



City of Tigard Tigard Business Meeting - Agenda

TIGARD CITY COUNCIL AND LOCAL CONTRACT REVIEW BOARD

MEETING DATE AND TIME: April 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

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.*

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- Qualified bilingual interpreters.

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SEE ATTACHED AGENDA

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



City of Tigard

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MEETING DATE AND TIME: April 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

6:30 PM

- **STUDY SESSION**

A. Update on Park System Development Charges (SDCs) and Discussion of Park SDC Implementation

- **EXECUTIVE SESSION:** The Tigard City Council 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**

- 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 and Local Contract Review Board) - These items are considered routine and may be enacted in one motion without separate discussion. Anyone may request that an item be removed by motion for discussion and separate action. Motion to:
7:45 p.m. - time is estimated
 - A. Approve City Council Meeting Minutes for:
 - February 28, 2012
 - March 20, 2012 (Draft to be ready by April 20 and included in the packet.)
 - March 27, 2012 (Draft to be ready by April 20 and included in the packet.)
 - B. Approve 2012 Application to the Department of Justice for an Edward Byrne Memorial Justice Assistance Grant
 - C. Local Contract Review Board:
 1. Award Pavement Management Program - Slurry Seal Project Contract to Blackline, Inc.
 - *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. ARBOR DAY: RECEIVE TREE CITY USA GROWTH AWARD AND PRESENT TREE STEWARDSHIP AWARDS
7:50 p.m. - time is estimated
5. APPROVE THE PURCHASE OF THE EISWERTH PROPERTY AND AUTHORIZE THE CITY MANAGER TO COMPLETE THE PROPERTY PURCHASE -- RESOLUTION
8:15 p.m. - time is estimated
6. COUNCIL LIAISON REPORTS
8:25 p.m. - time is estimated
7. NON AGENDA ITEMS
8. 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.
9. ADJOURNMENT
8:35 p.m.

Business Meeting**Meeting Date:** 04/24/2012**Length (in minutes):** 10 Minutes**Agenda Title:** Update on Park System Development Charges (SDCs) and Discussion of Park SDC Implementation**Prepared For:** Steve Martin**Submitted By:** Steve Martin, Public Works**Item Type:** Update, Discussion, Direct Staff**Meeting Type:** Council Business Mtg - Study Sess.**Information****ISSUE**

The council is asked to listen to the update and provide direction on the implementation of park SDCs.

STAFF RECOMMENDATION / ACTION REQUEST

Staff recommends the council listens to the update and provides direction on implementation.

KEY FACTS AND INFORMATION SUMMARY**Background**

SDCs are fees levied on new development to recover some of the cost to serve that development. The city is authorized to assess and collect SDCs by state statute.

SDC methodology allows the city to use SDC dollars to fund council-approved park and trail projects. Tigard's park SDCs were last updated seven years ago, and those SDCs were based on park projects from the 1999 Park System Master Plan. Since that time, the council adopted an updated Park System Master Plan in 2009 and accepted the Tigard Greenways Trail System Master Plan in 2011. The plans identify and prioritize numerous city park and trail projects. Updated SDCs take in account the acquisitions and improvements outlined in these master plans.

The city hired FCS Group, a consulting firm with expertise in developing municipal SDCs, to update its park SDCs. At its January 17, 2012, workshop meeting, the council received a draft SDC study, dated October 2011, and John Guillarducci of FCS Group briefed the council on park SDCs.

The Current System Development Charge Study and Implementation

As required by state statute, SDC methodology was available for public review. Additionally, staff met with Ernie Platt and Justin Wood from the Home Builders Association of Metropolitan Portland (HBA) and discussed the proposed updates.

The only comments received were from Mr. Wood of the HBA; his comments are attached. In summary Mr. Wood:

1. Questioned the \$350,000 cost per acre for park land acquisition used in the methodology.
2. Urged the council to delay or phase-in increases in park SDCs.

To address the first comment, the city's consultant updated the per acre cost for park land using the land and construction cost indexes outlined in the SDC methodology, and used each year to update the park SDCs for the Tigard Master Fees and Charges. Based upon these indexes, the cost of park land decreased from \$350,000 to \$240,555 per acre. An updated Park & Recreation System Development Charge Study, dated March 23, 2012, is attached. The SDC methodology has not changed, but the actual SDCs originally presented to council in January have been adjusted to reflect the decrease in land values. A table showing this adjustment is attached.

With regard to the second comment, after adopting the SDC methodology, the council needs to decide how to

implement the updated SDCs. It may choose to implement the SDCs all at once, or may phase-in the SDCs over a specific time period.

The council is scheduled to consider the park SDC methodology on June 12, 2012. The new SDCs could be incorporated into the city's Master Fees and Charges Schedule, also scheduled for council consideration on June 12. The SDCs would become effective July 1, 2012.

OTHER ALTERNATIVES

Council could choose not to receive an update on the Park SDC status.

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

2012 Council Goal 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

The council was briefed on park SDCs at its January 17, 2012, workshop meeting.

Fiscal Impact

Fiscal Information:

The Park System Master Plan and Tigard Greenways Trail System Master Plan identify approximately \$75 million in acquisition and development projects over the next 20 years. Under the updated SDC methodology, \$56 million of those project costs could be funded by SDC dollars collected from new development.

With the approval of the SDC methodology and implementation of the updated SDCs, charges will increase between 8 percent and 43 percent depending on the SDC category (single-family, multi-family, etc.). Table V.2, on page 18 of the Park & Recreation System Development Charge Study, outlines updated park SDCs that could take effect on July 1, 2012, for fiscal year 2012-2013. These charges reflect the increased costs associated with park acquisition and development projects as identified in the Park System Master Plan and the Tigard Greenways Trail System Master Plan.

Attachments

Park SDC Comparison

Draft Park & Recreation SDC Study

Park System Development Charge Comparison

Type of SDC	System Development Charge		
	Current	Proposed in Study Dated October, 2011 * At \$350,000 Per Acre Land Acquisition	Proposed in Study Dated March 23, 2012 ** At \$240,555 Per Acre Land Acquisition
Residential, Single-Family	\$4,048.34	\$6,624.27	\$5,695.57
Residential, Multi-Family	\$3,254.20	\$5,294.49	\$4,552.23
Residential, Manufactured	\$3,209.17	\$4,013.96	\$3,451.22
Non-Residential, Per Employee	\$274.81	\$444.16	\$393.87

* SDCs presented at the council's January 17, 2012, workshop meeting.

** SDCs now proposed for 2012-13.

Tigard, Oregon



Report for
PARKS & RECREATION
SYSTEM DEVELOPMENT
CHARGE STUDY

March 23, 2012

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TABLE OF CONTENTS

SECTION I: BACKGROUND	1
A. Policy	1
B. Project	1
SECTION II: METHODOLOGY	3
A. Reimbursement Fee	3
B. Improvement Fee	3
C. Compliance Costs	3
D. Summary	4
SECTION III: GROWTH CALCULATION	5
A. Relevant Types of Growth	5
B. Population Growth	5
B.1 Expected Growth	5
B.2 Conversion to Dwelling Units	5
C. Employment Growth	6
C.1 Expected Growth	6
C.2 Conversion to Population Equivalents	6
SECTION IV: COST CALCULATION	9
A. Facility Needs	9
B. Facility Costs	10
B.1 Neighborhood/Pocket Parks	10
B.2 Community Parks	11
B.3 Linear Parks	12
B.4 Open Space	13
B.5 Trails	13
B.6 Allocation to Residents and Non-Residents	14
C. Compliance Costs	14
D. Adjustments	15
E. Summary	15
SECTION V: SDC CALCULATION	17
A. Residential Cost per Capita	17
B. Residential SDC per Dwelling Unit	17
C. Non-Residential SDC per Employee	17
D. Summary and Comparison	17
E. Annual Adjustment	18

SECTION I: BACKGROUND

This section describes the policy context and project scope upon which the body of this report is based.

A. POLICY

Oregon Revised Statutes (ORS) 223.297 to 223.314 authorize local governments to establish system development charges (SDCs). These are one-time fees on new development, and they are paid at the time of development. SDCs are intended to recover a fair share of the cost of existing and planned facilities that provide capacity to serve future growth.

ORS 223.299 defines two types of SDC:

- A reimbursement fee that is designed to recover “costs associated with capital improvements already constructed, or under construction when the fee is established, for which the local government determines that capacity exists”
- An improvement fee that is designed to recover “costs associated with capital improvements to be constructed”

ORS 223.304(1) states, in part, that a reimbursement fee must be based on “the value of unused capacity available to future system users or the cost of existing facilities” and must account for prior contributions by existing users and any gifted or grant-funded facilities. The calculation must “promote the objective of future system users contributing no more than an equitable share to the cost of existing facilities.” A reimbursement fee may be spent on any capital improvement related to the system for which it is being charged (whether cash-financed or debt-financed).

ORS 223.304(2) states, in part, that an improvement fee must be calculated to include only the cost of projected capital improvements needed to increase system capacity for future users. In other words, the cost of planned projects that correct existing deficiencies or that do not otherwise increase capacity for future users, may not be included in the improvement fee calculation. An improvement fee may be spent only on capital improvements (or portions thereof) that increase the capacity of the system for which it is being charged (whether cash-financed or debt-financed).

B. PROJECT

On July 14, 2009, the Tigard City Council adopted a new Park System Master Plan. On July 26, 2011, the Tigard City Council adopted a Trail System Master Plan.

The City contracted with FCS Group to update its parks SDCs based on these recently adopted master plans.

We approached this project as a series of three steps:

- **Framework for Charges.** In this step, we worked with City staff to identify and agree on the approach to be used and the components to be included in the analysis.
- **Technical Analysis.** In this step, we worked with City staff to isolate the recoverable portion of planned facility costs and calculate draft SDC rates.
- **Draft Methodology Report Preparation.** In this step, we documented the calculation of the draft SDC rates included in this report.

SECTION II: METHODOLOGY

This section provides a non-numeric overview of the calculations that result in SDC rates.

A. REIMBURSEMENT FEE

In order for a reimbursement fee to be calculated, excess (i.e., not currently utilized) capacity must be available to serve future growth. Our analysis of the two recently adopted master plans indicates that the City currently has no excess capacity in its parks system. Therefore, no basis for a reimbursement fee exists.

B. IMPROVEMENT FEE

The improvement fee is the cost of capacity-increasing capital projects per unit of growth that those projects will serve. The unit of growth, whether number of new residents or number of new employees, is the basis of the fee. In reality, the capacity added by many projects serves a dual purpose of both meeting existing demand and serving future growth. To compute a compliant SDC rate, growth-related costs must be isolated, and costs related to current demand must be excluded.

We have used the “capacity approach” to allocate costs to the improvement fee basis. Under this approach, the cost of a given project is allocated to growth in proportion to the growth-related capacity that projects of a similar type will create. For example, suppose that a city’s master plan included the acquisition and development of 100 acres of new neighborhood parks. Suppose further that our analysis determined that 30 acres were required to meet existing demand, and 70 acres were required to serve future users. In that case, only 70 percent of the cost for any new neighborhood park would be eligible for recovery with an improvement fee.

Growth should be measured in units that most directly reflect the source of demand. In the case of parks, the most applicable units of growth are population and, where appropriate, population equivalents. However, the units in which demand is expressed may not be the same as the units in which SDC rates are charged. Many SDCs, for example, are charged in the basis of dwelling units. Therefore, conversion is often necessary from units of demand to units of payment. For example, using an average number of residents per household, the number of new residents can be converted to the number of new dwelling units.

C. COMPLIANCE COSTS

ORS 223.307(5) authorizes the expenditure of SDCs on “the costs of complying with the provisions of ORS 223.297 to 223.314, including the costs of developing system development charge

methodologies and providing an annual accounting of system development charge expenditures.” To avoid spending monies for compliance that might otherwise have been spent on growth-related projects, this report includes an estimate of compliance costs in its SDC rates.

D. SUMMARY

In general, SDC rates are calculated by adding the reimbursement fee (if applicable) component, improvement fee component, and compliance cost component. Each component is calculated by dividing the eligible cost by the growth of units of demand. The unit of demand becomes the basis of the charge. **Figure II.1** shows this calculation in equation format:

Figure II.1 – SDC Equation

Eligible costs of excess capacity in existing facilities	+	Eligible costs of capacity- increasing capital improvements	+	Costs of complying with Oregon SDC law	=	SDC per unit of growth in demand
<hr/> Units of growth in demand (e.g., new residents)						

Section III of this report provides detailed calculations related to growth in demand, which is the denominator in the SDC equation. **Section IV** of this report provides detailed calculations on eligible costs, which is the numerator in the SDC equation.

SECTION III: GROWTH CALCULATION

This section provides detailed calculations related to growth in demand, which is the denominator in the SDC equation.

A. RELEVANT TYPES OF GROWTH

Parks and recreation facilities benefit City residents, businesses, non-resident employees, and visitors. The methodology used to update the City's Parks and Recreation SDCs establishes the required connection between the demands of growth and the SDC by identifying specific types of park and recreation facilities and analyzing the proportionate need of residents and employees for each type of facility. The SDCs to be paid by a development meet statutory requirements because they are based on the nature of the development and the extent of the impact of that development on the types of park and recreation facilities for which they are charged. The Parks and Recreation SDCs are calculated based on the specific impact a development is expected to have on the City's population and employment. For facilities that are not generally used by employees (e.g., neighborhood parks), only a residential SDC may be charged. For facilities that benefit both residents and employees (e.g., community parks), an SDC may be charged for both residential and non-residential development.

B. POPULATION GROWTH

Having established the relevance of population, we now quantify expected growth in population and convert the result to dwelling units.

B.1 Expected Growth

Based on data from Metro and the Population Research Center at Portland State University, the City's population is expected to grow from 47,838 in 2009 (when the Park System Master Plan was adopted) to 63,042 in 2028 (the final year of the plan). In other words, the City is expected to add 15,204 residents over 19 years at a compound average growth rate of 1.46 percent per year.

B.2 Conversion to Dwelling Units

Residential SDCs are initially calculated based on costs per capita but are ultimately charged based on dwelling units. To convert population to dwelling units, we analyzed data gathered for Tigard from the 2005-2007 American Community Survey. **Table III.1** shows the resulting conversion factors:

Table III.1 - Residents per Dwelling Unit

Type of Dwelling Unit	Residents
Single-Family	2.69
Multi-Family	2.15
Manufactured	1.63

C. EMPLOYMENT GROWTH

Having established the relevance of employment, we now quantify expected growth in employment and convert the result to population equivalents.

C.1 Expected Growth

Based on data from Metro and the Population Research Center at Portland State University, the number of persons employed within the City is expected to grow from 43,929 in 2009 (when the Park System Master Plan was adopted) to 58,840 in 2028 (the final year of the plan). In other words, the City is expected to add 14,911 employees over 19 years at a compound average growth rate of 1.55 percent per year.

As used here, “employee” means someone who works in the City regardless of place of residence. Employees may live inside or outside the City. Later in this report, we will be more concerned with non-resident employees in particular.

C.2 Conversion to Population Equivalents

The parks and recreation facilities described in the recently adopted master plans were mostly designed with the needs of both residents and non-resident employees in mind. It is therefore appropriate to allocate the cost of these facilities to both residents and non-resident employees. The only exceptions are neighborhood parks. These facilities were designed for the needs of residents only. It is therefore appropriate to allocate the cost of these facilities to residents only.

While most parks and recreation facilities benefit both residents and non-resident employees, these two groups do not utilize parks and recreation facilities with the same intensity. To apportion the demand for facilities between non-resident employees and residents in an equitable manner, a non-resident-employee-to-resident demand ratio must be calculated based on differential intensity of use.

First, we estimate the potential demand for parks and recreation facilities. **Table III.2** presents potential use by different population groups in a manner that averages day-of-week and seasonal effects. These averages are based on the maximum number of hours per day that each population group would consider the use of parks and recreation facilities to be a viable option.

Table III.2 - Potential Daily Demand by Population Group

Season, Day, and Time	Residents				Non-Residents
	Non-Employed, Ages 18+	Ages 5-17	Work inside City	Work outside City	Work inside City
Summer (June through September)					
Weekday					
Before work			1.00		1.00
Meals and breaks			1.00		1.00
After work			2.00		2.00
Other leisure	12.00	12.00	2.00	2.00	
Total weekday	12.00	12.00	6.00	2.00	4.00
Weekend	12.00	12.00	12.00	12.00	
Total summer	12.00	12.00	7.71	4.86	2.86
Spring/fall (April, May, October, and November)					
Weekday					
Before work			0.50		0.50
Meals and breaks			1.00		1.00
After work			1.00		1.00
Other leisure	10.00	4.00	2.00	2.00	
Total weekday	10.00	4.00	4.50	2.00	2.50
Weekend	10.00	10.00	10.00	10.00	
Total spring/fall	10.00	5.71	6.07	4.29	1.79
Winter (December through March)					
Weekday					
Before work			0.50		0.50
Meals and breaks			1.00		1.00
After work			0.50		0.50
Other leisure	8.00	2.00	1.00	1.00	
Total weekday	8.00	2.00	3.00	1.00	2.00
Weekend	8.00	8.00	8.00	8.00	
Total winter	8.00	3.71	4.43	3.00	1.43
Weighting factors					
Summer	0.33	0.33	0.33	0.33	0.33
Spring/fall	0.33	0.33	0.33	0.33	0.33
Winter	0.33	0.33	0.33	0.33	0.33
Total weighting factors	1.00	1.00	1.00	1.00	1.00
Daily weighted average hours	10.00	7.14	6.07	4.05	2.02

We then multiply the weighted average hours derived in **Table III.2** by an actual count for each population group. The counts in **Table III.3** are based on the 2000 Census. Although these data are now stale, the accuracy of the individual counts is less important than the proportion of each group.

Table III.3 - Total Potential Daily Demand

	Residents				Non-Residents	Total
	Non-Employed, Ages 18+	Ages 5-17	Work inside City	Work outside City	Work inside City	
Census counts	9,140	7,270	5,798	15,821	27,382	65,411
Daily weighted average hours	10.00	7.14	6.07	4.05	2.02	4.56
Total potential daily demand	91,400	51,929	35,202	64,037	55,416	297,984

We then apportion this potential demand among residents (four population groups) and non-residents (one population group), as shown in **Table III.4**.

Table III.4 - Demand by Place of Residence

Population Group	Hours	Proportion of	
		Total	Residents
Residents			
Non-Employed, Ages 18+	91,400	30.67%	37.68%
Ages 5-17	51,929	17.43%	21.41%
Work inside City	35,202	11.81%	14.51%
Work outside City	64,037	21.49%	26.40%
Total residents	242,568	81.40%	100.00%
Non-residents	55,416	18.60%	22.85%
Grand total	297,984	100.00%	122.85%

As shown in **Table III.4**, non-residential demand represents 22.85 percent of residential demand. This is the non-resident-employee-to-resident demand ratio.

SECTION IV: COST CALCULATION

This section provides detailed calculations on eligible costs, which is the numerator in the SDC equation.

A. FACILITY NEEDS

The recently adopted master plans specify both (1) a level of service for each type of facility and (2) the projects needed to meet that level of service by 2028, which is the end of the planning period.

Table IV.1 summarizes the recently adopted level of service for each type of facility and quantifies the need for each type of facility:

Table IV.1 - Needs per Master Plans

Facility Type	Units	2028		
		Population and Equivalents	Adopted Level of Service per 1,000	Needed Inventory
Neighborhood/pocket parks	acres	63,042	1.50	94.56
Community parks	acres	76,484	3.00	229.45
Linear parks	acres	76,484	1.25	95.61
Open space	acres	76,484	4.25	325.06
Trails	miles	76,484	0.26	20.24

For neighborhood/pocket parks, the “Population and Equivalents” column reflects projected population only. For other facility types, because they benefit non-resident employees, this column also includes a population-equivalent number of employees (calculated by multiplying the projected number of non-resident employees by the non-resident-employee-to-resident demand ratio calculated in the previous section).

The projects listed in the recently adopted master plans are eligible for SDC funding only to the extent that the projects will benefit future users. As of 2009, no facility type met the adopted level of service for the existing population. Therefore, not all project costs will benefit future users. Some project costs will simply remedy existing deficiencies. **Table IV.2** quantifies this distinction for each facility type.

Table IV.2 - Components of Needed Inventory and SDC Eligibility

Component	Neighborhood/ Pocket Parks	Community Parks	Linear Parks	Open Space	Trails
Current developed inventory	60.13	155.16	47.40	190.10	13.00
Development of acquired land	5.30	18.47	6.10		
Level of service deficiency	6.33		18.84	55.87	2.32
Subtotal - meeting adopted LOS before growth	71.76	173.62	72.34	245.97	15.32
Growth-related need	22.81	55.83	23.26	79.09	4.93
Total - meeting adopted LOS after growth	94.56	229.45	95.61	325.06	20.24
Deficiency-related need	11.63	18.47	24.94	55.87	2.32
Growth-related need	22.81	55.83	23.26	79.09	4.93
Total need	34.43	74.30	48.21	134.96	7.24
SDC-eligible percentage	66.23%	75.14%	48.26%	58.61%	68.02%
SDC-eligible percentage for land only	78.28%	100.00%	55.25%	58.61%	68.02%

Because some facility types have undeveloped land in their current inventory, there is less deficiency of land within those types. Therefore, neighborhood/pocket parks, community parks, and linear parks all have a higher SDC-eligibility percentage for land acquisition.

B. FACILITY COSTS

The recently adopted master plans identify new facilities to serve the parks and recreation needs of the City through the year 2028.

B.1 Neighborhood/Pocket Parks

Projects for neighborhood/pocket parks have an estimated cost of \$13,772,213, as shown in **Table IV.3**. Of that, \$9,601,430 is eligible for funding by SDCs.

Table IV.3 - Projects for Neighborhood/Pocket Parks

Project	Phase	Timing	Estimated Cost	SDC Eligibility	SDC-Eligible Cost
Bonita Park	Improve Crossing	0-10 years	\$ 75,000	0.00%	\$ -
Jack Park Extension	Design	0-10 years	15,000	66.23%	9,935
Jack Park Extension	Bridge	0-10 years	100,000	66.23%	66,231
Jack Park Extension	Park amenities	0-10 years	100,000	66.23%	66,231
Jack Park Extension	Trail amenities	5-15 years	212,000	66.23%	140,410
Metzger Elementary School	Develop School	5-15 years	437,000	66.23%	289,431
	Park				
Northview Park	Improve park amenity	5-15 years	295,000	0.00%	-
Northview Park	Design	10+ years	15,000	0.00%	-
Northview Park	Develop	10+ years	57,000	0.00%	-
Proposed East Butte Heritage Park (P10)	Design	0-10 years	60,000	66.23%	39,739
Proposed East Butte Heritage Park (P10)	Develop	0-10 years	350,000	66.23%	231,809
Proposed Local Park (P12)	Acquire land	0-10 years	549,840	78.28%	430,417
Proposed Local Park (P12)	Design	5-15 years	60,000	66.23%	39,739
Proposed Local Park (P12)	Develop	10+ years	867,000	66.23%	574,225
Proposed Local Park (P9)	Acquire land	5-15 years	1,202,775	78.28%	941,537
Proposed Local Park (P9)	Design	5-15 years	60,000	66.23%	39,739
Proposed Local Park (P9)	Develop	10+ years	867,000	66.23%	574,225
Woodard Park	Develop	5-15 years	60,000	0.00%	-
Future Neighborhood Parkland (20 acres)	Acquire land	10+ years	4,811,100	78.28%	3,766,146
Future Neighborhood Park Development (17 acres)	Develop	10+ years	2,947,800	66.23%	1,952,366
Undeveloped Linear Park (P6)	Identify/Acquire Site	5-15 years	178,698	78.28%	139,885
Undeveloped Linear Park (P6)	Design	10+ years	15,000	66.23%	9,935
Undeveloped Linear Park (P6)	Develop	10+ years	437,000	66.23%	289,431
			\$13,772,213		\$ 9,601,430
<i>This list satisfies the requirements of ORS 223.309(1).</i>					

B.2 Community Parks

Projects for community parks have an estimated cost of \$41,061,625, as shown in **Table IV.4**. Of that, \$34,859,120 is eligible for funding by SDCs.

Table IV.4 - Projects for Community Parks

Project	Phase	Timing	Estimated Cost	SDC Eligibility	SDC-Eligible Cost
Cach Community Park (Approx. 22 acres)	Design	0-10 years	\$ 150,000	75.14%	\$ 112,717
Cach Community Park (Approx. 22 acres)	Planning	0-10 years	5,000	75.14%	3,757
Cach Community Park (Approx. 22 acres)	Develop	5-15 years	2,313,000	75.14%	1,738,095
Cook Park	Improve park amenity	5-15 years	20,000	0.00%	-
Fowler Property (20 acres purchased, 28 acres donated)	Acquire land	0-10 years	6,755,000	100.00%	6,755,000
Fowler Property (48 acres)	Design	0-10 years	200,000	75.14%	150,289
Fowler Property (48 acres)	Planning	0-10 years	10,000	75.14%	7,514
Fowler Property (48 acres)	Develop	5-15 years	2,459,000	75.14%	1,847,806
New Community Park (P11 - Approx. 10 acres)	Planning	5-15 years	60,000	75.14%	45,087
New Community Park (P11 - 10 acres purchased)	Identify/Acquire Site	5-15 years	2,500,000	100.00%	2,500,000
New Community Park (P11 - 10 acres)	Design	10+ years	200,000	75.14%	150,289
New Community Park (P11 - 10 acres)	Develop	10+ years	4,307,000	75.14%	3,236,479
New Community Park Sports Complex (P13 - 10 acres purchased, 10-15 acres remaining)	Identify/Acquire Site	10+ years	6,108,325	100.00%	6,108,325
New Community Park Sports Complex (P13 - Approx. 20 - 25 acres)	Design	10+ years	200,000	75.14%	150,289
New Community Park Sports Complex (P13 - Approx. 20 - 25 acres)	Develop	10+ years	9,884,000	75.14%	7,427,294
Potso Dog Park	Land acquisition	5-15 years	625,000	100.00%	625,000
Potso Dog Park	Design	5-15 years	15,000	75.14%	11,272
Potso Dog Park	Develop	10+ years	295,000	75.14%	221,677
Jim Griffith Memorial Skate Park	Improve park amenity	0-10 years	150,000	0.00%	-
Jim Griffith Memorial Skate Park	Improve park amenity	5-15 years	18,000	0.00%	-
Fanno Creek Park - Urban Plaza	Acquire	0-10 years	687,300	100.00%	687,300
Fanno Creek Park - Urban Plaza	Develop	0-10 years	4,100,000	75.14%	3,080,929
			<u>\$41,061,625</u>		<u>\$34,859,120</u>

This list satisfies the requirements of ORS 223.309(1).

B.3 Linear Parks

Projects for linear parks have an estimated cost of \$6,860,000, as shown in **Table IV.5**. Of that, \$3,131,408 is eligible for funding by SDCs.

