAN PUBLIC WORKS ASSOCIATION (APWA) PROJECT OF THE YEAR AWARD FOR THE BURNHAM STREET RECONSTRUCTION PROJECT

**TIGARD CITY COUNCIL MEETING MINUTES – DECEMBER 13, 2011**

 Engineer McMillan presented the APWA Oregon Chapter's Project of the Year Award, which recognized the Burnham Street Reconstruction Project. She said the award is for excellence, innovation and cooperation with regard to management and administration and acknowledged the City of Tigard along with the project design and construction team including OTAK Engineers, Kodiak Pacific Construction and WH Pacific.

5. QUASI-JUDICIAL PUBLIC HEARING - COMPREHENSIVE PLAN AMENDMENT, SENSITIVE LANDS REVIEWS AND ADJUSTMENT TO EXTEND WALL STREET TO FIELDS' PROPERTY COMPREHENSIVE PLAN AMENDMENT (CPA) 2009-00004/SENSITIVE LANDS REVIEW (SLR) 2009-00004/SENSITIVE LANDS REVIEW (SLR) 2009-00005/ADJUSTMENT (VAR) 2010-00002 - WALL STREET EXTENSION (FIELDS)

Council President Buehner opened the public hearing and announced that the applicant has requested a continuance on this hearing. The hearing will be continued to February 28, 2012.

6. DISCUSS FEDERAL LEGISLATIVE PRIORITIES WITH CFM STRATEGIC COMMUNICATIONS, INC

 Senior Management Analyst Wyatt said CFM Strategic Communications was awarded the contract for federal advocacy services at the October 11, 2011 council meeting. Attending the meeting from CFM Strategic Communications, Inc. were Gary Conkling, Joel Rubin and Julie Pyatt.

Mr. Rubin said CFM met today with city executive staff to discuss priorities. They will pursue grant dollars from the federal government for strategic priorities to improve the quality of life in Tigard, such as transportation projects, economic development projects, police, library services, educational and after-school programs. He said they begin in a strategic and focused way to seek grants and federal funding programs. They also lobby members of congress to ask for support. Meetings will be arranged with local congressional staff to see the projects Tigard is working on and to get a firsthand perspective on the good work Tigard is doing. He said it is clear to him that the city can be trusted to spend federal dollars well. He said there are a few grants released for 2012 that they are already working on with city staff.

Consultant Gary Conkling said he is a Tigard resident and while it is important for the city to be represented in Washington DC, it is also good to have contact with someone who can connect locally with council; their firm offers both.

Councilor Henderson said he welcomed having them on the team. He expressed optimism that they can assist with obtaining transportation funding.

## **TIGARD CITY COUNCIL MEETING MINUTES – DECEMBER 13, 2011**

Councilor Woodard said he appreciated the offer to assist staff with grant writing. He said he took a course called Grant Writing 101 and was surprised at the technicality required in writing proposals. He said the city must be more competitive for the fewer available dollars and he looks forward to seeing what the return on investment will be.

Councilor Wilson said this is a natural outgrowth of Tigard wanting to be more outward looking. He commented that staff and council have worked hard to develop relationships with legislators and other public agencies. He said there was ambivalence about working with lobbyists and he hoped that relationship building will continue. He said, “Our needs are not entirely about money. We’ve had situations where we had the money for a project but because we didn’t acquire property according to government guidelines, we couldn’t use it. Helping us cut through red tape would be a good thing.”

Council President Buehner said she was very pleased to have advocates for Tigard in Washington DC. She said, “Tigard’s mayor or Council members go to Washington once or twice a year and although we work hard to get money for grants, we can’t be there all the time.” She requested a presentation prior to the National League of Cities Conference in March on the impact of Grover Norquist’s organization on congress. Consultant Rubin said he would provide her with an analysis.

Councilor Henderson referred to the heavy traffic that flows through Tigard and said it was advantageous that CFM works for other communities such as Sherwood that experience similar issues. Consultant Rubin agreed that problems are regional and bringing more stakeholders to the table with a concerted message will provide benefits to all in the long run.

Consultant Rubin said Mayor Dirksen gave him a tour of the city showing how Tigard gets things done and gets them done well. Council President Buehner suggested inviting elected representatives for a tour of the new water pump station (paid for with federal dollars) which will save residents millions of dollars because they do not have to be in the water system bond amount.

## 7. DISCUSS AMENDMENTS TO TIGARD MUNICIPAL CODE CHAPTER 1.16 AND CONSOLIDATION OF NUISANCE VIOLATIONS INTO A NEW TITLE 6

Assistant Community Development Director Hartnett and Program Development Specialist Shields led a continuation of the November 22, 2011 discussion on amendments to the Tigard Municipal Code creating administrative code enforcement options in Chapter 1.16 and to begin discussion on consolidating nuisance violations into a new Title 6.

 Program Development Specialist Shields reviewed the history of the code violation process. In July 2010, budget reductions cost the city its last full-time code enforcement officer, meaning that the city had no personnel to receive and investigate complaints on a full-time basis. Within a short time a new system was developed and implemented that relies upon the community to be the city’s eyes and ears in reporting and checking on possible violations. Complaints are received online through the city’s website. He said these measures saved major savings and staff time but

## **TIGARD CITY COUNCIL MEETING MINUTES – DECEMBER 13, 2011**

were not meant to completely fix the code enforcement situation. He said council directed staff to add administrative remedies and tools to enable the city to provide more efficient and cost-effective service. He said amendments to TMC Chapter 1.16 had been delivered to council in November and they now had the new Title 6 for review.

Program Development Specialist Shields said the public hearing for both code enforcement changes is tentatively scheduled for January 24, 2012.

Staff met with the city attorney to discuss simplifying descriptions and legal text. In most cases, it was left in its present form for the city's or staff's protection. City Attorney Bennett said while one challenge is making code language friendly for the public; it must be balanced with considerations of legality should there be challenges. The city has to adopt administrative procedures first, because by definition, it will have things done by administrative staff that previously was done by judicial staff. He said there is a need to protect the public. On the other hand, staff will be performing on behalf of the city and you do not want them doing something without the protection of the code. This language creates a bulky document. It has to be balanced to provide protection from lawsuits.

Council President Buehner said it needs to be written in such a way that Tigard's code will more efficiently complement the county's code.

Council President Buehner mentioned that Mayor Dirksen was not in attendance and she passed along his perspective that this should be rescheduled for consideration in February. Assistant Community Development Director Hartnett asked if council wanted to continue discussing this at the January meeting and scheduled the final vote in March. Council President Buehner said she was concerned that there was enough time allowed for questions that may come up.

### **Chapter 1.16 Discussion:**

Councilor Henderson said he wasn't sure this was the right direction and said he wanted to meet with City Manager Wine to discuss it. He said delaying consideration until March was fine with him. Program Development Specialist Shields asked if Councilor Henderson was referring to the entire package or the new Title 6. Councilor Henderson said his expertise was in construction codes. He asked for assistance in understanding how nuisance code appeals are processed. Assistant Community Development Director Hartnett asked if it would be helpful if staff gave him some hypothetical situations to help explain how the city might respond and what a citizen's options might be. Councilor Henderson said that would be helpful. He said he heard concerns for the city and staff, but he wants to make sure the Tigard citizens are represented. Assistant Community Development Director Hartnett said she would supply him with actual situations from the past and how they could be addressed differently with new administrative rules in ways that might be more helpful for them as well as for the city in gaining compliance.

Councilor Wilson said the procedures in proposed in Chapter 1.1 were acceptable. He said he had concerns with the nuisance code chapter.

Councilor Woodard expressed concern for owners of rental houses who live out of state. He asked if anything would be added into the code. Program Development Specialist Shields

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## **TIGARD CITY COUNCIL MEETING MINUTES – DECEMBER 13, 2011**

suggested that standard operating procedures or administrative rules would be the appropriate place to address this rather than codification. He assured Councilor Woodard that the city's practice was not to take anyone to court until violations are verified and the responsible party has been contacted. If an owner lives out of state there may be a delay in receiving a notice in the mail and that is taken into account.

Council President Buehner asked about trustees in foreclosure cases. Assistant Community Development Director Hartnett said language about this had been added and she expressed appreciation to Council President Buehner for her assistance in clarifying that chapter.

### **Title 6 Discussion:**

Councilor Wilson said it had been a long time since council looked at the nuisance language in the code. He said some things cannot be applied citywide. Tall grasses may be appropriate in a natural area but not in a suburban front yard. If this language was applied to a natural right-of-way area, it would have to be mowed every week. He asked if the language might be contradictory in the case where a greenway is also in an easement. He said whenever there is an easement, certain requirements are associated and the property owner may or may not get to do certain things due to language in his easement. He asked, "Are we asserting extra property rights?" He said the city needs to strike the right balance and in some cases be more stringent and in some cases, less. He said he would like more time to think about this and recommended moving the item to March.

Assistant Community Development Director Hartnett said most of what Councilor Wilson referenced is existing text, and not what staff recommended to be modified. She asked if Council wanted to revisit the existing code language, but noted that just preparing the administrative rule chapter and consolidating the nuisance violations has been a tremendous amount of work for staff. She suggested putting into place what is needed now to move forward with code compliance but with direction to come back and revisit the more difficult pieces. She said, "We are not dealing with nit-picky neighbor squabbles; we don't have the resources."

Councilor Woodard suggested changing the noise ordinance limit and asked if police have decibel meters. Assistant Community Development Director Hartnett assured him that they do. Councilor Woodard said the meters should be used to show a noise violator how they are breaking the rules. He said he noticed oil leakage behind a restaurant heading towards a storm drain and asked if that was covered in this document and where it was. Staff found the section for him. He asked what the logic was behind Section 6.02.510 - Service Connection and Maintenance. In response to a question from Councilor Woodard, Assistant Community Development Director Hartnett suggested he discuss this section with Utility Manager Goodrich.

Council President Buehner said the scenario is that if a leak happens on the city side of the water meter it is the city's responsibility to fix it. If the leak is on the homeowner's side they have to pay for repairs.

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## **TIGARD CITY COUNCIL MEETING MINUTES – DECEMBER 13, 2011**

City Attorney Bennett said, “It may seem counterintuitive to citizens to think that they are responsible for sidewalks in front of their houses, but they are. This is how the law evolved.”

Councilor Henderson asked how a citizen can make a complaint. Assistant Community Development Director Hartnett said 95% of complaints are sent through the city’s website. If requested, people can get a hard copy form to fill out and return. Complaints are not accepted over the phone. When asked if Tigard requires more than one citizen to complain about a particular problem, Program Development Specialist Shields replied that one complainant is enough. After a complaint is received, the city sends out a letter to the party responsible for that property. Staff is not available to go out in the field and investigate. In most cases (80%) compliance is obtained after receipt of the first letter.

Twenty days are allowed for the violation to be taken care of. A letter goes to the complainant asking them to notify the city if it is not resolved within those twenty days. Councilor Henderson asked if video could be submitted to support a complaint and Program Development Specialist Shields said it could.

Program Development Specialist Shields advised that if there is a threat to life, safety or health, city staff will investigate.

Council President Buehner said she sent staff an email about a sentence that appeared to have been deleted from the proposed language regarding graffiti. Program Development Specialist Shields said it was still there but not as part of the definition. Council President Buehner suggested that it be added back into the definition for clarity.

Council President Buehner mentioned that some code violations may start in one jurisdiction, such as Tualatin, but end up in Tigard, as could happen at Bridgeport, where there is a change in jurisdiction. She said Tigard needs to be aware of neighboring jurisdiction’s codes and she did not think the old TMC did this. Assistant Community Development Director Hartnett requested that City Attorney Bennett pass this along to City Attorney Hall, who has been working with the city on the nuisance code changes.

Councilor Woodard asked, “There is no nuisance officer but these will be administered through staff. Who is administering this and how do we ensure continuity?” Assistant Community Development Director Hartnett said the designated authority is the city manager or designee. She said there are specific actions that code enforcement officers (currently there are four) can take. She predicted that when these administrative options are added to the city’s toolbox, there will be steps that need to go to the department director. This is so the director can inform the city manager in cases where the penalty will be elevated. She said staff is developing written administrative rules and standard operating procedures (SOP’s).

Councilor Wilson asked staff to provide a list of the most common types of complaints and asked if it would be better to focus attention on those. Assistant Community Development Director Hartnett said staff will assemble scenarios for Councilor Henderson, water meter information for Councilor Woodard and a list of common code violations in time for the January 24, 2012 meeting discussion. She said she will reschedule the public hearing to March.

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## **TIGARD CITY COUNCIL MEETING MINUTES – DECEMBER 13, 2011**

Council President Buehner asked if council could receive an amended version of the first chapter for review before the meeting on January 24, 2012. She suggested that councilors meet with staff prior to that meeting to go over any questions.

#### 8. UPDATE ON HIGH CAPACITY TRANSIT (HCT) LAND USE PLAN

Senior Transportation Planner Gray updated council on progress on the High Capacity Transit Land Use Plan, one of many separate studies that comprise a significant portion of the regional Southwest Corridor Plan.

She presented a PowerPoint to illustrate how the local land use plans fit into the Southwest Corridor Plan. She said Tigard's draft High-Capacity Land Use Plan is almost completed. She said the Citizen Advisory Committee (CAC) has been advising the team and met five times last year, holding their final meeting in November. The consultant is scheduled to present the final plan at a joint Council/Planning Commission meeting on February 21, 2012.

She said Tigard's High-Capacity Land Use Plan report contains concepts for each of the seven potential communities with transit stations. Councilor Henderson asked about the seven station areas shown in the slide and asked if two were added at the end of the process. Senior Transportation Planner Gray said all seven were present at the beginning. They started with fifteen and screened them to seven potential locations.

Senior Planner Gray said the Southwest Corridor Plan will look at a wide range of strategies such as economic development plans, housing strategies and transit. For Tigard, a lot of this will come from work we have already done. Other communities will be in the process of developing this in 2012. The technical analysis will be a feasibility study and initial screening. She said the regional process takes all the local land use plans and integrates them. Policies will be analyzed and each concept graded on the type of investment required.

Senior Transportation Planner Gray said in late 2012 there will be much of discussion among cities regarding what trade-offs can be offered. She said Tigard got an early start and completed its land use plan just as other cities are beginning. Policy amendments will begin in early 2013. Many things will happen then such as local jurisdiction amendments of transportation system plans, comprehensive plans or design guidelines. She said the benefit to being at the front of the project is that Tigard can move ahead with certain policy amendments sooner if council chose to do so.

She said next steps include a discussion at the December 20, 2011 council meeting about a citizen involvement plan called Tigard Connects. The Connections Team Kick-off event is planned for January 30 and will be held in the Library Community Room. Council President Buehner advised Council will be meeting with the Tigard-Tualatin School District that evening and will be unable to stay at the kick-off event after 6:30 p.m.

## **TIGARD CITY COUNCIL MEETING MINUTES – DECEMBER 13, 2011**

Senior Transportation Planner Gray said the level of interest from every city is high. She said she liked hearing from the CFM consultants tonight on their planned efforts to seek federal money. She said “One thing that Tigard has going for it is that we’ve gotten so far in the process.”

Councilor Wilson asked about the new way of leading a light rail project with land use. He asked who is going to connect the dots and set the alignment. He said Tigard has picked typologies and selected sites, and asked if the city would be expected to adopt them as they are, making zone changes. He said the land uses and zoning are still much the same in Portland as they were before light rail. He asked Senior Transportation Planner Gray to inform council what the processes are a few years out.

Senior Transportation Planner Gray replied that the concept plan is not adoptable in its form because it doesn’t spell out zoning. The council might want to consider changing zones in priority areas if needed. She said there may not be many zone changes in the downtown but there might be significant changes in the Triangle. The expectation is that there be enough planning and commitment in place for a successful station community. The city will always have the option of saying no, but the city next door may say, “Sure, we’ll do it.”

Councilor Wilson said he had two concerns about the process. He said he attended the meeting in November and, referring to Councilor Henderson’s question about the two extreme north and south nodes said, “It seems we should lead with our best opportunities so somebody else doesn’t get them, and let the others fall away.” His second concern was applying typologies (new colors, new densities) to areas that are not ripe for redevelopment. He noted that at his first meeting after was he was appointed to the Planning Commission, the Costco store was discussed and zoning was changed in the Triangle. He said it wasn’t that long ago that the entire Triangle was rezoned and it is unrealistic and unfair to change zoning on those property owners.

Community Development Director Bunch said there are a series of options and many will fall out as we go through the process. He said, “This land use component of the transportation plan is a change management tool, so if *this* happens, then *that* can happen, etc.” He said it is a toolbox that prepares us for a series of events. He recognizes that existing property owners are important and many of the decisions will be made during the alignment of the alternatives analysis. He said market forces are essential to make this work and are a major component of the planning exercise.

Councilor Wilson said there is a lot of redevelopment potential in the east half of the Triangle, along Pacific Highway and in the downtown. He does not support changing the zoning in stable, established residential neighborhoods or recently developed commercial properties.

Council President Buehner said it is great that the mayor is on the steering committee but he is running for Metro Council. She wants to make sure there is a smooth transition to a new representative from Tigard and to get them involved early so they are fully informed if the mayor leaves.

Council President Buehner said she was still unclear when policymakers will focus on the likely alignment, but felt the sooner the better.

## **TIGARD CITY COUNCIL MEETING MINUTES – DECEMBER 13, 2011**

Senior Transportation Planner Gray said she believed that it would happen in the summer and fall of 2012. She didn't think a final decision would be made but some of the options will be set aside.

City Manager Wine said the council schedule shows consideration of the High-Capacity Land Use Plan consultant report in February. Community Development Manager Bunch said it is a key decision point to set the context for decision making as we move forward to implementation. He said he and City Manager Wine want council to know they can schedule individual meetings with staff or planning commissioners to make sure they have adequate information and background.

Council President Buehner said there is a tremendous amount of information and requested frequent updates and encouraged joint workshops with the Planning Commission.

Senior Transportation Planner Gray said, "We are not going to move forward with all seven locations. We need to identify those that provide the best opportunities.

Councilor Woodard said he agreed with Councilor Wilson's comments about rezoning. He also said continued communication with the public is important as they see Pacific Highway congestion as a problem but may be afraid of light rail due to fear and uncertainty of where the alignment will be. He said the location information is needed as soon as possible so Tigard can identify opportunities in time.

Council President Buehner suggested looking at zoning in the area across Pacific Highway, just outside of the downtown urban renewal area and along Greenburg Road. She said this older residential area has great access and is a candidate for up-zoning with more commercial properties.

Community Development Director Bunch said as we identify the station locations, those areas will begin to show up. He commented that the Southwest Corridor Project byline is *Mobility, Prosperity and Choice*.

9.  COUNCIL LIAISON REPORTS – None.

10. NON AGENDA ITEMS – None.

11. EXECUTIVE SESSION: None held.

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## **TIGARD CITY COUNCIL MEETING MINUTES – DECEMBER 13, 2011**

12. ADJOURNMENT - At 10:02 p.m. Councilor Wilson moved for adjournment. Councilor Henderson seconded the motion and all voted in approval

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

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Carol A. Krager, Deputy City Recorder

Attest:

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Mayor, City of Tigard

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

I/ADM/CATHY/CCM/Final/December/111213



# City of Tigard

## Tigard Business Meeting - Minutes

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

**MEETING DATE AND TIME:** December 20, 2011 – 6:30 p.m.

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

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

| <u>Name</u>               | <u>Present</u> | <u>Absent</u>                                          |
|---------------------------|----------------|--------------------------------------------------------|
| Mayor Dirksen             | ✓              | (Mayor Dirksen was present for the Study Session only) |
| Council President Buehner | ✓              |                                                        |
| Councilor Henderson       | ✓              |                                                        |
| Councilor Wilson          | ✓              |                                                        |
| Councilor Woodard         | ✓              |                                                        |

Staff present: City Manager Wine, City Recorder Wheatley, Assistant to the City Manager Mills, Assistant Public Works Director Rager, City Attorney Bennett, Assistant Planner Daniels, Public Works Director Koellermeier, Community Development Director Bunch, Assistant Finance and IT Director Smith-Wagar, Assistant Community Development Director Hartnett, Redevelopment Project Manager Farrelly

Track 1

- STUDY SESSION

A. Briefing on Consent Agenda Item to Award a Computerized Maintenance Management System (CMMS) Contract to MaintStar

Assistant Public Works Director Rager reviewed this matter with the City Council, which had been before them last July also. At the last meeting, staff presented the vendor selection process to arrive at the selection of MaintStar, Inc. for the CMMS. Staff and council decided it would be beneficial to have MaintStar take a more detailed look at the public works data since the data conversion proposal for the project was not as clear as it could be for a firm cost estimate. For the last several months, Tigard and MaintStar staff members have worked through an analysis of the data and we now have a firm commitment on price and a solid scope of work. Staff is ready to move forward with the project.

**TIGARD CITY COUNCIL MEETING MINUTES – DECEMBER 20, 2011**

Assistant Public Works Director Rager noted there is a request on tonight's Consent Agenda for the City Council to authorize the City Manager to enter into a contract with MaintStar. This project will span two fiscal years with over half of the project budgeted in this fiscal year and if there is any budgeted money left this year, it will be carried over to the next fiscal year. Additional funds will be requested to finish the project in the next fiscal year's budget. The cost for the total project is \$409,000.

In response to a question from Councilor Henderson, Assistant Public Works Director Rager advised the initial price from MainStar included data conversion for parks. At this time, we do not track very much for the Park Division in the CMMS. Therefore, there is not a lot of data for parks so this has been removed from the scope of the project.

#### Track 2

#### B. Briefing on Southwest Corridor Plan Public Involvement and Messaging

Assistant Planner Daniels presented an electronic slide package entitled, "Southwest Corridor Public Involvement Update." A copy of the presentation is filed in the meeting packet. The plan represents a comprehensive planning effort to create livable and sustainable communities along the corridor between Portland, Tigard and Sherwood. The plan integrates multiple efforts, which she reviewed. This is the first part of a process that will continue until the end of 2013 and includes a wide range of alternatives. By the end of 2013, it is expected that commitments will be identified and implementation strategies created.