Table IV.5 - Projects for Linear Parks

Project	Phase	Timing	Estimated Cost	SDC Eligibility	SDC-Eligible Cost
Tigard Triangle Area (P3)	Planning	0-10 years	\$ -		\$ -
Tigard Triangle Area (P3)	Develop	5-15 years	250,000	48.26%	120,643
Commercial Park	Expand	5-15 years	545,000	48.26%	263,002
Englewood Park	Develop	5-15 years	1,104,000	48.26%	532,759
Englewood Park	Add local amenities	5-15 years	236,000	0.00%	-
Fanno Creek Park - Lower Park	Develop	0-10 years	2,115,000	48.26%	1,020,639
Fanno Creek Park - Fanno Creek House	Improvements to indoor space	0-10 years	135,000	0.00%	-
Fanno Creek Park - Park Gateway	Develop	0-10 years	850,000	48.26%	410,186
Fanno Creek Park - Upland Park	Develop	0-10 years	1,100,000	48.26%	530,829
Proposed Senn Park	Develop	0-10 years	250,000	48.26%	120,643
Undeveloped Linear Park (P7)	Design	5-15 years	15,000	48.26%	7,239
Undeveloped Linear Park (P7)	Develop	5-15 years	260,000	48.26%	125,469
			<u>\$ 6,860,000</u>		<u>\$3,131,408</u>

This list satisfies the requirements of ORS 223.309(1).

B.4 Open Space

Projects for open space have an estimated cost of \$1,391,783, as shown in **Table IV.6**. Of that, \$815,658 is eligible for funding by SDCs.

Table IV.6 - Projects for Open Space

Project	Phase	Timing	Estimated Cost	SDC Eligibility	SDC-Eligible Cost
Open Space	Acquire	0-10 years	\$ 206,190	58.61%	\$ 120,838
Open Space	Acquire	0-10 years	206,190	58.61%	120,838
Open Space	Acquire	5-15 years	206,190	58.61%	120,838
Open Space	Acquire	5-15 years	206,190	58.61%	120,838
Open Space	Acquire	10+ years	206,190	58.61%	120,838
Open Space	Acquire	10+ years	206,190	58.61%	120,838
Open Space	Acquire	10+ years	154,643	58.61%	90,629
			<u>\$1,391,783</u>		<u>\$ 815,658</u>

This list satisfies the requirements of ORS 223.309(1).

B.5 Trails

Projects for trails have an estimated cost of \$11,700,000, as shown in **Table IV.7**. Of that, \$7,957,821 is eligible for funding by SDCs.

Table IV.7 - Projects for Trails

Project	Plan ID	Timing	Estimated Cost	SDC Eligibility	SDC-Eligible Cost
Fanno Creek (already funded)		0-10 years	\$ 670,000	68.02%	\$ 455,704
Fanno Creek (already funded)		0-10 years	300,000	68.02%	204,047
Westside Trail (to be ODOT-funded)		0-10 years	-	0.00%	-
Tigard Street	A	0-10 years	634,000	68.02%	431,219
Krueger Creek	B	0-10 years	160,000	68.02%	108,825
Fanno Creek	C	0-10 years	1,040,000	68.02%	707,362
Fanno Creek & Tualatin River	D	0-10 years	1,609,500	68.02%	1,094,711
Pathfinder-Genesis	E	0-10 years	715,000	68.02%	486,311
Summer Creek	F	0-10 years	742,500	68.02%	505,016
Fanno Creek	G	5-15 years	-	68.02%	-
Fanno Creek	H	5-15 years	206,500	68.02%	140,452
Tigard Street	I	5-15 years	-	68.02%	-
Tualatin River	J	5-15 years	140,000	68.02%	95,222
Tualatin River	K	5-15 years	2,045,500	68.02%	1,391,258
Washington Square Loop	L	5-15 years	183,000	68.02%	124,468
Fanno Creek	M	10+ years	1,631,500	68.02%	1,109,674
Ascension	N	10+ years	461,000	68.02%	313,552
Washington Square Loop	O	10+ years	666,000	68.02%	452,984
Krueger Creek & Summer Creek	P	10+ years	495,500	68.02%	337,017
			<u>\$11,700,000</u>		<u>\$7,957,821</u>

This list satisfies the requirements of ORS 223.309(1).

B.6 Allocation to Residents and Non-Residents

After determining the total SDC-eligible costs, these costs must be allocated between residents and non-residents. As mentioned previously, neighborhood/pocket parks do not benefit non-residents, so they do not receive an allocation of that facility type. Other facility types are allocated using the percentages computed in **Table III.4**. This allocation is shown in **Table IV.8**.

Table IV.8 - Allocation of SDC-Eligible Costs

Facility Type	SDC-Eligible Costs	Residential		Non-Residential	
		%	\$	%	\$
Neighborhood/pocket parks	\$ 9,601,430	100.00%	\$ 9,601,430	0.00%	\$ -
Community parks	34,859,120	81.40%	28,376,386	18.60%	6,482,734
Linear parks	3,131,408	81.40%	2,549,062	18.60%	582,346
Open space	815,658	81.40%	663,970	18.60%	151,688
Trails	7,957,821	81.40%	6,477,909	18.60%	1,479,912
	<u>\$56,365,437</u>		<u>\$47,668,757</u>		<u>\$ 8,696,680</u>
			84.57%		15.43%

After this allocation, the residential share of SDC-eligible costs is 84.57 percent, and the non-residential share is 15.43 percent.

C. COMPLIANCE COSTS

The City incurs costs in the development and administration of SDCs and may recover those costs as provided in ORS 223.307(5). We estimate recoverable costs during the planning period of \$660,000, as shown in **Table IV.9**.

Table IV.9 - Estimated Compliance Costs

Activity	Services Required	Estimated Cost
Master plan update	Consulting, staff	\$ 300,000
CIP management (parks and recreation portion)	Audit, consulting, financial reporting, legal, staff	300,000
SDC methodology review and update	Consulting, staff	60,000
		<u>\$ 660,000</u>

D. ADJUSTMENTS

On January 25, 2011, the City issued Series 2011A General Obligation Bonds with a par amount of \$17 million. The purpose of the bonds was to fund capital projects related to parks and recreation. According to the issue's Official Statement, a bond levy will fund debt service of nearly \$22 million during the planning period (through June 30, 2028). Since the project list for the bonds largely coincides with those projects listed earlier in this report, it is appropriate to reduce the total SDC to be charged by the amount of taxpayer-funded debt service. **Table IV.10** shows how this adjustment reduces SDC-eligible costs by \$16.5 million.

Table IV.10 - Adjustment for Bond Levy

Fiscal Year Ending June 30	Principal	Interest	Total
2012	\$ 395,000	\$ 899,536	\$ 1,294,536
2013	625,000	665,625	1,290,625
2014	645,000	646,875	1,291,875
2015	665,000	627,525	1,292,525
2016	685,000	607,575	1,292,575
2017	705,000	587,025	1,292,025
2018	725,000	565,875	1,290,875
2019	750,000	544,125	1,294,125
2020	780,000	514,125	1,294,125
2021	810,000	482,925	1,292,925
2022	845,000	450,525	1,295,525
2023	875,000	416,725	1,291,725
2024	910,000	381,725	1,291,725
2025	950,000	304,950	1,254,950
2026	990,000	304,950	1,294,950
2027	1,030,000	262,875	1,292,875
2028	1,075,000	216,525	1,291,525
			<u>\$21,939,486</u>
Overall SDC eligibility			75.37%
Adjustment for bond levy			\$16,535,648

Finally, because the City's SDC fund has a balance of \$2,426,083, the costs to be recovered by SDCs can also be reduced by that amount.

E. SUMMARY

Table IV.11 summarizes and allocates SDC-eligible costs after all adjustments.

Table IV.11 - Adjusted Allocation of SDC-Eligible Costs

Cost Type	SDC-Eligible Costs	Residential		Non-Residential	
		%	\$	%	\$
Facilities	\$ 56,365,437	84.57%	\$ 47,668,757	15.43%	\$ 8,696,680
Compliance	660,000	84.57%	558,168	15.43%	101,832
Bond levy	(16,535,648)	84.57%	(13,984,346)	15.43%	(2,551,302)
Fund balance	<u>(2,426,083)</u>	84.57%	<u>(2,051,760)</u>	15.43%	<u>(374,323)</u>
	\$ 38,063,706		\$ 32,190,818		\$ 5,872,888

SECTION V: SDC CALCULATION

This section provides a detailed calculation of the residential and non-residential SDCs.

A. RESIDENTIAL COST PER CAPITA

As shown in **Table IV.11**, total residential costs are \$32,190,818. As shown in **Section III**, we expect the City's population to grow by 15,204 residents during the planning period. Dividing these numbers results in a cost per capita of \$2,117.

B. RESIDENTIAL SDC PER DWELLING UNIT

When we convert population to the dwelling units described in **Table III.1**, we can determine the total SDC per dwelling unit as shown in **Table V.1**.

Table V.1 - SDC per Dwelling Unit

Type of Dwelling Unit	Cost per Capita	Residents per Dwelling Unit	SDC per Dwelling Unit
Single-Family	\$2,117	2.69	\$ 5,696
Multi-Family	\$2,117	2.15	\$ 4,552
Manufactured	\$2,117	1.63	\$ 3,451

C. NON-RESIDENTIAL SDC PER EMPLOYEE

As shown in **Table IV.11**, total non-residential costs are \$5,872,888. As shown in **Section III**, we expect the City's employment to grow by 14,911 employees during the planning period. Dividing these numbers results in a non-residential SDC of \$394.

D. SUMMARY AND COMPARISON

Table V.2 summarizes the calculated SDCs and compares them with SDCs currently in effect. To be consistent with the City's "Master Fees & Charges Schedule," all SDCs are calculated to the nearest cent.

Table V.2 - Comparison of SDCs

Type of SDC	Fee		Change	
	Current	Proposed	\$	%
Residential, Single-Family	\$ 4,048.34	\$ 5,695.57	\$ 1,647.23	40.69%
Residential, Multi-Family	\$ 3,254.20	\$ 4,552.23	\$ 1,298.03	39.89%
Residential, Manufactured	\$ 3,209.17	\$ 3,451.22	\$ 242.05	7.54%
Non-Residential, Per Employee	\$ 274.81	\$ 393.87	\$ 119.06	43.32%

E. ANNUAL ADJUSTMENT

We have reviewed the City’s method for annual adjustment of parks SDCs as summarized in the City’s “Master Fees & Charges Schedule” and described more fully in Exhibit “A” of Resolution 01-74, which the City Council adopted on December 18, 2001. Because the index constructed under this method includes both land costs (based on data from the Washington County Assessor) and construction costs (based on data from the *Engineering News Record*), it is an especially appropriate index for adjusting parks SDCs. We therefore recommend continuation of the current practice.

AIS-900

3. A.

Business Meeting

Meeting Date: 04/24/2012

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

Information

ISSUE

Approve City Council meeting minutes. The March 20 and 27 minutes will be submitted no later than Friday, April 20 or set over to the next business meeting for consideration.

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

Attachments

February 28, 2012 Minutes



City of Tigard

Tigard Business Meeting - Minutes

TIGARD CITY COUNCIL

MEETING DATE AND TIME: February 28, 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

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

Staff Present: City Manager Wine, Assistant City Manager Newton, Finance and Information Services Director LaFrance, City Engineer Stone, Parks Manager Martin, Assistant Public Works Director Rager, Confidential Executive Assistant Lutz, City Attorney Ramis, Deputy Recorder Krager

City Manager Wine said there were no Administrative Items for discussion.

A. Review of 2013 Community Event Funding Requests

Finance and Information Services Director LaFrance said council direction was sought regarding full, partial or no funding of community event funding requests. He noted that 14 requests were received for next fiscal year, totaling \$101,450. The total amount recommended to include in the Proposed Budget is \$86,511.

Finance Executive Assistant Lutz said Tigard typically designates one-half of one percent of the current year's operating budget to fund the following year's community event and social service grants. She said the division is usually 65 percent for community services and 35 percent for events. Councilor Woodard and the Social Services Subcommittee of the Budget Committee met last week and formed their recommendation for the social services grants; \$86,511 remains for community event funding.

Finance and Information Services Director LaFrance said set-asides were guaranteed by resolutions for Tigard Balloon Festival, Broadway Rose Theater, and Tigard Fourth of July.

TIGARD CITY COUNCIL MEETING – FEBRUARY 28, 2012

Council President Buehner asked about amounts of the previous set-asides and what percentage of the budget they were. She requested this information for next year's discussion of FY 2013-14 requests and did not want to postpone the 2012-13 discussion. She suggested it might good to discuss whether or not to change the percentage.

Finance and Information Services Director LaFrance projected on a screen the list of requesting agencies, showing current and past request information. Council decided to give the same amount as requested last year unless the request was for less than last year. New requests (Mask and Mirror, Tigard Tree Lighting and the Washington County Museum) were discussed. Mayor Dirksen noted that Mask and Mirror had requested support last year but had not formed before the community event funding cycle began. He said he wanted to acknowledge and support the arts in Tigard and recommended awarding them \$5,000. Council recommended giving the Tigard Tree Lighting group \$1,000. Council raised a question about the Washington County Museum request, concerned that with so little money, it all should be spent for Tigard organizations.

Council decided to round up Tigard Little League's funding to \$3,000, leave \$5,000 as undesignated and put the remaining \$1,111 into the General Fund.

At 6:54 p.m. City Manager Wine announced that the Tigard City Council was entering into an executive session and read the citation – property negotiations, under ORS 192.660 (2) (e).

At 7:27 p.m. the Executive Session ended.

1. BUSINESS MEETING

A. At 7:35 p.m. Mayor Dirksen called the meeting 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 -None

E. Call to Council and Staff for Non-Agenda Items – Mayor Dirksen reminded everyone that the March 13 City council meeting is canceled.

TIGARD CITY COUNCIL MEETING – FEBRUARY 28, 2012

2. PROCLAMATION – EARTHQUAKE AWARENESS MONTH -

Mayor Dirksen proclaimed March as Earthquake Awareness Month and said the State of Oregon and the City of Tigard want citizens to be prepared to respond to an earthquake by getting training and having the necessary emergency supplies in their homes.

3. CITIZEN COMMUNICATION

A. Follow-up to previous Citizen Communication – None

B. Tigard Area Chamber of Commerce Chief Executive Officer Debi Mollahan gave a report on upcoming Tigard Chamber activities and events. She said scholarships will be awarded to two high school students at the Shining Stars Banquet on April 27. She noted that the deadline for Shining Star nominations is March 15. In response to a question from Council President Buehner regarding auction items for the banquet, Ms. Mollahan said the Chamber is now accepting them. She reminded everyone about the Bowl-O-Rama at Tigard Lanes on Saturday, March 3, and said a few Tigard City Council members have signed up to bowl.

C. Citizen Communication – Sign-up Sheet - None.

4.  CONSENT AGENDA:

A. Approve City Council Meeting Minutes for:

1. January 30, 2012

B. Waive Temporary Sign Permit Fees for Tigard Youth Football

RESOLUTION NO. 12-07 - WAIVING \$260 IN TEMPORARY SIGN PERMIT FEES FOR TIGARD YOUTH FOOTBALL

Council President Buehner moved to approve the consent agenda. Councilor Wilson seconded the motion and all voted in approval.

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

TIGARD CITY COUNCIL MEETING – FEBRUARY 28, 2012

5.  QUASI-JUDICIAL PUBLIC HEARING - COMPREHENSIVE PLAN AMENDMENT, SENSITIVE LANDS REVIEWS AND ADJUSTMENT TO EXTEND WALL STREET TO FIELDS' PROPERTY

City Attorney Ramis said the public hearing remains open.

Mayor Dirksen announced that the applicant's attorney has requested a continuance and the public hearing is continued to the date certain of September 11, 2012.

6.  INFORMATIONAL PUBLIC HEARING - CONSIDER A RESOLUTION FINALIZING SANITARY SEWER REIMBURSEMENT DISTRICT NO. 42 (SW 100TH AVENUE)

Mayor Dirksen opened the informational public hearing at 7:44 p.m.

City Attorney Ramis asked if anyone on council had any conflict or bias to disclose. There was none.

City Engineer Stone gave the staff report on Sanitary Sewer District No. 42 which was proposed in September of 2006, but not established until January of 2011. He said 23 properties were included in the district which includes 100th Street and View Terrace Court. Five properties have connected to sewer service because they experienced septic system failure. He said the original engineer's estimate was over \$500,000; the revised calculation is \$320,000 (42 percent less) due to the excellent bidding climate.

Council President Buehner said she was pleased that the project came in under budget.

Mayor Dirksen commented that this sewer district is in a technically difficult area to build in and that was one reason the original engineer's estimate was high.

There was no public testimony.

Mayor Dirksen closed the public hearing.

Council President Buehner made a motion to approve Resolution No. 12-08. Councilor Wilson seconded the motion.

RESOLUTION NO. 12-08 – FINALIZING SANITARY SEWER REIMBURSEMENT DISTRICT NO. 42 (SW 100TH AVENUE) AND AMENDING THE PRELIMINARY CITY ENGINEER'S REPORT CONTAINED IN RESOLUTION NO. 11-05

Council voted and Resolution No. 12-08 passed unanimously.

TIGARD CITY COUNCIL MEETING – FEBRUARY 28, 2012

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

7. RENEW ANNEXATION INCENTIVES AND DISCUSS ANNEXATION POLICY DIRECTION

 Associate Planner Pagenstecher gave the staff report and history of voluntary annexation incentives. He said the proposed resolution continues the current incentives through February 2013. Incentives include waiver of application fees, assistance in preparing legal descriptions, city payment of Metro mapping fees and payment of property taxes. He said staff recommends council vote to continue the current annexation incentive policy.

Councilor Henderson said it is his desire is to keep this in motion, as island annexation is one of Council’s 2012 Goals.

Council President Buehner said this policy has been in effect for five or six years and she felt it is time to stand back and examine the annexation strategy. Mayor Dirksen said the annexation policy will be reviewed by council this year but the item under consideration tonight is a housekeeping measure to keep incentives in place.

Council President Buehner made a motion for approval of Resolution 12-09 and Councilor Henderson seconded the motion. All voted in favor.

RESOLUTION NO. 12-09 – AMENDING RESOLUTION 07-13 TO EXTEND THE INCENTIVES FOR VOLUNTARY ANNEXATION OF UNINCORPORATED LANDS TO THE MUNICIPAL CITY LIMITS TO FEBRUARY 2013.

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

Associate Planner Pagenstecher said the second part of the discussion addresses how council would like to move forward with 2012 Council Goal 4.b – Develop a philosophy and approach to consider annexations, including islands.

TIGARD CITY COUNCIL MEETING – FEBRUARY 28, 2012

Council President Buehner said it would be helpful if staff could make a recommendation on whether it is less complicated to annex all the islands at one time or look at grouping them. In response to Mayor Dirksen's question about whether staff was prepared to make that recommendation tonight, Associate Planner Pagenstecher said they were not.

Mayor Dirksen agreed with the recommendation to consider whether to annex all island properties at one time or look at them individually, the latter being his preference because circumstances are different for each. Associate Planner Pagenstecher said surveying island residents would help ascertain their views on the process. Council President Buehner suggested removing the Arlington Heights island for separate consideration because it is the only one that is fully developed. She mentioned an island property that has begun the process to become part of the city and recommended that it be made a priority. Mayor Dirksen said the city typically asks neighboring properties if they have an interest in annexing at the same time as the property requesting to come into the city. He asked staff to make those contacts.

Councilor Woodard said he wanted more time to study island history, taxes and services. He said he was interested in fairness; people on one side of a line are paying city taxes but those on the other side do not. Mayor Dirksen suggested that staff prepare a report for council covering the history on issues surrounding unincorporated islands. Concepts used elsewhere could be addressed in the report as well as any other recommendations from staff relating to process. This report should be made available for council study prior to future island annexation discussion. Councilor Wilson requested more information on services, particularly sanitary sewers, and asked if islands are eligible for sewer reimbursement districts. He expressed support for not allowing the current incentives to lapse.

Councilor Henderson said he sees pros and cons and asked if the public can comment if council discusses this topic in a workshop meeting. Mayor Dirksen said the public typically would not have an opportunity to comment at a council workshop meeting. When council reaches the point where citizens have something to review, a public hearing in a business meeting could be scheduled. Councilor Henderson reiterated his desire to give the public an opportunity to comment.

Council President Buehner asked staff to provide an update of the December 2009 memo presented at January 2010 workshop and include current tax figures.

8. LEGISLATIVE PUBLIC HEARING - AMEND TIGARD MUNICIPAL CODE CHAPTER 1.16 AND CREATE A NEW TITLE 6 - TWO ORDINANCES



Mayor Dirksen opened the public hearing at 8:00 p.m.

Assistant Community Development Department Hartnett and Program Development Specialist Shields gave the staff report. Mr. Shields reviewed the history of the code enforcement program for the viewing public and noted that this is the eighth time staff has met with council

TIGARD CITY COUNCIL MEETING – FEBRUARY 28, 2012

on this topic. Council President Buehner thanked Program Development Specialist Shields for his recent memo which made the material easier to understand.

Program Development Specialist Shields said budget reductions in July 2010 caused the loss of the city's last full-time code enforcement officer. Prior to July 2010, complaints arrived at the city by mail, phone or in person. Most complaints resulted in a site visit by the code compliance officer and enforcement primarily followed a time-consuming judicial process involving summonses and court appearances.

Staff worked to make changes in the code compliance program. They developed and implemented a new system that relies upon the community to be the city's "eyes and ears" in reporting and checking on possible violations. Complaints are primarily received online through the city's website. This process helped the city achieve major savings in staff time and it functions with a few staff members taking on some code enforcement activities on top of existing job duties.

Program Development Specialist Shields said council and staff discussed adding administrative, non-judicial options for certain code enforcement functions. Administrative abatement was reviewed and it was decided that until full-time staff is returned to this program, new administrative tools were necessary in addition to the program changes already made. As instructed by council, staff prepared the necessary changes to the Tigard Municipal Code. Mr. Shields said staff believes these legislative changes will make the code enforcement program more efficient, effective and responsive to the circumstances of individual cases.

Program Development Specialist Shields said the proposed code amendments were prepared in two ordinances to be considered tonight. One ordinance amends the existing civil infraction procedures in Tigard Municipal Code Chapter 1.16 and adds administrative enforcement and abatement procedures to enhance the usability of the code. The second creates a new Tigard Municipal Code Title 6 – Nuisance Violations, which consolidates nuisance violations, and amends Chapters 2.52, 15.16 and 18.725 to change cross references to be consistent with the new Title 6. He said bringing the nuisance violations together under one title will make it much easier for the public to access them. He said the next steps are to develop administrative rules and revise the Master Fees and Charges Schedule.

Councilor Woodard said staff did a tremendous job. He asked for clarification within Nuisance Violations, relating to solid waste receptacles and suggested adding the words "and liquid." Assistant Community Development Director Hartnett said leaking waste from receptacles is addressed in 6.02.010 (f). City Attorney Ramis agreed that liquid leaking from a solid waste receptacle is covered by this language.

Councilor Woodard asked about notice dates listed in two sections of the proposed code regarding correspondence with out-of-state homeowners who may be unaware of what is happening with their property because they may not receive the notice. Council President Buehner clarified that both of these sections are covered by state requirements and the law of presumptive notice. She said, "It is the duty of a property owner to keep the county informed of their current address."

TIGARD CITY COUNCIL MEETING – FEBRUARY 28, 2012

Councilor Woodard discussed computation of fines for out-of-state homeowners. He asked, “How hard would a homeowner be hit if they didn’t get the notice because they were serving in the military overseas?” Council President Buehner said that there are federal laws applying to those actively serving in the military. He asked, “Are we that good that we can administer this scenario and that it wouldn’t be a detriment to a homeowner?” Program Development Specialist Shields replied, “Yes.” Assistant Community Development Director Hartnett described efforts taken by the city recently to reach the owner of an abandoned home which had become a nuisance property. Councilor Woodard said his concern was the potential for inconsistent or incorrect administration of standard operating procedures.

Assistant Community Development Director Hartnett said, “We are using this as a tool to get compliance, not punish people. This is effective, nine times out of ten.” Mayor Dirksen said the proposed code changes give the city authority to deal with non-responsive people, but the policies reward those who become compliant.

Assistant Community Development Director Hartnett clarified for Councilor Wilson some language regarding noxious vegetation.

Councilor Henderson asked if there is a top limit to fines, such as \$5,000. Assistant Community Development Director Hartnett discussed the difference between judicial fines and legislative fees and said judicial fines are a fine per violation, per day, and are up to the judge. Administrative fees are limited to a specified amount (not per violation, per day). Program Development Specialist Shields said this allows staff greater flexibility to work with people and mediate to achieve voluntary response. City Attorney Ramis said judges often use fines as leverage to obtain compliance. A judge may announce what the fine will be, but then not impose that amount if the person complies. The fine is then substantially reduced.

Council President Buehner commented that fines only come into play when the city is contending with an extremely uncooperative individual. Councilor Henderson said he could only justify the use of fines if the situation created by the nuisance is dangerous.

Public Testimony: No one signed up to speak.

Mayor Dirksen closed the public hearing at 8:40 p.m.

Program Development Specialist Shields said staff recommended council adoption of both ordinances.

Mayor Dirksen congratulated everyone involved for their hard work. He said the need to improve code compliance, even as staff was lost due to budget cuts, required creative thinking and as a result staff developed a more equitable, user-friendly process. He asked, “Why didn’t we think of this before?” and noted that staff are always looking for a way to do things better.

Councilor Wilson pointed out that one improvement of the new web-based system is that it engages citizens in the process.

TIGARD CITY COUNCIL MEETING – FEBRUARY 28, 2012

Councilor Wilson made a motion to approve Ordinance No. 12-01 and the motion was seconded by Councilor Woodard

ORDINANCE NO. 12-01 – AMENDING CHAPTER 1.16 OF THE TIGARD MUNICIPAL CODE TO PROVIDE AN ADMINISTRATIVE ENFORCEMENT PROCESS, AUTHORIZE ADMINISTRATIVE ABATEMENT OF NUISANCES, AUTHORIZE THE USE OF ADMINISTRATIVE RULES, CLARIFY ELEMENTS OF THE CIVIL INFRACTIONS PROCESS AND AMEND TITLES 7, 12, AND 14

A vote was taken and the motion to adopt Ordinance No. 12-01 passed unanimously.

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

Council President Buehner moved for adoption of Ordinance No. 12-02 and the motion was seconded by Councilor Wilson.

ORDINANCE NO. 12-02 – ADDING TITLE 6, NUISANCE VIOLATIONS TO THE TIGARD MUNICIPAL CODE, AMENDING TITLES 2, 7, 15 AND 18, AND DELETING CHAPTERS 7.40 AND 7.61

A vote was taken and the motion to adopt Ordinance No. 12-02 passed unanimously.

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

9. LEGISLATIVE PUBLIC HEARING - SUPPLEMENTAL AMENDMENT TO THE FISCAL YEAR 2012 BUDGET - RESOLUTION

Mayor Dirksen opened the Public Hearing at 8:45 p.m.

Finance and Information Services Director LaFrance gave the staff report. He said a second quarter supplemental amendment to the FY 2012 adopted budget is required to account for adjustments to the existing budgets. Eleven expenditures were unknown at the time the first

TIGARD CITY COUNCIL MEETING – FEBRUARY 28, 2012

quarter supplemental budget was approved and will be offset by transfers from the contingency funds and receipt of additional grant revenue.

He discussed the issues for each transfer, details of which are listed in the Agenda Item Summary for this item:

1. Fields/Library Road Agreement
2. Build America Bonds (BAB) Payment Distribution
3. Vehicle Replacement in Police
4. Long Term Strategic Financial Plan
5. Tigard Police Officers Association Contract Settlement (TPOA was still in negotiations at the time the 2011-2-12 budget was finalized.)
6. Department of Land Conservation & Development Grant
7. Carry forward of expenses for the Capital Improvement Program
8. Main Street Green Street Retrofit
9. Federal Lobbying Services Budget
10. City Manager Relocation Expenses
11. Personnel Budget Corrections of Salaries in all Operating Funds

Councilor Henderson asked what remained in the Contingency Fund after this budget amendment. Finance and Information Services Director LaFrance replied that amount is \$375,000. Mayor Dirksen noted that further salary adjustments would not be required this fiscal year. Finance and Information Services Director LaFrance said he was comfortable with the amount of contingency remaining.

Councilor Wilson commented that the personnel budget correction item is a large amount. He said in the past the city always had sufficient funds to cover salary increases and while the amount sometimes dwindled, this is something new. He noted that staff turnover and, therefore attrition, is lower due to the economy. He said some employees may be asked to leave involuntarily next fiscal year, which goes along with the Mayor's State of the City Address and what City Manager Wine discussed. He said, "We need to prepare ourselves for the hard economic fact that we are not out of the recession."

Council President Buehner said local governments tend to be a little later going into a recession and then as the economy improves, take a little longer to come out of the recession because of the nature of their revenues.

Public Testimony - No one testified.

Finance and Information Services Director LaFrance confirmed that the staff recommendation is to approve Resolution 12-10.

At 9:07 Mayor Dirksen closed the public hearing.

Councilor Wilson made a motion to approve Resolution No. 12-10 and Councilor Woodard seconded the motion.

TIGARD CITY COUNCIL MEETING – FEBRUARY 28, 2012

RESOLUTION NO. 12 -10 - A RESOLUTION TO ADOPT A SUPPLEMENTAL BUDGET TO ACHIEVE THE FOLLOWING: 1) BUDGET OF UNANTICIPATED EXPENDITURES IN CAPITAL AND PROGRAMS INCLUDING PUBLIC WORKS, CITY MANAGEMENT, FINANCE & INFORMATION SERVICES, LIBRARY, AND POLICE; AND 2) RECOGNITION OF GRANT REVENUES IN COMMUNITY DEVELOPMENT; AND 3) BUDGET ADJUSTMENT OF SALARIES AND BENEFITS IN ALL OPERATING FUNDS

A vote was taken and the motion to adopt Resolution No. 12-10 passed unanimously.

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

10. COUNCIL LIAISON REPORTS - None.

11. NON AGENDA ITEMS - None.

12. EXECUTIVE SESSION: - None.

13. ADJOURNMENT - At 9:08 Councilor Woodard moved for adjournment. His motion received a second from Councilor Wilson. 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

TIGARD CITY COUNCIL MEETING – FEBRUARY 28, 2012



City of Tigard

Tigard City Council Meeting Minutes

March 20, 2012

1. WORKSHOP/BUSINESS MEETING



- A. Mayor Dirksen called the meeting to order at 6:38 p.m.
- B. Roll Call

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

Staff Present: City Manager Wine; Assistant City Manager Newton; Redevelopment Project Manager Farrelly; City Engineer Stone; Engineering Manager McMillan; City Attorney Hall; Assistant Community Development Director Hartnett; Community Development Director Bunch; Principal Planner McGuire and City Recorder Wheatley

- C. Pledge of Allegiance
- D. Council Communications & Liaison Reports: None.



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



2. DISCUSS THE MAIN STREET GREEN STREET PROJECT

Engineering Manager McMillan presented the staff report. Purpose for tonight's discussion:

- A. Update the council on the project.
- B. Address council concerns about the project.

TIGARD CITY COUNCIL MEETING MINUTES – MARCH 20, 2012

Engineering Manager McMillan presented a brief outline of the history of the project. The project was shared with the downtown business and property owners, who participated in the development of a parking plan for the downtown with the help of a parking consultant, Rick Williams. The parking plan was brought before the City Center Advisory Commission. As a result, the angled parking is to be retained in the downtown. This impacted the project design. The parking plan was brought to the City Council as recommended by those who participated in assembling the parking plan, which included retaining the angled parking. Status of the project is at 90 percent of the design.

Engineering Manager McMillan referred to a map depicting sidewalk layout with approximate widths.

Engineering Manager McMillan referred to an aerial map showing locations of the design elements once the project is done.

Engineering Manager McMillan advised a concern was expressed about the width of the sidewalk and placement of street trees. Staff has looked at moving the street trees from the sidewalk areas to the planter areas where possible and when the sidewalks are less than eight feet.

Engineering Manager McMillan said another concern was with street light locations. Street lights have been moved as close to the edge of the sidewalk as possible.

Council President Buehner noted a concern whether the sidewalks would allow for the widest of wheelchairs. Engineering Manager McMillan said the sidewalks all exceed the minimum 3-1/2 foot requirement; the proposed sidewalks are six-feet wide or more.

Engineering Manager McMillan referred to desired decorative improvements for the bridge. Staff proposes to address these improvements in a separate project outside of the grant; grant funds cannot be used since these improvements are not a green street feature. Funding has been included in the five-year Capital Improvement Program for the bridge railing, stone veneer, power washing and general upkeep.

Engineering Manager McMillan reported that the outfalls to the creek for storm water consist of three pipes; staff thinks only one of these pipes is active. After confirmation, the two inactive pipes will be cut back. The Capital Improvement Program (CIP) includes funding for a storm fall upgrade. The Department of Environmental Quality (DEQ) is pressing for this, so it is a timely project for the CIP. Councilor Wilson said he has looked at these outfalls and only one is active.

Engineering Manager McMillan asked for City Council questions noting staff would like to come away from this discussion with a direction for the project and respond to council members' concerns.

TIGARD CITY COUNCIL MEETING MINUTES – MARCH 20, 2012

Councilor Wilson said his biggest concern has always been with clear width of the sidewalk (concrete, not tree grates). To clarify, Engineering Manager McMillan said trees are not being eliminated from the plan, but moved to the bump outs. Staff will review both sides of the street's sidewalks to determine whether sidewalk space is adequate to accommodate both trees and pedestrians. Tree grates will not be counted as walkable space.

Councilor Wilson acknowledged the difficulty of trying to include everything from building face to building face. While he would like to see street trees installed the entire length of the street, if walkable space is compromised, he would be inclined to eliminate the trees. He said he realized the City Council gave staff direction to proceed with angled parking. He asked how many stalls would be lost with parallel parking? Engineering Manager McMillan estimated about 20 stalls would be eliminated. Councilor Wilson said he understands why business owners have concerns. In hindsight, he said he wished this had had more study about a year ago because this is preventing the installation of a streetscape that could accommodate everything. Perhaps those 20 stalls could have been identified with off-street parking throughout the downtown. The situation now is with a plan calling for tree grates where people will need to go around them single file. Councilor Wilson said the bottom line is to design a sidewalk so at least two people can walk side-by-side the entire length of the sidewalk.

City Manager Wine said the solution proposed tonight is to move the street trees into bump outs for a maximum sidewalk clearing.

Councilor Henderson asked if it would make sense to make adjustments for street trees and sidewalk clearance as development occurs. He pointed to a section near the creek as an example. During discussion, it was noted there is an elevation change at this location and Councilor Henderson said this is why he was suggesting re-alignment when future development occurs. City Manager Wine commented that the City Council in its role as the City Center Development Agency is considering projects such as the creation of a public plaza and this is separate from the Main Street Green Street project. Redevelopment Project Manager Farrelly confirmed that as redevelopment occurs, there will be an opportunity for wider sidewalks.

In response to a question from Councilor Wilson, Engineering Manager McMillan confirmed that the map before the City Council tonight does not show the new plans for trees in the bump outs. She advised the color coding on the map depicts tree types. Bump outs will be installed wherever possible for the trees and if the space is still too small to accommodate the tree and pedestrians, the tree might be deleted.

Mayor Dirksen said he appreciated the efforts to mitigate the sidewalk narrowness in certain areas. Moving the trees to the bump outs and deleting one or two of the trees to provide more sidewalk width is a good trade-off so pedestrians feel comfortable and safe.

Councilor Woodard referred to planters near the A-Boy building where trees have overgrown the planter. Engineering Manager McMillan said those trees will be removed and

TIGARD CITY COUNCIL MEETING MINUTES – MARCH 20, 2012

new trees planted with tree grates. The replacement trees will be planted lower than the tree grate to avoid pushing up of the soil and roots. Councilor Woodard said he likes the design presented tonight as it appears to do the most possible within the constraints.

Mayor Dirksen noted he also had the same concerns noted earlier with the storm outfalls. He did not understand the impacts and limitations under which we are working because of grant funding requirements. He appreciated identifying the need to address this matter as soon as possible in the future. He suggested that as work goes forward on the Main Street Green Street project, the additional work be completed in phases when possible. Mayor Dirksen said we should make it clear to people that even though some of the work has been completed, the entire project will not be considered done until the CIP projects are implemented.

Council President Buehner commented that she liked angled parking as it is part of the “old village” charm of the community. She said she has become more aware of issues for people with disabilities – getting in and out of vehicles in angled parking is easier to do with a wheelchair than when in a parallel-parking situation. As our population is aging, we will have more people who will need special assistance. She expressed support for the plan presented.

Councilor Woodard commented on bike-sharrow articles he recently read. He wondered if anything could be done within this plan to place signage (encouraging safety) for bikes to follow the rules of the road. He noticed people on bikes not stopping at stop signs. Council President Buehner suggested, at some point, to discuss with the city attorney whether a city ordinance would be appropriate to designate bicycle rules. Engineering Manager McMillan confirmed there will be bike sharrows included in this project. She advised there is an active “Bike-Ped” committee and public outreach could be accomplished by this committee. Discussion followed about concerns regarding bicyclists not complying with rules of the road.

Councilor Wilson said he had a question about the crosswalk near the eye-shaped turnaround and whether this is needed and is there a potential for a future crosswalk on the other side of the bridge. Engineering Manager McMillan said the crosswalk on the other side of the bridge could be installed when redevelopment occurs and a driveway eliminated since it would no longer be needed. This would include “clipping back” a storm water planter. Redevelopment Project Manager Farrelly said the turnaround crosswalk is of questionable value for the future since it does not provide a connection where people want to go. He said there is also an argument that having the crosswalk remain would offer another clue so traffic would slow down. Councilor Wilson said he did not care one way or another, but thought that since the bus stop moved, it might need to be reviewed. Engineering Manager McMillan explained that the bus stops are now in front of the liquor store and car wash; the four stops on Main Street have been reduced to two. In response to a comment from Council President Buehner that residents from the apartments will now have a longer walk to the bus stops, Engineering Manager McMillan said the stops were

TIGARD CITY COUNCIL MEETING MINUTES – MARCH 20, 2012

moved through working with TriMet. Engineering Manager McMillan said staff will be considering whether or not to eventually remove the turnaround crosswalk.

Councilor Wilson said he had concerns about tree selections and acknowledged he needs to send his suggestions to Engineering Manager McMillan. His concerns were based upon the selection of short-lived trees. Council President Buehner noted she did not want oak trees because they are ugly in the winter. Councilor Wilson complimented Engineering Manager McMillan on her work on the project.

City Manager Wine summarized that staff was holding at 90 percent design until they received guidance from the City Council about whether the project is shaping up the way the council envisioned. Mayor Dirksen said he was comfortable having staff move forward with the adjustments discussed.

In response to a question from Council President Buehner about timing of the project, Engineering Manager McMillan said staff hopes to go out to bid on this project in October 2012, but this is hinging on progress on right-of-way acquisitions – the Oregon Department of Transportation (ODOT) has not activated this task. The project could be pushed out to next year's calendar. Staff checked with Metro and this timing does not represent a problem with regard to funding (extension). Mayor Dirksen advised Council President Buehner that he thought a request to Oregon Department of Transportation (ODOT) to begin the right-of-way acquisition would be appropriate.

Councilor Henderson asked for clarification on the problems with the outfalls. Engineering Manager McMillan said there are three pipes coming out near the A Boy building, and only one is active. The pipes are unsightly. If there are two that are inactive, we should do whatever is appropriate for abandonment. For the active pipe, Engineering Manager McMillan said staff is concerned that it does not meet DEQ's best management practices. The pipe needs to be upgraded and input from Clean Water Services is expected in the next year or so. Councilor Wilson further described that this is about a ten-inch, bent steel pipe sticking out from the bank – it looks like an “industrial waste” object. There is erosion and the other two pipes are concrete. Since we are doing a green street, Councilor Wilson said he thought it would be a great idea to tell the story of where the water is going and to have a nice concrete sculptured feature; i.e., an energy dissipater to the creek. Mayor Dirksen commented on opportunities to turn a negative into a positive – he referred to some roof gutters that he has seen that are beautiful sculptures especially when there is water flowing. City Manager Wine summarized noting that in a future phase and with different funding, the bridge “betterments” and outfall improvements can be installed.

In response to a comment from Councilor Henderson, Engineering Manager McMillan said the green street project will reduce the amount of water runoff being discharged to the creek. She has scheduled a camera inspection of the two concrete pipes to determine if they have a purpose before plugging.

TIGARD CITY COUNCIL MEETING MINUTES – MARCH 20, 2012

Council President Buehner suggested that when Phase 1 is done, there be a beautiful sign indicating the plans to address projects in Phase 2. Engineering Manager McMillan agreed with the plan to do some public relations work along with looking at how Phase 2 and the storm water outfall is addressed. Councilor Wilson said it should not take long to build the outfall feature and could be done as soon as Phase 1 is completed. Engineering Manager McMillan said she would refer to the CIP to determine when this is scheduled for funding.



3. ANNUAL JOINT MEETING WITH THE PLANNING COMMISSION

Planning Commission members present: Commissioner Anderson (Vice President), Doherty, Fitzgerald, Muldoon, Schmidt, Shavey, Walsh (President). Alternate Planning Commission members present: Armstrong and Miller



Planning Commission President Walsh presented a report to the City Council

- Acknowledged the exemplary work by staff members supporting the Planning Commission.
- Reviewed progress on 2011 Planning Commission Goals and Committee for Citizen Involvement Activities (see report on file with the meeting materials). The Planning Commission is ready to move forward with this goal when the City Council indicates it is also ready.
- Reviewed progress on High Capacity Transit, especially with regard to the Tigard Triangle. Mayor Dirksen acknowledged the desire of the Planning Commission to proceed more quickly on this goal; however, because of the number of steps required, it is a slow process. Council President Buehner asked the Planning Commission to keep in mind HCT for the edges of the urban renewal district.
- Reported that when the Planning Commission has reviewed development as it relates to the Triangle, lack of infrastructure (transportation, sewer) is a stumbling block for developers. It is being installed piecemeal as development goes in. The Planning Commission would like to see some form of funding mechanism to lay in some of the infrastructure ahead of development.
-  Commissioner Shavey suggested discontinuing use of the word “Triangle” when referring to the planning process and instead use the term “neighborhoods” as this would present a scale that would be more workable. Councilor Wilson agreed that the Triangle is “huge.” The economy is turning around and at this time apartment complexes are being built in Portland. Councilor Wilson said he was not aware of any developer looking at the Tigard area yet, but the opportunities are now there and we should be quick to capitalize on those. Planning Commissioner Walsh commented on the value of instituting a neighborhood feel into the area by providing a mix of retail, higher density residential areas and some form of mass transit. Council President Buehner cautioned that focusing on small areas holds the risk of losing sight of planning coordination for the Triangle as a whole.

TIGARD CITY COUNCIL MEETING MINUTES – MARCH 20, 2012

-  Council President Buehner commented that the City Council and Planning Commission needs to be aware of what each group is thinking. She recommended more joint workshop meetings to discuss plans and to hear the same information at the same time. Commission President agreed with Council President Buehner regarding the need for more meetings and suggested that these meetings be held when there is a purpose rather than by a set date. He suggested a workshop format works best.
-  Commissioner Muldoon referred to development funding opportunities that are now at low levels and it is unknown when there will be prospects to move forward.
-  Commission President Walsh commented on the news that broke today about Wal-Mart coming into the Triangle area on a piece of property where a land use decision had been rendered when the use was to be for a Target store. He noted the amount of time the commission spent on this and the number of conditions placed on the development proposal. He said he thought this was a good project and that the staff and commission did all that they could to provide traffic infrastructure. He hoped the developer would be held accountable to the conditions agreed upon.
-  Commissioner Shavey reported on commission's goal for outreach to neighboring jurisdiction. He met with a council member from the City of Beaverton to discuss economic development. He said Beaverton has staff assigned to work on economic development not only for new development, but to maintain existing businesses. He said Tigard does not have this type of resource assignment. To accomplish economic development outreach, the only option for Tigard is to "team up with our neighbors."
-  Commissioner Doherty noted the similarity between the Commission's 2011 and 2012 goals. About two years ago, when first discussing the possibility of meeting with other planning commissions in the area, it was expressed that development planning (especially in the high-capacity transit corridor) should be coordinated as a region rather than constrained to planning by each jurisdiction.
-  Commission President Walsh referred to the Planning Commission's role as the Committee for Citizen Involvement for development activities. He reported the commissioners received training and viewed a presentation under this role for public involvement and high-capacity land use.
-  Commission President Walsh advised the Planning Commission updated its bylaws, which will be presented to the City Council. He reported on a couple of changes:

TIGARD CITY COUNCIL MEETING MINUTES – MARCH 20, 2012

1. The makeup of the Planning Commission was changed so the composition would include two members with expertise related design to assure the Downtown Design and Review Board function of the commission will be fulfilled.
 2. The Committee for Citizen Involvement role will also be included in the bylaws.
- Commissioner Doherty reviewed the 2012 goals. Goals were carried over from 2011 if the Commissioners felt they remained important. The commission gave priority to goals listed by the City Council. Her report highlighting 2012 goals included the following information:
 - Complete the urban forest revisions.
 - The high-capacity transit effort will be ongoing coordinating with Metro and the City of Portland regarding the Southwest Corridor.
 - Continuation of the regulatory improvement initiative and other code amendments.
 - Make progress on the downtown circulation plan.
 - Commission involvement in the River Terrace Community Plan when the time is appropriate.
 - Perform the periodic review of public facilities plans, housing, etc.
 - Tigard Triangle planning with focus on transportation and the high capacity transit issues.
 - Commissioner Shavey commented on priority with regard to planning for high capacity transit. He was schooled that land use planning governs and that transportation is provided to serve the land use. In working with agencies such as the Oregon Department of Transportation (ODOT), the tendency has been for transportation planning to lead land use planning.
 - Continue to seek economic development opportunities to continue to improve and protect Tigard's natural and built environment (sustainable assets).
 -  Commissioner Muldoon commented on the commission's discussion on economic development and looking for cost-effective ideas keeping in mind the amount of resources that are available. He spoke of other cities' use of a gap analysis. He referred to cost input compared to the return and the significant steps forward that can be realized when comparisons are scaled according to the size of the community. Commissioner Doherty commented that Tigard does not have a lot of buildable land; however, there is land that appears ready for redevelopment.
 -  Commissioner Shavey said we have to push ourselves to look for economic opportunities in downtown now that the window appears to be opening up. Many merchants are enthusiastic after recent visits by a planner and an events coordinator who have experience in sharing ideas and altering the perspectives of

TIGARD CITY COUNCIL MEETING MINUTES – MARCH 20, 2012

merchants in downtown areas. Council President Buehner referred to the dedicated meeting of the City Center Development Agency on the first Tuesday of each month. She said it would be great if a Planning Commission member could attend this meeting.

-  Commissioner Doherty commented that many of the downtown merchants have begun holding some events to showcase the existing businesses.
-  Commission President Walsh noted that for the last year the Commission did not review any development projects; in fact, there were five months last year when there were no Planning Commission meetings. Council President Buehner questioned whether it was time to take some of the decision-making back from a Hearings Officer to the Planning Commission.
-  Commissioner Doherty said that, as resources permit, the commission would like to see technical abilities enhanced; i.e., online presentations, educational programs.
-  Councilor Woodard praised the commission for the work they do. He referred to the educational efforts sought by the commission. He supported working with other communities to learn from their experiences in areas such as urban renewal.
-  Councilor Wilson commented that one of the long-term council goals is to consider an urban renewal area for the 99W corridor. If light rail comes to Tigard, we will have a “local share” for around \$10 million making it more attractive to pursue as an urban renewal project. He suggested the Planning Commission might want to have some preliminary discussions on this idea.



The following is a business meeting item:

4. APPROVE RIVER TERRACE INTERGOVERNMENTAL AGREEMENT AND ASSIGNMENT AGREEMENT WITH WASHINGTON COUNTY



City Manager Wine presented background information and described the purpose for the two agreements, which will help us develop the Community Plan for the River Terrace annexation area. Present to answer council questions are City Attorney Hall, Assistant City Manager Newton and Community Development Director Bunch.

Information from City Manager Wine included:

- In 2002, Metro brought about 500 acres of land (Areas 63 and 64) into the urban growth boundary. An area known as the rural element was also brought into UGB.
- In 2011, the City of Tigard annexed the River Terrace area. Metro brought the 49 acres known as Roy Rogers West (a portion of the rural element) into the UGB.
- One of the proposed agreements has to do with the assignment of construction excise tax funding that Metro was holding for the county to complete the Community Plan.

TIGARD CITY COUNCIL MEETING MINUTES – MARCH 20, 2012

The assignment agreement conveys that funding source from the county to the city so the city can take over the planning duties to complete the Community Plan.

- The second proposed agreement represents the result of negotiations with Washington County that:
 - Delegates the planning responsibilities to the city;
 - The county commits a funding source specified in the assignment agreement;
 - The county will support the city's efforts to annex unincorporated islands;
 - At the county's request, the city will assume ownership of the roads within Tigard's jurisdictional boundaries (road transfer agreement).

Council President Buehner referred to a segment of Roshak Road (to be built). The county held an open house meeting last summer with a plan to re-route Bull Mountain Road at an intersection of Roshak for major improvements -- Roshak would become a major road and Bull Mountain Road would become a lesser road. When Council President Buehner mentioned this to staff, they had not heard of this. She wants to make sure that this is resolved with the county so that we are working cohesively.

Council President Buehner noted her appreciation for the wording in the IGA whereby the county is directing the city to annex the island areas. This will make going forward with island annexation much easier for the city.

 Mayor Dirksen noted that Roshak Road is listed in the agreement as right of way for which the city would take responsibility. The segment of Roshak being referred to in the agreement is located in River Terrace and extends from the edge of Area 64 to Roy Rogers Road. This is not aligned with the now functional portion of Roshak Road. As suggested by Councilor Wilson, the City might want to consider re-naming this section of road to avoid confusion.

 Mayor Dirksen asked if the City Council had any comments or questions of staff.

Council President Buehner said the only issue is that all of the exhibits do not show Roy Rogers West designated, which could create some confusion. Mayor Dirksen noted the "River Terrace" vicinity map does not show this separate designation. City Attorney Hall explained the two maps correspond to different periods of time. Council President Buehner said the maps need to be as consistent as possible for purposes of the future because other people will not have this history. In response to a question from Mayor Dirksen whether the maps need to be different for purposes of the agreement, City Attorney Hall said no, they do not need to be different.

 Motion was made by Council President Buehner to approve the Intergovernmental Agreement, Coordination in Urbanizing Areas and Transfer of County Ownership with Washington County and authorize the City Manager to sign.

Councilor Wilson seconded the motion.

TIGARD CITY COUNCIL MEETING MINUTES – MARCH 20, 2012

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

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



5. PRELIMINARY DISCUSSION - OPTIONS FOR FILLING A VACANCY ON THE CITY COUNCIL

City Manager Wine advised council received two memorandums:

- March 19, 2012, memorandum from City Recorder Wheatley regarding Mayor/Council Vacancies – History
- March 20, 2012, memorandum from City Attorney Ramis regarding Charter Procedure for Filling Council Vacancies

Mayor Dirksen advised the reason behind this discussion is because after the May Primary Election, if he receives at least 50 percent of the vote to elect him to a Metro Council position, then there would be no need for a November run-off election. He would not begin serving on the Metro Council until January 2013. He said if he receives a 50 percent or greater margin of the vote in May, then he would tender his resignation as City of Tigard Mayor effective January 1, 2013. This would give the council a date certain for the vacancy so it could make decisions on how to fill the vacancy.

Highlights of the council discussion were:

- Councilor Henderson suggested the City Council take its time to think about a likely vacancy on the City Council. He recommended setting aside time to discuss this matter in a couple of weeks.
- Council President Buehner requested staff review the filing deadline dates as stipulated in the Tigard Municipal Code. She noted concerns with allowing enough time for candidates to prepare voters' pamphlet information and a code amendment might be in order.
- Further discussion on this topic will be schedule prior to May 15, 2012.

TIGARD CITY COUNCIL MEETING MINUTES – MARCH 20, 2012



6. COUNCIL LIAISON REPORTS

Mayor Dirksen advised he received an invitation to attend the U.S. Conference of Mayors in June. The City of Tigard is a member of this organization. In view of budget cuts, should this membership be discontinued? Mayor Dirksen noted Council President Buehner was of the opinion that we should be more active in the Conference. Presently he participates in online offerings; however, he is inactive insofar as committee membership and attending conferences. Mayor Dirksen has been approached by other mayors in the Portland area urging Tigard and the Portland region to become more active in the conference. This is a fairly select group that is now dominated by cities in the east and mid-west. It is a small enough group that if the cities in the Portland region were willing to make the effort, we could easily move into a leadership position where we could have a strong influence on the group's policy. This is a national organization with influence at the federal level.

Mayor Dirksen asked the City Council members if they would like to see the city continue our membership, increase our involvement and attend (mayor only) the June 2012 conference.



In response to a question from Councilor Woodard, City Manager Wine advised membership cost is \$2,600. He said it makes sense to remain as a member of the U.S. Conference of Mayors as long as it offers advantages for the city.



In response to a question from Councilor Wilson regarding how this organization differs from the National League of Cities, Council President Buehner advised membership is limited to cities over 30,000 in population. Mayor Dirksen said only the mayor can initiate any legislation or give policy input at the national level.



Because of the predominant east-coast and mid-west membership, the organization tends to focus on social issues rather than issues such as transportation and education funding. Mayor Dirksen said if the west coast were to become more influential, we would be able to influence the areas of focus.



After discussion, Mayor Dirksen noted there appears to be general support by the council to remain involved and perhaps increase our involvement with the U.S. Conference of Mayors. Mayor Dirksen said he would plan to attend the June conference. The organization has offered to waive the attendance fee.

7. NON AGENDA ITEMS: None.

8. EXECUTIVE SESSION: Not held.

TIGARD CITY COUNCIL MEETING MINUTES – MARCH 20, 2012



9. ADJOURNMENT: 8:26 p.m.

Motion by Councilor Henderson, seconded by Councilor Woodard, to adjourn the meeting.