Assistant Planner Daniels serves on the Public Involvement Committee; Senior Transportation Planner Gray serves on the Project Team Leaders committee; and Community Development Director Bunch serves on the Project Management Group. Assistant Planner Daniels said she is reporting to the council from her perspective as a representative of both the local and metro public involvement committees. Plans for public involvement include the use of focus and discussion groups and stake holder interviews, which were begun in September 2011 at a Kickoff event. Similar comments were heard throughout the different processes.

Assistant Planner Daniels:

- Reviewed the demographics and objectives of the focus groups.
- Presented lists developed by the focus groups for:
  - Positive attributes.
  - Areas for improvement.
  - Potential solutions.
- Reviewed the discussion group highlights and referred to an early comment report that is now available (aka, an "early scoping process").
- Reviewed the future opportunities for Phase I Public Involvement, which are listed in the presentation that is filed with the meeting packet materials. She

reviewed in more detail specific information posted on the website:  
[www.southwestcorridorplan.org](http://www.southwestcorridorplan.org).

- Reviewed the public involvement aspects of the decision-making process flowchart (shown on a presentation slide) with summary of plans and agreements adopted by local governments. There will not be a regional Citizens Advisory Committee (CAC) effort for this project; instead the plan is to engage local groups so each of the land use plans will have a CAC engaged in the process. The idea will be to eventually bring all of the CAC's together to look at overall impacts. Tigard has completed its CAC (HCT Team) process, which will need to be reconstituted to support the regional planning process
- Responded to a question from Councilor Henderson, advising that Metro and Oregon Department of Transportation (ODOT) are co-leading the SW Corridor project.
- Heard from Council President Buehner that Washington County is just concluding its new long-term transportation plan. She suggested that Assistant Planner Daniels make sure this planning group is included with regard to receiving information on the SW Corridor Plan since it will impact a large portion of the county. Assistant Planner Daniels advised she had met with Washington County and Metro to talk about ways to be of support and agreed Council President Buehner's suggestion was a good one that she will pass along to make sure this group is included in receiving updates.
- Advised that a Connection Team event is planned for January 30, 5:30 p.m., which will be an opportunity for the public to learn more about the SW Corridor Plan and the opportunities for participation. The project will be introduced followed by brainstorming on what the project could mean for Tigard and how people can be involved. There is hope for several levels of participation.
- Distributed a public involvement matrix to the City Council members.
- Advised she would provide periodic briefings to the City Council.

Council comments:

- Councilor Wilson summarized that this is a Metro plan, which will include input from the Oregon Department of Transportation (ODOT) and TriMet. Assistant Planner Daniels added there will be input from the City of Tigard also. This will prepare us for the federal process.
- There will be alternative analyses prepared. Senior Transportation Planner Gray said there will also be a draft environmental impact statement. The structure is intended to fold in and address federal requirements for future funding.
- Councilor Woodard commented that, while he was supportive of the project, it seems that there is a disconnection from what was seen in the city survey results regarding the acceptance of density that would be needed for a successful high capacity transit system. He spoke of the need to improve the public relations aspect of the project. Council President Buehner suggested that this was one of the objectives of this public involvement phase and Assistant Planner Daniels said there was early research regarding how people react to certain messages and the importance of how the communications regarding the project is phrased.

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## **TIGARD CITY COUNCIL MEETING MINUTES – DECEMBER 20, 2011**

Mayor Dirksen said he concluded, from his review of the survey, that citizens were not opposed to density as much as they were concerned about appropriately dealing with the expected growth/density. Councilor Wilson agreed that it is a truism that people do not want additional density in their own neighborhood. Councilor Woodard said it is obvious that there is a need to address traffic congestion. Mayor Dirksen stressed the need to ask the questions in such a way as to recognize the realities of what is expected to occur and then to get input on ideas for how to address the challenges anticipated.

- City Manager Wine said the next key decision point for the Southwest Corridor is about bringing forth a land use plan, which is scheduled for February. Part of the purpose of regular City Council briefings is to make sure they receive all the dimensions of the Southwest Corridor Plan. Council President Buehner added she wanted to have the Planning Commission and the City Council receive the same information.
- Councilor Wilson spoke to needed information from adjacent jurisdictions as well. City Manager Wine said that neighboring cities will be going through the same strategic planning processes as Tigard has done; staff will incorporate the status of other areas' planning efforts in briefings to City Council. Senior Transportation Planner Gray said she did not know if other communities would have their planning completed at the same time input will be needed for the regional process, but the input will be included in whatever form it is available.

Tracks 2 and 3

The following items were reviewed:

C. Administrative Items:

1. Redrafted City Council 2012 goals were distributed to the council. Council consensus was that the goals should be scheduled for approval on January 10, 2012 after the State of the City Address. There was brief discussion on the wording of the City Council goals and the level of detail presented in this year's goal list. Consensus was to proceed with the format in the draft with suggestions incorporated as proposed to City Manager Wine by individual council members.

During discussion on the "theme" of economic development, Councilor Woodard stressed that this was of particular importance to the Planning Commission. Council members concurred to include economic development as an aspect of the City Council goals. Council President Buehner said she would like to have quarterly joint meetings with the Planning Commission.

2. Draft of the 2012 Board and Committee City Council Liaison Appointments were distributed to the City Council members. Council President Buehner noted she should be shown as the alternate representative for the High Capacity Land Use Plan Citizens Advisory Committee. These appointments

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## **TIGARD CITY COUNCIL MEETING MINUTES – DECEMBER 20, 2011**

will be presented for City Council approval on the January 24, 2012 Consent Agenda.

3. Selected January 31 as the date for an evening council training session with Joe Hertzberg. City Council groundrules will be reviewed. Councilor Henderson noted how the scheduling has occurred in recent years for the review of City Council groundrules. He suggested it would be better if the City Council groundrules were reviewed prior to the City Council's annual goal-setting meeting.
4. Washington County Transportation Development Tax - Mayor Dirksen requested input from City Councilors prior to the January 9 Washington County Coordinating Committee meeting. Only recommendations received by December 23 will be included in the WCCC meeting packet for January 9.

#### Track 4

One of the major concerns, under the proposed transportation development tax (TDT), was the impact on tenant improvements; that is, a change in use for an existing structure. The tax is based on trip generation. Mayor Dirksen reported that there was some feeling by members of the WCCC that small land use changes were being taxed more than what was appropriate and was keeping people from moving forward with plans for expansion or new businesses. One thing being proposed would be to exempt small changes; i.e., under 5,000 square feet and with a limit on how often this could occur and a requirement that the change be for an existing building to fill space that is vacant. There was discussion on the "spirit of the TDT implementation," which was to be the voter-approved replacement for the transportation impact fee. The TDT has not been wholly implemented because of the state of the economy. As designed, the proposed TDT would increase fees to almost double over a phase-in period. Mayor Dirksen explained it would take the actual cost anticipated for the road impacts from paying about 15 percent of anticipated needed improvements to 30 percent – so development would continue to not pay for the majority of its impacts. For development to pay all of the fees, it would become onerous. Councilor Wilson suggested the fee be based on the percentage of improvement costs.

Mayor Dirksen said the proposal is to allow an exemption up to 100 percent for changes that are under 5,000 square feet or 10 percent of an existing building, with a limitation on how often this could occur. The county will make the decision on the TDT. Members of the WCCC have been asked to consult with their city council members to obtain feedback. Mayor Dirksen said his recommendation was based on his belief that the discussion at the county is going in the correct direction with regard to the 5,000 square-foot limitation for exemption. City Manager Wine said, to give perspective, the fees received from TDT's generated from change-of-use activity in the last two years was about \$30,000. Tualatin and Sherwood appear to have the same view

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## **TIGARD CITY COUNCIL MEETING MINUTES – DECEMBER 20, 2011**

as Tigard that development needs to pay a fair share. Beaverton and Hillsboro are more interested in the proposed exemption. Council President Buehner said it should be made clear that collecting fees to support the impact from development will eventually need to be addressed and she is concerned with the continued practice of expecting residents to pay for a major portion (85 percent) of the cost of transportation improvements. However, because the impact of the proposed exemption is small, she said she would not object to it. Mayor Dirksen said the exemption could be activated for the short-term and reviewed when the economy improves.

Mayor Dirksen said if the proposed exemption is approved for the short-term, then the rest of the TDT could be implemented, which will bring in more money. He said they have received feedback from the public for support of a moratorium on the rate of collection of the TDT due to the economy.

Council consensus was to support, in general, the acceptance of an exemption in the collection of a TDT for improvements and a change of use for between 3-5,000 square feet in an existing building. Council President Buehner reiterated that she was not supportive of this continuing indefinitely. Mayor Dirksen said he would recommend the county review and re-evaluate the rate of collection on a regular basis.

5. Reviewed Council Calendar:

|             |                                                                                                                             |
|-------------|-----------------------------------------------------------------------------------------------------------------------------|
| December 26 | Christmas Holiday Observed - City Hall Offices Closed                                                                       |
| January 2   | New Year's Holiday Observed - City Hall Offices Closed                                                                      |
| January 10  | City Council Meeting - State of the City Address - 7:30 p.m.                                                                |
| January 16  | Martin Luther King, Jr. Day Holiday Observed - City Hall Offices Closed                                                     |
| January 17  | City Council Workshop Meeting - 6:30 p.m.                                                                                   |
| January 24  | City Council Meeting - 6:30 p.m. Study Session; 7:30 p.m. Business Meeting                                                  |
| January 30  | City Council Meeting - Joint Meeting with the Tigard-Tualatin School Board - 6:30 dinner; 7 p.m. meeting (this is a Monday) |

Mayor Dirksen left the meeting at this time.

- EXECUTIVE SESSION: The Executive Session was held after the business meeting.

1. BUSINESS MEETING - DECEMBER 20, 2011

- A. Council President Buehner called the meeting to order at 7:34 p.m. 

**TIGARD CITY COUNCIL MEETING MINUTES – DECEMBER 20, 2011**

B. Roll Call

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

C. Pledge of Allegiance

D. Council Communications & Liaison Reports: None.

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

Proclamation - Tigard - A Rotary Peace Community

Council President Buehner presented the proclamation proclaiming Tigard as a Rotary Peace Community to encourage residents to support the Tigard Rotary Club in their endeavor to develop peaceful and diverse communities worldwide.

2. CITIZEN COMMUNICATION

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

B. Citizen Communication – Sign Up Sheet - None

Council President Buehner reviewed the Consent Agenda:

3. CONSENT AGENDA:

A. Approve City Council Meeting Minutes for:

1. October 25, 2011

2. ~~November 15, 2011~~ - Minutes set over to the January 24, 2012 Consent Agenda

B. Appoint Clifford Rone to the Budget Committee and Appoint Zoe Monahan as an Alternate Member to the Budget Committee

RESOLUTION NO. 11-39 - A RESOLUTION APPOINTING CLIFFORD RONE TO THE BUDGET COMMITTEE AND APPOINTING ZOE MONAHAN AS AN ALTERNATE MEMBER

C. Reappoint Thomas Murphy and Appoint Deanie Bush and Sherrie Devaney to the City Center Advisory Commission, and Appoint Jeff Mauro as an Alternate Member to the City Center Advisory Commission

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**TIGARD CITY COUNCIL MEETING MINUTES – DECEMBER 20, 2011**

RESOLUTION NO. 11-40 -- A RESOLUTION REAPPOINTING THOMAS MURPHY, AND APPOINTING DEANIE BUSH AND SHERRIE DEVANEY AS VOTING MEMBERS OF THE CITY CENTER ADVISORY COMMISSION AND APPOINTING JEFF MAURO AS AN ALTERNATE TO THE CITY CENTER ADVISORY COMMISSION

- D. Appoint Donald Schmidt and Calista Fitzgerald as Voting Members to the Planning Commission and Andrew Miller and Dianne Armstrong as Alternates to the Planning Commission

RESOLUTION NO. 11-41 -- A RESOLUTION REAPPOINTING DONALD SCHMIDT AND APPOINTING CALISTA FITZGERALD AS VOTING MEMBERS TO THE PLANNING COMMISSION, AND APPOINTING ANDREW MILLER AND DIANNE ARMSTRONG AS ALTERNATES TO THE PLANNING COMMISSION

- E. Appoint Steven Bass, Christopher Warren and Evelyn Murphy as Voting Members and Mark Bogert and Shane Brown as Alternate Members of the Transportation Advisory Committee

RESOLUTION 11-42 -- A RESOLUTION REAPPOINTING CHRISTOPHER WARREN AND STEPHEN BASS AS VOTING MEMBERS OF THE TRANSPORTATION ADVISORY COMMITTEE, APPOINTING EVELYN MURPHY AS A NEW VOTING MEMBER AND APPOINTING MARK BOGERT AND SHANE BROWN AS ALTERNATE MEMBERS

- F. Approve an Agreement to Convey Tract H of Colony Creek Estates No. 2 to the City of Tigard

RESOLUTION NO. 11-43 -- A RESOLUTION APPROVING AN AGREEMENT, WHICH CONVEYS TRACT H OF COLONY CREEK ESTATES NO. 2 TO THE CITY AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL DOCUMENTS ASSOCIATED WITH THE CONVEYANCE

- G. Waive Temporary Sign Permit Fees for Tigard Little League

RESOLUTION NO. 11-44 -- A RESOLUTION WAIVING \$104 IN TEMPORARY SIGN PERMIT FEES FOR TIGARD LITTLE LEAGUE

- H. Approve Amendment #01 to the Intergovernmental Agreement (IGA) with the Oregon Department of Transportation (ODOT) - Motor Vehicle Fuel Dealer Tax Collection

- I. Local Contract Review Board:

1. Award the contract for Banking Services to US Bank and Direct the City Manager to Carry the Contract through Execution

2. Award the Contract for Replacement of the Public Works Department's Computerized Maintenance Management System (CMMS) software to MaintStar, Inc. and Directs the City Manager to Execute the Contract.

Motion by Councilor Wilson, seconded by Councilor Henderson, to approve the Consent Agenda.

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



#### 4. JOINT MEETING OF THE CITY COUNCIL AND THE TREE BOARD

Associate Planner Caines was the staff presenter for this item.

Tree Board members present: Bret Lieuallen, Wayne Gross and Paul Jackson.

Associate Planner Caines reviewed the Tree Board's goals for last year.

The Tree Board is interested in the information the City Council would like to see with regard to the upcoming budget cycle. 

Councilor Wilson said the more detail provided, the more likely a proposal will receive a good review and reaction from the Budget Committee. In response to a question from Councilor Wilson, Tree Board member Gross commented on the way funds have been spent in the past. The board reviewed the overall fund and allocation of percentages towards activities beyond the traditional planning activities. The board, after its next meeting, will have more specific information to propose. Board member Lieuallen said the board does not know how much money is available for each of the activities proposed. He said one of the proposals is to put together a list of city/community projects (partners) to match funding.

Associate Planner/Arborist Prager responded to a question from Councilor Henderson regarding about when the Urban Forestry Master Plan code revisions will be completed. The tentative schedule calls for a Planning Commission workshop in January with a public hearing scheduled for early February. Depending on how comfortable the Planning Commission is with making a recommendation, the City Council might see the proposals in a March workshop, with adoption action requested in April.

Councilor Wilson complimented Associate Planner/Arborist Prager's participation during a public comment event. People are interested and concerned about the code revisions and he expects the Planning Commission and City Council will hear from people as it might be one of the more controversial items addressed this year.



Council President Buehner said the City Council is currently reviewing some administrative code provisions from the Community Development Department and there are guidelines

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## **TIGARD CITY COUNCIL MEETING MINUTES – DECEMBER 20, 2011**

relating to hazardous trees, shrubbery, etc. She asked if the Tree Board had an opportunity to review these code provisions? Associate Planner/Arborist Prager said there has been much discussion about these provisions for hazardous trees. The committee identified that the current language is vague and difficult to interpret. One of the projects of the committee was the creation of a more straightforward, objective process for evaluating hazardous trees. This will not only provide citizens with an objective measure of hazards, but will serve to protect the city when it becomes involved. A comprehensive proposal for hazardous trees will come before the City Council for decision making and the existing provisions will be removed.



Council President Buehner said some homeowners' policies provide assistance for removing a tree before it falls and causes damage if it is declared a hazardous tree by the city. Assistant Community Development Director Hartnett said staff is paying close attention to how the administrative rules and the committee's work on hazardous trees fit together. For code compliance, staff is bringing forward the existing code text with the assumption that when Associate Planner/Arborist Prager brings the full Urban Forestry Code revisions package to the City Council, the existing text will be amended.



Board member Gross said another Board goal was to review its Mission Statement. Once the Urban Forestry Code is adopted in 2012, the number of issues requiring the board's attention will likely decrease; therefore, it might be time to think of revising and broadening the board's role to deal with other resource-related issues. They have talked only a little bit about this. Council President Buehner suggested the Tree Board might want to meet with City Council during a workshop meeting in mid-2012. Councilor Wilson said he is a big advocate of broadening the Tree Board's mission. Making decisions about trees is difficult to consider if not done so within their context – the things that are important about trees are also important about other natural resources; i.e., wildlife, aesthetics, clean water, etc. Councilor Wilson said he is not suggesting a “massive program” but just to consider trees within a broader perspective.



Mr. Lieuallen said the council might need to consider, in the next year or two, its review of sensitive lands and work towards incentives/easements. At this time, there are no funds available for purchases of about 80+ properties (tree groves) identified and a funding source needs to be identified. The Tree Board considers a part of its mission is to see that tree groves are protected as can be afforded.



Council President Buehner asked if the Fowler property might be a project for the Tree Board to review; she said it will require a tremendous amount of work. Mr. Lieuallen said they have discussed a possible joint meeting between the Tree Board and Park and Recreation Advisory Board to determine where interest might overlap in some of the properties and to set priorities. The property owners for the 80+ identified properties have not been contacted to determine whether they have any interest in working with the city.

## **TIGARD CITY COUNCIL MEETING MINUTES – DECEMBER 20, 2011**



Councilor Woodard said it is good for the board to review its scope and mission. He said he sees a number of possibilities: education, summer camps, recreation opportunities and school partnerships. He encouraged cross communication among the boards.



Councilor Wilson referred to regulations within the nuisance code for greenways (conservation easements). He cited an example with regard to the back portion of his property, which is under a conservation easement and his subdivision's common area has a conservation easement on it as well. A neighbor cut some big leaf maple trees and the subdivision was levied a fine of \$3,300. The enforcement action, it seemed to him, came across as a little bit heavy handed insofar as the area was part of a person's backyard. The language in the easement and in the code was somewhat weak and the way the city reacted appeared to be "made up" as things progressed. He said he would give staff more detail about what happened in this situation. He said it would be good for the City Council to discuss policy in this area.



Associate Planner/Arborist Prager responded to a question from Councilor Henderson with information about a discussion last year about possibly broadening the Tree Board's role to include natural resources, which would also address wildlife. He said some communities encourage wildlife but sometimes in more populated areas, this causes problems. He would like to see a public outreach to determine a consensus on issues relating to wildlife. Associate Planner/Arborist Prager acknowledged there is a lot of emotion around wildlife/natural resources matters – at this time, there is no board charged with addressing these types of issues or to recommend policies to council. Mr. Prager said the Tree Board has been considering taking on these issues; however, it might be too expansive and dilute the efforts needed for Tree City USA and keeping the benefits of trees high on their priority list.



Council President Buehner said there has been a significant increase in the deer population in her neighborhood accompanied by the animals' loss of fear of people and cars. Perhaps the city should consider relocating some of these deer.



Councilor Henderson clarified that he was not proposing that he thinks the wildlife is a problem, but that the city should gather input about how the community feels about it. Board member Gross said if the City Council decides it wants to add this to the Board's charge, then new members should be added to provide expertise. Councilor Wilson reflected that animal control has traditionally been a county function and this might not be what the City Council wants to advocate. He said if one reason for greenspace management is to support wildlife, then the city needs to proceed with sophistication and possess knowledge of the subject. The city hears neighborhood concerns for such things as coyotes, Canada geese, etc. and to the extent of the concerns expressed, the city should develop coherent policies.

## **TIGARD CITY COUNCIL MEETING MINUTES – DECEMBER 20, 2011**



City Attorney Bennett reminded the City Council that the Comprehensive Plan deals with habitat areas, special sensitive areas, etc. The Planning Commission might have something to say about the different roles with regard to the various assets of the city. In addition the Park and Recreation Advisory Board and staff will want to weigh in on requests to manage an area that is not necessarily a park (open space). Council President Buehner said the discussion should be held and would offer an opportunity for cross communication among several boards to determine what is appropriate.



Councilor Woodard commented on the board's \$750 budget for outreach and education. One use might be to offer an awareness of wildlife – communicating messages to various groups within the city. He also suggested warning signs indicating the presence of wildlife (roadway related, so traffic would slow down).



Board member Gross said the board intends to use the \$750. Board member Jackson reviewed that the board wants to promote trees. He referred to the Tigard Heritage Tree program for which there are less than a dozen trees listed. He said the few number might be because of the restrictions of such a designation. The board thought a “Trees of Significance” recognition could be instituted that would not have the same restrictions as a Heritage Tree. Members of the Tigard public could nominate trees in the community to be listed as “significant.” The board would like to be involved in helping choose “significant” trees.



Board member Lieuallen said the board would like to carry many of the 2011 goals forward to 2012. They would send a report on specific recommendations for each of the goals to the City Council. First, he thought it would be best to resolve the issues about the charge/mission of the Tree Board and then to focus on achieving the goals.