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

Catherine Wheatley, City Recorder

Attest:

Mayor, City of Tigard

Date: _____

TIGARD CITY COUNCIL MEETING MINUTES – MARCH 20, 2012



City of Tigard

Tigard Business Meeting – Minutes

TIGARD CITY COUNCIL & LOCAL CONTRACT REVIEW BOARD

MEETING DATE AND TIME: March 27, 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

Council present: Mayor Dirksen, Councilor Woodard, Councilor Henderson and Council President Buehner.

Staff present: Assistant City Manager Newton, Risk Manager Mills, City Engineer Stone, Engineering Manager McMillan, Parks Manager Martin, Senior Management Analyst Wyatt, City Attorney Bennett, Deputy City Recorder Krager and Attorney Martha Hodgkinson.

Mayor Dirksen called the Study Session to order at 6:30 p.m. Assistant City Manager Newton announced that a Study Session item would be heard first and then two Executive Sessions would be held. She said council discussion about the nominations for the Exemplary Citizen Award would occur in a Study Session after the business meeting if time doesn't allow it before the business meeting.

A. Briefing on Intergovernmental Agreement with Metro to Transfer Trail Easements to the City

Engineering Manager McMillan gave an update on trail easements that were purchased by Metro and will be transferred to Tigard. These easements connect the Fanno Creek Trail from Woodard Park to Grant Street. Metro requires an executed intergovernmental agreement (IGA) prior to the transfer. Engineering Manager McMillan said there is \$650,000 in the city's Capital Improvement Plan for the Fanno Creek Trail and the project is listed in the MSTIP. In response to a question from Councilor Woodard, Engineering Manager McMillan said she is examining the use of System Development Charges (SDC's) or park bond funds.

Mayor Dirksen asked if the city has everything in place to enable travel from Main Street to Woodard Park on the Fanno Creek Trail. Engineering Manager McMillan replied that it

TIGARD CITY COUNCIL MEETING MINUTES – MARCH 27, 2012

did. She said the existing trail near George Morlan Plumbing had become overgrown with blackberries but when it was uncovered, staff found it to be in perfect condition.”

Engineering Manager McMillan said the timeline for the project was two years, as grants cannot be sought until the city has the property in hand.

Assistant City Manager Newton said this IGA with Metro is on the consent agenda.

At 6:40 p.m. Mayor Dirksen announced that the Tigard City Council would enter into Executive Session to discuss real property transaction negotiations, and for consultation with legal counsel regarding current and pending litigation under ORS 192.660(2) (e) and (h). Executive Session ended at 7:30 p.m.

1. BUSINESS MEETING - MARCH 27, 2012

A.  At 7:39 p.m. Mayor Dirksen called the meeting to order

B. Deputy City Recorder Krager called the roll.

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

C. Pledge of Allegiance

D. Council Communications & Liaison Reports – Mayor Dirksen said council will report on the 2012 Congressional City Conference Reports on Item No. 11 – Council Liaison Reports. Council President Buehner and Mayor Dirksen have liaison reports but will wait until the next business meeting to present them.

E. Call to Council and Staff for Non-Agenda Items – Assistant City Manager Newton said there will be a Study Session after the business meeting to discuss Exemplary Citizen Award applicants.

Councilor Woodard said the League of Oregon Cities is hosting regional meetings in Forest Grove and Tualatin on April. Assistant City Manager Newton mentioned that she and City Manager Wine will go to the meeting in Tualatin. Councilor Woodard and Council President Buehner said they plan on attending.

TIGARD CITY COUNCIL MEETING MINUTES – MARCH 27, 2012

2. CITIZEN COMMUNICATION

- A. Follow-up to Previous Citizen Communication – None.
- B. Citizen Communication – Two people signed up to speak.

Myron Robinson, 11530 SW Pacific Highway, Tigard, OR 97223 said he was here in support of Mr. Lou, owner of the new King Buffet on Pacific Highway. He submitted information on social gaming and requested that council consider an ordinance allowing this activity in Tigard.

Mayor Dirksen said council will review his request and contact him within the next two weeks.

Art Crino, 14580 SW 126th Avenue, Tigard, Or 97224 said as a longtime resident he has seen the traffic increase. He said he is impressed with what the city has done with the Greenburg and Hall intersections on Pacific Highway. He said he fears that traffic will worsen with Wal-Mart coming. He suggested that a bypass around Tigard and Dundee would be a panacea. He said, “I don’t see how we can keep polishing up 99W.”

Mayor Dirksen replied that the application for the retail construction in Tigard Triangle has conditions of approval requiring extensive improvements to nearby roads Dartmouth, 72nd Avenue, Pacific Highway and the interchange at Highway 217 and 72nd Avenue. Traffic impact was considered. He said, “You are absolutely right in that it will mitigate but doesn’t really solve anything and there needs to be other solutions.”

Mayor Dirksen referred to Mr. Crino’s comment on a bypass and said discussions were held several years ago about creating a connection between I-5 and 99W. The cities involved and Washington County worked together in a lengthy planning process but were unable to create a plan that all parties approved. The City of Wilsonville would not accept it so the project ended. He agreed that a diversion allowing those that want to travel directly to the beach to do so without travelling through suburban neighborhoods streets in Tigard is a good idea.

- 3. PROCLAMATIONS: Mayor Dirksen issued the following proclamations:
 - A. April 15-22, 2012 National Days of Remembrance
(A video clip was played.)
 - B. National Community Development Week, April 8-14, 2012

TIGARD CITY COUNCIL MEETING MINUTES – MARCH 27, 2012

- C. Arbor Month, April 2012
- D. Child Abuse Prevention Month, April 2012

4.  CONSENT AGENDA:

- A. Approve City Council Meeting Minutes for:
 - February 14, 2012
 - February 21, 2012
- B. Authorize the City Manager to Enter into an Intergovernmental Agreement (IGA) with Washington County Regarding West Nile Virus
- C. Approve an Intergovernmental Agreement with Metro to Transfer Trail Easements to the City of Tigard
- D. Local Contract Review Board:
 - 1. Award Contract for 103rd/McDonald Storm Drain Improvements to HSC, LLC

Councilor Henderson moved to approve the consent agenda and Council President Buehner seconded the motion. The motion passed unanimously.

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

5. REVIEW 2012 OREGON LEGISLATIVE SESSION AS IT RELATES TO TIGARD'S LEGISLATIVE PRIORITIES

 Senior Management Analyst Wyatt introduced Senator Burdick and Representative Doherty. He thanked them and their staffs for the help they provided during the 2012 legislative session, especially with HB 4090, the urban services bill. He also expressed appreciation to Mayor Dirksen and Council President Buehner for their work as members of League of Oregon Cities committees. He distributed to Council the 2012 League of Oregon Cities Legislative Session Summary of Bills. A copy is included in the meeting packet.

TIGARD CITY COUNCIL MEETING MINUTES – MARCH 27, 2012

Senator Burdick offered highlights on the very first of the annual sessions, lasting 34 days. She said the governor had four major policy bills that were priorities. She said the senate took the lead on foreclosure legislation and two bills were passed to help homeowners. Senator Burdick mentioned a few bills that came through the Finance and Revenue Committee which she chairs, including those relating to the senior property tax deferral and increased enterprise zones.

Senator Burdick expressed appreciation to Tigard staff for getting involved. She commented that Mayor Dirksen has done a great job focusing on issues that make a difference to Tigard residents. She said legislators will have a longer session in 2013 and she looks forward to working on legislation important to Tigard.

Representative Doherty summarized bills that did not pass this session but will be reexamined next year such as the online hotel tax rip-off. She said King City wanted cities to have more input with OLCC regarding the number of facilities that sell liquor within a certain distance. She mentioned bills she said worked on that affect city residents such as: foreclosure-related bills and an extended credit enhancement fund which helps small business get credit and expand their businesses. She said the Oregon Investment Act (HB 4040) will help small businesses. There was an increase to business capital, entrepreneurial fund. She said the Oregon Health Exchange is a public corporation that will set up an exchange for individuals or small businesses to choose health insurance plan. She said although the budget was the main focus of the 2012 session, many policy issues were addressed.

 Councilor Henderson said the small session has proven to be more workable and efficient. Representative Doherty commented that both political parties in the Oregon legislature worked well together this session.

Councilor Woodard asked about education funding and commented that children may not have enough resources for sports and other activities. He urged continued support of education.

Representative Doherty said it is phenomenal what schools have achieved with millions of dollars less than in their previous budgets. She said citizens would be impressed with local schools and what they are able to accomplish. She noted that Tigard-Tualatin School District has one of the lowest dropout rates in the state. She attributed this to emphasis placed on reading and the community support received.

Senator Burdick said conversations about education funding also require a discussion about corrections and alternatives to prison. She said Measure 5 put more of the burden on the state for funding schools but then Measure 11 instigated a huge prison building boom due to mandatory sentences. She said the prisons receive funding first.

Council President Buehner mentioned that she is on the League of Oregon Cities Finance and Taxation Committee and brought up the issue of the counties' ability to collect taxes.

TIGARD CITY COUNCIL MEETING MINUTES – MARCH 27, 2012

She said a basic duty of counties is collecting taxes and providing them to various cities and districts. She learned that due to a lack of federal timber money, three counties are not going to be able to run their assessment offices and perform those duties. Senator Burdick said there are several counties with local option levies on the November ballot. She said the legislature is not inclined to help counties that are not willing to step up and help themselves. Council President Buehner said she would like to discuss this further with Senator Burdick.

Mayor Dirksen mentioned that he and many local elected officials signed a letter to Governor Kitzhaber urging the appointment of a task force to study changes to the property tax system which limits the ability of cities to provide services to their citizens.

Mayor Dirksen thanked Senator Burdick and Representative Doherty for their work on behalf of the city and their regular updates to council. He said council and staff look forward to working with them in the future.

6.  **GRANT EXEMPTION FROM PROPERTY TAXES AS PROVIDED UNDER TIGARD MUNICIPAL CODE SECTION 3.50 FOR FIVE NON-PROFIT LOW-INCOME HOUSING PROJECTS**

Confidential Executive Assistant Lutz presented this item. She said the five properties are operated by Community Partners for Affordable Housing (CPAH) and Hawthorne Urban Development LLC. Mayor Dirksen said a policy was started by the City of Tigard several years ago exempts non-profit, low-income properties from city property taxes. This benefits them and helps them run well. He said this serves the entire community. Councilor Woodard asked about the history the Hawthorne Villa parcel that he thought was seven parcels at one time; staff will find out more information for him.

Councilor Henderson said as a landlord renting to non-profits he knows that they are also exempted from county taxes. He asked how this exemption was different. Confidential Executive Assistant Lutz responded that the city works with the county to exempt city taxes.

Council President Buehner motioned to approve Resolution No. 12-11 and Councilor Woodard seconded the motion. All voted in favor.

RESOLUTION NO. 12-11 – A RESOLUTION GRANTING AN EXEMPTION FROM PROPERTY TAXES UNDER TIGARD MUNICIPAL CODE SECTION 3.50 FOR FIVE NON-PROFIT LOW-INCOME HOUSING PROJECTS OWNED AND OPERATED BY COMMUNITY PARTNERS FOR AFFORDABLE HOUSING (CPAH) AND HAWTHORNE URBAN DEVELOPMENT LLC

	Yes	Absent
Councilor Woodard	✓	
Councilor Wilson		✓
Council President Buehner	✓	
Mayor Dirksen	✓	

TIGARD CITY COUNCIL MEETING MINUTES – MARCH 27, 2012

Councilor Henderson

✓

7.  APPROVE PURCHASE OF THE PAULL PROPERTIES AND AUTHORIZE THE CITY MANAGER TO COMPLETE THE PROPERTY PURCHASE

Parks Manager Martin and City Engineer Stone introduced this item. Parks Manager Martin said the Paull property is located on northwest Bull Mountain and the Parks and Recreation Board (PRAB) recommends purchasing this eight-acre property with park bond funds. The PRAB ranked this property near the top of their acquisition list.

Mayor Dirksen said that the Bull Mountain area has been extremely underserved with parks and noted that since he became mayor three large properties have been brought into public ownership and this property will be a great addition.

Councilor Henderson commended citizen Neil Brown for his work in bringing this land to the city’s attention. Councilor Woodard agreed and also acknowledged PRAB (Park and Recreation Advisory Board) and staff efforts to identify and prioritize park properties.

Councilor Woodard moved to approve Resolution No. 12-12 and the motion was seconded by Councilor Henderson. The motion passed by a unanimous vote of all council present.

RESOLUTION NO. 12-12 – A RESOLUTION APPROVING THE PURCHASE OF THE PAULL PROPERTIES, COMMONLY REFERRED TO AS THE EAST BULL MOUNTAIN PROPERTIES, (TAX LOTS 2S104DC05800 AND 2S104DC05900), AND AUTHORIZING THE CITY MANAGER TO TAKE ALL NECESSARY ACTION TO COMPLETE THE PROPERTY PURCHASES ON BEHALF OF THE CITY

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

8.  ADOPT REVISED PLANNING COMMISSION BYLAWS (RESOLUTION) AND AMEND TIGARD MUNICIPAL CODE CHAPTER 2.08 (ORDINANCE)

Assistant Community Development Director Hartnett introduced this staff effort to update and consolidate bylaws for the Planning Commission. She said the changes are consistent with the model bylaws previously approved by council. She highlighted changes, noting that the proposed composition of the Planning Commission calls for at least two members with expertise related to design so that the Downtown Design and Review Board Subcommittee function of the Planning Commission can be met. It also reflects the charge from council

TIGARD CITY COUNCIL MEETING MINUTES – MARCH 27, 2012

calling for the Planning Commission to become the Committee for Citizen Involvement (CCI). The terms and responsibilities were clarified. Electronic communications wording was added. She noted that the Planning Commission has reviewed these changes and is favorable.

Councilor Henderson referred to the recommendation specifying two members must have design experience and asked what qualifications are required. Assistant Community Development Director Hartnett said this language is in the proposed bylaws and states that, “Two members shall have expertise related to the design of sites, buildings, structures or landscapes, including but not limited to, architects, landscape architects, engineers, and urban design planners.” Councilor Henderson asked if there was a review process that qualifies those people. Assistant Community Development Director Hartnett said the recommended appointments are processed through the council subcommittee that appoints all board and committee members. She noted that the current Planning Commission has three members that meet this requirement.

Council President Buehner said the proposed composition creates a good balance of experts and citizens. Mayor Dirksen noted that council gave the Planning Commission a new role – Downtown Design Review Board, and this needed to be formalized and codified. Councilor Woodard asked why the Downtown Design Review Board is listed separately. She said they are meeting as a land-use decision board and the process is different for the downtown.

Council President Buehner moved to approve Resolution No. 12-13 and Councilor Henderson seconded the motion. The motion passed.

RESOLUTION NO. 12-13 – A RESOLUTION AMENDING THE TIGARD PLANNING COMMISSION BYLAWS TO BE CONSISTENT WITH COUNCIL APPROVED MODEL BYLAWS

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

Council President Buehner moved to approve Ordinance No. 12-03 and Councilor Woodard seconded the motion.



ORDINANCE NO. 12-03 – AN ORDINANCE AMENDING TIGARD MUNICIPAL CODE CHAPTER 2.08, PLANNING COMMISSION, COMPLEMENTING AMENDMENTS TO AMENDED PLANNING COMMISSION BYLAWS, CONSISTENT WITH COUNCIL APPROVED MODEL BYLAWS

TIGARD CITY COUNCIL MEETING MINUTES – MARCH 27, 2012

A roll call vote was taken and Ordinance No. 12-03 passed by a unanimous vote of all council present.

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

9. LEGISLATIVE PUBLIC HEARING: CONSIDER PARK SYSTEM DEVELOPMENT CHARGE (SDC) METHODOLOGY AND A RESOLUTION AMENDING THE CITY'S MASTER FEES AND CHARGES SCHEDULE.

 Mayor Dirksen announced that this hearing will be rescheduled to the June 12, 2012 council meeting.

10. COUNCIL LIAISON REPORTS - 2012 National League of Cities Congressional Conference Reports

Council members attending the conference and reported on what they learned.

 Councilor Henderson thanked the City of Tigard for giving him the opportunity to travel to Washington DC and participate in state-of-the-art community governing practices training. He said the central theme for him was learning what he needs to know to position the community to survive this economic downturn, now called the “new normal.” He said, “It is our responsibility to help people get jobs and homes.” He said private/public partnerships (PPP’s) can help share the risk and rewards potential. He said there are 19 typical partnerships that can be entered into as a public entity, such as design/build or build/finance/operate, etc. Successful PPP’s have seven key elements:

- Statutory or political environment
- Organized structure
- Detailed business plan
- Guaranteed revenue stream
- Risk management
- Pick your partner carefully
- Stakeholder support and managing relationships

TIGARD CITY COUNCIL MEETING MINUTES – MARCH 27, 2012

He said the most important thing is to understand our stakeholders and make sure that “everyone is brought to the table.”

Councilor Henderson presented a slide showing the Polarity Management Map – a creative way to affect policy amid competing views. (A copy of this map is in the packet for this meeting.) He said we teach children to take care of themselves and others but as adults, we move away from that balance and what it takes to get along. Balance needs to be found among the following, which seem to compete but parallel the same thought:

- Change and Stability
- Common Sense and Facts
- Community Service and Self Service
- Whole and Part
- Consensus and Independent Thinking
- Courage and Caution
- Humility and Confidence
- Growth and Preservation
- Relationships and Tasks

Councilor Henderson said the most important word on the Polarity Management Map is the word “and.” He said if you use “either/or” it will not work because you have already made up your mind and there are no other ways to solve a problem other than war, the judicial system or other consequences.

Councilor Henderson said working with the two polarities together creates a positive outcome. The chart’s Action Steps and Early Warnings give ideas on how to maintain the model. He said he learned is that it is alright to change your mind. Trying to understand the other person and remain open to other ideas leads to better solutions.

Councilor Henderson attended a class in sustainability, which is now being mentioned in all aspects of government. Awareness and the current economy have created opportunities to explore new practices. He is planning to attend another sustainability session in May and will report on what he gains from that training and how sustainable practices can be applied in Tigard.

Mayor Dirksen mentioned that when Tigard’s Comprehensive Plan was updated it was acknowledged that sustainability would be incorporated into every area of the city. He said the city has done a survey to see what is being done now but he is interested to hear about other things the city could be doing.



Councilor Woodard reported on classes he attended including Strategic Collaboration and asked, “When pulling the public together to get input – do we consider the different generations?” He said that all types of people (creators, stakeholders, refiners, executers) are necessary for successful collaboration.

TIGARD CITY COUNCIL MEETING MINUTES – MARCH 27, 2012

Councilor Woodard also attended Problem Solving Teams and Effective City Councils through Group Facilitation. He noted that no matter what the problem being discussed, having a facilitator and a timekeeper is essential.

With Councilor Henderson he attended the Public/Private Partnership (3P's) session. He said with fewer government dollars available it is more important than ever to create strategic city/county/regional partnerships. He said this requires advanced economic strategic collaboration facilitation skillsets for cities wanting to be competitive in the 21st century. This skillset is also known as an economic integrator (economic development specialist). Also important are diverse internal council communication skills, public and stakeholder problem solving meetings and forums.

He learned that when an economic integrator coordinates 3P public approved partnerships, the government is no longer seen as the center of the universe. An economic integrator can ensure city government leaves no tax-payer dollars on the table during the negotiation process. 3P's provide a return on investment to the taxpayer while providing greater services to the community He likens this to the benefits achieved with the CDBG (Community Development Block Grants) where for every dollar spent, there is a \$3.25 return on that investment.

Councilor Woodard said he obtained several contacts and information for grants that he will pass along to Senior Management Analyst Wyatt and Assistant City Manager Newton.

He said there is potential in the Farm Bill for the citizens of Tigard such as organic gardens, school farms, learning programs, and coordination with city recreation programs, etc.



Council President Buehner said she attended several seminars and her favorite was, Leading your Community's Transformation, which gave her an opportunity to examine how to transmit good ideas to the public and gain stakeholder buy-in. She noted that steps in the process of change can be similar to the stages experience with grief, starting with a feeling of loss and then finally, the ability to adapt to the change. She said other training included sessions on speaking to and developing messages for the media.

Council President Buehner and Mayor Dirksen met with representatives of the Bonneville Power Administration, Department of Energy and the Bureau of Reclamation. Mayor Dirksen noted that the staff for the Bureau of Reclamation and the EPA were very supportive of the water project, particularly Tigard's use of aquifer wells.



Mayor Dirksen attended meetings as a member of JPACT, representing all Washington County cities. He met with the majority of members of Tigard's congressional delegation specifically regarding transportation and the new funding package.

TIGARD CITY COUNCIL MEETING MINUTES – MARCH 27, 2012

Mayor Dirksen met with congressional district representatives and federal agencies on projects important to the city, such as the Lake Oswego/Tigard water project. He obtained information on positioning the city to receive more grants.

Council President Buehner met with HUD (Department of Housing and Urban Development) regarding a proposed program for downtown planning efforts. The program requirements are very particular and may not fit the city's situation but she felt it important to meet with various agencies to let them know of Tigard's needs. She also met with Congressman Schrader staff to give an update on the Tigard/Lake Oswego partnership.

She met with Congresswoman Bonamici who expressed interest in our Fanno Creek Trail Project. She met with Senator Merkley's staff to discuss foreclosures and how the current system while meant to help people, offers little assistance. She met with Senator Merkley and Senator Wyden on high-capacity transit and the transportation project at McDonald/Gaarde. She noted that every office appreciated the well-designed packet Tigard elected officials brought with them and thanked city staff for creating them.

Mayor Dirksen commented that the federal bureaus are now identifying Tigard as an entity separate from the City of Portland.

Council complimented the lobbying firm CFM, which assisted in preparing council and scheduling appointments with legislators.

11. NON AGENDA ITEMS

A. Consider Waiving Sign Permit Fees for Tigard Youth Football

RESOLUTION NO. 12-14 – A RESOLUTION WAIVING \$104 IN TEMPORARY SIGN PERMIT FEES FOR TIGARD YOUTH FOOTBALL

Finance Confidential Executive Assistant Lutz said this agenda item was for the consideration of waiving additional signage fees for the Tigard Youth football.

Council President Buehner moved for approval of Resolution No. 12-14 and Councilor Woodard seconded the motion. All voted in favor.

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

TIGARD CITY COUNCIL MEETING MINUTES – MARCH 27, 2012

12. EXECUTIVE SESSION: None held.

13. ADJOURNMENT: At 9:42 p.m. Councilor Henderson moved for adjournment of the business meeting. Mayor Dirksen announced that a short study session would follow. Council President Buehner seconded the motion and all voted in favor.

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

STUDY SESSION –

Mayor Dirksen said there were two nominations for the Tigard 2012 Exemplary Citizenship Awards: Rev. Michael D. Ruptak and Mary S. Feller. Their contributions to the community were discussed and it was decided that they are both very worthy of this public honor and so there will be two awards this year. Mayor Dirksen suggested adding that Rev. Ruptak’s award is for a lifetime of exemplary service.

Regarding the earlier citizen communication on allowing social gaming in Tigard, Mayor Dirksen recommended forwarding the information submitted on this subject to the City Attorney for review.

Study Session adjourned at 9:50 p.m.

Carol A. Krager, Deputy City Recorder

Attest:

Mayor, City of Tigard

Date

TIGARD CITY COUNCIL MEETING MINUTES – MARCH 27, 2012

Attachments

[Vol 1 - Test](#)

[Vol II - Test](#)

[Vol III - Test](#)

[Vol IV - Test](#)

[Vol V Test](#)

AIS-885

3. B.

Business Meeting

Meeting Date: 04/24/2012

Length (in minutes): Consent Item

Agenda Title: Approve 2012 Application to the Department of Justice for an Edward Byrne Memorial Justice Assistance Grant

Prepared For: Alan Orr

Submitted By: Tom Imdieke,
Police

Item Type: Motion Requested

Meeting Type: Consent Agenda

Information

ISSUE

Should the City Council approve a grant application to the Department of Justice in the amount of \$11,143?

STAFF RECOMMENDATION / ACTION REQUEST

Approve the grant application.

KEY FACTS AND INFORMATION SUMMARY

The Department of Justice has issued a grant solicitation notice for the 2012 Edward Byrne Memorial Justice Assistance Grant. This is a formula grant with a minimum based allocation available to eligible units of local government. The City of Tigard can receive up to \$11,143 under the formula and does not require any local matching funds.

It is the intent of the Police Department to submit an application with the funds to be used for upgrading the briefing room equipment that is used at the beginning of each shift. The new equipment would provide for greater interactive discussions and briefings with officers using GIS data, information from the WCCAA computer-aided dispatch system, and etc. The existing equipment is older and would justify replacement but by having upgraded equipment, briefings would become more efficient as well as providing data in a format that would generate more in-depth planning and discussions. The newer equipment would also be used for officer training as well.

Under the grant application guidelines, applicants must submit documentation that the grant application was approved by the governing body as well as providing citizens an opportunity to comment on how the funds would be used. As a consent agenda item, this would meet the review conditions of the grant. The grant will need to be submitted by May 14, 2012.

OTHER ALTERNATIVES

None

COUNCIL OR CCDA GOALS, POLICIES, MASTER PLANS

N/A

DATES OF PREVIOUS CONSIDERATION

N/A

Fiscal Impact

Cost: \$11,143

Budgeted (yes or no): No

Where budgeted?:

Additional Fiscal Notes:

The city would receive \$11,143 to fund the upgrade of equipment in the Police Department briefing room. No matching funds from the city are required under this grant.

AIS-890

3. C. 1.

Business Meeting

Meeting Date: 04/24/2012

Length (in minutes): Consent Item

Agenda Title: Award Pavement Management Program - Slurry Seal Project Contract to Blackline, Inc.

Submitted By: Joseph Barrett, Financial and Information Services

Item Type:

Meeting Type: Consent Agenda -
LCRB

Information

ISSUE

Shall the Local Contract Review Board award a contract for the city's Pavement Management Program - Slurry Seal project to Blackline Inc.?

STAFF RECOMMENDATION / ACTION REQUEST

Staff recommends the Local Contract Review Board award the contract for the city's Pavement Management Program to Slurry Seal project to Blackline Inc. and authorize the city manager to take all necessary steps to execute the contract.

KEY FACTS AND INFORMATION SUMMARY

The yearly Pavement Management Program (PMP) protects the city's investment in the street infrastructure. The program typically includes a combination of minor maintenance projects (slurry seal applications) and major maintenance projects (pavement overlays). Slurry seal applications are used throughout the country to restore deteriorating streets. Deterioration occurs as rain, sun, and freezing and thawing cycles eat away at the sticky asphalt binder that holds the pavement together. In a slurry seal application, the street is cleaned, cracks are sealed, and a hot, liquid mixture of asphalt emulsion and sand is applied to the roadway. The mixture hardens as it cools. The process restores the asphalt binder near the pavement's surface and extends the useful life of the roadway.

The city issued an Invitation to Bid on March 26, 2012 and advertised the project in both the Daily Journal of Commerce and The Tigard Times. Bids were publicly opened at 2 pm on April 5th with the following results:

Bidder's Name - Bid Total

Blackline Inc. - \$370,882

Valley Slurry Seal - \$398,954

California Pavement Maintenance - \$509,389

City's Engineer's Estimate - \$403,566.

Staff has reviewed the bids and has found Blackline, Inc. to be a reputable company fully capable of performing the work required on this project. Therefore, staff recommends that the Local Contract Review Board award the Fiscal Year 2012-2013 Pavement Management Program - Slurry Seal contract to Blackline, Inc. The City will contract for the pavement overlay portion of the program under a separate contract solicited and issued at a later date.

OTHER ALTERNATIVES

The Local Contract Review Board could chose not to award the contract.

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

N/A

DATES OF PREVIOUS COUNCIL CONSIDERATION

While this is the first time the Local Contract Review Board is considering the FY 2012-2013 Slurry Seal contract, this is an annual project and the Board has seen each previous year's award recommendation.

Fiscal Impact

Cost: \$370,882

Budgeted (yes or no): FY 2012-13

Where budgeted?: Street Maintenance Fund

Additional Fiscal Notes:

This contract for the construction portion of the Pavement Management Program - Slurry Seal project is estimated at \$370,882. The overall project has \$1,300,000 in construction costs for the three components of the overall project: Crack Sealing, Slurry Seal, and Pavement Overlay. The Crack Seal contract is estimated at \$90,000 leaving \$1,210,000 for the other two components. With this contract at \$370,882 the amount remaining for the construction portion of Pavement Overlay component is \$839,118. As this project is for Fiscal Year 2012-2013, all amounts are contingent upon budget approval by the Budget Committee and City Council. No construction shall begin until appropriation are granted.

Business Meeting**Meeting Date:** 04/24/2012**Length (in minutes):** 20 Minutes**Agenda Title:** Arbor Day: Receive Tree City USA Growth Award and Present Tree Stewardship Awards**Submitted By:** Marissa Daniels, Community Development**Item Type:** Receive and File
Update, Discussion, Direct Staff**Meeting Type:** Council Business Meeting - Main**Information****ISSUE**

Annual Arbor Day report and recognition of the City of Tigard's activities and accomplishments in support of the urban and community forest.

STAFF RECOMMENDATION / ACTION REQUEST

Receive staff report and Tree City USA Awards and an award from Oregon Community Trees recognizing the city's leadership and accomplishments in advancing urban and community forestry projects and activities.

KEY FACTS AND INFORMATION SUMMARY**Arbor Day**

J. Sterling Morton first proposed a tree planting holiday, Arbor Day, which was celebrated on April 10, 1872, in Nebraska. Today, many communities across the nation celebrate trees on Arbor Day. The state of Oregon declares an entire week as Arbor Week, instead of a single day.

Here in Tigard, there are many ways for residents and business owners to get involved and help the city celebrate Arbor Day. Events are planned all month long.

Highlights include:

- Nature Hike with Tualatin Riverkeepers
Saturday, April 7 | 1:30-3 p.m. | Tigard Public Library Puett Room | Ages 5 and up
- SOLV-IT Ivy Pull
Saturday, April 21 | 9 a.m.-1 p.m. | Fanno Creek House (13335 SW Hall Blvd., Tigard, OR 97223)
- Drop-in Open House - Proposed Urban Forestry Code Impacts
Wednesday, April 25 | 10-11 a.m. | Tigard City Hall Permit Center Conference Room #1
- Arbor Day Family Story Time
Friday, April 27 | 10:30-11:15 a.m. AND 11:30 a.m.-12:15 p.m. | Tigard Public Library Puett Room

A list of additional activities and ways to celebrate Arbor Day are available at www.tigard-or.gov/arborday.

Arbor Day Planting and Celebration

Mayor Dirksen will celebrate Arbor Day on April 24, 2011, planting trees with the sixth grade class at Fowler

Middle School. The students are preparing a special presentation to share with the Mayor during the celebration. All City Council members, the Tigard Tree Board, and Tigard-Tualatin School Board members are invited to attend.

To celebrate Arbor Day and earning the Growth Award, the city and the Tigard-Tualatin School District (TTSD) will join forces to plant over 60 trees on the Fowler Middle School campus and over 100 trees on the Tigard High School campus (Attachment 3).

Tree City USA and Growth Award

Brian Wegener of Oregon Community Trees (and Tualatin Riverkeepers) will present the 2011 Tree City USA Award and Tree City USA Growth Award at the April 24 Council meeting. Tigard is the recipient of its eleventh consecutive Tree City USA Award and its fourth Tree City USA Growth Award. These forms of national recognition honor Tigard's commitment to urban forestry. The Tree City USA program is sponsored by the Arbor Day Foundation in cooperation with the National Association of State Foresters and the USDA Forest Service.

Oregon Community Trees 2012 Urban and Community Forestry Award

Oregon Community Trees (OCT) – the state urban and community forestry council - annually honors outstanding individuals and organizations for their leadership and accomplishments in advancing urban and community forestry projects and activities in the state of Oregon. The City of Tigard has been chosen for the 2012 organization award based on the city's accomplishments under Mayor Dirksen's leadership (Attachment 4). The OCT awards recognize powerful examples of inspirational individuals and organizations engaging citizens, promoting tree planting and quality tree care, raising awareness and knowledge about Oregon's trees and forests and protecting Oregon's urban and community forests to improve the quality of life in towns and cities around the state.

OTHER ALTERNATIVES

N/A

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

N/A

DATES OF PREVIOUS COUNCIL CONSIDERATION

On March 27, 2012, Mayor Dirksen signed an Arbor Month Proclamation declaring April as Arbor Month in the City of Tigard.

Attachments

[PowerPoint](#)

[Arbor Day Flyer](#)

[Planting Plans](#)

[OCT Press Release](#)

C I T Y O F T I G A R D

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



Arbor Day 2012

Community Development

April 12, 2011

Help Us Celebrate!

A list of events is available at www.tigard-or.gov/arborday.

- ▶ Nature Hike with Tualatin Riverkeepers
- ▶ SOLV-IT Ivy Pull
- ▶ Drop-in Open House: Proposed Urban Forestry Code Impacts
- ▶ Arbor Day Family Story Time

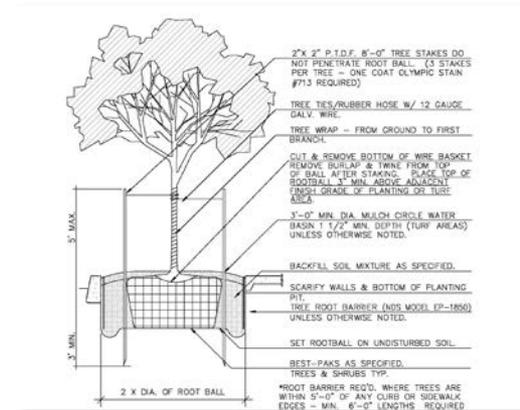
Arbor Day Celebration

- ▶ Fowler Middle School sixth grade performances



Celebration Planting

- ▶ To celebrate Arbor Day, the City and the Tigard-Tualatin School District (TTSD) joined forces to plant over 60 trees on the Fowler Middle School campus.
- ▶ In addition, over 100 trees were planted at Tigard High School.



Tree City USA

- Tigard is the recipient of its eleventh consecutive Tree City USA Award and its fourth Tree City USA Growth Award.

Oregon Community Trees

- Tigard is the recipient of the Oregon Community Trees 2012 Urban and Community Forestry Award.

Tree City USA

- ▶ We met the four requirements to become a Tree City USA for the 11th consecutive year.



Growth Award

- ▶ Tigard is the recipient of a Tree City USA growth award for expanded urban forestry efforts including:
 - ▶ Developing the city's first tree inventory,
 - ▶ Hosting a community wide open house on the Urban Forestry Code Revisions.



Urban and Community Forestry Award

- ▶ Under Mayor Dirksen's leadership, the City of Tigard has made significant accomplishments in promoting and expanding urban forestry programs and providing access to nature.



Thank You

- ▶ To all of our volunteers and residents who have planted and cared for trees over the past year – thank you!





PLEASE JOIN THE CITY OF TIGARD IN CELEBRATING

ARBOR DAY

CELEBRATE ALL MONTH LONG

Arbor Day is celebrated nationwide on the last Friday of April. On March 27, 2012, Mayor Craig Dirksen proclaimed the entire month of April to be Arbor Month here in Tigard.

ATTEND AN ARBOR DAY EVENT

The Lorax Party

Tuesday, March 27 | 2–4 p.m. | Tigard Public Library Community Room | Ages 5 and up

Calling all Once-lers: Join the Lorax as he speaks for the trees. Watch the original film and enjoy special drop-in activities and crafts celebrating "Mother Earth." Is your Lorax lore a little light? Come see the film and you'll get it right.

Nature Hike with Tualatin Riverkeepers

Saturday, April 7 | 1:30–3 p.m. | Tigard Public Library Puett Room | Ages 5 and up

It's International Beaver Day! Learn all about our tree-chomping friends, make your own nature journal, and join the Tualatin Riverkeepers for a wetlands hike behind the library. We'll hike rain or shine, so bring your rain boots—just in case!

Urban Forestry Code Revisions Public Hearing

Monday, April 16 | 7 p.m. | Tigard Town Hall

The Tigard Planning Commission public hearing on the Urban Forestry Code Revisions has been continued to this date. The purpose of the hearing is to ensure that interested parties can offer relevant testimony to influence the Planning Commission before they make a formal recommendation on the Urban Forestry Code Revisions to City Council. For more information about the Urban Forestry Code Revisions project, visit www.tigard-or.gov/ufcr, or contact City Arborist Todd Prager at 503-718-2700 or todd@tigard-or.gov.

SOLV-IT Ivy Pull

Saturday, April 21 | 9 a.m.–1 p.m. | Fanno Creek House (13335 SW Hall Blvd., Tigard, OR 97223)

Help Tigard get "Earthy" on Earth Day. Our newly purchased Fanno Creek House came with beautiful mature trees. Unfortunately, they are covered with yards and yards of English Ivy. English Ivy is an invasive non-native plant that climbs trees, weakening and even killing them over time. Let's work together to free the Fanno Creek House trees by removing this invasive ivy and making room for a creek restoration and native plant garden. We will provide water, snacks and lots of good energy! Parking is very limited at the site so please park at City Hall and follow the signs to the event. For more information contact Carla Staedter at 503-718-2788 or carla@tigard-or.gov.

Drop-in Open House—Urban Forestry Code Impacts

Wednesday, April 25 | 10–11 a.m. | Tigard City Hall Permit Center Conference Room #1

Trees play a dynamic role in increasing quality of life in urban environments. Drop by during this timeframe to chat one-on-one about the proposed code amendments with City Arborist Todd Prager. Information is also available online at www.tigard-or.gov/ufcr.

Arbor Day Family Story Time

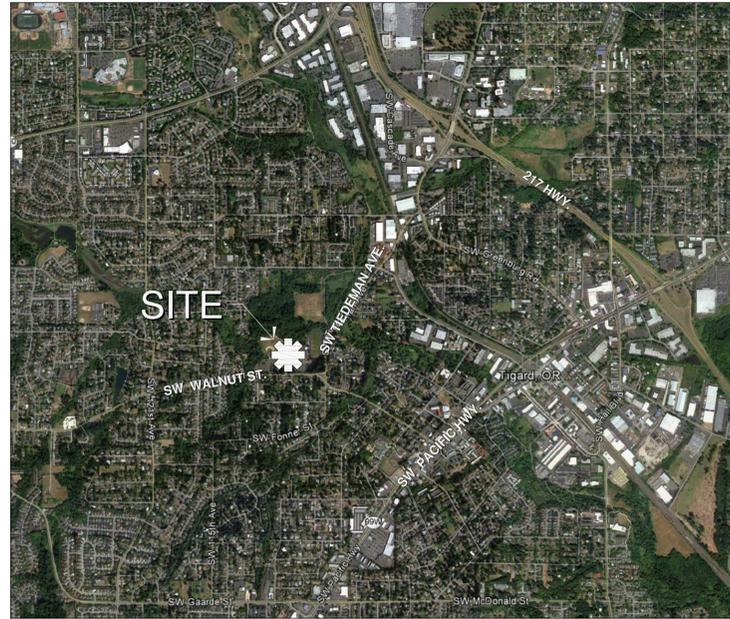
Friday, April 27 | 10:30–11:15 a.m. AND 11:30 a.m.–12:15 p.m. | Tigard Public Library Puett Room

Bring the whole gang for stories, songs and super-duper silliness!



TREE CITY USA

The National Arbor Day Foundation has honored the City of Tigard with its Tree City USA Growth Award for a fourth straight year. This is the 11th year Tigard has earned Tree City USA recognition for its commitment to urban forestry.



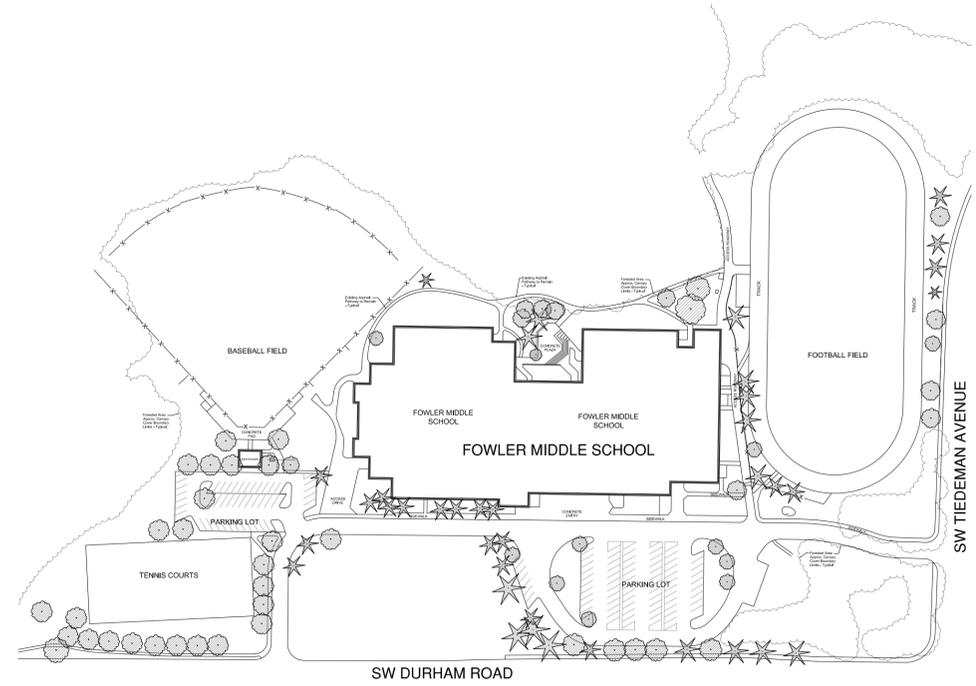
VICINITY MAP

N.T.S.



LOCATION MAP

N.T.S.



AREA OF WORK MAP

N.T.S.

PROJECT TEAM

OWNER'S REPRESENTATIVE

TODD PRAGER - CITY OF TIGARD
ASSOCIATE PLANNER/ARBORIST
13125 SW Hall Blvd.
TIGARD, OR 97223
(503) 718-2700

LANDSCAPE ARCHITECT

TROY MEARS, FLS
MEARS DESIGN GROUP, LLC
PO Box 23338
TIGARD, OR 97281
(503) 601-4516
(503) 924-4688 FAX

GENERAL NOTES

- ADVISE THE LANDSCAPE ARCHITECT OF ANY CONFLICTS OR DISCREPANCIES 2 (TWO) WORKING DAYS PRIOR TO STARTING WORK.
- STAGING AREAS ARE TO BE WITHIN THE DESIGNATED CONSTRUCTION LIMITS. IF THE CONTRACTOR REQUIRES ADDITIONAL AREA, THEY SHALL SUBMIT A WRITTEN REQUEST TO THE OWNER'S REPRESENTATIVE.
- VERIFY ALL SITE CONDITIONS BY SITE VISIT PRIOR TO BID SUBMISSION.
- ALL TRENCHES, PITS, HOLES, ETC. DUE TO CONSTRUCTION ARE REQUIRED TO BE COVERED AND/OR BARRICADE AT THE END OF EACH DAY DURING CONSTRUCTION.
- VERIFY LOCATION OF ALL UTILITIES PRIOR TO COMMENCEMENT OF WORK FOR PUBLIC PROPERTY LOCATES CONTACT TIGARD PUBLIC WORKS DEPARTMENT, (503) 718-2591 AND THE UTILITIES NOTIFICATION CENTER 1(800) 332-2344 NOT LESS THAN 48 HOURS PRIOR TO BEGINNING WORK. FOR SCHOOL PROPERTY LOCATES THE CONTRACTOR IS REQUIRED TO HAVE PRIVATE PROPERTY LOCATES COMPLETED FOR THE SITE.

DRAWING INDEX

SHEET TITLE	SHEET NUMBER
COVER SHEET	L0
PLANTING PLAN	L1
PLANTING PLAN	L2
IRRIGATION PLAN	L3
IRRIGATION PLAN	L4
DETAILS AND NOTES	L5



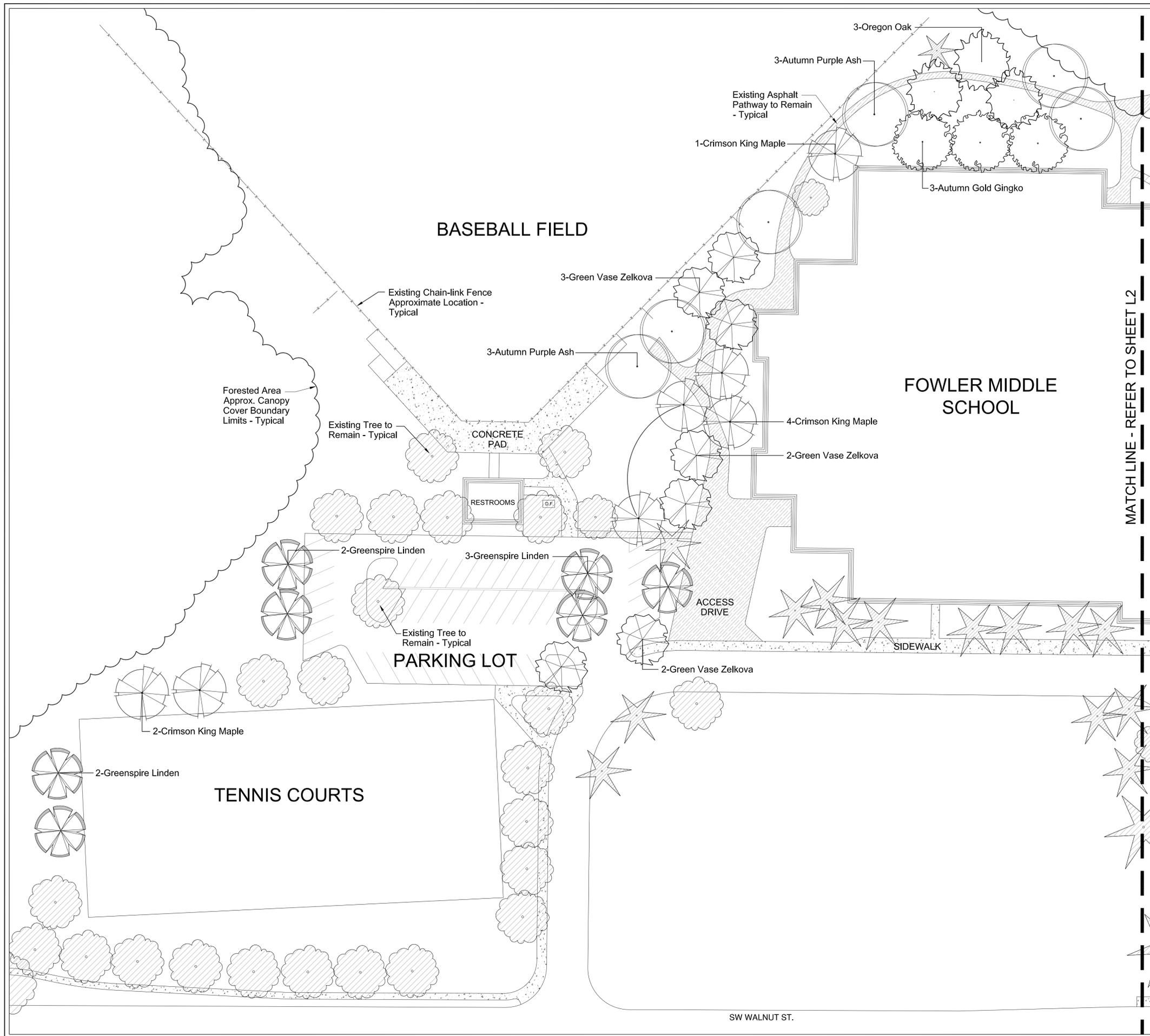
FOWLER MIDDLE SCHOOL
TREE PLANTING PROJECT
10865 SW WALNUT STREET
TIGARD, OREGON

REVISIONS		
REV.	DATE	DESCRIPTION

SHEET NAME:
COVER SHEET

DRAWN BY: TAM
CHECKED BY: TAM
ISSUE DATE: 3/6/12
JOB NO.: 1201-A

SHEET:
L0
OF 6



PLANT MATERIALS LISTING:

SYM	BOTANICAL NAME COMMON NAME	TREES	QTY.	SIZE	CONDITION	SPACING
	<i>Acer platanoides</i> 'Crimson King' Crimson King Maple		7	2" Cal.	B&B	30' min. (except in parking lot island)
	<i>Cornus alternifolia</i> Pagoda Dogwood		5	2" Cal.	B&B	20' min.
	<i>Cupressocyparis leylandii</i> 'Naylor's Blue' Naylor's Blue Cypress		3	6'-7'	B&B	15' min.
	<i>Fraxinus americana</i> 'Junginger' Autumn Purple Ash		9	2" Cal.	B&B	30' min.
	<i>Ginkgo biloba</i> 'Autumn Gold' Autumn Gold Ginkgo		3	2" Cal.	B&B	35' min.
	<i>Pinus nigra</i> Austrian Pine		2	6'-7'	B&B	30' min.
	<i>Pyrus calleryana</i> 'Aristocrat' Aristocrat Pear		10	2" Cal.	B&B	25' min.
	<i>Quercus garryana</i> Oregon Oak		6	2" Cal.	B&B	35' min.
	<i>Tilia cordata</i> 'Greenspire' Greenspire Linden		7	2" Cal.	B&B	30' min.
	<i>Zelkova serrata</i> 'Green Vase' Green Vase Zelkova		10	2" Cal.	B&B	30' min.
	Total Trees		64			

EXISTING TREES TO REMAIN UNLESS OTHERWISE NOTED

MATCH LINE - REFER TO SHEET L2

REFER TO SHEET L5 FOR
PLANTING DETAILS & NOTES



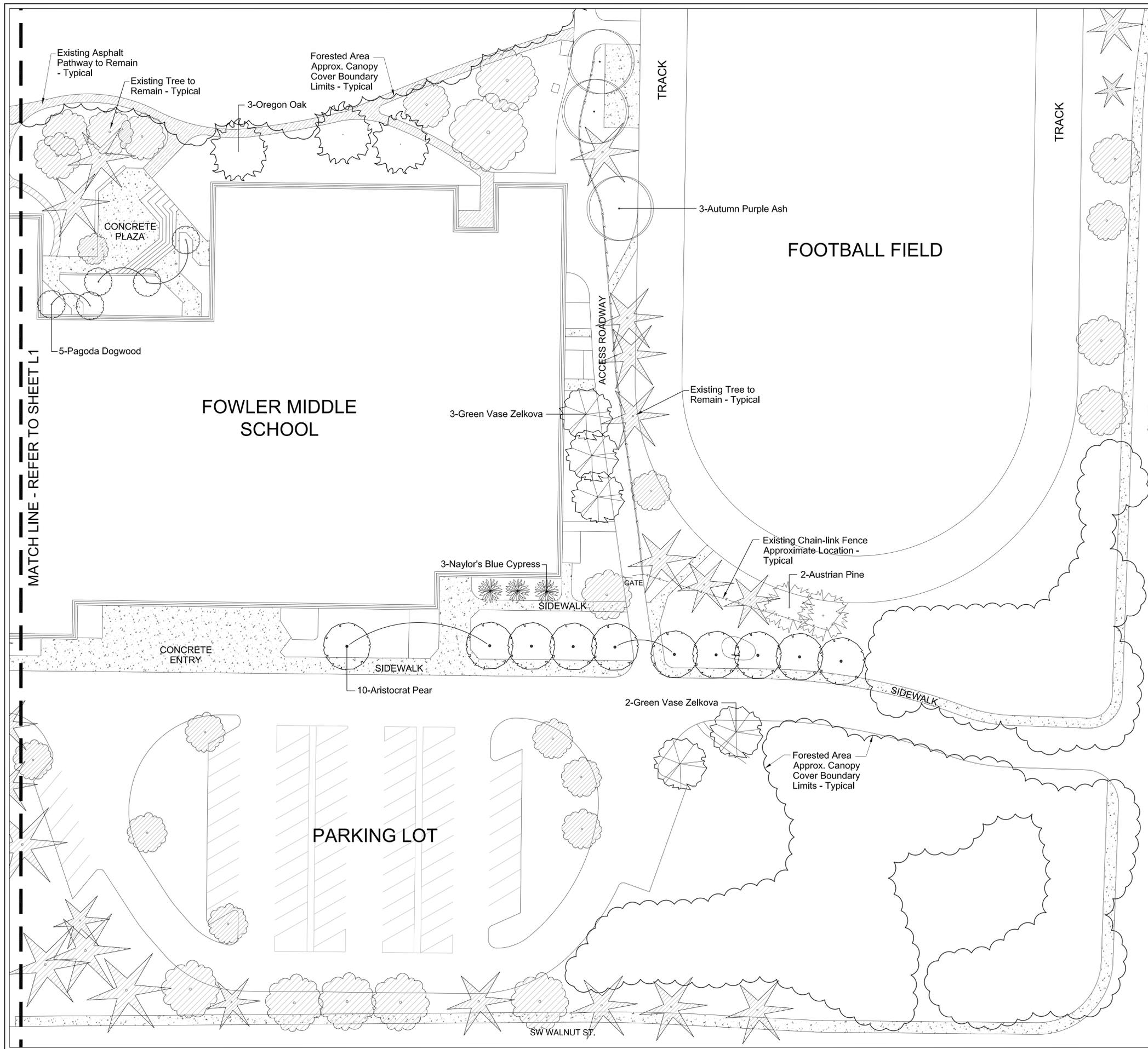
REVISIONS

REV.	DATE	DESCRIPTION

SHEET NAME:
PLANTING PLAN

DRAWN BY: TAM
CHECKED BY: TAM
ISSUE DATE: 3/6/12
JOB NO.: 1201-A

SHEET:
L1
OF 6



PLANT MATERIALS LISTING:

BOTANICAL NAME COMMON NAME		QTY.	SIZE	CONDITION	SPACING
SYM	TREES				
	Acer platanoides 'Crimson King' Crimson King Maple	7	2" Cal.	B&B	30' min. (except in parking lot island)
	Cornus alternifolia Pagoda Dogwood	5	2" Cal.	B&B	20' min.
	Cupressocyparis leylandii 'Naylor's Blue' Naylor's Blue Cypress	3	6'-7'	B&B	15' min.
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	Ginkgo biloba 'Autumn Gold' Autumn Gold Ginkgo	3	2" Cal.	B&B	35' min.
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Total Trees		64			
EXISTING TREES TO REMAIN UNLESS OTHERWISE NOTED					

REVISIONS

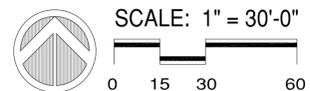
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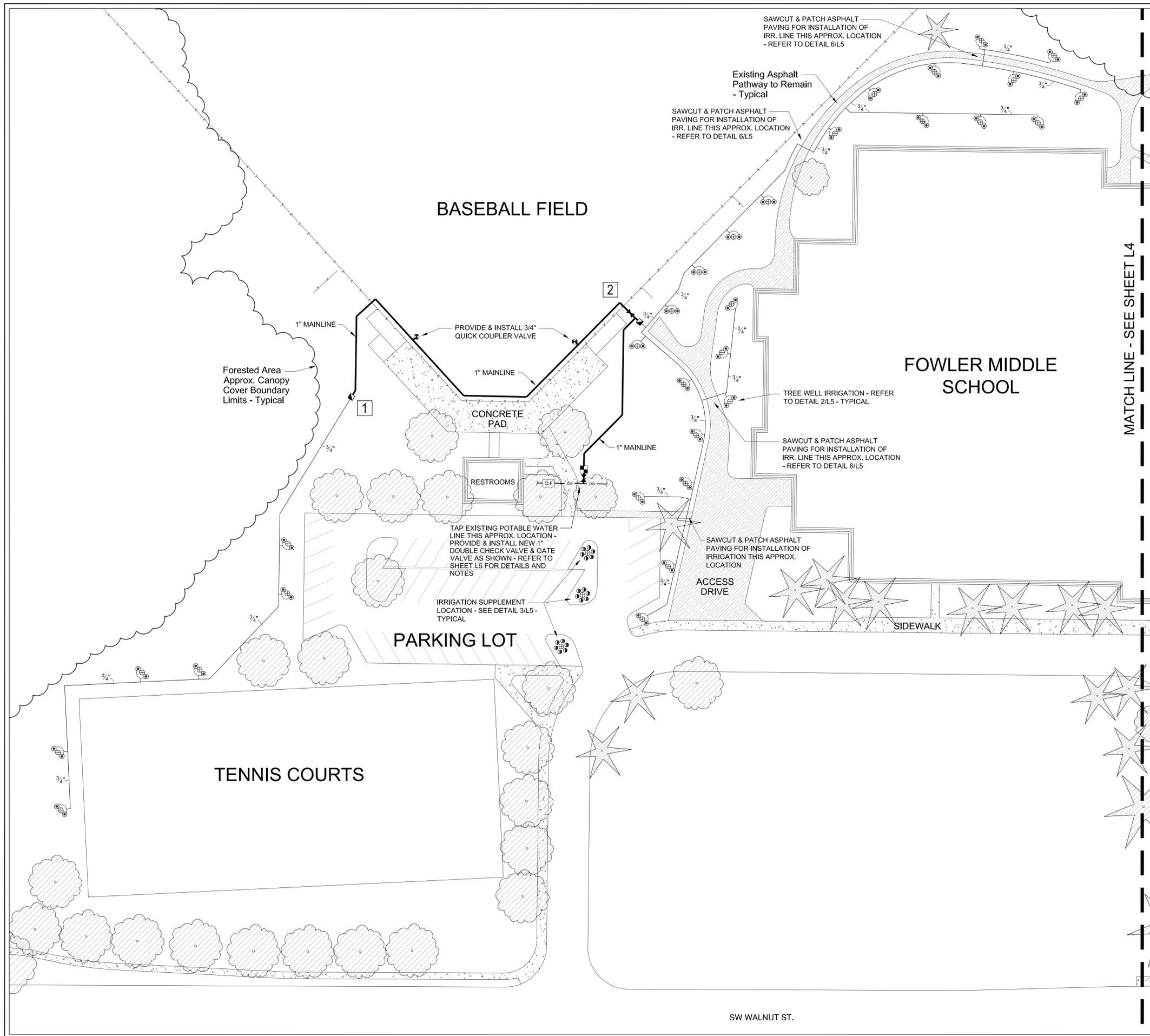
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PLANTING PLAN

DRAWN BY: TAM
CHECKED BY: TAM
ISSUE DATE: 3/6/12
JOB NO.: 1201-A

SHEET:
L2
OF 6

REFER TO SHEET L5 FOR
PLANTING DETAILS & NOTES





IRRIGATION SITE GENERAL KEY

SYM.	DESCRIPTION
2" S	CLASS 200 PVC SLEEVE - SIZE AS NOTED
2" M.L.	EXISTING CLASS 200 IRRIGATION MAINLINE - SIZE AS NOTED
1" M.L.	CLASS 200 IRRIGATION MAINLINE - SIZE AS NOTED
3/4"	CLASS 200 PVC LATERALS - SIZE AS NOTED
Valve Symbol	IRRIGATION ISOLATION VALVE - SAME SIZE AS MAINLINE
Quick Coupler Symbol	EXISTING 1" QUICK COUPLER VALVE - REFER TO DETAIL 7/L5
Manifold Symbol	RB XEZ-100-PRF DRIP MANIFOLD W/ TBOS CONTROL MODULE - REFER TO DETAIL 1/L5
Valve Symbol	EXISTING IRRIGATING VALVES AS NOTED
1	CONTROL VALVE NUMBER - REFER TO VALVE KEY
Tree Well Symbol	TREE WELL IRRIGATION - REFER TO DETAIL 2/L5
Tree Symbol	INDICATES TREE LOCATION - REFER TO SHEET L1
Supplement Tree Symbol	INDICATES IRRIGATION SUPPLEMENT TREE - SEE SHEET L1 FOR TREE LOCATION - REFER TO DETAIL 3/L5
Fence Symbol	EXISTING CHAIN-LINK FENCE APPROXIMATE LOCATION
Potable Line Symbol	EXISTING POTABLE LINE - SIZE AND TYPE UNKNOWN - APPROXIMATE LOCATION

VALVE KEY

CONTROL VALVE NO. (TR-TREES)	1	2	3	4					
G.P.M.	.8	3.4	1.5	2.4					
CONTROL VALVE SIZE	1.0	1.0	1.0	1.0					

DESIGN CRITERIA

THE DESIGN OF THE IRRIGATION SYSTEM IS BASED ON 30 P.S.I. @ 40 G.P.M.

- ### GENERAL NOTES
- LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR ALL SLEEVING UNDER ALL HARD SURFACES.
 - INSTALL VALVE BOXES PERPENDICULAR TO WALLS, WALKS AND CURBS.
 - WHEN PLACING MORE THAN ONE PIPE IN A TRENCH, ALLOW A MIN. OF 6" BETWEEN PIPES.
 - ONE VALVE MAX. PER STANDARD VALVE BOX - TWO VALVES MAX. PER JUMBO VALVE BOX.
 - PLACE VALVES IN SHRUB BEDS WHERE POSSIBLE.
 - INSTALL HEADS FLUSH WITH TOP OF WALLS, WALKS AND CURBS.
 - ADJUST HEAD LOCATION AS REQUIRED TO AVOID TREES, SIGNS, LIGHT POLES AND OTHER FIXED OBJECTS.
 - SINGLE BARE TRACE WIRE REQUIRED ON TOP OF ALL MAINLINE.
 - TWO STEP GLUE REQUIRED ON ALL PVC MAINLINE THAT IS NOT GASKETED.
 - PLACE CONTROL WIRE 3 TO 6" AWAY FROM MAINLINE

REVISIONS

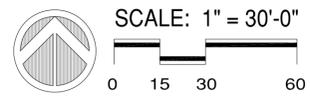
REV.	DATE	DESCRIPTION

SHEET NAME:
 IRRIGATION PLAN

DRAWN BY: TAM
 CHECKED BY: TAM
 ISSUE DATE: 3/6/12
 JOB NO.: 1201-A

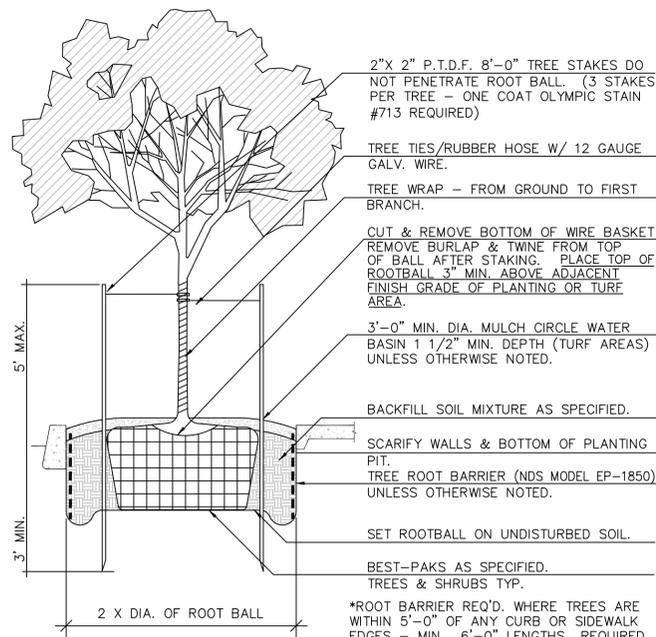
SHEET:
L3
 OF 6

REFER TO SHEET L5 FOR
 IRRIGATION DETAILS & NOTES



SW WALNUT ST.

MATCH LINE - SEE SHEET L4

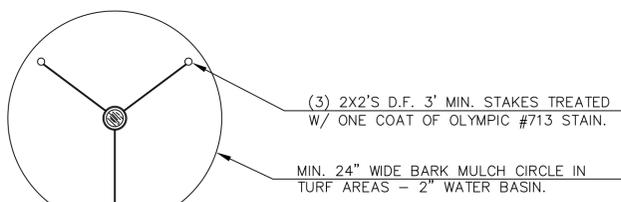


TREE PLANTING DETAIL

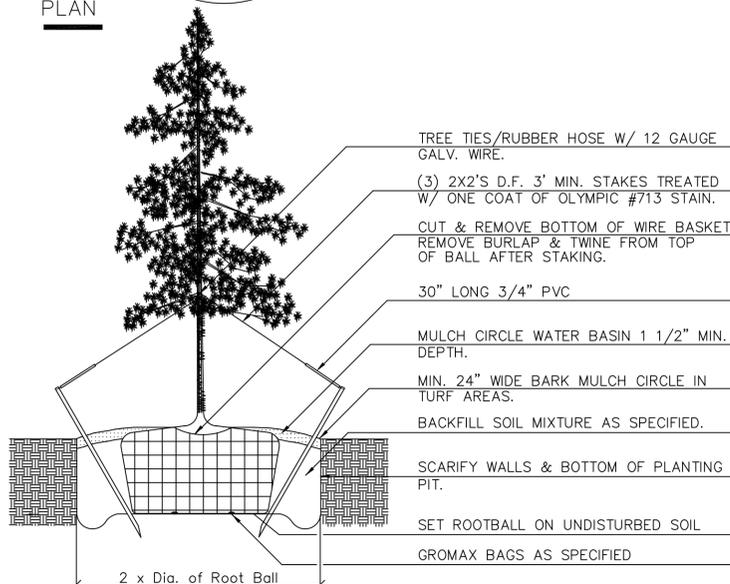
NOTES

- B&B STOCK MAY BE SUBSTITUTED WITH CONTAINER STOCK OF EQUAL GRADE.
- CONTAINER STOCK MAY BE SUBSTITUTED WITH B&B STOCK OF EQUAL GRADE.
- PLANT MATERIAL SHALL CONFORM WITH AMERICAN STANDARD FOR NURSERY STOCK, ANSI Z60.1, 2004 EDITION.
- ALL TREES SHALL BE BRANCHED.
- MULCH ALL PLANTING BEDS WITH 2" MIN. LAYER OF SPECIFIED MULCH.
- IN THE EVENT OF A DISCREPANCY BETWEEN THIS MATERIAL LISTING AND THE DRAWINGS, THE DRAWINGS SHALL GOVERN THE PLANT SPECIES AND QUANTITIES REQ.
- IN THE EVENT OF QUESTION OR LACK OF CLARITY ON DRAWINGS, LANDSCAPE CONTRACTOR IS TO CALL LANDSCAPE ARCHITECT BEFORE PROCEEDING.
- LANDSCAPE CONTRACTOR IS TO NOTIFY LANDSCAPE ARCHITECT PRIOR TO INSTALLATION OF PLANT MATERIAL.
- LANDSCAPE CONTRACTOR TO VERIFY TREE QUANTITIES.

NTS

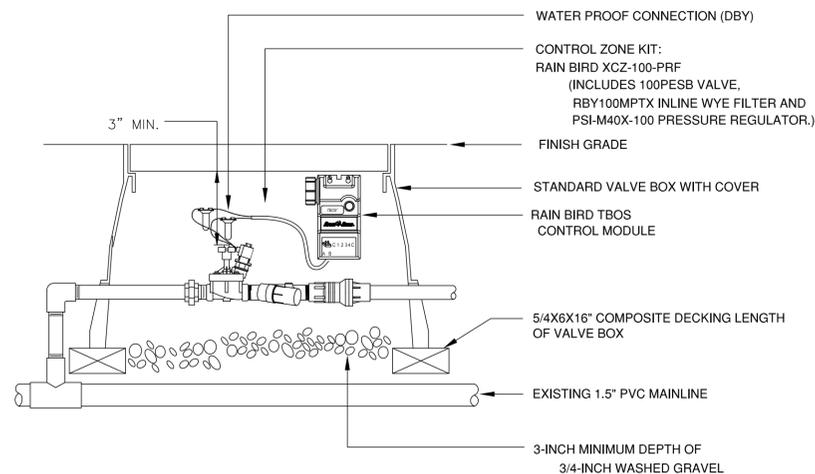


PLAN



CONIFER PLANTING DETAIL

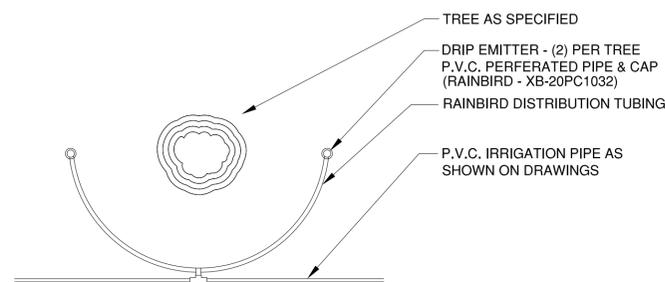
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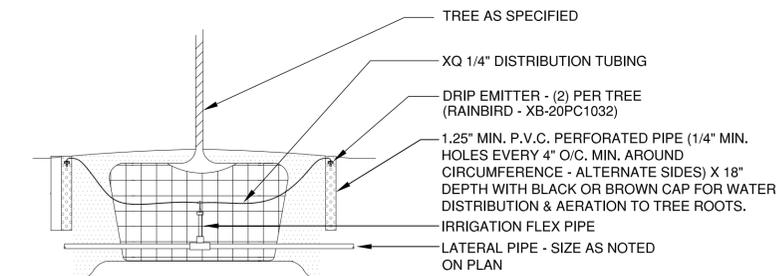
1 1" DRIP CONTROL VALVE MANIFOLD

L5 (XCZ-100-LF DRIP MANIFOLD KIT)

NTS



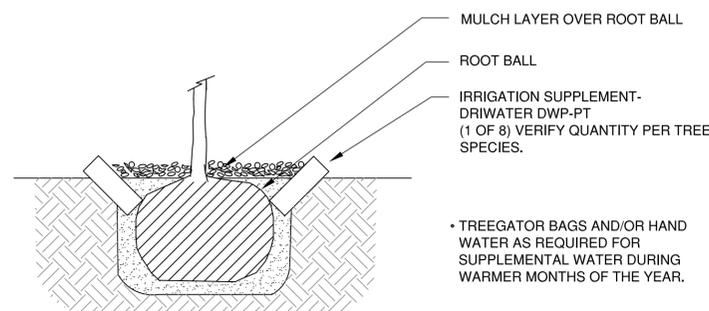
PLAN



2 TREE WELL IRRIGATION DETAIL

L5

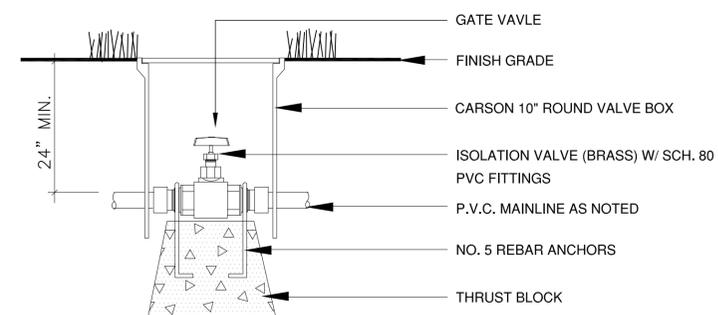
NTS



3 DRIWATER PLUS IRRIGATION SUPPLEMENT

L5 2" GEL PAC IN PVC TUBE WITH COVER/CAP

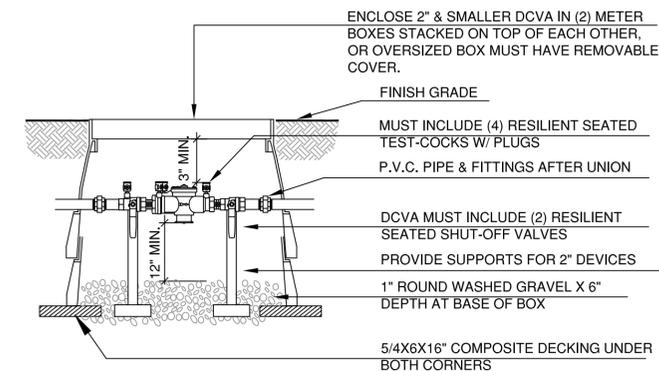
NTS



4 ISOLATION / GATE VALVE DETAIL

L5 (MAINLINE GATE VALVE SIZE - 2" AND SMALLER)

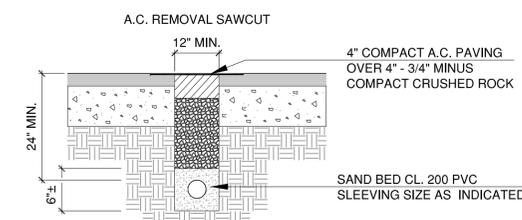
NTS



5 DOUBLE CHECK BACKFLOW PREVENTER DETAIL

L5 INSTALL TO LOCAL CODE REQUIREMENTS

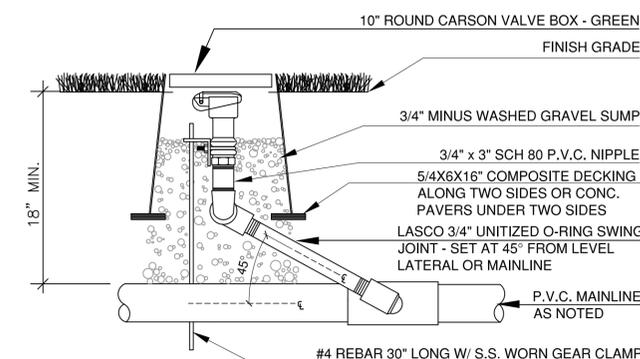
NTS



6 SAWCUT SLEEVING DETAIL

L5

NTS



7 QUICK-COUPLING VALVE DETAIL

L5

(3/4")

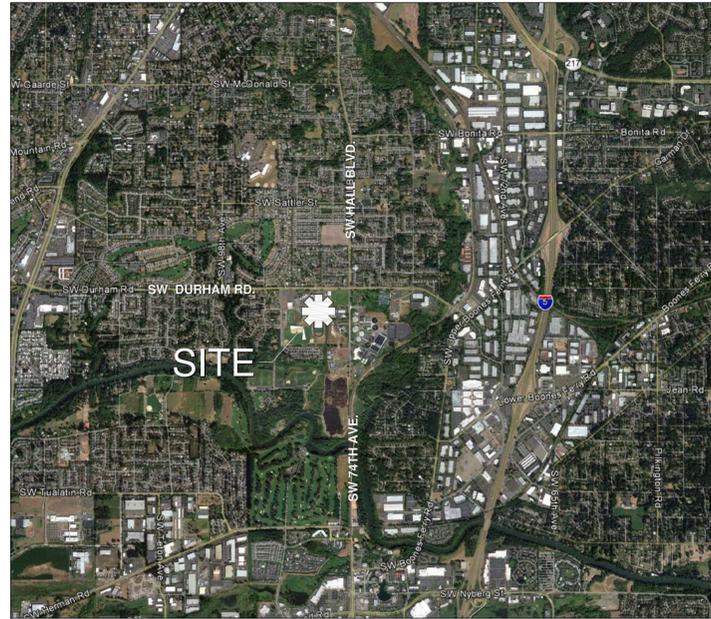
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REVISIONS		
REV.	DATE	DESCRIPTION

SHEET NAME:
DETAILS & NOTES

DRAWN BY:	TAM
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ISSUE DATE:	3/6/12
JOB NO.:	1201-A

SHEET:
L5
 OF 6



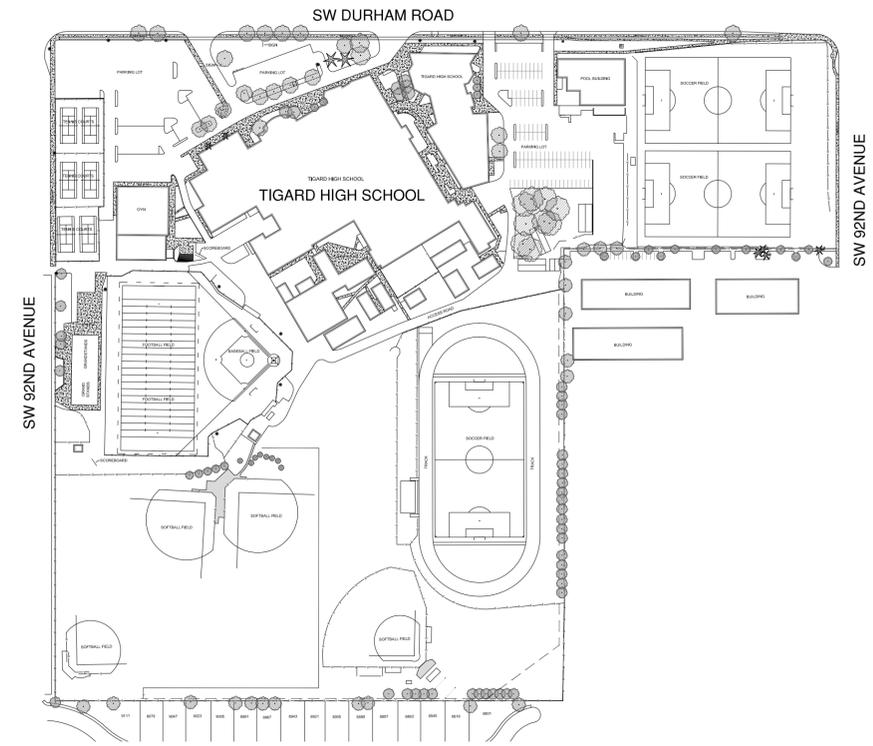
VICINITY MAP

N.T.S.



LOCATION MAP

N.T.S.



AREA OF WORK MAP

N.T.S.

PROJECT TEAM

OWNER'S REPRESENTATIVE

TODD PRAGER - CITY OF TIGARD
ASSOCIATE PLANNER/ARBORIST
13125 SW Hall Blvd.
TIGARD, OR 97223
(503) 718-2700

LANDSCAPE ARCHITECT

TROY MEARS, FLS
MEARS DESIGN GROUP, LLC
PO Box 23338
TIGARD, OR 97281
(503) 601-4516
(503) 924-4688 FAX

GENERAL NOTES

- ADVISE THE LANDSCAPE ARCHITECT OF ANY CONFLICTS OR DISCREPANCIES 2 (TWO) WORKING DAYS PRIOR TO STARTING WORK.
- STAGING AREAS ARE TO BE WITHIN THE DESIGNATED CONSTRUCTION LIMITS. IF THE CONTRACTOR REQUIRES ADDITIONAL AREA, THEY SHALL SUBMIT A WRITTEN REQUEST TO THE OWNER'S REPRESENTATIVE.
- VERIFY ALL SITE CONDITIONS BY SITE VISIT PRIOR TO BID SUBMISSION.
- ALL TRENCHES, PITS, HOLES, ETC. DUE TO CONSTRUCTION ARE REQUIRED TO BE COVERED AND/OR BARRICADE AT THE END OF EACH DAY DURING CONSTRUCTION.
- VERIFY LOCATION OF ALL UTILITIES PRIOR TO COMMENCEMENT OF WORK FOR PUBLIC PROPERTY LOCATES CONTACT TIGARD PUBLIC WORKS DEPARTMENT, (503) 718-2591 AND THE UTILITIES NOTIFICATION CENTER 1(800) 332-2344 NOT LESS THAN 48 HOURS PRIOR TO BEGINNING WORK. FOR SCHOOL PROPERTY LOCATES THE CONTRACTOR IS REQUIRED TO HAVE PRIVATE PROPERTY LOCATES COMPLETED FOR THE SITE.