Councilor Woodard asked Associate Planner Caines to contact Parks Facilities Manager Martin regarding sending a representative from the Park and Recreation Advisory Board to the Tree Board. He commented on a potential partnership with the City Center Advisory Commission and the natural resources in the downtown. Councilor Henderson agreed with Councilor Woodard's comments.



Mr. Lieuallen noted that the Urban Forestry Code provides that the educational outreach funding be increased to about \$2,500.



## 5. PUBLIC HEARING - CONSIDER A RESOLUTION OF NECESSITY TO ACQUIRE PROPERTY FOR THE LAKE OSWEGO-TIGARD WATER PARTNERSHIP

- Council President Buehner opened the public hearing.
- Staff Report

Senior Project Engineer Murchison presented the staff report on consideration of a resolution of necessity to acquire a 1.8-acre parcel on Milton Court for a new drinking water pump station needed as a result of the Lake Oswego-Tigard partnership. The pump station will take water from Lake Oswego and convey it to Tigard. He reviewed the criteria used to select this site.



Council President Buehner asked about the possibility of needing to put more chlorine in the water once it arrives at Tigard. Senior Project Engineer Murchison said the partners have agreed to chlorinate using “free chlorine,” which has a shorter lifespan within the system. The goal is to minimize the age of the water as much as possible. It has not yet been determined where the chlorination of the water would need to occur. Water-age modeling is under review now.



Councilor Woodard asked about the configuration of the stations’ footprint. The configuration is shown as it is because of the presence of a wetland. Senior Project Engineer Murchison said staff is still reviewing whether mitigation is needed.

Senior Project Engineer Murchison explained that the site was evaluated to make sure it is large enough to house the pump station and its appurtenances. Wetland delineation still needs to occur to determine what the mitigation potentials might be.

Senior Project Engineer Murchison said staff has met and will continue to meet with the property owner.

Councilor Henderson asked with the purchase of the property, will the city be required to fence off the wetlands and would there be additional costs. Senior Project Engineer Murchison said there will be security around the pump station; the level of security (fencing) needed is unknown.



In response to a question from Council President Buehner, Senior Project Engineer Murchison said the current pump station property is in Oregon Department of Transportation (ODOT) right of way and takes up a relatively small footprint. The pipes will be going through the pump station where there is existing infrastructure – pipe connections will be required.

In response to a question from Councilor Henderson, Senior Project Engineer Murchison confirmed that the purchase of the property will be funded with money designated for Tigard’s

expenditures for the water partnership. Public Works Director Koellermeier added that this purchase has been contemplated as part of the program.

Public Testimony: None

- City Council Consideration:

Motion by Councilor Wilson, seconded by Councilor Henderson, to approve Resolution No. 11-45

RESOLUTION NO. 11-45 -- A RESOLUTION DECLARING THE NEED TO ACQUIRE PROPERTY FOR THE PURPOSE OF CONSTRUCTING, OPERATING AND MAINTAINING A POTABLE WATER PUMP STATION AS PART OF THE LAKE OSWEGO-TIGARD WATER PARTNERSHIP AND AUTHORIZING IMMEDIATE POSSESSION OF THE PROPERTY

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

|                           |        |
|---------------------------|--------|
| Mayor Dirksen             | Absent |
| Council President Buehner | Yes    |
| Councilor Henderson       | Yes    |
| Councilor Wilson          | Yes    |
| Councilor Woodard         | Yes    |

6. COUNCIL LIAISON REPORTS: None

7. NON AGENDA ITEMS: None

Business meeting recessed.



8. EXECUTIVE SESSION: TIGARD CITY COUNCIL: The **Tigard City Council** went into Executive Session at 8:40 p.m. to discuss pending litigation under ORS 192.660(2) (h). After the City Council Executive Session, the **Tigard City Center Development Agency** went into Executive Session to discuss real property transaction negotiations under ORS 192.660(2)(e).

9. ADJOURNMENT – 10 p.m.

## **TIGARD CITY COUNCIL MEETING MINUTES – DECEMBER 20, 2011**

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Catherine Wheatley, City Recorder

Attest:

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Mayor, City of Tigard

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

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# City of Tigard Tigard Business Meeting - Minutes

|                               |                                                                    |
|-------------------------------|--------------------------------------------------------------------|
| <b>TIGARD CITY COUNCIL</b>    |                                                                    |
| <b>MEETING DATE AND TIME:</b> | January 10, 2012 7:30 p.m.                                         |
| <b>MEETING LOCATION:</b>      | City of Tigard - Town Hall - 13125 SW Hall Blvd., Tigard, OR 97223 |

1. BUSINESS MEETING

- A.  Mayor Dirksen called the meeting to order at 7:34 p.m.
- B. Roll Call

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

- C. Pledge of Allegiance

2.  STATE OF THE CITY ADDRESS - MAYOR DIRKSEN

Mayor Dirksen delivered the State of the City address. A copy of the text of the address is attached, Exhibit A. The mayor presented an electronic slide package entitled, “2011 State of the City.” A copy of the presentation is filed in the meeting packet.

3.  APPROVE THE 2012 CITY COUNCIL GOALS

Motion by Council President Buehner, seconded by Councilor Woodard, to adopt the 2012 City Council Goals.

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

## **TIGARD CITY COUNCIL MEETING MINUTES – JANUARY 10, 2012**

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

A copy of the approved goals are attached, Exhibit B.



4. ADJOURNMENT – 7:53 p.m.

Motion by Councilor Henderson, seconded by Councilor Wilson, to adjourn.

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

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

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Catherine Wheatley, City Recorder

Attest:

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Mayor, City of Tigard

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

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**TIGARD CITY COUNCIL MEETING MINUTES – JANUARY 10, 2012**

## City of Tigard 2011 State of the City

Hello, Tigard. Welcome to 2012. Each year it is my privilege and duty to address the people of Tigard in the Mayor's "State of the City". This is perhaps especially pertinent this year because 2011 was Tigard's 50<sup>th</sup> birthday.

### Accomplishments

The last few years in Tigard have been ones of almost frenetic activity. **(1)** We have taken on several challenging projects, like building a new library, our Downtown Improvement Plan, making multi-million dollar improvements to Pacific Highway, and spending two years doing a complete "makeover" of Burnham Street in our Downtown. By comparison, 2011 has been relatively sedate. (laugh) Now as I look around at our staff and members of Council, I can see some raised eyebrows, because it certainly *seems* like we've been busy these last 12 months. And we have. What I mean is this last year we haven't had the kind of visible construction going on that we've had in the recent past.

In 2011 we had some celebrations – **(2)** In February we put the finishing touches to the Pacific Highway/Hall Blvd./Greenburg Rd. construction project, and gathered with our partners Washington County and the State of Oregon to commemorate the event. Later in the year, that project earned an "honorable mention" from the Oregon chapter of the American Public Works Association. **(3)** In May, we gathered on the very top of Bull Mountain to formally take possession of the Sunrise Property, the latest addition to our park system, made possible by the Park Bond Measure passed the year before.

Speaking of the bond, while seeking the funds we solicited a review of our bond rating. Under any circumstances an improvement in a municipal bond rating is difficult, and in this economic climate it is very rare, with downgrades more common. **(4)** Tigard's rating by Moody's was increased from Single A1 to Double A 2 – two jumps. And for the first time, Tigard received a rating by Standard and Poor's and was given a AA rating, which is equal the equivalent of Moody's new rating. In their report, Standard and Poor's referenced the City's "strong financial policies and practices", and our "willingness to adjust expenditures to achieve balanced operations following a recession-led revenue slowdown". A city's bond rating is the equivalent of an individual's credit rating, and in this case it will result in a reduced parks bond cost, as well as reduced cost for our existing library bond. Over the life of those two bonds, the people of Tigard will save over 2 1/4 million dollars, a cause for celebration in deed.

In the summer we had another celebration. **(5)** In July we had a day-long party to enjoy the park and pedestrian amenities provided by the completion of our Burnham Street rebuilding. We had food, games, prizes, and sidewalk chalk drawing. I'm not sure which the business and property

owners along the street were celebrating more: the completed street or just the fact that, after almost two years, construction was finally done. Last November, the American Public Works Association recognized *that* project as its “Project of the Year”. Two construction projects in Tigard recognized in the same year.

(6) And lastly, our long-time city manager Craig Prosser retired at the end of July. The City conducted a nation-wide search and ultimately selected Martha (Marty) Wine, the former assistant city administrator of Renton, Washington, from a field of over 80 applicants. In the interim, Liz Newton, our assistant city manager, more than ably filled the position and saw us through the transition. I’m sure I speak for the entire council and staff when I say what a great job she did. Thanks, Liz. Well done.

This is just a few of the things we worked on during the past year. If you’d like to see a more complete list, you can find it on the City’s website at [www.tigard-or.gov](http://www.tigard-or.gov).

### **Community Attitudes Survey**

(7) In 2011 Tigard conducted its latest scientifically conducted community attitudes survey. This is one of the ways the City makes sure that we understand what residents priorities are so we can adjust how the City expends its resources, both material and financial, so they align with those priorities.

The Council goes to great lengths to stay in tune with our constituents, from regular surveys like this to over 100 residents who sit on as many as ten advisory committees that give regular input to the Council on a variety of issues. (8) The survey showed that 47% of Tigard residents are satisfied with the City as a place to live, and 52% are *Very* satisfied. Together that’s 99% of residents who are either satisfied or very satisfied with Tigard as a place to live. Ms. Wine, can we find out who those other four people are and what they’re unhappy about?

(9) If you look at this next slide, it gives a list of important city characteristics and the relative priority given to them by survey respondents. (10) Next, *this* slide shows how well those same respondents feel Tigard represents those same characteristics. If we superimpose the two graphs (11) you can see they correspond pretty closely, indicating a good relationship between citizen priorities and City efforts. This is only as it should be, and Council and staff will continue to listen to citizen needs and respond accordingly.

### **Finance**

It would be easy and pleasant for me if I could continue telling you all the great things we have done and all the great things we’re going to do, but this address wouldn’t be complete if I didn’t give you both sides of the coin. (12)

You may have seen recently in the news about Curry County in southern Oregon looking at a budget deficit this year and future potential bankruptcy or cessation of most county services. Additionally, there are some cities in the Portland metro area and around the state facing a similar fate. This situation is not caused by the current economic downturn, and will not be solved by a return to a more robust economy. This problem is caused by a fundamental problem with the way tax revenue is collected in Oregon. Not the tax rate, but the process. One large reason for this problem is because of the artificial property tax limitation imposed by state law that only allows assessed values to increase 3% a year regardless of the actual increase in market value. Though property tax revenues only rise at 3%, municipal costs increase, at least in Tigard, on average about 8% a year just to provide the same level of service as the year before. For Tigard and for all the cities and counties in Oregon this has created a budget precipice over which all of us will eventually fall unless something fundamentally changes. Some, including Washington County and the Cities of Hillsboro and Gresham already rely on local option levies to fill the gap between their base property tax rate and budget needs.

While Tigard isn't facing a deficit at this time, the cliff is still there in front of us, we're just further away from it than some of our sister cities and counties. However, to avoid a similar fate, in the next three years one of three things must happen: **(13)** 1) the state legislature must reform the state revenue system to be more responsive to economic fluctuations. 2) The City of Tigard will need to pass its own local option levy to supplement our base tax rate, or 3) The City will have to make significant cuts to city services like police, library, and public works. This would include extensive personnel layoffs including police officers, library staff, and planning and engineering staff.

**(14)** Before making any impactful decisions, the City would conduct a public outreach program to determine the appropriate actions. Any local option levy or other tax measure would only be enacted as a result of a vote of the people. I am going to be proposing to Council that this coming year we assemble a citizen task force composed of the citizen members of the budget committee together with representatives from Tigard citizen advisory committees to look at the problem and recommend a course of action. In this way the City can address the problem proactively and find a solution before we reach a crisis; something some other jurisdictions have not done.

## **2012 Goals**

That being said, in the meantime the City is committed to moving forward with the things we can do that *are* within our means. **(15)** As always, at the end of each year the Council meets to discuss what should be accomplished the following year. First we solicit ideas from staff and from the Citizen members of our various advisory boards and commissions, and then we gather and spend a day deciding where we are and where we should go next. That discussion results in a list of goals and tasks for the coming year. That list in turn directs our staff in how they will prioritize their time and resources, and also largely determines the content of our Council agendas for the next year.

(16) These are the tentative goals that Council chose at its planning session last month. The Council will be formally considering these goals immediately after my address.

**1. Take the Next Step on Major Projects**

What we mean by this is to continue forward on the improvements we've already committed to. These include

The Lake Oswego/Tigard water partnership.

We'll continue with code revisions to bring the municipal code up to date with the revised Comprehensive Plan particularly the tree code, the urban forestry plan and the Southwest Corridor Plan, and

Continue the purchase of additional park and open space property in accordance with the rules set forth in the Park Bond measure.

**2. Financial Sustainability**

a. As I mentioned earlier, the City's financial stability is going to require considerable Council attention for the next couple of years.

**3. Downtown**

a. The City will continue its commitment to improving Tigard's downtown to make it "the Heart of Tigard".

**4. Annexation**

a. The inclusion of the River Terrace area west of Tigard into the Urban Growth Boundary and the need for community planning requires a re-evaluation of Tigard's annexation policy.

**5. Recreation**

We've heard over and over from Tigard residents about the need for a City recreation program. In 2012 we'll explore some ideas for creating a recreation program, perhaps in partnership with the School District.

In addition, Council has some goals that will take longer than just a year.

Some things we'd like to accomplish within five years, and also some longer-term, open ended goals.

In the coming year, we'll keep doing the things our city does. Providing city services in the best way we know how and at the lowest possible cost, and keep planning for the Tigard of tomorrow. Planning for a Tigard that remembers it's past but is ready for the future - a Tigard that continues to be "*A Place to Call Home*".

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

## 2012 Tigard City Council Goals

*The City Council met December 6, 2011, to set goals for the coming year. While the city will accomplish much more than what is listed here, the identified goals represent items deserving special attention in the months ahead.*

### 1. Take the Next Step on Major Projects

- a. Continue oversight of design, permits, rate implementation and costs for the Lake Oswego-Tigard Water Partnership.
- b. Implement the Comprehensive Plan through code revisions, including:
  - i. Tree code.
  - ii. Contribute to the SW Corridor Plan by adopting Tigard's land use policies and designations and identifying priorities for high-capacity transit (HCT) station location alternatives by mid-2012.
    1. Determine the economic development opportunities, development plan, city policies and regulations needed to position the Tigard Triangle as an HCT station location.
- c. Deliver on the promise of the voter-approved park bond by identifying all acquisition opportunities and completing the majority of park land acquisitions and improvements by the end of 2012.

### 2. Financial Sustainability

- a. Maintain the long-term financial health of the General Fund and reserves.
  - i. Develop a long-term financial strategy by mid-2012.
- b. Communicate regularly to residents about the alignment of city priorities with resources.
- c. Evaluate the city's sustainability efforts on an ongoing basis.

### 3. Downtown

- a. Identify a geographic-opportunity area in the downtown with the greatest potential to create a catalyst for further development. Concentrate most resources there.
- b. Contact owners of key, structurally sound Main Street buildings with vacancies. Begin cooperative effort to secure tenants that will contribute to the vitality of downtown.

### 4. Annexation

- a. Re-evaluate the city's annexation policy.
- b. Develop a philosophy and approach to consider annexations, including islands.

### 5. Recreation

- a. Evaluate options and resources to create a pilot recreation program:
  - i. Inventory existing city and community recreational programs, facilities and resources.
  - ii. Create recreational opportunities by partnering with the school district and other agencies or groups.
  - iii. Identify funding options aligning with the recreational programming demand.

### Five Year Council Goals

- Obtain Ash Avenue railroad crossing in downtown.
- Explore Pacific Highway Urban Renewal District as part of a citywide economic development strategy.
- Support the legislature to address the financial needs of Oregon state and local governments.
- Identify funding and implement plan for city facility needs.
- Renew intergovernmental water agreement.

### Long-Term Council Goals

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



# City of Tigard Tigard Workshop Meeting - Minutes

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## TIGARD CITY COUNCIL

**MEETING DATE/TIME:** January 17, 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 6:34 p.m. Mayor Dirksen called the Tigard City Council to order.
- B. Deputy City Recorder Krager called the roll

|                           | Present | Absent |
|---------------------------|---------|--------|
| Council President Buehner | ✓       |        |
| Mayor Dirksen             | ✓       |        |
| Councilor Henderson       | ✓       |        |
| Councilor Wilson          | ✓       |        |
| Councilor Woodard         | ✓       |        |

- C. Pledge of Allegiance
- D. Council Communications & Liaison Reports – Council President Buehner will give an update on the Intergovernmental Water Board at the end of the meeting.
- E. Call to Council for Non-Agenda Items – None.

### 2. JOINT MEETING WITH THE BUDGET COMMITTEE

Budget Committee Member James called the meeting to order. Present were: Citizen Budget Committee Members Cameron James, Chris Henn, Clifford Rone, and Melody Graeber. Council Budget Committee Members Mayor Dirksen, Council President Buehner, Councilor Wilson, Councilor Henderson, and Councilor Woodard. City of Tigard staff: City Manager Wine, Finance and Information Services Director LaFrance, and Assistant and Finance Director Smith-Wagar.

Finance and Information Services Director LaFrance said Alternate Zoe Monahan and Chair Goodrich sent regrets that they were unable to attend.

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## TIGARD CITY COUNCIL MEETING MINUTES – January 17, 2012



Finance and Information Services Director LaFrance distributed a Budget Committee Agenda and attachments. These are included in the packet for this meeting.

### **FY 2011 Audit Update**

Budget Committee Member Smith-Wagar discussed the FY 2011 audit. She said the completion date was extended to January 31, 2012, partly due to having new auditors and city staff changes presented a challenge. She said the audit was more thorough this year and they had some recommendations, which will be presented to council. She strongly suggested that an audit committee be formed and said a discussion with council regarding the committee and its bylaws, etc. will be scheduled within the next few months.

### **Second Quarter Financial Report**

Finance and Information Services Director LaFrance discussed the Second Quarter Financial Report. He said finances appear to be on target overall and the city is within budget. He said there are a few areas staff is watching, such as development revenues, which are less than expected. The building department has taken steps to help that through adjusting staffing levels. He said a second supplemental budget is scheduled for a council meeting in February. A slate of items for the supplemental budget amendment and their approximate impact is listed in the attachment.

In response to a question from Budget Committee Member Buehner regarding past problems receiving gas tax revenues, Finance and Information Services Director LaFrance said it appears the delay is due to timing, which results in a two month lag time.

### **Planning for the Next Budget Cycle**

Finance and Information Services Director LaFrance said a copy of the budget cycle presentation given to the executive staff and supervisors was included in the packet. Budget Committee Member Dirksen suggested that if any Budget Committee member has questions on the FY 2013 budget process they should call or email Finance and Information Services Director LaFrance.



City Manager Wine and Finance and Information Services Director LaFrance gave a presentation on where the City is, and presented information to guide the preparation. She said the top two things that will guide and influence her while preparing the budget message are the community survey and the council goals.

- She gave an overview of answers to the community survey, noting the top two issues are transportation and traffic congestion. She noted that the city will be achieving much this year and her focus and direction to staff as they work on the budget is on the highest priorities; what falls out of that will form the reductions. She said, “I will be looking at the things the community identified in the survey and we will be doing those things first, second and third. In order to set those priorities I will be looking at how to align our available resources with those top priorities.”

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## **TIGARD CITY COUNCIL MEETING MINUTES – January 17, 2012**

- Council met on December 6, 2011 to set their annual goals and she gave a short overview of how the goals impact the budget. She listed Council's priorities:
  - Moving forward with the Lake Oswego/Tigard water partnership
  - Park bond acquisitions (two years left in the bond period)
  - Tigard Municipal Code revisions, including urban forestry and the tree code
  - Contributing to the regional efforts in the Southwest Corridor for High-capacity Transportation
  - Financial Sustainability - Maintain general fund health and a commitment to communication with residents so they know about the choices ahead
  - Focus on attracting tenants to vacant downtown properties
  - Reconsidering the annexation of islands and unincorporated areas
  - Discussion on pursuing a recreation program and what the city's involvement might be

 Finance and Information Services Director LaFrance said, "Two years ago we were in the midst of the largest recession in memory. We had to make \$2.3 million in reductions, including 17 staff and service reductions. When this was done we did not know how long the recession would last. Optimists said two years. It is two years later and the recession is over but the recovery has not appeared." He said when the reductions were made the city also wanted to sustain resources so there would be a general fund balance of \$5.5 million at the end of each fiscal year. He said the good news is that with the reductions done two years ago we have been able to sustain our services for the last two years and at the present time the forecast is that the city will end the 2012 fiscal year with a general fund balance of \$5.5 million.

Finance and Information Services Director LaFrance said however, the city is experiencing a structural deficit in the way services are funded. He noted that Mayor Dirksen referred to this in his recent State of the City address. Our expenditures are growing at a rate that is approximately double the rate that the revenues in the general fund are growing. He said the city needs to regularly make reductions unless something is done to bring those two rates into alignment.

Finance and Information Services Director LaFrance said that based on the last four years of actual experience, rather than target a certain dollar amount at the end of the fiscal year it is more accurate to target a percentage carried over in the general fund. We need approximately 22% in the fund balance at the end of 2012 to pay expenses until property taxes are collected in November. He showed a slide with a graph illustrating revenues and expenses. He said, "This fiscal year, even with the \$5.5 million target that we set two years ago, if we don't make any changes, that amount will be about \$1.2 million less than what we need to pay our bills until property taxes are collected."

City Manager Wine described how the city is managing the current year's expenses to reach this target, including delaying projects and purchases and holding positions vacant.