DRAWING INDEX

SHEET TITLE	SHEET NUMBER
COVER SHEET	L0
PLANTING PLAN	L1
PLANTING PLAN	L2
PLANTING PLAN	L3
IRRIGATION PLAN	L4
IRRIGATION PLAN	L5
IRRIGATION PLAN	L6
DETAILS AND NOTES	L7



LANDSCAPE ARCHITECTURE & PLANNING
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PHONE: 503.601.4516 | FAX: 503.924.4688



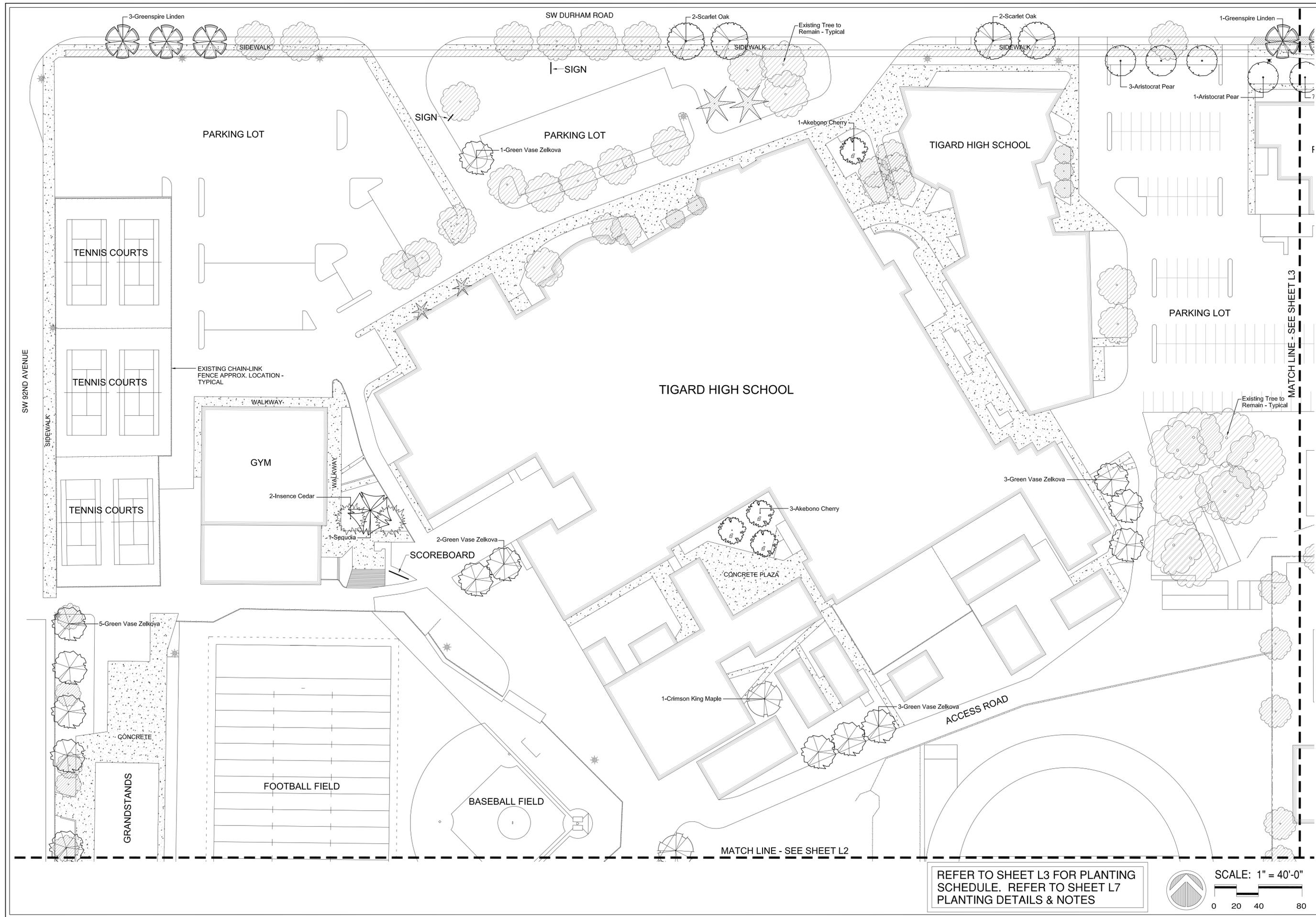
TIGARD HIGH SCHOOL
TREE PLANTING PROJECT
9000 SW DURHAM ROAD
TIGARD, OREGON

REVISIONS		
REV.	DATE	DESCRIPTION

SHEET NAME:
COVER SHEET

DRAWN BY: TAM
CHECKED BY: TAM
ISSUE DATE: 3/6/12
JOB NO.: 1206-B

SHEET:
L0
OF 8



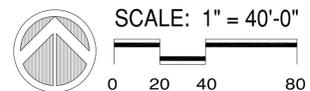
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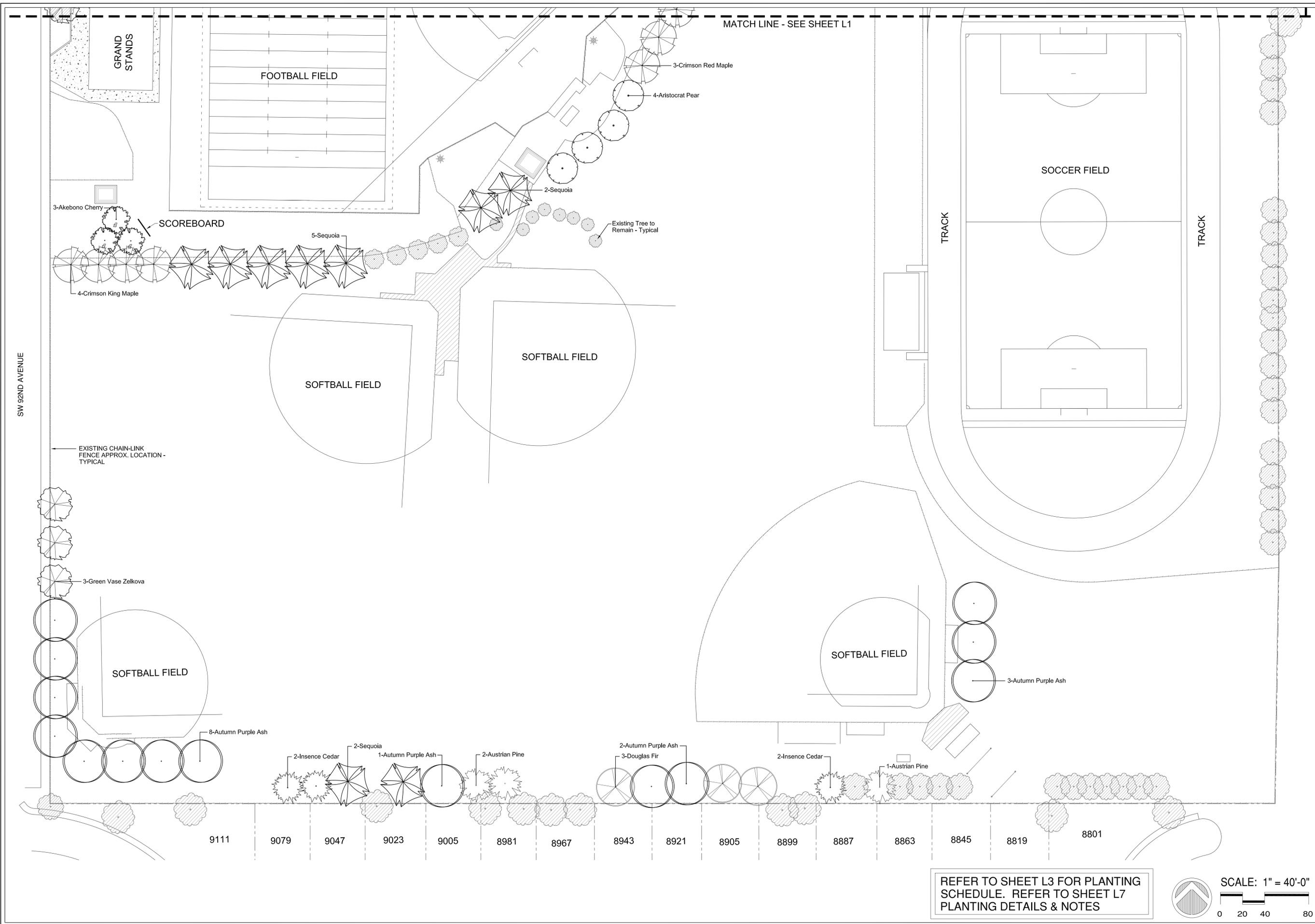
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PLANTING PLAN

DRAWN BY: TAM
CHECKED BY: TAM
ISSUE DATE: 3/6/12
JOB NO.: 1206-B

SHEET:
L1
OF 8

REFER TO SHEET L3 FOR PLANTING SCHEDULE. REFER TO SHEET L7 PLANTING DETAILS & NOTES





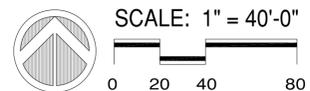
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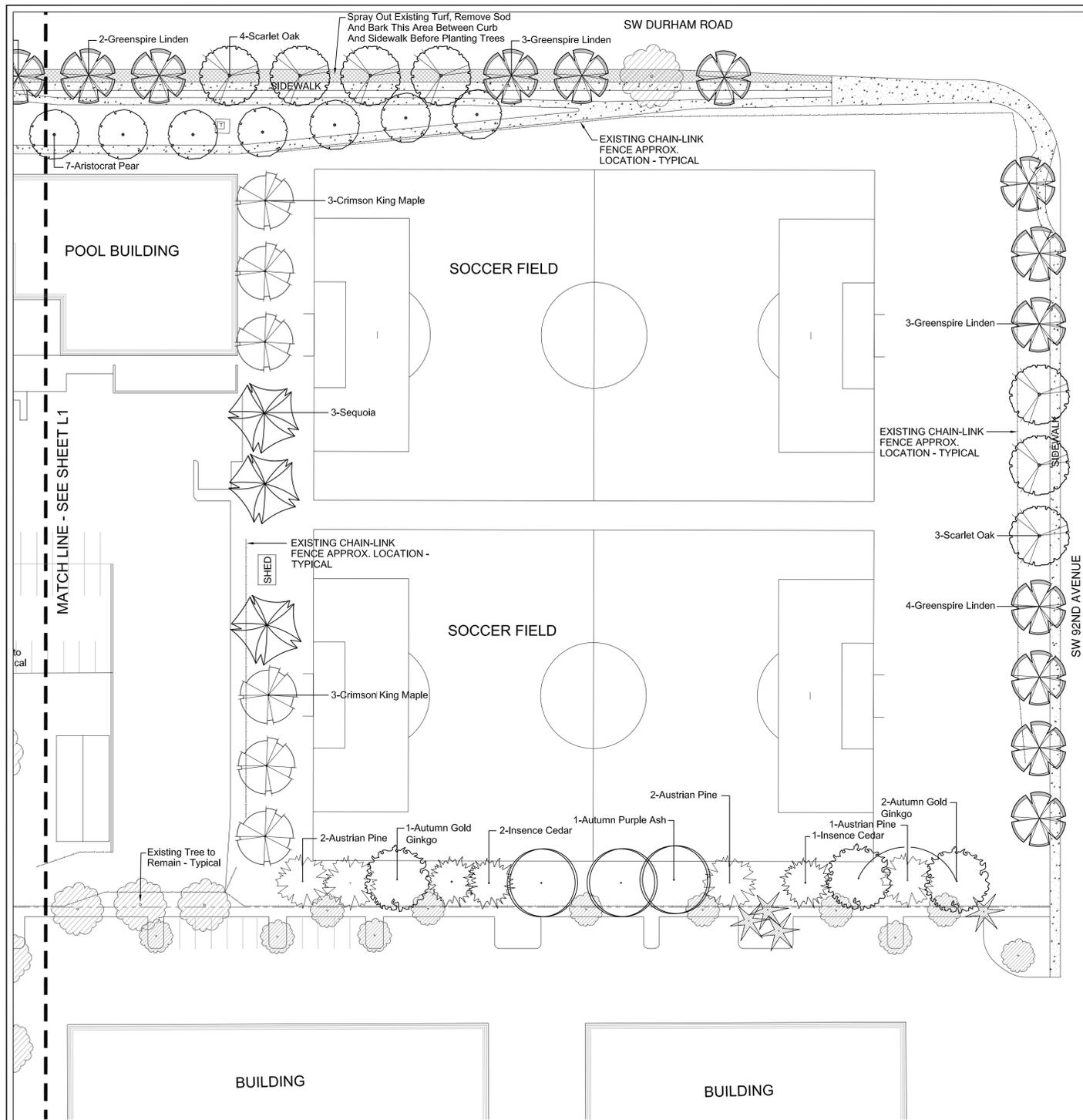
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PLANTING PLAN

DRAWN BY: TAM
CHECKED BY: TAM
ISSUE DATE: 3/6/12
JOB NO.: 1206-B

SHEET:
L2
OF 8

REFER TO SHEET L3 FOR PLANTING SCHEDULE. REFER TO SHEET L7 PLANTING DETAILS & NOTES





PLANT MATERIALS LISTING:

SYM	BOTANICAL NAME COMMON NAME	QTY.	SIZE	CONDITION	SPACING
	Acer platanoides 'Crimson King' Crimson King Maple	14	2" Cal.	B&B	30' min.
	Calocedrus decurrens Incense Cedar	8	6-7'	B&B	20' min.
	Fraxinus americana 'Junginger' Autumn Purple Ash	17	2" Cal.	B&B	30' min.
	Ginkgo biloba 'Autumn Gold' Autumn Gold Ginkgo	3	2" Cal.	B&B	35' min.
	Pinus nigra Austrian Pine	7	6-7'	B&B	30' min.
	Prunus x yedoensis 'Akebono' Akebono Cherry	7	2" Cal.	B&B	25' min.
	Pseudotsuga menziesii Douglas Fir	3	6-7'	B&B	30' min.
	Pyrus calleryana 'Aristocrat' Aristocrat Pear	15	2" Cal.	B&B	25' min.
	Quercus coccinea Scarlet Oak	11	2" Cal.	B&B	35' min.
	Sequoiadendron giganteum Sequoia	13	6-7'	B&B	30' min.
	Tilia cordata 'Greenspire' Greenspire Linden	16	2" Cal.	B&B	30' min.
	Zelkova serrata 'Green Vase' Green Vase Zelkova	17	2" Cal.	B&B	30' min.
Total Trees		129			
	EXISTING TREES TO REMAIN UNLESS OTHERWISE NOTED				
	DENOTES SECTION OF EXISTING TURF ALONG R-O-W TO BE SPRAYED OUT OF ALL TURF AND WEEDS, REMOVAL OF SOD AND PROVIDE/INSTALL 3" MIN. OF BARK TO MATCH EXISTING BARK ALONG DURHAM ROAD.				

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DESIGN GROUP
LANDSCAPE ARCHITECTURE & PLANNING
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PHONE: 503.601.4516 | FAX: 503.924.4688

REGISTERED
540
TROY A. MEARS
OREGON
LANDSCAPE ARCHITECT

TIGARD HIGH SCHOOL
TREE PLANTING PROJECT
9000 SW DURHAM ROAD
TIGARD, OREGON

REVISIONS

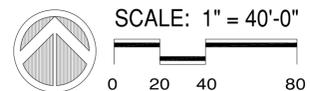
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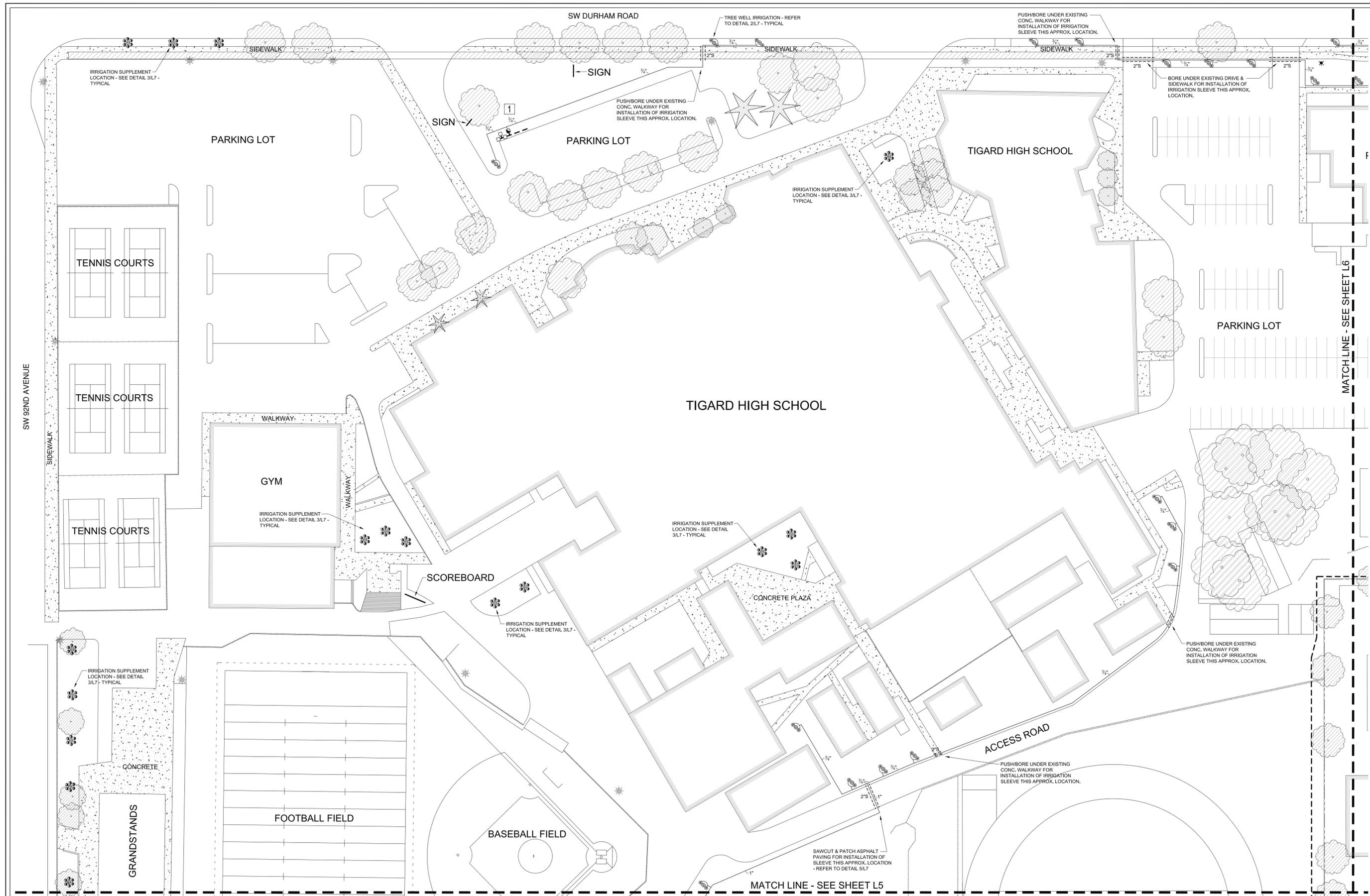
SHEET NAME:
PLANTING PLAN

DRAWN BY: _____ TAM
CHECKED BY: _____ TAM
ISSUE DATE: 3/6/12
JOB NO.: 1206-B

SHEET:
L3
OF 8

REFER TO SHEET L7 FOR
PLANTING DETAILS & NOTES





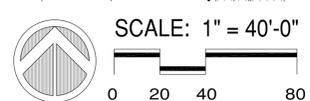
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REV.	DATE	DESCRIPTION

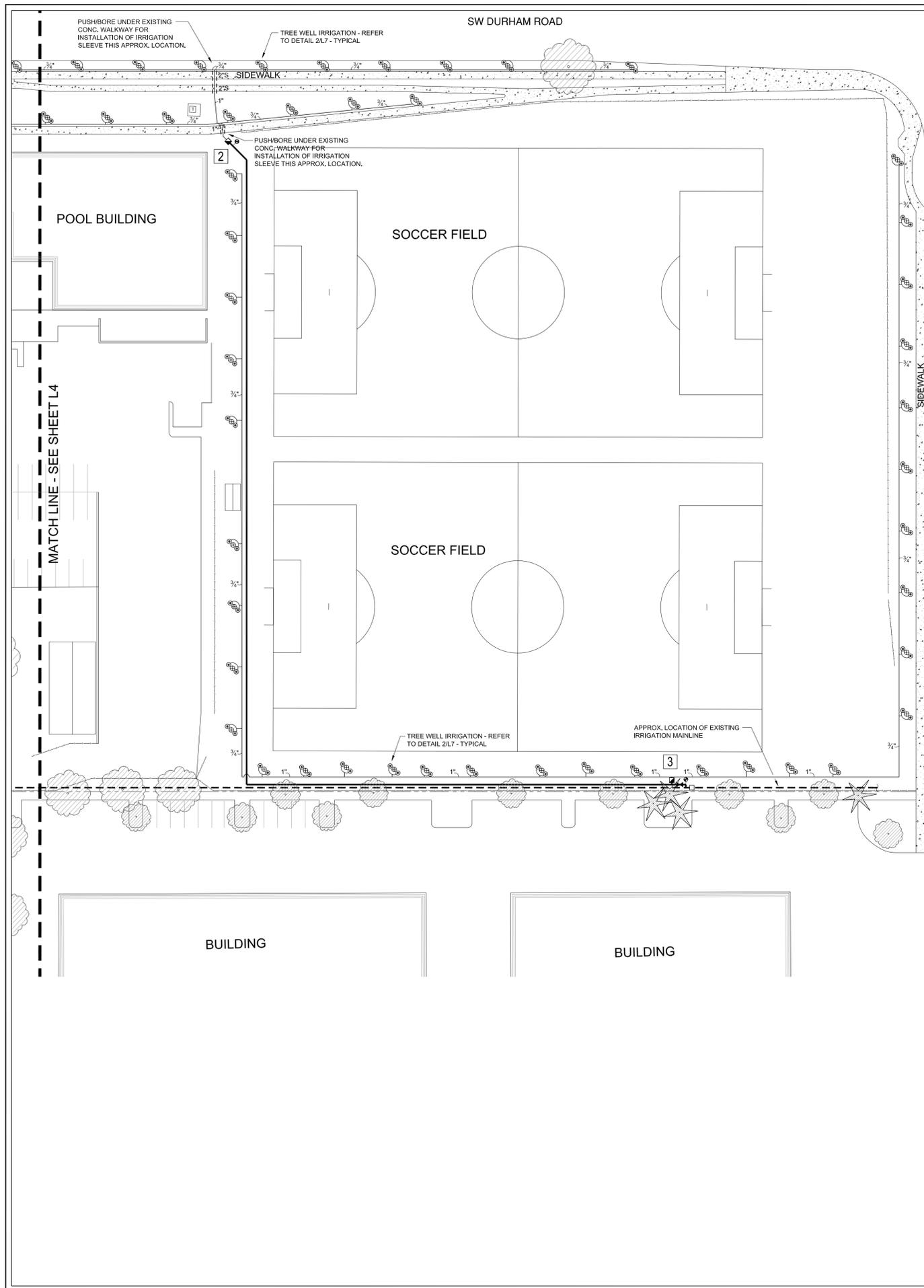
SHEET NAME:
IRRIGATION PLAN

DRAWN BY: TAM
CHECKED BY: TAM
ISSUE DATE: 3/6/12
JOB NO.: 1206-B

SHEET:
L4
OF 8

REFER TO SHEET L6 FOR IRRIGATION SITE
GENERAL KEY. REFER TO SHEET L7
IRRIGATION DETAILS & NOTES





IRRIGATION SITE GENERAL KEY

SYM.	DESCRIPTION
---2"---	CLASS 200 PVC SLEEVE - SIZE AS NOTED
---2" M.L.---	EXISTING CLASS 200 IRRIGATION MAINLINE - SIZE AS NOTED
---1" M.L.---	CLASS 200 IRRIGATION MAINLINE - SIZE AS NOTED
---3/4"---	CLASS 200 PVC LATERALS - SIZE AS NOTED
⊗	IRRIGATION ISOLATION VALVE - SAME SIZE AS MAINLINE
⊙	EXISTING 1" QUICK COUPLING VALVE - REFER TO DETAIL 6/L7
■	RB XCZ-100-PRF DRIP MANIFOLD W/ TBOS CONTROL MODULE - REFER TO DETAIL 1/L7
□	EXISTING IRRIGATING VALVES AS NOTED
1	CONTROL VALVE NUMBER - REFER TO VALVE KEY
⊙	TREE WELL IRRIGATION - REFER TO DETAIL 2/L7
⊕	INDICATES TREE LOCATION - REFER TO SHEET L1
⊙	INDICATES IRRIGATION SUPPLEMENT TREE - SEE SHEET L1 FOR TREE LOCATION - REFER TO DETAIL 3/L7
-x-x-	EXISTING CHAIN-LINK FENCE APPROXIMATE LOCATION

VALVE KEY

CONTROL VALVE NO. (TR=TREES)	1	2	3	4	5					
G.P.M.	.20	1.6	2.3	2.0	2.0					
CONTROL VALVE SIZE	1.0	1.0	1.0	1.0	1.0					

DESIGN CRITERIA

THE DESIGN OF THE IRRIGATION SYSTEM IS BASED ON 30 P.S.I. @ 40 G.P.M.

GENERAL NOTES

- LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR ALL SLEEVING UNDER ALL HARD SURFACES.
- INSTALL VALVE BOXES PERPENDICULAR TO WALLS, WALKS AND CURBS.
- WHEN PLACING MORE THAN ONE PIPE IN A TRENCH, ALLOW A MIN. OF 6" BETWEEN PIPES.
- ONE VALVE MAX. PER STANDARD VALVE BOX - TWO VALVES MAX. PER JUMBO VALVE BOX.
- PLACE VALVES IN SHRUB BEDS WHERE POSSIBLE.
- INSTALL HEADS FLUSH WITH TOP OF WALLS, WALKS AND CURBS.
- ADJUST HEAD LOCATION AS REQUIRED TO AVOID TREES, SIGNS, LIGHT POLES AND OTHER FIXED OBJECTS.
- SINGLE BARE TRACE WIRE REQUIRED ON TOP OF ALL MAINLINE.
- TWO STEP GLUE REQUIRED ON ALL PVC MAINLINE THAT IS NOT GASKETED.
- PLACE CONTROL WIRE 3 TO 6" AWAY FROM MAINLINE

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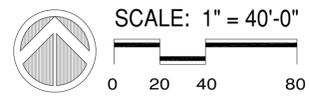
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REV.	DATE	DESCRIPTION

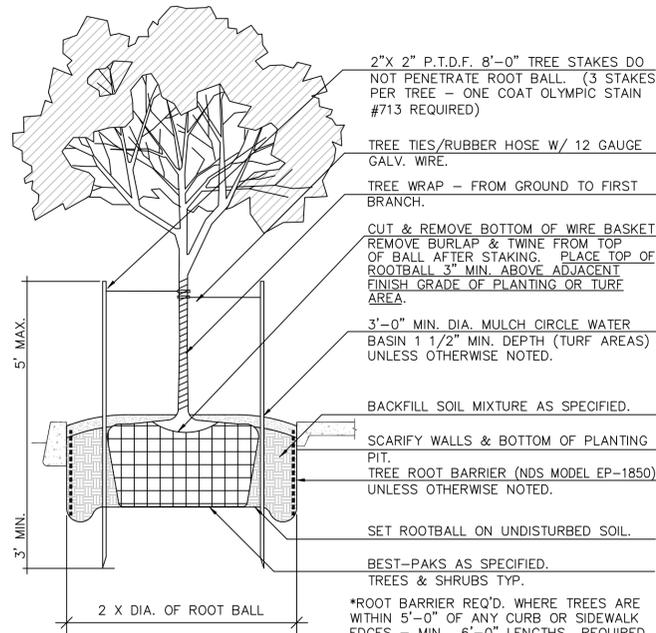
SHEET NAME:
IRRIGATION PLAN

DRAWN BY: TAM
 CHECKED BY: TAM
 ISSUE DATE: 3/6/12
 JOB NO.: 1206-B

SHEET:
L6
OF 8

REFER TO SHEET L7 FOR
IRRIGATION DETAILS & NOTES

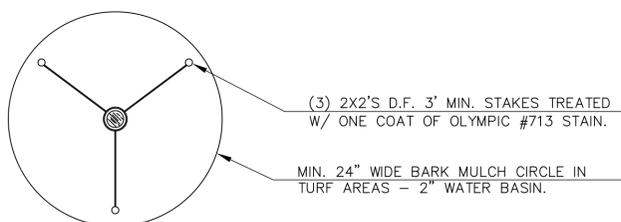




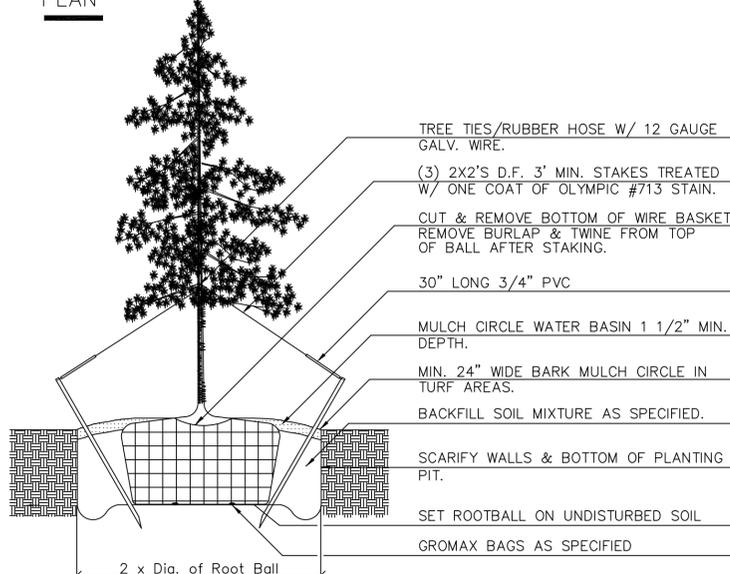
TREE PLANTING DETAIL

NOTES

- B&B STOCK MAY BE SUBSTITUTED WITH CONTAINER STOCK OF EQUAL GRADE.
- CONTAINER STOCK MAY BE SUBSTITUTED WITH B&B STOCK OF EQUAL GRADE.
- PLANT MATERIAL SHALL CONFORM WITH AMERICAN STANDARD FOR NURSERY STOCK, ANSI Z60.1, 2004 EDITION.
- ALL TREES SHALL BE BRANCHED.
- MULCH ALL PLANTING BEDS WITH 2" MIN. LAYER OF SPECIFIED MULCH.
- IN THE EVENT OF A DISCREPANCY BETWEEN THIS MATERIAL LISTING AND THE DRAWINGS, THE DRAWINGS SHALL GOVERN THE PLANT SPECIES AND QUANTITIES REQ.
- IN THE EVENT OF QUESTION OR LACK OF CLARITY ON DRAWINGS, LANDSCAPE CONTRACTOR IS TO CALL LANDSCAPE ARCHITECT BEFORE PROCEEDING.
- LANDSCAPE CONTRACTOR IS TO NOTIFY LANDSCAPE ARCHITECT PRIOR TO INSTALLATION OF PLANT MATERIAL.
- LANDSCAPE CONTRACTOR TO VERIFY TREE QUANTITIES.