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## TIGARD CITY COUNCIL MEETING MINUTES – January 17, 2012

 Budget Committee Member Buehner said a similar graph was presented about ten years ago. She wanted the newer members of the Budget Committee to realize “This is not where we are going. This shows where we will go if we don’t make adjustments.” Budget Committee Member Wilson countered that there is a difference this time, “In the past we were able to hire people and still meet our goals. Then a few years ago, we cut people and we are going to have to cut people again. We used to fund that difference through growth but that is not happening anymore.” City Manager Wine said what the Budget Committee is going to see from staff in their first look at the 2013 budget is her long-term goal to right-size expenditures to fit within resources. There are things that we have to give and we are looking now at the expenditure situation. At some point we need to discuss ways to increase revenues.

In response to a question from Budget Committee Member Henderson, Finance and Information Services Director LaFrance said roughly half of the \$30 million budget is for personnel. He said the city will have a sufficient fund balance for the next few years to pay the bills but the structural deficit has an effect. City Manager Wine said hold-the-line budgets are due from departments tomorrow, with an additional exercise to identify further reductions. She said she wants to do the absolute best with the available resources and the message to staff is, “Do the best with what we have.”



Budget Committee Member Buehner said the city does not have control over growth for certain costs such as gas rates and health insurance costs. She said she would prefer not to see the city go through layoffs every year because it is extremely painful and stressful, especially with the bumping process. She suggested educating people about the costs that cannot be controlled and stressing that the city cannot take care of it entirely by cutting positions. City Manager Wine said she challenged the city managers to talk to the unions about making changes such as doing the work differently; changing classifications or program structures and asking ourselves to be creative as possible to preserve the workforce. But she said personnel costs are one of the biggest items in the budget and they must be considered in the realigning of expenses.

Budget Committee Member Wilson expressed an interest in reviewing the number of FTE’s per capita the city had at the time of the property tax limitations compared to the present. He said in the past unions have been reasonable but it might be valuable to measure this against the private sector, asking if the city needs more revenue or more controls. Finance and Information Services Director LaFrance responded that the budget document contains some FTE history but staff could provide this on a larger scale.

Budget Committee Member Dirksen asked staff to look at inflation and the dollars spent per capita, adjusted for the Municipal Price Index. Budget Committee Member Wilson said that would just measure Tigard against other cities and what he is interested in is whether or not the citizens are getting the same amount of services for inflation-adjusted dollars as previously. City Manager Wine commented that such an examination would not consider legislation or laws that have made it necessary to hire staff.

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## **TIGARD CITY COUNCIL MEETING MINUTES – January 17, 2012**

Budget Committee Member Dirksen said on his first day on the council he knew this was going to happen at some point in the future. He said a few years later council discussed going out for a local option bond. They talked to citizens and asked if the city was spending its money on the right things and do they support the amount. The answer received was “yes.” He suggested empanelling another citizen group to present council with specific information and recommendations for a path (either cutting services or seeking a supplemental levy).

Budget Committee Member Buehner agreed with creating another panel to reexamine this. Budget Committee Member Woodard said he liked where this discussion was going, noting, “The city almost has to operate more on a business level if it is going to survive. It is about looking for opportunities.” He agreed with Budget Committee Member Buehner about the effects of cutting employees because knowledge and expertise are lost. He said however, there is room for improvement and the city needs to find out if there are redundancies or ways to improve efficiencies. He said he looks forward to the Public Works Department finding savings through preventive maintenance.

Finance and Information Services Director LaFrance said staff will be bringing to the Budget Committee a balanced budget. He asked members to make a note of the Budget Committee meeting days and advised that the later dates may not be necessary.

Budget Committee Member Dirksen pointed out to the new Budget Committee members that the discussion may seem all gloom and doom, but the funds being discussed are general fund services such as police, parks and libraries. He said other funds charge for services including water and sewer, are in good shape. He noted that money for the water partnership with Lake Oswego does not come from the general fund and is not affected by these financial problems.

Finance and Information Services Director LaFrance said there will be training for Budget Committee members to help them understand the aspects of each fund and other background information such as Oregon budget law. Budget Committee Member Buehner said she has been on a state committee, and thinks Tigard is in much better condition than some other cities. She said some counties and cities are becoming insolvent. She said, “The law we are currently operating under is designed for every county and city to go bankrupt. Hopefully, this will be addressed by the voters.”

### **Long-Term Strategic Financial Plan**

Finance and Information Services Director LaFrance introduced Jenni Lipscomb and Kathy Taylor, consultants hired to help with the Long-Term Strategic Financial Plan.

He said council goals identified financial stability as one of the items. One of the bulleted items under this goal is that council wants to have a long-term strategic financial plan by mid-2012. Once the 2013 budget is adopted we can start using the plan to see what can be done to get additional alignment on expenditures and revenues.

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## **TIGARD CITY COUNCIL MEETING MINUTES – January 17, 2012**

 Consultant Kathy Taylor discussed their approach and implementation plan. She said they will begin by collecting data and identifying issues and policy decisions that will be required. Their goal is to develop a long-term plan that will be reviewed by the Budget Committee and adopted by Council. She said it is important to note that the report will be a snapshot in time and the real significance of a strategic plan is the process and evaluation.

Consultant Jenni Lipscomb said deliverables will include a summary of issues and impacts on service levels, citizens, and legislation or legal impacts. They will study internal requirements relating to master plans or surveys. The consultants will also look at risks involved in going forward or not going forward with any recommendation. They will discuss policy implications and financial projections. White papers will be created for each of the major issues staff and the consultants identified for the organization, including a financial analysis.

Councilor Henderson asked about the project timeline. Consultant Taylor said they hope to have an adopted plan in June. It will cycle through with the budget process. Finance and Information Services Director LaFrance said this document will go to the Budget Committee for their comments and concerns at the budget meetings in April and May and then this will be adopted as a financial plan. He reiterated that this plan will not be informing the FY 2013 budget process but is a plan that the city can start to implement during FY 2013.

Finance and Information Services Director LaFrance asked the Budget Committee to look at the outline on page 5 of the Long Term Strategic Financial Plan and give him feedback. Budget Committee Member Buehner said one issue that is not addressed is any recommendations or strategies the consultants may have for working with the state legislators and voters to revamp Measures 5 and 50.

Budget Committee Member Henn asked if there would be enough time to check with other cities or look at what Tigard has done to analyze and avoid reinventing the wheel. Historical research may help us with “lessons learned.” Budget Committee Member Buehner recommended using the report from 2003 and the 2005 Financial Strategies Workforce document would be valuable. Finance and Information Services Director LaFrance will add this to the “Policy implications, decisions required” section. Mayor Dirksen said the Budget Committee members may want to see copies of those reports too.

Finance and Information Services Director LaFrance asked the Budget Committee to give him a call if they have questions on any of the topics presented tonight.

Budget Committee Member Buehner asked if it was possible to get agenda packet items to them a day or two before each meeting. Finance and Information Services Director LaFrance said he will endeavor to do that.

Budget Committee Member James adjourned the budget committee at 7:41 p.m.

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## **TIGARD CITY COUNCIL MEETING MINUTES – January 17, 2012**

3. BRIEFING ON INITIATING THE TRANSFER OF JURISDICTION OF A PORTION OF BARROWS ROAD TO THE CITY

Engineer McMillan gave a briefing on the transfer of Barrows Road near Scholls Ferry Road. The cities of Beaverton and Tigard agreed to take their portion of the bridge and road. The agreement for bridge maintenance has not been worked out yet but the IGA for the transfer will be on the January 24, 2012 consent agenda. Engineer McMillan said it was not reasonable to close the road due to the lack of a timeline for the Davies connection. When that connection is finally made, the bridge may be at the end of its useful life. Councilor Wilson said it was his understanding that as part of this transfer Tigard was going to receive some help from the county on traffic signals for 135<sup>th</sup> and Walnut. Council President Buehner agreed that there was talk about sharing the cost. City Manager Wine said the city is poised through other dialog with the county to discuss the transfer of roads throughout the city. She will make sure that is on the list.

4. BRIEFING ON PROPOSED UPDATES TO PARK SYSTEM DEVELOPMENT CHARGES



Parks Manager Martin introduced Consultant John Ghilarducci of FCS Group. Parks Manager Martin said the city issued a 90-day notice as required by law to update the park system SDC's. The methodology will be available for public review for 60 days prior to council consideration of the updated parks SDC's at the March 27, 2012 meeting. He said Consultant Ghilarducci would address what SDC's are, how they function and their basis.

Consultant Ghilarducci presented a PowerPoint on system development charges. A copy of his presentation is in the packet for this meeting.

Council President Buehner asked if this was based on existing city limits or if it takes into consideration of annexation. Mr. Ghilarducci said this was based on the current city population and land.

Councilor Woodard asked for the source of the numbers. Parks Manager Martin said they came from the Parks Master Plan. He said while citizens say they want more parks; there is no precise science. Mayor Dirksen said there are nationally recognized standards that cities try to follow, but they are not laws. Councilor Wilson said he read the Parks Master Plan and asked about the arbitrary needs analysis numbers. He asked what the definition of park capacity was.

Public Works Director Koellermeier said part of this was that Tigard had a finite edge and couldn't hit the standard of eleven acres so it was changed to nine. There is a deficiency because Tigard is not meeting the one and one-half acres per thousand.

Councilor Wilson said that even if a community had three acres per person, they may keep aspiring for more. Consultant Ghilarducci said some cities are now actually lowering this standard because of impacts to their general fund. Councilor Wilson suggested SDC's could

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**TIGARD CITY COUNCIL MEETING MINUTES – January 17, 2012**

be challenged if the numbers are not scientific. Mayor Dirksen said the city is allowed to charge SDC's for parks so we come up with a goal that is reasonable for our community and we are legally allowed to do this. He said Council needs to ask themselves if they are comfortable charging this amount.

Council President Buehner said she compares this to the transportation SDC's and asked, "How much are we adding to costs of new people moving in rather than our existing citizens."

Councilor Woodard asked about how parks are sustained after the land is purchased. Mayor Dirksen said this did not relate to the matter at hand and would discuss this offline with Councilor Woodard.

 Councilor Henderson noted that the assessment would be low if a park is underdeveloped. Consultant Ghilarducci said all parks could be considered separately with a different SDC applied. Mayor Dirksen said most Tigard citizens have equal access to parks so we assume one amount.

Council President Buehner asked questions about adjusting the charge for the bond repayment. Consultant Ghilarducci said most cities index the charge and look at again in five years. There is no requirement to change the charges annually. Councilor Wilson said he had trouble justifying non-residential charges as they don't have time to use parks. Consultant Ghilarducci said the non-residential charge is for those who do not live in Tigard but work here.

Public Works Director Koellermeier distributed a table showing Tigard SDC's compared to what neighboring cities charge.

Councilor Wilson referred to the current economic climate and asked if it would make sense to delay the charges. Mayor Dirksen said high SDC's don't seem to have an effect on the growth in Sherwood, an example of a fast-growing city. Council President Buehner said if we don't add this to what new development pays, it falls back on the current residents. She said, "They stepped up for the parks bond measure and I don't want to see them taken advantage of."

Public Works Director Koellermeier said the methodology was discussed with the home builders group. He said that while they will most likely testify at the public hearing and might request a phase-in process, they understood the methodology.

Mayor Dirksen thanked the consultants and said the report was very well done.

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## **TIGARD CITY COUNCIL MEETING MINUTES – January 17, 2012**

## 5. DISCUSSION ON CITY COUNCIL BUDGET



Assistant City Manager Newton discussed the council budget that she prepared. She noted that all city departments were asked to present hold the line budgets. Changes to the council budget include:

- Reduced mayorial stipend
- Office supplies - council is now being charged for copies
- Professional and contract services – not spent
- Legal fees – She wants to take a closer look at how council is using legal assistance
- Dues/Subscriptions – There is not a lot of flexibility.
- Travel/Training – The same amount as last year will be submitted.
- Special Dept. Expense
- TVCTV has reduced their costs for televising council meetings

She asked if Council had any questions. Council President Buehner expressed concern about rising airfares and said she wanted to make sure the amount budgeted for travel would be adequate.

Councilor Henderson said he wants to know what was spent by each councilor in the past five years. Assistant City Manager Newton said she will prepare this information and send it out in the council packet on Friday.

## 6. COUNCIL LIAISON REPORTS



Council President Buehner reported on the Intergovernmental Water Board (IWB) and said Tigard will need to address the update of the IWB agreement. It expires in 2017 but there is a provision within it that notice must be given prior to expiration.

Council President Buehner reported on Lake Oswego oversight committee meetings. She said the committee is receiving reports on various planning and engineering processes. There is a possibility that more chlorine will have to be added at the Bonita pump station because of how far the water has travelled. Thirty percent design drawings will be completed in February and available for discussion at a March council meeting. This will be a joint meeting with Lake Oswego. We are starting to put together the project budget for fiscal year 2013. This will also come to both city councils hopefully early enough to go into the city's budgets, or it will be an addendum. Mayor Dirksen added that the project has submitted the pre-application to the City of West Linn.

Councilor Woodard asked for an update on Maplewood neighborhood issues. Council President Buehner said they will be coming to a resolution in conjunction with the conditional use permit. Mayor Dirksen said other dialog is happening regarding providing

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## **TIGARD CITY COUNCIL MEETING MINUTES – January 17, 2012**

mitigation for noise and disruption to the neighborhoods. Council President Buehner said any mitigation request must have a reasonable relationship to the water project. Councilor Henderson asked about using water as a tradeoff. Mayor Dirksen said the Lake Oswego/Tigard water project planning could provide them with a reasonable backup and noted West Linn recently experienced a supply problem. City Manager Wine said we need to impress upon the neighbors that their current water supply is vulnerable.

7. NON-AGENDA ITEMS – None.

8. EXECUTIVE SESSION - None held.

9. ADJOURNMENT

At 8:58 p.m. Councilor Wilson moved for adjournment. The motion was seconded by Council President Buehner and all voted in favor.

|                           | Yes | No |
|---------------------------|-----|----|
| Council President Buehner | ✓   |    |
| Mayor Dirksen             | ✓   |    |
| Councilor Henderson       | ✓   |    |
| Councilor Wilson          | ✓   |    |
| Councilor Woodard         | ✓   |    |



\_\_\_\_\_  
Carol A. Krager, Deputy City Recorder

Attest:

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

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

I/ADM/CATHY/CCM/Final/January/120117

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## TIGARD CITY COUNCIL MEETING MINUTES – January 17, 2012



**City of Tigard**  
**Tigard Business Meeting - Minutes**

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**TIGARD CITY COUNCIL**

**MEETING DATE AND TIME:** January 24, 2012 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

- STUDY SESSION

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

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

Staff present: City Manager Wine, City Recorder Wheatley, Assistant City Manager Newton, Assistant Public Works Director Rager, City Engineer Stone, Parks Facilities Manager Martin, Community Development Director Bunch, City Attorney Ramis, Engineering Manager McMillan, Finance and Information Services Department Director LaFrance

A. City Council 2012-13 Budget Review

Assistant City Manager Newton distributed new “Requested” City Council budget information for Fiscal Year 2012-13. The total budget amount requested decreased by \$5,000 because a charge-back for design and communication work was reallocated to another area.

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**TIGARD CITY COUNCIL MEETING MINUTES – JANUARY 24, 2012**

B. Council Calendar – City Manager Wine reviewed the upcoming calendar items with council members.

|                   |                                                                                                                                                                                                                                                                    |
|-------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| January 30, 2012  | 5:30 p.m. - SW Corridor Tigard Connections Team Kickoff Event<br>- Tigard Public Library Community Room<br>6:30 p.m. - Dinner with Tigard-Tualatin School District Board - Town Hall<br>7:00 p.m. - Joint Meeting with Tigard-Tualatin School District - Town Hall |
| January 31, 2012  | 5:30 p.m. (time to be confirmed) - Council training session (not a public meeting)<br>- Red Rock Creek Conference Room (RRCCR)                                                                                                                                     |
| February 14, 2012 | 6:30 p.m. Study Session; 7:30 p.m. Business Meeting - RRCCR & Town Hall                                                                                                                                                                                            |
| February 21, 2012 | 6:30 p.m. - Workshop Meeting                                                                                                                                                                                                                                       |
| February 28, 2012 | 6:30 p.m. Study Session; 7:30 p.m. Business Meeting - RRCCR & Town Hall                                                                                                                                                                                            |
| March 6, 2012     | 6:30 p.m. - City Center Development Agency - Town Hall or RRCCR                                                                                                                                                                                                    |
| March 13, 2012    | Business Meeting - Canceled                                                                                                                                                                                                                                        |

Mayor Dirksen announced:

- EXECUTIVE SESSION: The **Tigard City Council** went into Executive Session to discuss real property transaction negotiations ORS 192.660(2) (h). After the City Council Executive Session, the **Tigard City Center Development Agency** went into Executive Session to discuss real property transaction negotiations under ORS 192.660(2)(e).

The Executive session recessed at 7:29 p.m. and was continued after the business meeting at 9:25 p.m.

## **TIGARD CITY COUNCIL MEETING MINUTES – JANUARY 24, 2012**

1. BUSINESS MEETING – JANUARY 24, 2012

A. Mayor Dirksen called the meeting to order at 7:38 p.m. 

The mayor welcomed members of Boy Scout Troop 846 who were attending the City Council meeting to earn points towards a merit badge.

B. Roll Call

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

C. Pledge of Allegiance

D. Council Communications & Liaison Reports: None.

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

2. CITIZEN COMMUNICATION

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

B. Tigard High School Student Envoy - Courtney Bither

Ms. Bither gave her report of recent and upcoming activities at Tigard High School.

C. Tigard Area Chamber of Commerce - Chief Executive Officer Debi Mollahan gave her report of recent and upcoming activities of the Chamber. She announced the Tigard Farmers Market is now part of the Chamber and will open on Mother's Day this year.

D. Citizen Communication – Sign Up Sheet: None.

3. INTRODUCTION OF CITY ENGINEER MIKE STONE

Assistant Public Works Director Rager introduced Tigard's new City Engineer, Mike Stone. Mr. Stone comes to Tigard from the City of Wilsonville, where he was City Engineer for 19 years.

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**TIGARD CITY COUNCIL MEETING MINUTES – JANUARY 24, 2012**



4. PROCLAMATION - TIGARD BASKETBALL ASSOCIATION

Mayor Dirksen introduced this agenda item to proclaim the city's thanks for the many contributions made by the community volunteers and donors in honor of 30 years of service: Tigard Basketball Association.

Tigard Basketball Association representative Mark Padgett expressed his thanks to the mayor and city for this recognition. He introduced other members of the association who were present:

- Wayne Peterson (one of the founders of the Tigard Basketball Association)
- Derryck Dittman, (current association board member)
- Debbie Fuller (current association board member)

Mr. Padgett described the value of the program for community young people. Council members expressed their thanks for the community volunteers and acknowledged the benefits realized due to their hard work and dedication.



Mayor Dirksen reviewed the Consent Agenda, noting that Item No. D, will be removed from the Consent Agenda for separate discussion and consideration:

5. CONSENT AGENDA: (Tigard City Council)

A. Approve City Council Meeting Minutes for:

1. November 14, 2011
2. November 15, 2011
3. November 22, 2011
4. December 6, 2011

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

C. Authorize the City Manager to Execute an Intergovernmental Agreement with Clean Water Services Regarding the Derry Dell Sewer Project

~~D. Adopt a Resolution of Necessity to Acquire Property for the Main Street/Green Street Retrofit Project – Resolution No. 12-01~~ Considered separately.

Motion by Councilor Wilson, seconded by Council President Buehner to approve the Consent Agenda, less Item No. 5D.

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

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**TIGARD CITY COUNCIL MEETING MINUTES – JANUARY 24, 2012**

|                           |     |
|---------------------------|-----|
| Mayor Dirksen             | Yes |
| Council President Buchner | Yes |
| Councilor Henderson       | Yes |
| Councilor Wilson          | Yes |
| Councilor Woodard         | Yes |

Consideration of Agenda Item No. 5.D: Adopt a Resolution of Necessity to Acquire Property for the Main Street/Green Street Retrofit Project - Resolution No. 12-01

This item was removed from the Consent Agenda at the request of Councilor Henderson, who asked for information and discussion so the public and the 29 affected property owners were aware of this item before the City Council.

 Engineering Manager McMillan distributed a list of steps outlining the federal process for acquisition of properties. The list was prepared by Jeff Bennett of the city attorney's office. The list shows that condemnation would not be a possible first step nor is it the intent of the City of Tigard. Engineering Manager McMillan explained that the resolution would give staff authority to start the process of property acquisition. This acquisition must be done using this federal process because we are using federal dollars.

Engineering Manager McMillan gave an overview of the Intergovernmental Agreement, which has locked the city into using the federal process if it wants to receive federal money for the project.

Engineering Manager McMillan stressed that condemnation would not be the first alternative – it would be the last alternative.

Councilor Woodard said he is in general agreement with the proposed resolution and noted “condemnation,” can be a positive action as described by the mayor because of potential tax benefits for property owners. However, he did not think the following words were needed in the resolution: “...should negotiations prove unsuccessful the resolution authorizes the city to proceed with condemnation...” Mayor Dirksen asked City Attorney Ramis if it is necessary to have this wording in the resolution.

City Attorney Ramis suggested the wording could be changed in Section 4 of the resolution to say “Only in the event that no satisfactory agreement can be reached...” This would make it clear that condemnation is not the starting point. Councilor Woodard said that the language proposed by City Attorney Ramis would help clarify.

Councilor Woodard asked about the impact on a property owner's improvements in the right of way that are adversely affected by the project. City Engineer Stone confirmed that if the improvements are devalued, the property owner would be compensated. Engineering Manager McMillan presented a map that delineated the scope of the project to purchase permanent right-of-way and temporary construction easements. There are a lot of sidewalks on private property and federal funds cannot be used to work on private property.

**TIGARD CITY COUNCIL MEETING MINUTES – JANUARY 24, 2012**

In response to a question from Councilor Woodard, Engineering Manager McMillan said only old sidewalk areas will need to be removed and replaced on private property. There might be some landscaping removed; however, it would be restored if possible.

Council President Buehner asked about the width measurements of the temporary construction easements. Councilor Henderson said they are three to five feet wide.

Mayor Dirksen noted compensation must be made for the value of the land as well as payment for any amount of “devaluation.”

Councilor Henderson said he appreciated the staff presentation. He brought this council matter forward for discussion so the public would understand why the city is using this process.

 City Engineer Stone said he has had experience with similar projects to acquire hundreds of pieces of property. He said he cannot recall any of those actions ever going to trial.

Motion by Councilor Wilson to approve Resolution No. 12-01. Councilor Woodard seconded the motion with the change in the \*language as proposed by City Attorney Ramis. Councilor Wilson advised he accepted the friendly amendment stated by Councilor Woodard.

*\*City Recorder’s Note: Section 4 of the resolution, as amended, states: “Only in the event that no satisfactory agreement can be reached on right-of-way or temporary construction easement acquisition for all or any portion of the Properties, then the city attorney is directed and authorized to commence and to prosecute to final determination such proceedings as may be necessary to acquire the Properties or any portion of the Properties, including the exercise of eminent domain, and upon the filing of such proceedings, possession of the affected real property therein may be taken immediately to the extent provided by law.”*

**RESOLUTION NO. 12-01 - A RESOLUTION DECLARING THE NEED TO ACQUIRE RIGHTS-OF-WAY AND TEMPORARY CONSTRUCTION EASEMENTS ON PROPERTIES FOR THE PURPOSES OF INSTALLING, REPLACING, AND REPAIRING SIDEWALK AND GREEN STREET IMPROVEMENTS NEEDED TO PROVIDE SAFE TRANSPORTATION ROUTES FOR PEDESTRIANS, AS AMENDED.**

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

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

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**TIGARD CITY COUNCIL MEETING MINUTES – JANUARY 24, 2012**



6. APPROVE THE CITY OF WEST LINN'S MEMBERSHIP IN THE METROPOLITAN AREA COMMUNICATIONS COMMISSION - RESOLUTION NO. 12-02  
(There will be a short video from MACC during the presentation to council.)

RESOLUTION NO. 12-02 - A RESOLUTION APPROVING THE ADDITION OF THE CITY OF WEST LINN, OREGON AS A NEW MEMBER OF THE METROPOLITAN AREA COMMUNICATIONS COMMISSION

Councilor Woodard introduced Fred Christ, an executive officer for the Metropolitan Area Communications Commission.



Mr. Christ delivered a brief overview of MACC's charge and presented a short video about MACC.

The City of Tigard, as one of 14 jurisdictions belonging to MACC, is requested to consider a resolution approving the addition of the City of West Linn, Oregon, as a new member.



Motion by Councilor Woodard, seconded by Councilor Henderson, to adopt Resolution No. 12-02.

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

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



Council President Buehner asked Mr. Christ about the status of Frontier Communications. Frontier subscribers have been uncertain for the last year whether Frontier was going to continue to be in service. Recently, the corporate executives have decided to continue to provide video service.



Councilor Henderson thanked Mr. Christ for his service and leadership during difficult times.



7. CONTINUE TO DISCUSS AMENDMENTS TO TIGARD MUNICIPAL CODE CHAPTER 1.16 AND CONSOLIDATION OF NUISANCE VIOLATIONS INTO A NEW TITLE 6

Assistant Community Development Director Hartnett presented the staff report.

**TIGARD CITY COUNCIL MEETING MINUTES – JANUARY 24, 2012**

Presentation summary:

- Overviewed materials provided since the last discussion in December as well as those that will be sent to the City Council over the next several weeks.
- Reviewed the timeframe for the next steps; a public hearing to consider adoption of amendments is scheduled for February 28, 2012.
- Checked in with City Council members regarding items that still need attention.

Council comments:

- Councilor Henderson advised he was comfortable with the amendments proposed since meeting with City Manager Wine regarding the staff's proposal.
- Councilor Wilson acknowledged that some of the issues he has raised are out of scope. At some time in the future, he would like to see the language updated. Concepts of nuisances have changed. He said he is fine with the proposals in general for Chapter 1.16. He commented about noise violations in that most occur when the code enforcement people have gone home for the day and enforcement will fall to the Police Department. He asked if the members of the Police Department will be trained to determine whether a noise violation has occurred. Program Development Coordinator Shields advised that duty sergeants have been trained in the use of the noise meter, which is available to them should there be a noise complaint.
- Councilor Wilson asked about amplified noise, "Exceptions to noise limits," (6.02.450A). This section refers to an exception for non-amplified sounds created by organized athletic or other group activities. He said that he thinks activities at the high school might be amplified, and he wanted to make sure that we are not inadvertently making them out of compliance with the proposed amendments. This same concern would extend to events such as the Balloon Festival and activities in the park where there might be amplified music. Program Development Coordinator Shields said the intent and the effect of this provision, which is in the existing code, is to exempt the non-amplified noise situations; i.e., a team playing at the school, which is non-amplified but might generate a "good bit of noise." Councilor Wilson said he did not see any exemption for amplified sound for events such as the Balloon Festival. 

Assistant Community Development Director Hartnett responded that a conditional use permit process would regulate many of those types of institutional activities in residential zones. Also the land use type would address some of the activities. This would need to be reviewed. Councilor Wilson said he wanted to make sure that these are addressed.

- Mayor Dirksen commented that he had had one issue, which was for the definition of graffiti. This was addressed in the proposed language.
-  Council President Buehner referred to Chapter 6.01.020, which deals with noxious vegetation. She said she had made the suggestion that the state list of vegetation be considered. While she understands the whole list of more than 200 plants is too large, perhaps the top five most common could be listed specifically; i.e., Himalayan blackberry and English ivy. She said she would be willing to move forward with the language as it is

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## **TIGARD CITY COUNCIL MEETING MINUTES – JANUARY 24, 2012**

now, but thinks there is a need to come up with a few examples of plants that are the worst offenders. Mayor Dirksen suggested that rather than including the list, a reference be made to the state statute. Assistant Community Development Director Hartnett said staff could do this, but noted as described in the staff memo, there is not sufficient expertise on staff to identify all of the items on the list. The intent of the proposed wording is that if it is vegetation growing wild and meets the definition, staff can address the problem regardless of the type of vegetation. Councilor Wilson commented that the City of Portland has more than 180 species on their noxious vegetation list and, even to a person well-versed on plants, some of species are difficult to identify as native or non-native. He thinks the Portland's list is overboard; i.e., to the point of prohibiting perennial rye grass, Norway maples, etc. Council President Buehner restated she thought a couple of examples would be helpful.

-  After discussion on the list of noxious plants, Assistant Community Development Director Hartnett suggested the wording could state a top few number of examples with the words, "including, but not limited to..." This was acceptable to Council President Buehner.
- In response to a question from Mayor Dirksen, City Attorney Ramis said the city would cite a property owner based upon a complaint. The burden of proof for the nuisance would be placed on the city.
- Councilor Wilson noted the state list of noxious vegetation has a number of species that are associated with agricultural problems; i.e., tansy ragweed (a problem for livestock). This issue needs more thought. Council President Buehner agreed the full state list is too much and would like to list a few worst offenders. Mayor Dirksen thought that this would be a fair alternative and a good compromise in that city staff should know what the primary problem noxious plants are and to add the wording, "...including, but not limited to..." Assistant Community Development Director Hartnett suggested that she could consult with Parks Facilities Manager Martin and Associate Planner/Arborist Prager to determine their comfort level to support a citation with the compromise suggested by the Mayor. She said she would also review the state invasive species list and consult with Associate Planner/Arborist Prager regarding the top 5-10. She will also consult the city attorney regarding the wording. The compromise language will be included in the next informational memorandum to the City Council on the code amendment proposals.
-  Council President Buehner said her second issue is regarding the hazardous tree issue. In some homeowner's policies, payment for tree removal is authorized to remove a hazardous tree before it falls down if the city code has a provision to declare that it is a hazard. Assistant Community Development Director Hartnett said this will be addressed in the tree code when the City Council reviews language in the next couple of months.
-  Councilor Woodard said he was glad to see the changes made to the noise provisions. Staff did a good job drafting language for the protection of water meters. Finally, he said the staff proposal for language regarding notification of out-of-state property owners looked fine.

## **TIGARD CITY COUNCIL MEETING MINUTES – JANUARY 24, 2012**



## 8. UPDATE ON URBAN FORESTRY CODE REVISIONS (UFCR) PROCESS

Associate Planner/Arborist Prager presented the staff report, which included the review of the process, public involvement outreach and the next step for this project.

The staff's proposed UFCR draft of consists of three volumes. Staff would like to share with the Planning Commission and City Council the story of how this project came to be and what is in the code, with more context provided during the adoption process.

- Volume one summarizes the project background, the citizen and technical committee process and deliberations, and why certain decisions were made.
- Volume two includes the draft code language, the Urban Forestry Manual, and the results of the peer review process.
- Volume three shows the technical details of the code and includes all of the comments received and staff responses made during the input period.

The Planning Commission public hearing is scheduled for February 6 to receive additional public input and to consider forwarding a recommendation to the City Council. Advance notice of this public hearing was sent to every Tigard property owner as required by state law (Measure 56). The purpose of the notice is to engage the public in this process and invite them to the public hearings. Additional background materials were provided with the notice that describes the draft code, called attention to the city's website that provides additional details, and provided staff contact information.

Associate Planner/Arborist Prager advised that, to date, staff has not received a lot of inquiries from the public indicating concern. He has been keeping records of contacts (about ten so far) and questions asked. If the numbers of contacts and concerns begin to increase, staff will update the City Council by sending this information in the Friday mail packets. Council President Buehner and Councilor Woodard said they would like to receive a summary of issues from citizens. Associate Planner/Arborist Prager said the contacts to date have been from people asking how the proposed code changes would apply to their properties.

Assistant Community Development Director Hartnett advised City Council that staff sent out the "Measure 56 notice" to property owners based on advice from the city attorney's office, which was conservative advice. There is only a subset of properties where the UFCR will be applicable; but, rather than trying to determine those properties that would be required to receive notice and given that urban forestry revisions have a history in Tigard of high interest and potential Land Use Board of Appeals filings, the extra effort for notice was taken. This would assure that people would understand that there is action under consideration.

At the City Council workshop (scheduled for late spring), staff will review all the documents. City Council will be provided a quick reference sheet highlighting the main issues raised by the community during discussions. The sheet will describe how the proposed code would differ

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## **TIGARD CITY COUNCIL MEETING MINUTES – JANUARY 24, 2012**

from the existing code and provide cross-references to more detailed information on each of the issues designed to help the City Council focus on what is of most concern to the community.

Associate Planner/Arborist Prager urged City Council members to direct people with questions about the process to him. The staff proposal for code revisions is not to regulate new or additional situations that did not previously require a tree permit; that is, if one does not need a tree permit on private property now, a permit will not be required with the amended language. For those who are required to obtain a permit, staff is working to have the permit process be more logical than what it is now.

Assistant Planner Daniels advised that staff has developed some tools for online use. Property owners can enter their address to determine whether they have a “tree grove” on their property and whether a tree permit might be required.

Associate Planner/Arborist Prager referred to a proposed timeline distributed to the City Council, which he expects will be pushed back to some extent. The public hearing for the Planning Commission is still scheduled for February 6, 2012, and public testimony will be solicited. Staff anticipates holding additional Planning Commission meetings prior to the commission determining its final recommendation to the City Council.

In response to a question from Councilor Henderson, Assistant Planner Daniels advised the Planning Commission expressed interest in having information regarding fees and what other cities are doing. They also were interested in soil volumes as well as what concerns have been conveyed to staff from members of the public. The Planning Commission also has asked questions about the tree grove program and the health of tree grove stands that remain.

Mayor Dirksen said he is pleased with how well the process has gone so far, which has been very inclusive and has included a variety of perspectives.

9. COUNCIL LIAISON REPORTS: None.
10. NON AGENDA ITEMS: None.
- > Motion by Councilor Woodard, seconded by Councilor Wilson, to adjourn the business meeting at 9:19 p.m.

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

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

Mayor Dirksen read the statement citing the reason for the executive session, which was continued from the session held prior to the business meeting.

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## **TIGARD CITY COUNCIL MEETING MINUTES – JANUARY 24, 2012**

11. EXECUTIVE SESSION: The **Tigard City Council and City Center Development Agency** went into Executive Session at 9:25 p.m. to discuss real property transaction negotiations ORS 192.660(2) (h).
12. ADJOURNMENT: 10:13 pm.

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

Attest:

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

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

**TIGARD CITY COUNCIL MEETING MINUTES – JANUARY 24, 2012**

AIS-804

**3. B.**

**Business Meeting**

**Meeting Date:** 02/14/2012

**Length (in minutes):**

**Agenda Title:** Receive and File: Council Calendar and the Tentative Agenda

**Submitted By:** Cathy Wheatley, Administrative Services

**Item Type:** Receive and File

**Meeting Type:**

Consent Agenda

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**Information**

**ISSUE**

Receive and File: Three-Month Council Calendar and the Tentative Agenda

**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

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**Attachments**

Three-month City Council calendar.

Tentative Agenda of Upcoming Council/Budget Committee/City Center Development Agency Meetings

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Agenda Item No. 3B1  
For Agenda of ~~December 13, 2011~~

February 14, 2012

## MEMORANDUM

TO: Honorable Mayor & City Council/City Center Development Agency Board

FROM: Cathy Wheatley, City Recorder

RE: Three-Month Council/CCDA Meeting Calendar

DATE: February 3, 2012

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

### February

14\* Tuesday Council Business Meeting – 6:30 p.m., Town Hall  
21\* Tuesday Council Workshop Meeting – 6:30 p.m., Town Hall  
28\* Tuesday Council Business Meeting – 6:30 p.m., Town Hall

### March

6 Tuesday City Center Development Agency – 6:30 p.m., Red Rock Creek Conference Room  
13\* Tuesday Council Business Meeting -- **Canceled**  
20\* Tuesday Council Workshop Meeting – 6:30 p.m., Town Hall  
27\* Tuesday Council Business Meeting – 6:30 p.m., Town Hall

### April

3 Tuesday City Center Development Agency – 6:30 p.m., Red Rock Creek Conference Room  
10\* Tuesday Joint Meeting with Beaverton City Council & Planning Commission/Metro, 6:30 p.m., Beaverton City Hall, 4755 SW Griffith Drive, Beaverton  
17\* Tuesday Council Workshop Meeting – 6:30 p.m., Town Hall  
23 Monday Budget Committee Meeting – 6:30 p.m., Public Works Auditorium  
24\* Tuesday Council Business Meeting – 6:30 p.m., Town Hall  
30 Monday Budget Committee Meeting – 6:30 p.m., Public Works Auditorium

Key:

- Meeting Banner
- Study Session
- Consent Agenda
- Workshop Meeting
- Business Meeting
- Special Meeting
- Meeting is Full

**City Council Tentative Agenda  
2/6/2012 10:52 AM - Updated**

| Form #                                                   | Meeting Date | Submitted By    | Meeting Type | -----Title-----                                                                                                                               | Department                         | Inbox or Finalized                   |
|----------------------------------------------------------|--------------|-----------------|--------------|-----------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|--------------------------------------|
| 570                                                      | 02/21/2012   | Cathy Wheatley  | AAA          | Meeting Date:   Absences to Note:   Location:<br>Tigard City Hall                                                                             |                                    |                                      |
| 652                                                      | 02/21/2012   | Nadine Robinson | CCWKSHOP     | 20 Minutes - Tigard Municipal Court Annual Report                                                                                             | Administrative Services            | Wheatley C, City Recorder            |
| 681                                                      | 02/21/2012   | Sean Farrelly   | CCWKSHOP     | 60 Minutes - Annual Joint City Center Development Agency/City Center Advisory Commission Meeting                                              | Community Development              | Farrelly S, Redev Project Manager    |
| <b>Total Time: 80 of 180 minutes have been scheduled</b> |              |                 |              |                                                                                                                                               |                                    |                                      |
| 568                                                      | 02/28/2012   | Cathy Wheatley  | AAA          | Meeting Date:   Absences to Note:   Location:<br>Tigard City Hall                                                                             |                                    |                                      |
| 772                                                      | 02/28/2012   | Liz Lutz        | ACCSTUDY     | 30 Minutes - Review of 2013 Community Event Funding Requests 1                                                                                | Financial and Information Services | Lutz L, Conf Exec Asst               |
| <b>Total Time: 30 of 45 minutes have been scheduled</b>  |              |                 |              |                                                                                                                                               |                                    |                                      |
| 778                                                      | 02/28/2012   | Liz Lutz        | ACONSENT     | Consent Item - Resolution Waiving Temporary Sign Permit Fees for Tigard Youth Football                                                        | Financial and Information Services | Lutz L, Conf Exec Asst               |
| 682                                                      | 02/28/2012   | Greer Gaston    | CCBSNS       | 15 Minutes - Informational Public Hearing to Consider a Resolution Finalizing Sanitary Sewer Reimbursement District No. 42 ( SW 100th Avenue) | Public Works                       | Berry G, Project Engineer            |
| 709                                                      | 02/28/2012   | Cheryl Caines   | CCBSNS       | 5 Minutes - FIELDS HEARING CONTINUATION                                                                                                       | Community Development              | Caines C, Assoc Planner              |
| 738                                                      | 02/28/2012   | Carissa Collins | CCBSNS       | 25 Minutes - Supplemental Amendment to the FY 2012 Budget                                                                                     | Financial and Information Services | Collins C, Sr Mgmt Analyst (Fin Adm) |

Key:

Meeting Banner

Study Session

Consent Agenda

Workshop Meeting

Business Meeting

Special Meeting

Meeting is Full

### City Council Tentative Agenda

2/6/2012 10:52 AM - Updated

|                                                                        |            |                   |          |                                                                                                        |                       |                                   |
|------------------------------------------------------------------------|------------|-------------------|----------|--------------------------------------------------------------------------------------------------------|-----------------------|-----------------------------------|
| 758                                                                    | 02/28/2012 | Susan Hartnett    | CCBSNS   | 30 Minutes - Public Hearing to Amend Tigard Municipal Code Chapter 1.16 and to Create a New Title 6    | Community Development | Hartnett S, Asst CD Director      |
| 768                                                                    | 02/28/2012 | Gary Pagenstecher | CCBSNS   | 30 Minutes - Renew Annexation Incentives and Discuss Annexation Policy Direction -- Resolution         | Community Development | Pagenstecher G, Assoc Planner     |
| 782                                                                    | 02/28/2012 | Joanne Bengtson   | CCBSNS   | 5 Minutes - Proclaim March Earthquake Awareness Month                                                  | City Management       | 01/31/2012                        |
| <b>Total Time: 110 of 110 minutes have been scheduled Meeting Full</b> |            |                   |          |                                                                                                        |                       |                                   |
| 794                                                                    | 03/06/2012 | Cathy Wheatley    | AAA      | CCDA Meeting - March 6, 2012 (Mayor and Councilor Henderson will be absent.)                           |                       |                                   |
| 571                                                                    | 03/13/2012 | Cathy Wheatley    | AAA      | March 13, 2012 Meeting is Canceled.                                                                    |                       |                                   |
| 573                                                                    | 03/20/2012 | Cathy Wheatley    | AAA      | Meeting Date: March 20, 2012   Absences to Note:   Location: Tigard City Hall                          |                       |                                   |
| 693                                                                    | 03/20/2012 | Judith Gray       | CCWKSHOP | 90 Minutes - High Capacity Transit Land Use Plan Presentation - Joint Session with Planning Commission | Community Development | Gray J, Sr Transportation Planner |
| 708                                                                    | 03/20/2012 | Cheryl Caines     | CCWKSHOP | 45 Minutes - JOINT MEETING WITH THE TREE BOARD                                                         | Community Development | Caines C, Assoc Planner           |
| <b>Total Time: 135 of 180 minutes have been scheduled</b>              |            |                   |          |                                                                                                        |                       |                                   |
| 572                                                                    | 03/27/2012 | Cathy Wheatley    | AAA      | Meeting Date: March 27, 2012   Absences to Note:   Location: Tigard City Hall                          |                       |                                   |
| 781                                                                    | 03/27/2012 | Loreen Mills      | ACCSTUDY | 20 Minutes - Executive Session - Pending Lit                                                           | City Management       | 01/26/2012                        |
| <b>Total Time: 20 of 45 minutes have been scheduled</b>                |            |                   |          |                                                                                                        |                       |                                   |

Key:

- Meeting Banner
- Study Session
- Consent Agenda
- Workshop Meeting
- Business Meeting
- Special Meeting
- Meeting is Full

**City Council Tentative Agenda  
2/6/2012 10:52 AM - Updated**

|                                                          |            |                   |          |                                                                                                                                  |                       |                               |
|----------------------------------------------------------|------------|-------------------|----------|----------------------------------------------------------------------------------------------------------------------------------|-----------------------|-------------------------------|
| 612                                                      | 03/27/2012 | John Goodrich     | CCBSNS   | 15 Minutes - Approve Ordinance to Amend Title 12 - Water and Sewer                                                               | Public Works          | Gaston G, Conf Executive Asst |
| 785                                                      | 03/27/2012 | Joanne Bengtson   | CCBSNS   | 5 Minutes - Proclaim April 15-22, 2012 National Days of Remembrance                                                              | City Management       | 01/31/2012                    |
| 701                                                      | 03/27/2012 | Steve Martin      | CCBSNS   | 20 Minutes - Public Hearing to Consider a Resolution to Adopt Park System Development Charges (SDCs)                             | Public Works          | Martin S, Parks Manager       |
| 737                                                      | 03/27/2012 | John Floyd        | CCBSNS   | 10 Minutes - Intergovernmental Agreement with Clean Water Services                                                               | Community Development | Floyd J, Associate Planner    |
| 745                                                      | 03/27/2012 | Gary Pagenstecher | CCBSNS   | 15 Minutes - Revise Planning Commission Bylaws (Resolution) and Amend Tigard Municipal Code Chapter 2.08 (Ordinance)             | Community Development | Pagenstecher G, Assoc Planner |
| <b>Total Time: 75 of 110 minutes have been scheduled</b> |            |                   |          |                                                                                                                                  |                       |                               |
| 793                                                      | 04/03/2012 | C Wheatley        | AAA      | CCDA Meeting - April 3, 2012                                                                                                     |                       |                               |
| 574                                                      | 04/10/2012 | Cathy Wheatley    | AAA      | Jt. Meeting with Beaverton City Council & Planning Commission/Metro - Beaverton City Hall, 6:30 p.m. - Climate Smart Communities |                       |                               |
| 575                                                      | 04/17/2012 | Cathy Wheatley    | AAA      | Meeting Date:   Absences to Note:   Location: Tigard City Hall                                                                   |                       |                               |
| 607                                                      | 04/17/2012 | Todd Prager       | CCWKSHOP | 60 Minutes - Urban Forestry Code Revisions Discussion                                                                            | Community Development | Hartnett S, Asst CD Director  |
| 776                                                      | 04/17/2012 | Alison Grimes     | CCWKSHOP | 20 Minutes - Joint Meeting with the Library Board                                                                                | Library               | Barnes M, Library Director    |
| <b>Total Time: 80 of 180 minutes have been scheduled</b> |            |                   |          |                                                                                                                                  |                       |                               |
| 790                                                      | 04/23/2012 | Carol Krager      | AAA      | Budget Committee Meeting - Public Works Auditorium                                                                               |                       |                               |

Key:

Meeting Banner

Study Session

Consent Agenda

Workshop Meeting

Business Meeting

Special Meeting

Meeting is Full

### City Council Tentative Agenda

2/6/2012 10:52 AM - Updated

|                                                          |            |                 |        |                                                                                                          |                       |                                  |
|----------------------------------------------------------|------------|-----------------|--------|----------------------------------------------------------------------------------------------------------|-----------------------|----------------------------------|
| 576                                                      | 04/24/2012 | Cathy Wheatley  | AAA    | Meeting Date:   Absences to Note:   Location: Tigard City Hall                                           |                       |                                  |
| 643                                                      | 04/24/2012 | Greer Gaston    | CCBSNS | 30 Minutes - Selection of a Concept Design for Pacific Highway/McDonald/Gaarde Intersection Improvements | Public Works          | McCarthy M, St/Trans Sr Proj Eng |
| 784                                                      | 04/24/2012 | Marissa Daniels | CCBSNS | 20 Minutes - Arbor Day: Receive Tree City USA Growth Award and Present Tree Stewardship Awards           | Community Development | Laughlin D, Conf. Exec. Asst.    |
| <b>Total Time: 50 of 110 minutes have been scheduled</b> |            |                 |        |                                                                                                          |                       |                                  |
| 787                                                      | 04/30/2012 | Carol Krager    | AAA    | Budget Committee Meeting - Public Works Auditorium                                                       |                       |                                  |
| 795                                                      | 05/01/2012 | Cathy Wheatley  | AAA    | CCDA May 1, 2012                                                                                         |                       |                                  |
| 789                                                      | 05/07/2012 | Carol Krager    | AAA    | Budget Committee Meeting - Public Works Auditorium                                                       | City Management       | 02/01/2012                       |
| 577                                                      | 05/08/2012 | Cathy Wheatley  | AAA    | Meeting Date:   Absences to Note:   Location: Tigard City Hall                                           |                       |                                  |
| 791                                                      | 05/14/2012 | Carol Krager    | AAA    | Budget Committee Meeting - Public Works Auditorium (If needed)                                           | City Management       | 02/01/2012                       |
| 578                                                      | 05/15/2012 | Cathy Wheatley  | AAA    | Meeting Date:   Absences to Note:   Location: Tigard City Hall                                           |                       |                                  |
| 579                                                      | 05/22/2012 | Cathy Wheatley  | AAA    | Meeting Date:   Absences to Note:   Location: Tigard City Hall                                           |                       |                                  |
| 608                                                      | 05/22/2012 | Todd Prager     | CCBSNS | 90 Minutes - Legislative Public Hearing - Urban Forestry Code Revisions                                  |                       |                                  |

AIS-770

3. C.

**Business Meeting**

**Meeting Date:** 02/14/2012

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

**Agenda Title:** Add the Sunrise Property Purchase to the List of 2006 Metro Bond Projects and Approve an Agreement Regarding the Property

**Prepared For:** Steve Martin

**Submitted By:**

Steve Martin,  
Public Works

**Item Type:** Resolution

**Meeting Type:**

Consent Agenda

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**Information**

**ISSUE**

Shall the council adopt a resolution:

- Adding the Sunrise property to Tigard's list of 2006 Metro bond projects?
- Authorizing the city manager to execute an intergovernmental agreement (IGA) in which Washington County makes a \$400,000 contribution to partially fund the purchase of the Sunrise property?

**STAFF RECOMMENDATION / ACTION REQUEST**

Staff recommends that council adopt the resolution.

**KEY FACTS AND INFORMATION SUMMARY**

In 2006, voters passed Metro's natural areas bond measure. A portion of the bond measure funds were allocated to park providers like Washington County and the City of Tigard.

The city purchased the 20-acre Sunrise property in May 2011. Funds for the \$5 million purchase came from Tigard's \$17 million park bond measure passed by voters in November 2010.

In October 2010, Washington County approved a \$400,000 contribution from its 2006 Metro bond measure allocation to partially fund the Sunrise property purchase.

To receive the contribution, the council must adopt the attached resolution authorizing the IGA with Washington County and Metro and adding the purchase of the Sunrise property to its 2006 list of Metro bond projects, known as Tigard's local share project list.

The IGA:

- Requires Tigard to add the Sunrise property to its 2006 local share project list, so the property is eligible for Metro bond funding.
- Authorizes the transfer of \$400,000 in Metro bond funds from Washington County to the City of Tigard in accordance with bond requirements.
- Specifies Tigard will accept the \$400,000 contribution to partially reimburse Tigard park bond funds used to purchase the Sunrise property.
- Specifies Tigard will be solely responsible for the ownership, management, supervision and control of the Sunrise property.

Acceptance of the Metro funding does place certain restrictions on the property. Funds can only be used to acquire or improve parks, open space, natural areas or trails. There are also restrictions should the property be sold or transferred to a different entity or used for a purpose other than those specified.

The IGA was reviewed by the city's real estate attorney.

**OTHER ALTERNATIVES**

The council could choose not to adopt the resolution and to forgo the \$400,000 contribution.

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

2012 Tigard City Council Goal No. 1.c. - "Deliver on the promise of the voter-approved park bond by identifying all acquisition opportunities and completing the majority of park land acquisitions and improvements by the end of 2012."

**DATES OF PREVIOUS COUNCIL CONSIDERATION**

This is the first time this item has come before the council.

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**Fiscal Impact**

**Cost:** None  
**Budgeted (yes or no):** N/A  
**Where Budgeted (department/program):** Not applicable

**Additional Fiscal Notes:**

Assuming the council adopts the resolution and the IGA is executed by all parties, Tigard will receive \$400,000 in revenue from Washington County. The revenue will be used to partially reimburse the \$5 million in Tigard park bond funds used to purchase the Sunrise property. In short, Tigard will have an additional \$400,000 that will be used to fund other park bond acquisitions and/or improvements.

Acceptance of the Metro funding does place certain restrictions on the property. Funds can only be used to acquire or improve parks, open space, natural areas or trails. There are also restrictions should the property be sold or transferred to a different entity or used for a purpose other than those specified.

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**Attachments**

Resolution  
IGA with County and Metro

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**CITY OF TIGARD, OREGON  
TIGARD CITY COUNCIL  
RESOLUTION NO. 12-**

A RESOLUTION ADDING THE SUNRISE PROPERTY TO TIGARD'S LOCAL SHARE PROJECT LIST AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT (IGA) WHEREBY WASHINGTON COUNTY WILL MAKE A \$400,000 CONTRIBUTION TO PARTIALLY FUND THE PURCHASE OF THE SUNRISE PROPERTY

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WHEREAS, in 2006, voters passed Metro's natural areas bond measure and a portion of the bond measure funds were allocated to park providers like Washington County and the City of Tigard; and

WHEREAS, the city purchased the Sunrise property in May 2011; and

WHEREAS, in December 2011, Washington County approved a \$400,000 contribution from its 2006 Metro bond measure allocation to partially fund the Sunrise property purchase; and

WHEREAS, to receive the contribution, the city must execute the IGA with Washington County and Metro and add the purchase of the Sunrise property to its 2006 list of Metro bond projects, known as the Tigard's local share project list; and

WHEREAS, the city wishes to accept the \$400,000.

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

SECTION 1: Tigard's local share project list is hereby amended to include the purchase of the Sunrise property.

SECTION 2: The city manager is authorized to execute the attached IGA (Exhibit A) with Washington County and Metro. This IGA will transfer of \$400,000 in Metro bond funds from Washington County to the City of Tigard in accordance with bond requirements.

SECTION 3: The county's \$400,000 contribution will partially reimburse Tigard park bond funds used to purchase the Sunrise property.

SECTION 4: This resolution is effective immediately upon passage.

PASSED: This \_\_\_\_\_ day of \_\_\_\_\_ 2012.

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Mayor - City of Tigard

ATTEST:

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City Recorder - City of Tigard

## INTERGOVERNMENTAL AGREEMENT

### FOR BOND MEASURE LOCAL SHARE FUND TRANSFER SUNRISE PROPERTY

### METRO, CITY OF TIGARD AND WASHINGTON COUNTY

THIS AGREEMENT is made and entered into by and between METRO, a district established pursuant to ORS Chapter 268 ("Metro"), WASHINGTON COUNTY ("County"); and the CITY OF TIGARD ("City"), with an Effective Date of \_\_\_\_\_, 201\_\_.

### WITNESSETH

#### RECITALS

- A. The voters of Metro approved Ballot Measure 26-80 on November 7, 2006, which provided funds for natural areas, clean water, and protection of fish and wildlife, including funds to be expended by local parks providers for specified projects.
- B. The County and City are local parks providers.
- C. The City and County have each signed an Intergovernmental Agreement ("IGA") with Metro for Natural Areas Bond Measure Local Share Component (the "Local Share Program").
- D. The "Sunrise Property", described in **Exhibit "A"** and shown on **Exhibit "B"** attached hereto, is identified on the Local Share Project List attached to the Metro-County IGA.
- E. 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.
- F. City has taken all actions necessary to acquire the Sunrise Property including, without limitation, paying the purchase price, closing the purchase and obtaining title to the property. The Sunrise Property was acquired for purposes allowed under the Local Share Program.
- G. The County Board of Commissioners by County Minute Order 10-335, dated October 19, 2010, approved and authorized a financial contribution to acquisition by City of the Sunrise Property, using a portion of County's Local Share Program funds.

## AGREEMENT

NOW, THEREFORE, the premises being in general as stated in the foregoing Recitals, and in consideration of the terms, conditions and covenants as set forth below, the parties hereto agree as follows:

### ARTICLE I - COUNTY OBLIGATIONS

1. County shall, upon execution of this Agreement, assign a liaison person to be responsible for coordination of this transaction with Metro and the City.
2. Within thirty (30) days after the Effective Date, County shall sign and deliver to Metro a Requisition Certificate for Release of Funds, Natural Areas Bond Local Share ("Certificate"), requesting release of funds in the amount of \$400,000 from the County's Local Share Program funds to the City, to be placed in the City's Local Share funds for use by the City as reimbursement toward City funds previously used for its purchase of the Sunrise Property (the "Transfer").
3. County shall have no responsibility for the management, control or use of the Sunrise Property and shall have no legal interest in the Sunrise Property. Following completion of the County's obligations for signature and delivery of the Certificate, County shall have no further obligations under this Agreement.

### ARTICLE II - CITY OBLIGATIONS

1. The Tigard City Council has reviewed this Agreement and authorized the City Manager to execute the final Agreement.
2. City shall, upon execution of this Agreement, assign a liaison person to be responsible for coordination of this transaction with Metro and the County.
3. Within thirty (30) days after the Effective Date of this Agreement, the City shall, in accordance with the terms of Section 5 of the Metro-City IGA, add the Sunrise Property to its Local Share Project List (the "City Project List Amendment").
4. As a result of the Transfer, City shall be responsible for fulfilling all obligations and requirement of the Metro-City IGA, including (without limitation) complying with the use limitations set forth in Section 8 of the Metro-City IGA. In the event the City breaches its IGA with Metro and such breach concerns the Sunrise Property, such action also will constitute a breach of this Agreement, and the County will have the legal right to enforce compliance by City with that IGA under the terms of this Agreement.
5. City shall be entitled to use funds provided by County under Article I.2 of this Agreement solely for reimbursement of City funds previously expended for the acquisition of the Sunrise Property.

6. Since acquisition of the Sunrise Property, the City has been and shall continue to be solely responsible for ownership, management, supervision and control of the Sunrise Property. This paragraph shall not limit the City's ability to transfer the Sunrise Property for park purposes to a park district or other public entity that assumes the continuing obligations of this Agreement.

### **ARTICLE III - GENERAL PROVISIONS**

1. Metro shall, upon execution of this Agreement, assign a liaison person to be responsible for coordination of this transaction with the County and City.

2. Upon receipt of (i) the Certificate from the County as provided in Article I.2 and (ii) the City Project List Amendment as provided in Article II.3, Metro shall effectuate the Transfer, as reimbursement of City funds used to acquire the Sunrise Property.

3. In accordance with the terms of the Metro-City IGA, Metro shall have no responsibility for the management, control, or use of the Sunrise Property, and shall have no legal interest in the Sunrise Property.

4. Metro's approval of this Agreement shall constitute Metro's approval of the transfer of Local Share Funds by County in accordance with the Metro-County IGA, notwithstanding that the Sunrise Property will be acquired and held in the name of the City.

### **ARTICLE IV - GENERAL PROVISIONS**

1. **LAWS OF OREGON.** The parties agree to abide by all applicable laws and regulations regarding the handling and expenditure of public funds. This Agreement shall be governed by the laws of the State of Oregon.

2. **DEFAULT.** Any party shall be deemed to be in default if it fails to comply with any provision of this Agreement. The parties agree time is of the essence in the performance of any of the obligations within this Agreement. Complaining party shall provide the defaulting party with written notice of default and allow thirty (30) days within which to cure the defect.

3. **INDEMNIFICATION.** This Agreement is for the benefit of the parties only. Each party agrees to indemnify and hold the other harmless, to include their respective officers, employees, agents and representatives, from and against all claims, demands and causes of actions and suits of any kind or nature for personal injury, death or damage to property on account of or arising out of services performed, the omission of services or in any way resulting from the acts or omissions of the parties so indemnifying and/or its officers, employees, agents or representatives. Indemnification is subject to and shall not exceed the limits of liability of the Oregon Tort Claims Act (ORS 30.260 through 30.300).

4. **MODIFICATION OF AGREEMENT.** No waiver, consent, modification or change of terms of this Agreement shall bind either party unless in writing and signed by both parties. Such waiver, consent, modification or change, if made, shall be effective only in specific instances and for the specific purpose given.
5. **DISPUTE RESOLUTION.** In the event of a breach of this Agreement by any party, and if the defaulting party fails to cure the breach within thirty (30) days after receiving notice of the breach from a non-defaulting party, the parties agree to use their best efforts to resolve any dispute arising out of this Agreement by mediation. If mediation is not successful within thirty (30) days of commencement, the parties are free to utilize any legal remedy they may have.
6. **SEVERABILITY.** If any terms or provisions of this Agreement or the application thereof to any person or circumstance shall, to any extent, be determined by a court to be invalid or unenforceable, the remainder of this Agreement and the application of those terms and provisions shall not be affected thereby and shall be valid and enforceable to the fullest extent permitted by law.
7. **NONDISCRIMINATION.** No person shall be denied or subjected to discrimination in receipt of the benefits of any services or activities made possible by or resulting from this Agreement on the grounds of race, color, religion, gender, sexual orientation, national origin, disability, age or marital status. Any violation of this provision shall be considered a material defect and shall be grounds for cancellation, termination or suspension in whole or in part by the County.
8. **INTEGRATION.** This Agreement includes the entire agreement of the parties and supersedes any prior discussions or agreements regarding the same subject. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Agreement.
9. **EFFECT OF AGREEMENT.** This Agreement shall be effective upon execution by the parties, and shall continue in effect until all obligations have been performed. The City's obligations under Article II.4, and the County's and Metro's right to enforce those obligations, shall survive closing of the purchase of the Sunrise Property and conveyance to the City. This Agreement shall serve as an amendment to Section 2 of the Metro-County IGA and Section 2 of the Metro-City IGA.
10. **AMENDMENT OR EXTENSION.** This Agreement may be amended or extended by consent of the parties, subject to provisions of this Agreement.

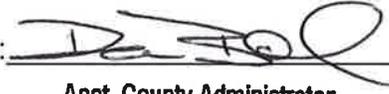
**IN WITNESS WHEREOF**, the parties hereto have set their hands as of the day and year hereinafter written.

DONE AND DATED this \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_.

**CITY OF TIGARD**

**WASHINGTON COUNTY, OREGON**

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

By: 

Title: City Manager

Title: Asst. County Administrator

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

Date: 1/18/12

**METRO**

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

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

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

APPROVED AS TO FORM

\_\_\_\_\_  
Assistant Metro Attorney

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Senior Assistant County Counsel

**Exhibit "A"**

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

BEING TRACTS OF LAND AS DESCRIBED IN THE FOLLOWING DOCUMENTS: 98-070527, 2003-020130, 2000-061432, 2004-107939, BOOK 1151, PAGE 113, 2004-082311, 2004-082312, 2005-27699, AND 97-084282 ALL WASHINGTON COUNTY DEED RECORDS, SITUATED IN THE SOUTHEAST ONE-QUARTER OF SECTION 5, TOWNSHIP 2 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, IN COUNTY OF WASHINGTON, STATE OF OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THAT TRACT OF LAND DESCRIBED IN DOCUMENT NO. 97-084282, WHICH BEARS NORTH 89° 50' 44" WEST, 571.41 FEET ALONG THE SOUTH LINE OF SECTION AND NORTH 00° 41' 42" EAST, 20.00 FEET FROM THE SOUTHEAST CORNER OF SAID SECTION 5 BEING MARKED WITH AN ALUMINUM DISC IN CONCRETE; THENCE ALONG A LINE 20.00 FEET NORTHERLY OF, AND PARALLEL WITH SAID SOUTH SECTION LINE NORTH 89° 50' 44" WEST, 212.90 FEET TO THE SOUTHWEST CORNER OF SAID TRACT; THENCE SOUTH 00° 41' 42" WEST, 20.00 FEET TO SAID SOUTH SECTION LINE; THENCE ALONG SAID SOUTH SECTION LINE NORTH 89° 50' 44" WEST, 233.64 FEET TO A POINT ON THE SOUTHERLY EXTENSION OF THE EASTERLY LINE OF THAT TRACT OF LAND DESCRIBED IN DOCUMENT NO. 80-019854; THENCE ALONG SAID EASTERLY LINE NORTH 00° 43' 00" EAST, 200.00 FEET TO THE NORTHEAST CORNER THEREOF; THENCE ALONG THE NORTHERLY LINE OF SAID TRACT NORTH 89° 50' 44" WEST, 124.00 FEET TO THE NORTHWEST CORNER THEREOF; THENCE ALONG THE WESTERLY LINE OF SAID TRACT SOUTH 00° 43' 00" WEST, 180.00 FEET TO THE SOUTHEAST CORNER OF THAT TRACT OF LAND DESCRIBED IN DOCUMENT NO. 2004-107939, BEING 20.00 FEET NORTHERLY OF, WHEN MEASURED PERPENDICULAR TO SAID SECTION LINE; THENCE ALONG THE SOUTHERLY LINE OF SAID TRACT THE FOLLOWING THREE (3) CALLS; THENCE PARALLEL WITH SAID SECTION LINE NORTH 89° 50' 44" WEST, 180.00 FEET; THENCE LEAVING SAID PARALLEL LINE, NORTH 00° 43' 00" EAST, 20.00 FEET; THENCE NORTH 89° 50' 44" WEST, 23.33 FEET TO A POINT BEING 40.00 FEET NORTHERLY OF, WHEN MEASURED PERPENDICULAR TO SAID SECTION LINE; THENCE SOUTH 00° 43' 00" WEST, 40.00 FEET TO THE SOUTH SECTION LINE; THENCE ALONG SAID SOUTH SECTION LINE NORTH 89° 50' 44" WEST, 107.00 FEET TO A POINT ON THE SOUTHERLY EXTENSION OF THE EASTERLY LINE OF THAT TRACT OF LAND DESCRIBED IN DOCUMENT NO. 2002-161976; THENCE ALONG THE EASTERLY LINE OF SAID TRACT NORTH 00° 41' 34" EAST, 240.00 FEET TO THE SOUTHERLY LINE OF THAT TRACT DESCRIBED IN DOCUMENT NO. 2002-128525; THENCE ALONG SAID SOUTHERLY LINE SOUTH 89° 50' 44" EAST, 42.89 FEET TO THE SOUTHEAST CORNER OF SAID TRACT; THENCE ALONG THE EASTERLY LINES OF THOSE TRACTS DESCRIBED IN DOCUMENT NO. 2002-128525 AND DOCUMENT NO. 2005-134615 NORTH 00° 40' 00" EAST, 399.77 FEET TO THE SOUTHERLY LINE OF THAT TRACT DESCRIBED IN DOCUMENT NO. 2004-046173; THENCE ALONG SAID SOUTHERLY LINE SOUTH 89° 46' 29" EAST, 85.62 FEET TO THE SOUTHEAST CORNER THEREOF; THENCE ALONG THE EASTERLY LINE OF SAID TRACT, NORTH 00° 43' 00" EAST, 161.39 FEET TO THE MOST NORTHERLY EAST CORNER THEREOF; THENCE ALONG THE NORTHERLY LINE OF SAID TRACT NORTH 79° 30' 00" WEST, 243.12 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF SUNRISE LANE (BEING 20.00 FROM THE CENTERLINE THEREOF, WHEN MEASURED PERPENDICULAR THERETO); THENCE ALONG SAID RIGHT-OF-WAY LINE THE FOLLOWING FOUR (4) CALLS: NORTH 14° 15' 05" WEST, 98.41 FEET; THENCE NORTH 17° 04' 55" EAST, 72.15 FEET; THENCE NORTH 43° 11' 55" EAST, 116.47 FEET; THENCE NORTH 04° 35' 55" EAST, 84.20 FEET TO THE SOUTHWEST CORNER OF THAT TRACT DESCRIBED IN DOCUMENT NO. 95-037734; THENCE ALONG THE SOUTHERLY LINE OF SAID TRACT SOUTH 89° 28' 42" EAST, 699.75 FEET TO THE NORTHWEST CORNER OF THAT TRACT DESCRIBED IN DOCUMENT NO. 2001-085039; THENCE ALONG THE WESTERLY LINE OF SAID TRACT THE FOLLOWING FIVE (5) COURSES: SOUTH 00° 41' 42" WEST, 393.64 FEET; THENCE SOUTH 89° 50' 44" EAST, 100.00 FEET; THENCE SOUTH 00° 41' 42" WEST, 480.00 FEET; THENCE SOUTH 89° 50' 44" EAST, 112.90 FEET; THENCE SOUTH 00° 41' 42" WEST, 280.00 FEET TO SAID POINT OF BEGINNING.

*First American Title*



AIS-783

**3. D.**

**Business Meeting**

**Meeting Date:** 02/14/2012

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

**Agenda Title:** Add Two Trail Projects to the List of 2006 Metro Bond Projects - Resolution

**Prepared For:** Kim McMillan

**Submitted By:**

Greer Gaston,  
Public Works

**Item Type:** Resolution

**Meeting Type:**

Consent Agenda

**Information**

**ISSUE**

Shall the council adopt a resolution adding two trail projects to Tigard's list of 2006 Metro bond projects?

**STAFF RECOMMENDATION / ACTION REQUEST**

Staff recommends that the Council adopt the resolution.

**KEY FACTS AND INFORMATION SUMMARY**

In 2006, voters passed Metro's natural areas bond measure. A portion of the bond measure funds were allocated to park providers, such as the City of Tigard.

Approximately \$127,000 in Metro bond funding is available for city trail projects. Originally these dollars were earmarked to construct a segment of the Fanno Creek Trail on the Brown property. However, this project does not rank as high priority because it is not fully funded.

The city would like to use its bond funding to construct two other segments of the Fanno Creek Trail. The first segment is between Main Street and Grant Avenue on property owned and maintained by the city. The second segment is between Grant Avenue and Woodard Park. This trail segment will be constructed on easements that will be owned and maintained by the city.

If approved, this resolution will add the trail projects to the list of bond projects the city submitted to Metro in 2006, (Tigard's local share list). This addition will make these projects eligible for Metro bond funding.

Acceptance of the Metro funding comes with certain restrictions. Funds can only be used to acquire or improve parks, open space, natural areas or trails. There are also restrictions should the property be sold or transferred, or used for a purpose other than those specified.

**OTHER ALTERNATIVES**

The council could choose not to adopt the resolution; the trail projects would be ineligible for Metro bond funding.

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

2012 Tigard City Council Goal No. 1.c. - "Deliver on the promise of the voter-approved park bond by identifying all acquisition opportunities and completing the majority of park bond acquisitions and improvements by the end of 2012."

The Main Street to Grant Avenue trail segment is included in the 2011-2016 Capital Improvement Plan.

**DATES OF PREVIOUS COUNCIL CONSIDERATION**

This is the first time this item has come before the council.

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**Fiscal Impact**

**Cost:** None  
**Budgeted (yes or no):** No  
**Where Budgeted (department/program):** Not applicable

**Additional Fiscal Notes:**

The city has approximately \$127,000 in Metro local share funds available for trail projects. Originally, these dollars were earmarked to construct a segment of the Fanno Creek Trail on the Brown property. However, this project is not a high priority because it is not fully funded.

In adding the Main Street to Grant Avenue and Grant Avenue to Woodard Park trail projects Tigard's local share project list, the city would be able to access bond dollars now and expedite the construction of two active trail projects.

Acceptance of the Metro funding comes with certain restrictions. Funds can only be used to acquire or improve parks, open space, natural areas or trails. There are also restrictions should the property be sold or transferred, or used for a purpose other than those specified.

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**Attachments**

Resolution

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**CITY OF TIGARD, OREGON  
TIGARD CITY COUNCIL  
RESOLUTION NO. 12-**

A RESOLUTION ADDING TWO TRAIL PROJECTS TO TIGARD'S LOCAL SHARE PROJECT LIST

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WHEREAS, in 2006, voters passed Metro's natural areas bond measure and a portion of the bond measure funds were allocated to park providers like the City of Tigard; and

WHEREAS, the city would like to use some of its Metro bond funds to construct two new segments of the Fanno Creek Trail; and

WHEREAS, in order to be eligible for Metro bond funds, these trail projects need to be added to the list of bond projects the city submitted to Metro in 2006; and

WHEREAS, this list is known as Tigard's local share project list.

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

SECTION 1: Tigard's local share project list is hereby amended to include the following projects:  
Construction of two segments of the Fanno Creek Trail. The first segment is between Main Street and Grant Avenue on property owned and maintained by the city. The second segment is between Grant Avenue and Woodard Park. This trail segment will be constructed on easements that will be owned and maintained by the city.

SECTION 2: This resolution is effective immediately upon passage.

PASSED: This \_\_\_\_\_ day of \_\_\_\_\_ 2012.

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Mayor - City of Tigard

ATTEST:

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City Recorder - City of Tigard

**Business Meeting**

**Meeting Date:** 02/14/2012  
**Length (in minutes):** Consent Item  
**Agenda Title:** Initiate the Transfer of Jurisdiction of a Portion of Barrows Road to the City  
**Submitted By:** Greer Gaston, Public Works  
**Item Type:** Resolution **Meeting Type:** Consent Agenda

**Information**

**ISSUE**

Shall the council adopt a resolution initiating the transfer of jurisdiction of a portion of Barrows Road to the city?

**STAFF RECOMMENDATION / ACTION REQUEST**

Staff recommends that council adopt the resolution.

**KEY FACTS AND INFORMATION SUMMARY**

The council was briefed on this transfer of jurisdiction at its January 17, 2012, workshop meeting.

**Background**

A segment of SW Barrows Road, from SW Scholls Ferry Road to SW Walnut Street, lies within the City of Tigard and is under the jurisdiction of Washington County. (Tigard city limits follow the centerline of the road.)

In 2009, a bridge along this section of Barrows Road was showing signs of failure and was slated to be closed by the county. Area residents asked to keep the bridge open, so the City of Tigard, City of Beaverton and Washington County entered into an agreement in which:

- The three entities agreed to share costs and repair the bridge.
- The county, at its expense, agreed to perform a pavement maintenance overlay on this section of Barrows Road.
- The cities of Beaverton and Tigard agreed to assume joint jurisdiction of this section of Barrows Road.

Once bridge repairs and the pavement overlay were completed, the transfer of jurisdiction was to occur within 60 days. The work was completed in September 2009. Beaverton initiated the transfer of the northwesterly half of the road in 2010.

It was recently brought to the city's attention that Tigard had not initiated the transfer of jurisdiction for the southeasterly half of the road.

**The Transfer Process**

The transfer process begins with a council resolution requesting Washington County commissioners transfer jurisdiction of this section of Barrows Road to the city. County commissioners then act on the request and execute the transfer.

The attached resolution initiates the transfer process for the southeasterly half of SW Barrows Road (County Road No. 812) that extends from SW Scholls Ferry Road (County Road No. 348) to SW Walnut Street.

**OTHER ALTERNATIVES**

The council could choose not to request the transfer of jurisdiction.

However, this would be in direct conflict with Resolution No. 09-28A adopted on May 12, 2009. This resolution approved the agreement between the City of Tigard, the City of Beaverton and Washington County. The agreement included a provision that, when the bridge repairs and the pavement overlay were completed, Tigard would assume jurisdiction of a portion of SW Barrows Road.

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

None

**DATES OF PREVIOUS COUNCIL CONSIDERATION**

The council was briefed on this transfer of jurisdiction at its January 17, 2012, workshop meeting.

On May 12, 2009, the council adopted Resolution No. 09-28A. This resolution approved the agreement between the City of Tigard, the City of Beaverton and Washington County. The agreement included a provision that, when the bridge repairs and the pavement overlay were completed, Tigard would assume jurisdiction of a portion of SW Barrows Road.

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**Fiscal Impact**

**Cost:** None \*  
**Budgeted (yes or no):** N/A  
**Where Budgeted (department/program):** Not applicable

**Additional Fiscal Notes:**

There are no direct costs associated with the transfer of jurisdiction.

\* With the adoption of the resolution, the city will incur on-going street maintenance costs for the southeasterly half of SW Barrows Road from SW Scholls Ferry Road to SW Walnut Street. Actual street maintenance costs for this section of Barrows Road have not been calculated.

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**Attachments**

Resolution and Exhibits

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**CITY OF TIGARD, OREGON  
TIGARD CITY COUNCIL  
RESOLUTION NO. 12-**

A RESOLUTION INITIATING ACTION TO TRANSFER JURISDICTION OF A PORTION OF SW BARROWS ROAD (COUNTY ROAD NO. 812) WITHIN THE CITY OF TIGARD TO THE CITY OF TIGARD

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WHEREAS, ORS 373.270(6) provides a mechanism to transfer jurisdiction of county roads within a city to a city; and

WHEREAS, a segment of SW Barrows Road from SW Scholls Ferry Road to SW Walnut Street is within the City of Tigard; and

WHEREAS, the City of Tigard agreed to accept jurisdiction of this segment of road when partnering with Washington County and Beaverton on the Barrows Bridge repair project.

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

SECTION 1: The City Council hereby requests that the Commissioners of Washington County, Oregon transfer jurisdiction of that segment of SW Barrows Road, described and depicted in Exhibits A and B attached hereto, from the county to the City of Tigard.

SECTION 2: The aforementioned request is to be granted or denied within one year of the execution of this resolution.

SECTION 3: This resolution is effective immediately upon passage.

PASSED: This \_\_\_\_\_ day of \_\_\_\_\_ 2012.

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Mayor - City of Tigard

ATTEST:

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City Recorder - City of Tigard

**EXHIBIT "A"**

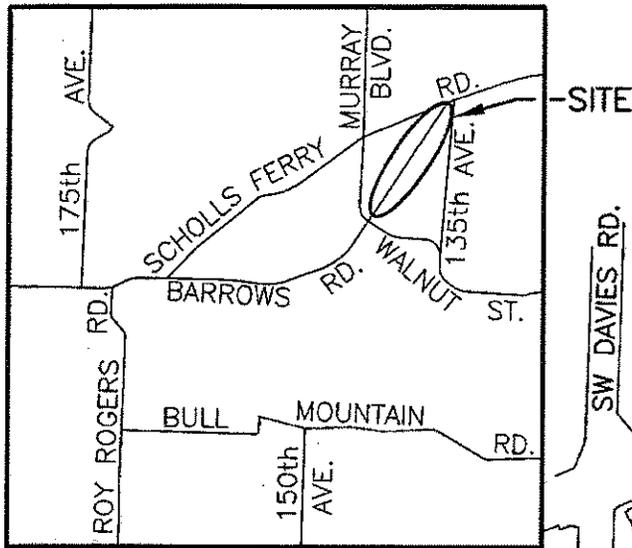
**TRANSFER OF JURISDICTION TO THE CITY OF TIGARD**

- 1. SW BARROWS ROAD**  
BETWEEN THE SOUTHERLY RIGHT-OF-WAY OF SW SCHOLLS FERRY ROAD AND A POINT  $\pm 100$  FEET NORTHEASTERLY FROM THE INTERSECTION OF SW BARROWS ROAD AND SW WALNUT STREET, AND LYING WITHIN THE CITY OF TIGARD.

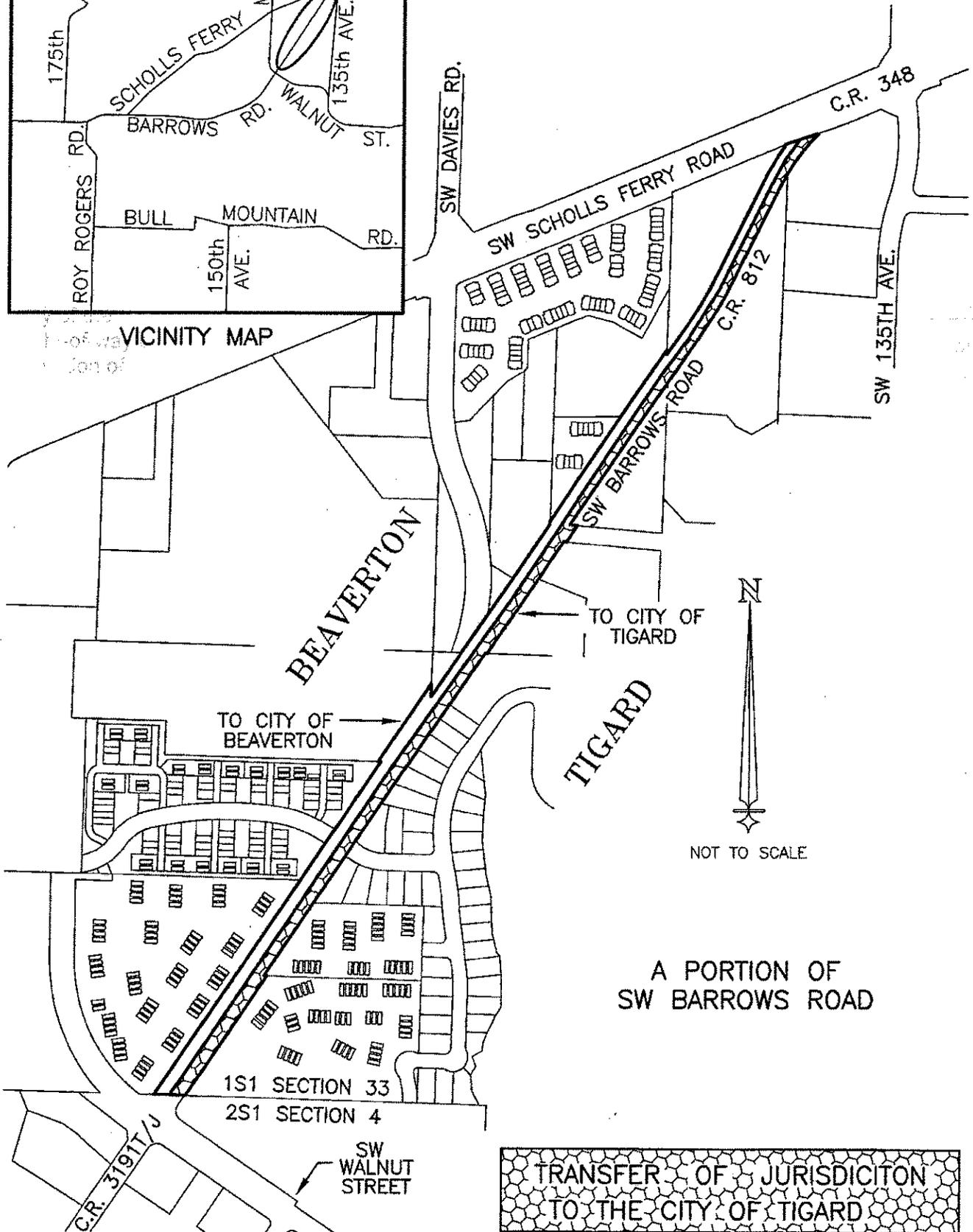
SEE EXHIBIT "B"

All that portion of County Road No. 812 lying southeasterly of the centerline of said road and lying between the southerly right-of-way of County Road No. 348 (SW Scholls Ferry Road) and that portion of Country Road No. 812 transferred to the City of Tigard in County Road 3191T/J. Said portion being situated in the West one-half of Section 33, T1S, R1W, W.M.

EXHIBIT "B"



VICINITY MAP



A PORTION OF SW BARROWS ROAD

TRANSFER OF JURISDICITON  
TO THE CITY OF TIGARD

**Business Meeting**

**Meeting Date:** 02/14/2012

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

**Agenda Title:** Authorize the Submission of a Grant Application to Partially Fund the Aquifer Storage and Recovery (ASR) Improvement Project - Resolution

**Prepared For:** Dennis Koellermeier **Submitted By:** John Goodrich, Public Works

**Item Type:** Resolution **Meeting Type:** Consent Agenda

**Information**

**ISSUE**

Shall the council adopt a resolution authorizing the submission of a grant application to partially fund the ASR well head improvement project?

**STAFF RECOMMENDATION / ACTION REQUEST**

Staff recommends that the council adopt the resolution.

**KEY FACTS AND INFORMATION SUMMARY**

In fiscal year 2007-2008, the city successfully drilled its third ASR well. The 1,000-foot-deep well was capped until well head improvements could be constructed. The improvements, scheduled to take place in 2012 and 2013, include the installation of a pump, motor, piping and a chlorination system. The well has the storage capacity to provide 2.5 million gallons of water per day during periods of dry weather.

The city requested a \$750,000 grant, (the maximum funding level available), to partially fund the well head improvement project.

The grant requires a 50-percent, or \$375,000, match. This project is included in the city's 2011-2016 Capital Improvement Plan (CIP), and the total project is \$2.74 million. Assuming the council approves the proposed funding for fiscal years 2012-2013 and 2013-2014, the city would contribute \$2 million to the project, which exceeds the required match. CIP project costs are allocated as follows:

| FY 2011-2012 | FY 2012-2013 | FY 2013-2014 |
|--------------|--------------|--------------|
| \$265,000    | \$2,421,000  | \$50,000     |

If grant funding is awarded and accepted, the city would be committed to fund its share of the project.

In order to meet the federal deadline, staff submitted a Bureau of Reclamation WaterSMART Water and Energy Efficiency grant application in mid-January. Should the council decide not to adopt this resolution, the grant application would be withdrawn.

A copy of the 74-page grant application is available upon request.

**OTHER ALTERNATIVES**

Should the council decide not to adopt this resolution, the grant application would be withdrawn.

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

This project is identified in the:

- 2010 Water System Master Plan.
- 2011-2016 Capital Improvement Plan.

**DATES OF PREVIOUS COUNCIL CONSIDERATION**

None

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**Fiscal Impact**

**Cost:** N/A  
**Budgeted (yes or no):** N/A  
**Where Budgeted (department/program):** Not applicable

**Additional Fiscal Notes:**

The City is seeking \$750,000 in grant funding for a project that is already included in the Adopted Budget and CIP.

The grant requires a 50-percent, or \$375,000, match. This project is included in the city's 2011-2016 Capital Improvement Plan (CIP), and the total project is \$2.74 million. Assuming the council approves the proposed funding for fiscal years 2012-2013 and 2013-2014, the city would contribute \$2 million to the project, which exceeds the required match. CIP project costs are allocated as follows:

| FY 2011-2012 | FY 2012-2013 | FY 2013-2014 |
|--------------|--------------|--------------|
| \$265,000    | \$2,421,000  | \$50,000     |

If grant funding is obtained and accepted, the city would be committed to fund its share of the project.

Any cost savings resulting from the grant would be re-allocated to other projects identified in the 2010 Water System Master Plan, including the Lake Oswego-Tigard Water Partnership.

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**Attachments**

Resolution

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**CITY OF TIGARD, OREGON  
TIGARD CITY COUNCIL  
RESOLUTION NO. 12-**

A RESOLUTION SUPPORTING THE SUBMISSION OF A BUREAU OF RECLAMATION WATERSMART WATER AND ENERGY EFFICIENCY GRANT APPLICATION TO PARTIALLY FUND AQUIFER STORAGE AND RECOVERY (ASR) WELL HEAD IMPROVEMENTS

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WHEREAS, the City of Tigard is the water provider for nearly 60,000 customers in the Tigard Water Service Area; and

WHEREAS, the city successfully drilled its third ASR well and now needs to install a pump, motor, piping and a chlorination system to make the well fully operational; and

WHEREAS, a project to construct well head improvements for ASR well #3 is included in the 2010 Water System Master Plan and the 2011-2016 Capital Improvement Plan (CIP); and

WHEREAS, these ASR improvements are slated for design and construction in 2012 and 2013; and

WHEREAS, ASR well #3 will play an essential role in controlling peak water demand by supplying the Tigard Water Service Area with 2.5 million gallons of water per day during periods of dry weather; and

WHEREAS, the city wishes to pursue a Bureau of Reclamation WaterSMART Water and Energy Efficiency grant to partially fund the project.

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

SECTION 1: The City Council supports the submission of a Bureau of Reclamation WaterSMART Water and Energy Efficiency grant application to partially fund the ASR well head improvements.

SECTION 2: If grant funding is awarded and accepted, the city commits to:

1. A 50-percent match of grant funds.
2. Fund the ASR well head improvement project.

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

**Business Meeting****Meeting Date:** 02/14/2012**Length (in minutes):** 10 Minutes**Agenda Title:** Name the Tigard Library Community Room the "George and Yvonne Burgess Community Room" - Resolution**Prepared For:** Margaret Barnes**Submitted By:** Alison Grimes, Library**Item Type:** Resolution**Meeting Type:** Council Business Meeting - Main**Information****ISSUE**

Approval of a resolution naming the Tigard Library Community Room the "George and Yvonne Burgess Community Room" in honor of their service to the City of Tigard and as tireless leaders of the Friends of the Tigard Library.

**STAFF RECOMMENDATION / ACTION REQUEST**

Request approval of the resolution naming the Library Community Room the "George and Yvonne Burgess Community Room".

**KEY FACTS AND INFORMATION SUMMARY**

- George and Yvonne Burgess have been supporters of the Tigard Library for more than 30 years, and each of them individually headed the Friends of the Library during that time.
- George Burgess served on the Library Board, the Library Construction Task Force, the City's Budget Committee, Friends of the Tigard Library, and the Tigard Public Library Foundation in one or more of these capacities from 1979 until his death in November 2011.
- George and Yvonne Burgess organized, facilitated, and led the collection, organization and sale of thousands of books, audio and video materials with the total proceeds donated to support the Tigard Library and its programs. Under George and Yvonne's leadership, the Friends have donated more than \$500,000 to the library in the past 30 years.
- George and Yvonne Burgess inspired volunteers within the City of Tigard to support library programs and to participate in numerous community events sponsored by the Friends of the Tigard Library.
- The Tigard Public Library, completed in 2004, features a community room where the Friends' numerous used book sales have been held, raising thousands of dollars to benefit the library and its patrons.

**OTHER ALTERNATIVES**

N/A

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

N/A

**DATES OF PREVIOUS COUNCIL CONSIDERATION**

N/A

**Attachments**Proposed ResolutionLetter to City Manager - Library Community Room



**CITY OF TIGARD, OREGON  
TIGARD CITY COUNCIL  
RESOLUTION NO. 12-**

A RESOLUTION NAMING THE COMMUNITY ROOM WITHIN THE TIGARD PUBLIC LIBRARY TO HONOR GEORGE AND YVONNE BURGESS FOR THEIR SERVICE TO THE CITY OF TIGARD AND AS THE TIRELESS LEADERS OF THE FRIENDS OF THE TIGARD PUBLIC LIBRARY

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WHEREAS, the City of Tigard through Resolution 99-37 established a policy for naming distinct elements within City-owned buildings and park properties; and

WHEREAS, the Tigard Public Library Board has proposed that the City name the Community Room of the Tigard Public Library the “George and Yvonne Burgess Community Room”; and

WHEREAS, the City Council has determined that the proposal has merit for many reasons, including but not limited to the following:

- George and Yvonne Burgess have been supporters of the Tigard Public Library for more than 30 years, and each of them individually headed the Friends of the Tigard Public Library during that time.
- George Burgess served on the New Tigard Library Construction Committee, the City’s Budget Committee, Friends of the Tigard Public Library, and the Tigard Public Library Foundation in one or more of these capacities from 1979 until his death in November 2011. Yvonne Burgess served on the Tigard Public Library Board from 1973 through 1980 and again from 1991 through 1995.
- George and Yvonne Burgess organized, facilitated, and led the collection, organization and sale of thousands of books, audio and video materials with the total proceeds donated to support the Tigard Public Library and its programs. Under George and Yvonne’s leadership, the Friends have donated more than \$500,000 to the Library in the past 30 years.
- George and Yvonne Burgess inspired volunteers within the City of Tigard to support Library programs and to participate in numerous community events sponsored by the Friends of the Tigard Public Library.
- The Tigard Public Library, completed in 2004, features a community room where the Friends’ numerous used book sales have been held, raising thousands of dollars to benefit the Library and its patrons.
- The most recent Friends of the Tigard Public Library sale took place in September 2011 with George and Yvonne Burgess tirelessly working to lead the two-day event to record-setting sales that will be contributed to support the Tigard Public Library.

- Naming the Tigard Public Library Community Room to honor George and Yvonne Burgess would provide a lasting tribute to their contributions to the success of the Tigard Public Library, and serve as an inspiration to others who may emulate their commitment and efforts in the future.
- The George and Yvonne Burgess Community Room would display a nameplate at the entrance to the room.

WHEREAS, the City Council finds that the proposal to name the Tigard Public Library Community Room as requested meets the criteria and objectives of Resolution No. 99-37; and

WHEREAS, the City Council wishes to acknowledge the numerous lasting contributions made to the Tigard Public Library by George and Yvonne Burgess.

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

SECTION 1: The City Council hereby designates the Tigard Public Library Community Room as the “George and Yvonne Burgess Community Room.”

SECTION 2: This resolution is effective immediately upon passage.

PASSED: This \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Mayor - City of Tigard

ATTEST:

\_\_\_\_\_  
City Recorder – City of Tigard

January 12, 2012

Marty Wine, City Manager  
City of Tigard  
13125 SW Hall Blvd.  
Tigard, OR 97223

Re: Request under Resolution No. 99-37 – Naming of the Tigard Public Library Community Room for George and Yvonne Burgess

Dear Marty:

In November 2011, the Tigard community was devastated to learn that George Burgess had passed away. George was involved in many Tigard activities including serving as a member of the Budget Committee. But, George's true passion was the Tigard Public Library. He and his wife Yvonne "were" the Friends of the Library for many years as together they organized and held countless used book sales with all of the proceeds benefitting the Library.

George was instrumental in assisting the City to identify the need for, and gain support for, the financing of the present Library that was opened in 2004. Among the earliest uses of the Library was the used book sale that George and Yvonne held in the Community Room. Since the first sale held in that room, George, Yvonne and the Friends have conducted an additional 12 to 14 sales there. Each time, George was the person who organized, set up and facilitated the sale. Each year the proceeds of the sale exceeded the prior year with the Library receiving all of the proceeds. The proceeds allowed the Library to hold numerous events, often with the Friends sponsoring the participation of a local or famous author or a music group.

The Library Board would like to honor George and Yvonne for their devotion to the Library and the many small and large acts they completed that promoted the Library as the amazing community resource that it is. Without George and Yvonne's efforts the Library would not be able to deliver programs and services that have had such a far-reaching effect to bring people of all ages and economic circumstances to the Library. George and Yvonne wanted every citizen of Tigard to find in the Library something of value that would enrich their life. If the success of the programs that the Friends sponsored is any indication, he and Yvonne certainly achieved his goal.

At its Board meeting of January 12, 2012, the Tigard Library Board unanimously passed a motion to request that the City Council pass the attached resolution entitled:

**A RESOLUTION NAMING THE COMMUNITY ROOM WITHIN THE TIGARD PUBLIC LIBRARY TO HONOR GEORGE AND YVONNE BURGESS FOR THEIR SERVICE TO THE CITY OF TIGARD AND SPECIFICALLY AS THE TIRELESS LEADERS OF THE FRIENDS OF THE TIGARD LIBRARY**

We recognize that you may need to modify the attached resolution in some way to make it acceptable for the Council. However, we hope that you will make sure that the resolution expresses the many contributions that George and Yvonne have made to Tigard.

### **Specific Proposal and How it Meets the City's Established Criteria**

On June 8, 1999, the Tigard City Council adopted Resolution No. 99-37 that established a policy on placing memorials in City parks. The resolution includes criteria used for the naming of distinct elements within City-owned parks and building. The Resolution provides for memorials that can be "placed at distinct elements of City-owned properties such as shelters, sports fields, gardens, etc." The full resolution speaks to the naming of buildings and park properties to honor individuals or groups. This seems to allow for the naming of an element of a building, as is the case for within parks.

The reasons that it would be appropriate to name the Community Room after George and Yvonne Burgess are as follows:

- George Burgess was a supporter of the Tigard Library for over 30 years and served on the Library Construction Task Force, the Tigard Public Library Foundation and the Friends of the Tigard Public Library in one or more of these capacities during the period of time from 1979 until his death in November 2011.
- George and Yvonne Burgess organized, facilitated and led the collection, organization and sale of many thousand books, audio, and video materials with the total proceeds donated to support the Tigard Public Library and its programs.
- George and Yvonne Burgess inspired volunteers within the City of Tigard to support library programs and to take part in the numerous community events that the Friends of the Tigard Public Library sponsored.
- The Tigard Public Library, completed in 2004, features a community room that has been the site of numerous used book sales conducted by the Friends of the Tigard Public Library, raising thousands of dollars to benefit the library and its patrons.
- The most recent Friends sale took place in September 2011 with George and Yvonne Burgess tirelessly present and leading the two-day event to a record-setting level of sales that will be contributed to support the Tigard Public Library.
- Lasting evidence of George Burgess' contributions to the success of the Tigard Public Library is needed to recognize his contributions and to inspire those who follow to emulate his commitment and efforts.
- Naming the Tigard Public Library Community Room to honor George and Yvonne Burgess with the placement of a nameplate at the entrance to the room will insure that George and Yvonne Burgess' contributions are acknowledged and appreciated by the Citizens of Tigard.

Resolution No. 99-37 requires that an interested party submit a written request to the City Council regarding the building that it is interested in having Council name in honor of an individual. Please accept this letter and supporting information as the Board's request that the City Council designate the Tigard Public Library Community Room as the George and Yvonne Burgess Community Room. We suggest that a day be selected, consistent with Yvonne's wishes, where the City and the Library Board may hold a ceremony to commemorate the naming of the Community Room.

We hope that our request will be received with enthusiasm by the Council. If any additional information is needed to support our request, please let me know.

Sincerely,

A handwritten signature in cursive script that reads "David Burke". The signature is written in dark ink and is positioned to the right of the word "Sincerely,".

David Burke  
Chairman  
Tigard Public Library Board

**Business Meeting****Meeting Date:** 02/14/2012**Length (in minutes):** 20 Minutes**Agenda Title:** Presentation by Metro Councilor Carl Hosticka on Climate Smart Communities Scenarios Project**Submitted By:** Cathy Wheatley, Administrative Services**Item Type:** Update, Discussion, Direct Staff**Meeting Type:** Council Business Meeting - Main**Information****ISSUE**

Metro Councilor Carl Hosticka will present information on Metro's Climate Smart Communities Scenarios Project.

**STAFF RECOMMENDATION / ACTION REQUEST**

N/A

**KEY FACTS AND INFORMATION SUMMARY**

- Presenter: Councilor Carl Hosticka (Metro staff will be present in audience to answer questions)
- Topic: Climate Smart Communities Scenarios (for more information, please see the project website: [http://www.oregonmetro.gov/index.cfm/go/by\\_web/id=36945](http://www.oregonmetro.gov/index.cfm/go/by_web/id=36945) )

The following is from Metro's website:

The Portland metropolitan area has made great strides in creating vibrant neighborhoods, providing transportation options and protecting farmland. Many of these policies have saved us money on gasoline and preserved clean air and water.

Building on these efforts, Metro and the State of Oregon have launched a multiyear project to learn what it will take to reduce emissions from cars, small trucks and SUVs as we grow the regional economy and create more vibrant neighborhoods. The intent is to see how addressing climate change can help us create more of the communities and neighborhoods we've been building for many years, while meeting state greenhouse gas reduction targets.

**A collaborative, three-phase approach...**

In a three-phase process, the region will study scenarios that represent what the region could look like in the future, with different land use and transportation policies in place. The idea is to find the most effective combinations of policies and strategies that will help the region meet Oregon's targets for reducing greenhouse gas emissions.

The first phase consists of testing strategies and policies on a regional level and reviewing published research on the strategies tested.

The second phase will allow more detailed analysis of alternative strategies and policies for different communities within the region. This will allow for variation and local goals to be realized even as we reach for the regionwide goal of emissions reduction.

Finally in the third phase, leaders from across the region will adopt a regionwide strategy that includes varying local aspirations while tackling the challenge of climate change.

## **Climate Leadership Summit, April 2011...**

A panel discussion at the Climate Leadership Summit featured local business, community and political leaders who are improving the region's quality of life while also reducing carbon emissions.

To gather input on the strategies the region will consider, Metro convened a Climate Leadership Summit April 1, 2011, at the Oregon Convention Center. More than 250 policymakers, community and business leaders participated in a discussion about the opportunities and challenges raised by various land use and transportation strategies.

### **OTHER ALTERNATIVES**

N/A

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

N/A

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

N/A

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### **Attachments**

[Metro Memo](#)

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 Metro | Memo

Date: February 2, 2012  
To: Mayor Craig Dirksen and the Tigard City Council  
From: Kim Ellis, principal transportation planner  
Subject: Findings from first phase of Climate Smart Communities Scenarios Project

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At your February 14 meeting, Metro Councilor Carl Hosticka and I will share the findings from the first phase of the Climate Smart Communities Scenarios Project. The findings report, which is attached to this memo, was accepted in January by the Metro Policy Advisory Committee, the Joint Policy Advisory Committee on Transportation, and the Metro Council. The Oregon Department of Transportation and the Department of Land Conservation and Development included the findings report in their joint progress report to the Oregon Legislature, which was submitted in late January.

The Climate Smart Communities Scenarios Project is a multi-year, collaborative effort between Metro and its regional partners. The project is focused on working together to find the right combination of land use and transportation actions (e.g., policies and investments) that will keep communities vibrant and prosperous. The project also helps our region meet state targets to reduce greenhouse gas emissions from light duty vehicles. The project continues to be as much about jobs, livable communities and public health as it is about a healthy environment.

During Phase 1, a technical work group composed of planning staff from cities, counties and other agencies worked closely with Metro staff to test and evaluate 144 different combinations of various strategies that could help reduce our region's greenhouse gas emissions. The results indicated that our region and our communities are on the right track with current policies and investments, and that there are many ways to meet state targets to reduce emissions. We also found that achieving the targets will require additional investments and policy commitments at the local, regional and state levels.

In Phase 2 of this project, which will run through 2012, Metro will be working closely with you and other local policy makers and community leaders across the region to define how best to continue advancing local efforts to build livable, prosperous and equitable communities while meeting the region's greenhouse gas emissions reduction target.

At our presentation on February 14, Councilor Hosticka and I will share information about what we have learned and seek your input on how we can best work together to support the aspirations of your community. Some questions to consider for our discussion:

- *How can we best work with you to keep you involved and informed as the Scenarios Project moves forward?*
- *What actions are you currently taking to create jobs and expand housing and transportation choices that will also help the region meet the state greenhouse gas emissions reduction target?*
- *What kinds of investments or support do you need to fully realize your community's vision for the future?*
- *How do we ensure the region's approach is inclusive and equitable, reflecting the diverse needs and interests of its people, and not perpetuating disparities, particularly among households of modest income or people of color?*

- *How do we ensure the regional strategy provides greater economic opportunity for everyone, creating jobs and boosting development and competitiveness?*

More information about the Climate Smart Communities Scenarios Project, including the Phase 1 Findings and Strategy Toolbox, are located on the Metro website at [www.oregonmetro.gov/climatescenarios](http://www.oregonmetro.gov/climatescenarios).

We look forward to the February 14 discussion and continuing to work with you as the Scenarios Project moves forward.

/attachment

CLICK HERE FOR FULL REPORT



Climate Smart Communities Scenarios Project

# Understanding Our Land Use and Transportation Choices

PHASE 1 FINDINGS | JANUARY 12, 2012

CLICK HERE FOR FULL REPORT

[www.oregonmetro.gov/climatescenarios](http://www.oregonmetro.gov/climatescenarios)



Climate Smart Communities: Scenarios Project

# Strategy Toolbox

for the Portland metropolitan region

Review of the latest research on greenhouse gas emissions reduction strategies and the benefits they bring to the region

October 2011



Metro | *Making a great place*

**Business Meeting****Meeting Date:** 02/14/2012**Length (in minutes):** 10 Minutes**Agenda Title:** Review and Discuss the Proposed 2012 Federal Legislative Agenda**Prepared For:** Kent Wyatt**Submitted By:** Kent Wyatt, City Management**Item Type:** Resolution**Meeting Type:** Council Business Meeting - Main**Information****ISSUE**

To what extent does the proposed 2012 Federal Legislative Agenda reflect the needs of Tigard?

**STAFF RECOMMENDATION / ACTION REQUEST**

Consider approving the federal legislative agenda.

**KEY FACTS AND INFORMATION SUMMARY**

The city contracted with the federal lobbying firm CFM Strategic Communications in October 2011. CFM visited the city in early December 2011 to meet with staff and the City Council to understand the potential for advocacy for city interests at the federal level. Since then, CFM has drafted Tigard's 2012 Federal Legislative Agenda for the City Council to consider. If approved, the agenda will provide individual councilors and city staff a coordinated approach to advocate on behalf of the city for the stated positions as opportunities arise in 2012.

The federal agenda will also be a useful communication tool for councilors attending the National League of Cities Conference in Washington, DC from March 10-14. CFM staff will use the agenda throughout the year to advocate for the city's interests.

**OTHER ALTERNATIVES**

Submit revisions to the proposed Federal Legislative Agenda.

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

Financial Stability

**DATES OF PREVIOUS COUNCIL CONSIDERATION**

December 13, 2011: Discuss Federal Legislative Priorities with CFM Strategic Communications, Inc.

**Attachments**

Federal Legislative Agenda

# CITY OF TIGARD



## 2012 FEDERAL LEGISLATIVE AGENDA

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### GRANT PRIORITIES

#### **Fanno Creek Regional Trail**

Completing portions of the existing paved multi-use Fanno Creek Regional Trail will connect neighborhoods with schools, parks, jobs and downtown Tigard. The trail provides an off-street alternative to walking and riding on busy roads as well as opportunities for healthy outdoor activities.

*Federal Request: \$200,000*

#### **Aquifer Storage and Recovery Well**

The Water Distribution System Hydraulic Study identified a need for the expansion of the City's Aquifer Storage and Recover program. In fiscal year 2007-2008, a 1,000 ft deep well was successfully drilled. Well head improvements which include the installation of a pump motor and accompanying pipe and chlorination system are scheduled in 2012. The pump station will provide 2.5 million gallons of water per day during dry summer months.

*Federal Request: \$750,000.*

#### **Pacific Highway (99W)/Gaarde/McDonald Intersection**

Auxiliary through lanes and turn lanes, combined with raised medians, problem access closures and completed sidewalks will dramatically improve safety at this worst bottleneck and highest crash-frequency location on Pacific Highway. Improvements should result in over a dozen fewer crashes per year; millions in yearly congestion cost savings; reduced exhaust pollution; better sidewalks, transit access and safety.

*Total Cost: \$5 million; Federal Request: \$1 million*

#### **Tigard Economic Revitalization and Neighborhood Improvement Plan**

The City of Tigard seeks federal dollars to fund a neighborhood revitalization plan to transform distressed neighborhoods and public and assisted projects into viable and sustainable mixed-income neighborhoods by linking housing improvements with appropriate services, schools, public assets, transportation, and access to jobs. A strong emphasis will be placed on local community planning for access to high-quality educational opportunities, including early childhood education.

*Federal Request: \$250,000*

### **72nd Avenue from Dartmouth Street to Hampton Street**

Widening to two lanes each direction, sidewalks, bike lanes and transit stop amenities will address inadequate transportation access in this major employment area. The project will open the Tigard Triangle to private development, which supports job creation.

*Total Cost: \$13 million; Federal Request: \$2 million*

### **Community Oriented Policing Solutions**

COPS grant funding advances public safety through community policing by addressing the new and/or rehire of full-time sworn law enforcement officers to increase their community policing capacity and crime prevention efforts.

*Federal Request: TBA*

## **PROJECTS SUPPORTED BY THE CITY OF TIGARD**

### **Pacific Highway (99W)/Barbur Boulevard High Capacity Transit Alternative Analysis**

An alternatives analysis and preliminary engineering study to determine the best high capacity connection to provide transportation options to connect downtown Portland, Tigard, King City, Tualatin and Sherwood. Reductions in automobile trips will reduce roadway congestion and pollution, reduce accidents and set the groundwork for efficient development along the transit line.

*Total Cost: \$11.4 million; Federal Request: \$1 million*

### **Lake Oswego-Tigard Watershed Partnership**

In August 2008, the cities of Lake Oswego and Tigard formally endorsed a partnership agreement for sharing drinking water resources and costs. Tigard residents need a secure, dependable water source. Lake Oswego's water supply system is near capacity, and key facilities need expansion and upgrades. Sharing the cost of new infrastructure will keep water affordable for both communities' customers.

*Total Cost: \$240 million; Federal Request: \$2 million*

## **POLICY ITEMS**

**Support job creation by reauthorizing SAFETEA LU** - Investing in our transportation infrastructure is a critical component to facilitate economic growth, international competitiveness and job creation. The City supports a robust transportation reauthorization bill to repair our nation's crumbling transportation network, relieve congestion and improve the flow of goods and services.

**Transportation, Community, and System Preservation (TCSP) Program, Community Development Block Grant (CDBG), Justice Assistance Grant (JAG) Program, Economic Development Administration (EDA) Grants, Institute of Museum and Library Services (IMLS) Grants** - The City supports maintaining funding for these critical local programs.

## **First Responders D-Block Spectrum and Funding for Interoperability Network (S. 911, HR 2482 and H.R. 607)**

Tigard supports pending legislation in House and Senate that would allocate the D Block spectrum within the 700 MHz band, provide \$11 billion in funding to build out and sustain a modern nationwide interoperable public safety broadband network and provide a strong governance structure.

## **NEPA Exemption for Small Projects**

Tigard supports AASHTO's Board adopted policy to define FHWA's funding approval as a federal action only if the funding exceeds a de minimis threshold. This would be defined in two ways: (1) as a total dollar amount or (2) as a percentage of total project costs. Funding approvals that fall below these thresholds would not trigger requirements that apply to 'federal actions' nor would these projects need to meet other federal (Title 23) requirements. They could be administered under existing state procedures.

**EPA Regulatory Concerns and Unfunded Mandates-** the City opposes legislative or regulatory initiatives that undermine local government decision making and contributes to reduction in our workforce. The partnership with federal policy makers should recognize local government roles and no preempt city authority on issues such as land use, rights of way and other local functions.

### **Contact Information:**

Joel Rubin

(202) 347-9171

[joelr@cfmde.com](mailto:joelr@cfmde.com)