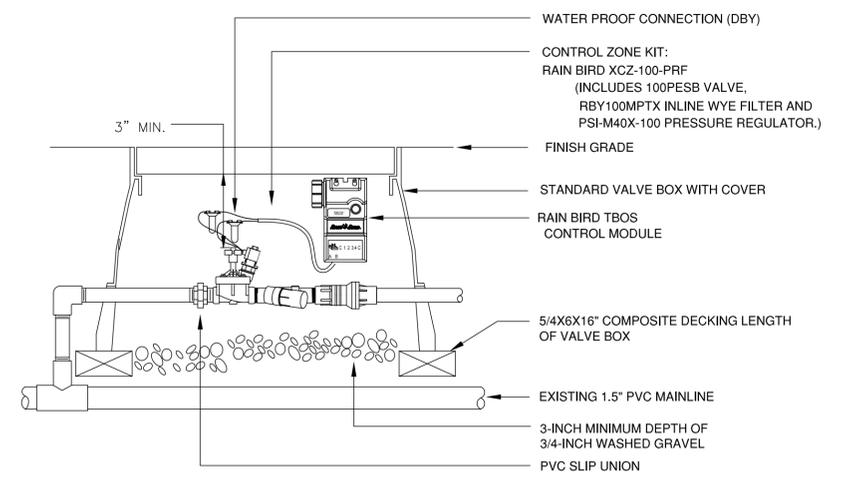
PLAN



CONIFER PLANTING DETAIL

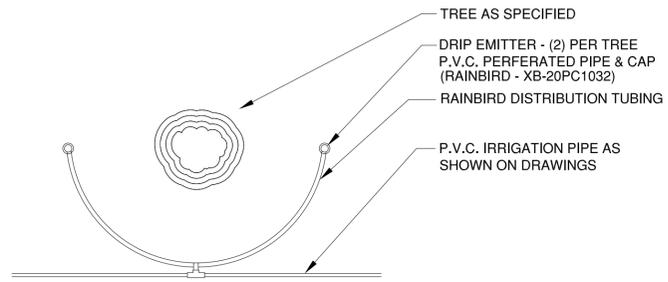
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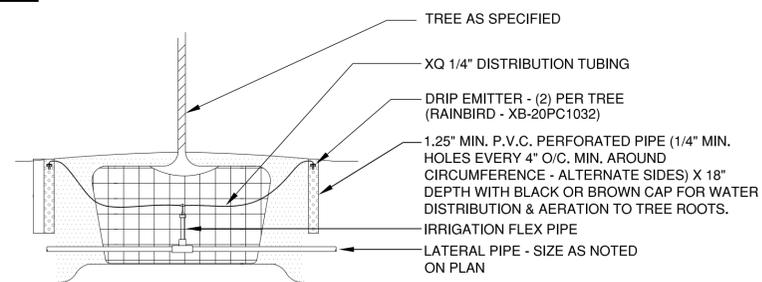


1 1" DRIP CONTROL VALVE MANIFOLD (XCZ-100-LF DRIP MANIFOLD KIT) NTS

L7

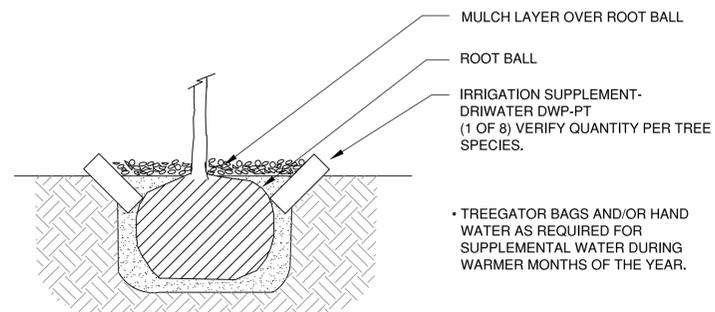


PLAN



2 TREE WELL IRRIGATION DETAIL NTS

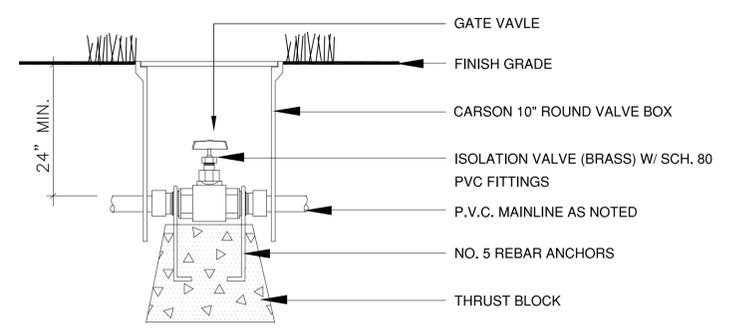
L7



3 DRIEWATER PLUS IRRIGATION SUPPLEMENT 2" GEL PAC IN PVC TUBE WITH COVER/CAP NTS

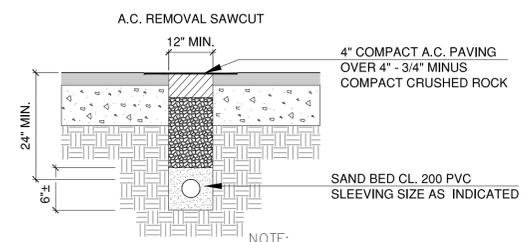
L7

NTS



4 ISOLATION / GATE VALVE DETAIL (MAINLINE GATE VALVE SIZE - 2" AND SMALLER) NTS

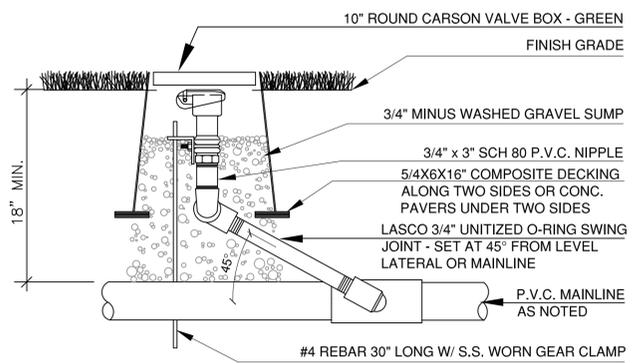
L7



5 SAWCUT SLEEVING DETAIL NTS

L7

NOTE: LANDSCAPE CONTRACTOR RESPONSIBLE FOR ALL A.C. REMOVAL, SLEEVING, BACKFILL, & PAVING AS REQUIRED.



6 QUICK-COUPLING VALVE DETAIL (3/4") NTS

L7

REVISIONS		
REV.	DATE	DESCRIPTION

SHEET NAME:
DETAILS & NOTES

DRAWN BY: TAM
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 ISSUE DATE: 3/6/12
 JOB NO.: 1206-B

SHEET:
L7
 OF 8



**OREGON
COMMUNITY
TREES**

Executive Committee

Rick Zenn
President
World Forestry Center

Allan Wells
Vice President
Tualatin Hills Parks and Recreation

Gail Langellotto-Rhodaback
Treasurer
Oregon State University Extension

Brian Wegener
Secretary
Tualatin Riverkeepers

Kristin Ramstad
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Patricia Farrell
City of Salem

Brian French
Ascending the Giants

Greg Giesy
Distinct Possibilities Landscapes

Amy Grotta
Oregon state University Extension

Bill Harrington
City of Medford

Morgan Hollen
Morgan Hollen and Associates

Barbara Hollenbeck
US Forest Service

Brian Kelly
Hells Canyon Preservation Council

Laura Leshner
Salem Shade Tree Advisory Committee

Chris Neamtzu
City of Wilsonville

Gail Shaloum
Clackamas County

Matt Stine
Native Ecosystems Northwest

Oregon Community Trees
P.O. Box 13074
Salem, OR 97309

FOR IMMEDIATE RELEASE

April 6, 2012

CONTACT

Rick Zenn, OCT President
Direct telephone 503-488-2103
Mobile message 971-207-2703

**Oregon Community Trees Honors Tigard with 2012
Oregon Urban and Community Forestry Award**

To celebrate Oregon Arbor Week, Oregon Community Trees (OCT) – the state urban and community forestry council - announced today the recipients of the 2012 Oregon Urban and Community Forestry Awards.

Now in their 19th year, the OCT awards recognize outstanding individuals and organizations for their significant accomplishments and leadership in advancing urban and community forestry projects and activities in the state of Oregon.

According to OCT President, Rick Zenn, “the 2012 OCT award recipients are powerful examples of inspirational individuals and organizations engaging citizens, promoting tree planting and quality tree care, raising awareness and knowledge about Oregon’s trees and forests, and protecting Oregon’s urban and community forests to improve the quality of life in towns and cities around the state. We are proud to honor them during this special week.”

Oregon Community Trees is nonprofit organization led by a board of 23 volunteer directors from around the state representing business, government, education and citizen groups. Partners include Oregon Department of Forestry, USDA Forest Service and Oregon State University. In addition to presenting the 2012 Oregon Urban and Community Forestry Awards, OCT will host an annual “summit” conference for citizens and professionals on June 7 at the World Forestry Center in Portland: *Community Natural Areas: Restoration, Management and Enhancement* featuring keynote speaker Doug Tallamy, author of *Bringing Nature Home*. Registration is now open: www.oregoncommunitytrees.org

Organization: Mayor Craig Dirksen and the City of Tigard

For ten years the city of Tigard has been recognized by the Arbor Day Foundation as one of the national Tree City USA communities in Oregon. Under Mayor Craig Dirksen, for the past four years Tigard has earned the foundation’s coveted “growth award” recognizing the city’s significant accomplishment in urban forestry. Mayor Dirksen has expanded Tigard’s tree planting program and greatly improved citizen access to nature. He has led Tigard’s Arbor Day celebrations and helped children plant trees on their school grounds. Tigard has adopted new urban forestry policies, revised city codes, set canopy goals for the community and developed a new urban forestry master plan including preservation of significant tree groves. Mayor Dirksen has embraced the importance of education programs targeting trees and the importance of a healthy, vibrant urban forest in their community. The passage of the \$17 million “Parks, Trails and Natural Areas” bond measure in 2010 is an impressive testimonial to Mayor Dirksen’s leadership and the value the community of Tigard places on its trees and urban forest. The award will be presented at the Tigard City Council meeting on April 24, 2012.

Promoting healthy urban and community forests through leadership, education, awareness, and advocacy.

www.oregoncommunitytrees.org

Individual: William 'Bill' Harrington, Medford

Bill Harrington is a highly respected professional arborist and park manager working for the City of Medford. He has more than 35 years professional experience in forestry and arboriculture and he is responsible for the care of Medford's 9000 street trees, park trees, riparian forests, fuel reduction projects, and management of the community's beloved 1700 acre Prescott Park. For many years Bill Harrington has led an active tree planting program in Medford working with citizens, public officials and the local Tree Committee to improve and protect the urban forest. Medford is well known in region for its active volunteers and annual Arbor Day celebration. According to Frances Oyung of the Bear Creek Watershed Council "Bill has been a tireless proponent of the importance of trees in the urban landscape. His knowledge, skill and persistence have made Medford a better community for everyone. Thanks to Bill, we have made huge progress."

President's Award: Dr. Phyllis C. Reynolds, Portland

Portland native, Dr. Phyllis C. Reynolds is the author of the popular book *Trees of Greater Portland* (Timber Press 1993). She is recipient of the Spirit of Portland Award and recently the Bill Naito Community Trees award. For ten years, Dr Reynolds served as a member of the Portland Urban Forestry Commission and chaired the Portland Heritage Tree Committee. Her passion for trees and energetic leadership helped the city catalog and designate nearly 300 heritage trees of 121 different species in locations all over Portland. Dr Reynold's has produced tree inventories for Reed College, Oregon Health Science University, Catlin Gabel School and Laurelhurst Park. Dr. Reynold's long time commitment to community service has led her to positions on the boards of the Hoyt Arboretum, Japanese Garden Society, Berry Botanic Garden, North Coast Land Conservancy, Nature Conservancy, Portland Garden Club, and the Oregon School of Arts and Crafts. A retired clinic psychologist, Dr Reynolds is also an accomplished print artist and photographer and her works have shown in galleries in Oregon, Washington and the southwest. According to Oregon Community Trees President Rick Zenn "It is a great honor for us to recognize Phyllis Reynolds this year. Dr. Reynold's has done more than any one person to help Portland residents and visitors to see, protect and appreciate their urban forest treasures. Phyllis Reynolds knows the trees in the like no one else. As a scientist, artist and activist, she brings a very special perspective to her work with trees *and* people. She is an inspiration.

2012 Oregon Tree City of the Year: City of Sweet Home

This year marks Sweet Home's 25th anniversary as a national Tree City USA and Oregon Community Trees is honored to recognize Sweet Home as the 2012 Oregon Tree City of the Year. For the people who live and work in Sweet Home, trees have always been part of their daily lives. Beginning in 1987, citizens and civic leaders embraced the idea of redeveloping their community by successfully leveraging grants, donations and public resources to improve downtown streets, highways, schools, industrial sites and the places like the Riggs Community Center. They conducted tree inventories, developed local management plans, and organized tree planting activities. Today, Sweet Home hosts the Oregon Jamboree country music festival and is well known to many travelers as an exceptionally attractive tree-lined gateway to regional recreation sites. Next time you are in Sweet Home, look for the Tree City USA sign and know that all Oregon is proud of their 25 year quest to make their community and a better place with trees.

Business Meeting**Meeting Date:** 04/24/2012**Length (in minutes):** 10 Minutes**Agenda Title:** Approve the Purchase of the Eiswerth Property and Authorize the City Manager to Complete the Property Purchase**Prepared For:** Steve Martin**Submitted By:** Greer Gaston, Public Works**Item Type:** Resolution**Meeting Type:** Council Business Meeting - Main**Information****ISSUE**

Shall the council consider a resolution:

- Approving the purchase of the Eiswerth property as outlined in the purchase and sale agreement?
- Authorizing the city manager to take all necessary action to complete the property purchase on behalf of the city?

STAFF RECOMMENDATION / ACTION REQUEST

Staff recommends the council approves the resolution.

KEY FACTS AND INFORMATION SUMMARY

In November 2010 Tigard voters passed a \$17 million park bond measure. Eighty percent of park bond proceeds were dedicated to acquiring park land and open space. The 2-acre Eiswerth property is comprised of steep slopes and riparian areas along a creek and would be used as open space.

In late 2010 the Park and Recreation Advisory Board was tasked with evaluating more than 60 potential park properties. The Eiswerth property was one of the top ten properties on the list.

Located within city limits on Bull Mountain, the property is adjacent to a city-owned parcel to the north and the Paull properties to the east. (The council authorized the purchase of the Paull properties on March 27, 2012.)

If the resolution is approved, the city will purchase the property for \$65,000. Terms of the Purchase Agreement and Escrow Instructions are fairly standard and have been reviewed by the city's real estate attorney.

Per the city's property acquisition procedures, a phase one environmental assessment of the property was conducted. No issues were identified in the assessment.

OTHER ALTERNATIVES

The council could choose not to adopt the resolution; the city would not purchase the property.

COUNCIL OR CCDA GOALS, POLICIES, MASTER PLANS

This property acquisition helps meet the Council 2012 goal 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 CONSIDERATION

Council discussed this property purchase along with other potential parkland acquisitions in executive session on the following dates:

- July 26, 2011
- January 24, 2012

Fiscal Impact

Cost: \$65,000
Budgeted (yes or no): Yes
Where Budgeted (department/program): CIP - Park Bond Acquisitions

Additional Fiscal Notes:

The city negotiated with the seller; the two parties have agreed to a purchase price of \$65,000 - subject to council approval. Park bond dollars will be used to purchase the property; park land acquisition is included in the 2011-2012 Capital Improvement Plan (CIP).

Attachments

Resolution

Exhibit A - Purchase Agreement

Map Showing the Eiswerth Property

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

A RESOLUTION APPROVING THE PURCHASE OF THE EISWERTH PROPERTY, (TAX LOT 2S104DC05901), AND AUTHORIZING THE CITY MANAGER TO TAKE ALL NECESSARY ACTION TO COMPLETE THE PROPERTY PURCHASE ON BEHALF OF THE CITY

WHEREAS, in November 2010 Tigard voters passed a \$17 million park bond measure whereby 80 percent of bond proceeds were dedicated to acquiring open space and park land such as the Eiswerth property; and

WHEREAS, the Park and Recreation Advisory Board (PRAB) was tasked with evaluating more than 60 potential park properties, and the Eiswerth property ranked near the top of the PRAB's acquisition list; and

WHEREAS, the city would like to acquire the property to create publically-owned open space; and

WHEREAS, the property is adjacent to a city-owned parcel to the north and the Paull properties to the east. The council authorized the purchase of the Paull properties on March 27, 2012; and

WHEREAS, the property is located on Bull Mountain within Tigard city limits; and

WHEREAS, the city and the property owner have reached a tentative agreement on the purchase/sale of the property. This agreement is subject to City Council approval.

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

SECTION 1: The City Council agrees to the terms of the Purchase Agreement and Escrow Instructions, (Exhibit A), including the purchase price of \$65,000 for the Eiswerth property.

SECTION 2: The City Council authorizes the city manager to take all necessary action to complete the Eiswerth property purchase on behalf of the city. This includes, but is not limited to, execution of the Purchase Agreement and Escrow Instructions and closing documents.

SECTION 3: This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2012.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard

**PURCHASE AGREEMENT
AND
ESCROW INSTRUCTIONS**

BETWEEN: Kelly Eiswerth, an individual (“Seller”)
And: City of Tigard, (“Purchaser”)
a Municipal corporation
DATED: _____, _____, 2012 (“Effective Date”)

RECITALS

A. Seller owns certain real property in the city of Tigard, county of Washington, Oregon, located near SW Benchview Place in Tigard, OR, further identified as Tax Lot 5901 and Assessor’s Map No. 2S104DC05901, which is more fully described on the attached and incorporated **Exhibit A** (the “Property”).

B. Seller desires to sell the Property, and Purchaser desires to purchase the Property pursuant to the terms set forth in this Agreement.

AGREEMENT

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as set forth below.

**ARTICLE 1
DEFINED TERMS**

1.1 **Cash.** The term “Cash” means (i) United States currency, (ii) a check currently dated and payable to Escrow Holder, or (iii) U.S. funds credited by wire transfer into Escrow Holder’s bank account.

1.2 **Closing.** The process described in Article 9 of this Agreement.

1.3 **Closing Date.** Closing shall occur no later than thirty (30) days after the expiration of the Contingency Period, or on such other date as the parties may agree upon in writing.

1.4 **Contingency Period.** The period that ends on the date that the conditions precedent to Closing set forth in Sections 4.1 through 4.9 are waived by Purchaser or satisfied.

1.5 **Deed.** A statutory warranty deed in the form of **Exhibit B** attached hereto which shall be used to convey the Property from Seller to Purchaser.

1.6 **Earnest Money.** The cash payable to Seller pursuant to Section 2.2 of this Agreement in the amount of Five Thousand and No/100 Dollars (\$5,000.00), plus all interest which accrues thereon.

1.7 **Environmental Laws.** Any federal, state, or local laws, ordinances, codes, statutes, regulations, administrative rules, policies and orders, and other authority existing now or in the future that classify, regulate, list, or define Hazardous Materials.

1.8 **Escrow Holder.** First American Title, located at 9200 SE Sunnybrook Blvd, Suite 400, Clackamas, Oregon, 97015, Phone: (503) 659-0069.

1.9 **Escrow.** The escrow opened by Escrow Holder pursuant to this Agreement.

1.10 **Hazardous Materials.** Any toxic or hazardous substance, material, waste, pollutant, contaminant, or infectious or radioactive material, including but not limited to those substances, materials, waste, chemicals, or mixtures that are (or that contain any) substances, chemicals, compounds, or mixtures regulated, either now or in the future, under any law, rule, regulation, code or ordinance.

1.11 **Property.** The term "Property" as defined in this Agreement, includes land described in Exhibit A, together with all improvements, rights, privileges, servitudes and appurtenances thereunto belonging or appertaining, including all right, title, and interest of Seller, if any, in and to the streets, alleys, and rights-of-way adjacent to the land, which will be transferred to Purchaser at Closing.

1.12 **Property Documents.** Any and all documents relating to or affecting the Property, including without limitation, conditional use permits, land use approvals, land use applications, permits, licenses, any agreements related to the Property that will survive Closing, maps, development agreements, surveys and studies relating to the Property prepared by third parties.

1.13 **Purchase Price.** Cash in the amount of Sixty-Five Thousand and No/100 Dollars (\$65,000.00).

ARTICLE 2 EARNEST MONEY AND PURCHASE PRICE

2.1 **Sale of Property.** Subject to the terms and conditions in this Agreement, Seller agrees to sell the Property to Purchaser, and Purchaser agrees to buy the Property from Seller.

2.2 **Earnest Money.** Within five (5) business days after the opening of Escrow as set forth in Section 3.1, Purchaser shall deposit the Earnest Money into Escrow. Escrow Holder shall hold the Earnest Money in an interest-bearing account that is FDIC insured, unless the parties approve holding the Earnest Money in a non-interest bearing account. The Earnest Money shall be refundable to Buyer until the all the conditions precedent to Closing set forth in Section 4 of this Agreement expire or the conditions precedent to Closing set forth in Section 4 of this Agreement are waived in writing by Buyer; thereafter, the Earnest Money shall not be

refundable except in the event of a Seller default. The Earnest Money shall be applicable to the Purchase Price at closing.

2.3 **Purchase Price.** The Purchase Price shall be paid by Purchaser in Cash to Seller at the Closing, subject to any withholdings required pursuant to this Agreement. The Earnest Money shall be applied to the Purchase Price.

ARTICLE 3 DELIVERIES TO ESCROW HOLDER

3.1 **Opening of Escrow.**

3.1.1 Within five (5) business days after the Effective Date, Purchaser and Seller shall open Escrow by depositing with Escrow Holder the Earnest Money and a fully executed photocopy of this Agreement for use as escrow instructions. Escrow Holder shall execute the Consent of Escrow Holder which appears at the end of this Agreement and deliver a fully executed consent to Purchaser and Seller.

3.1.2 Purchaser and Seller hereby authorize Escrow Holder to take necessary steps for the Closing of this transaction pursuant to the terms of this Agreement.

3.1.3 Purchaser and Seller may jointly or separately prepare additional escrow instructions. Escrow Holder may also provide general instructions. If there is any inconsistency between the provisions of any of these instructions and this Agreement, the provisions of this Agreement shall control.

3.2 **Purchaser's Deliveries.** At or before Closing, Purchaser shall deposit into Escrow (i) the Earnest Money, (ii) the Purchase Price, (iii) an executed and acknowledged counterpart acceptance of the Deed, and (iv) all other documents and instruments reasonably requested by Escrow Holder for Closing.

3.3 **Seller's Deliveries.** At or before Closing, Seller shall deliver into Escrow (i) an executed and acknowledged counterpart of the Deed, (ii) an executed Certificate of Non-Foreign Status, pursuant to Section 1445(b)(2) of the United States Internal Revenue Code or, if Seller is a Foreign Person, as defined in the United States Foreign Investment in Real Property Tax Act of 1980 ("FIRPTA"), any documents required to comply with the withholding requirements set forth in the FIRPTA, and (iii) all other documents and instruments reasonably requested by Escrow Holder for Closing. At Closing, Seller shall deliver possession of the Property to Purchaser.

ARTICLE 4 CONDITIONS PRECEDENT TO CLOSING

4.1 **Purchaser's Right to Analyze Property Documents.** Within ten (10) days after the Effective Date, Seller shall deliver all Property Documents in Seller's possession or control to Purchaser. During the Contingency Period, Purchaser shall have the right to analyze the

Property Documents and determine, in Purchaser's sole, absolute and arbitrary discretion, whether the Property is suitable for Purchaser's intended use.

4.2 Purchaser's Right to Analyze Property. For a period of thirty (30) days after the Effective Date, Purchaser shall have the right to analyze the Property and determine, in Purchaser's sole, absolute and arbitrary discretion, whether the Property is suitable for Purchaser's intended use (the "Study Period"). Purchaser shall have the right to enter onto the Property to conduct any and all tests, investigations, and inspections deemed necessary by Purchaser, including without limitation a Level I environmental site assessment and a geotechnical assessment. Such investigations and/or studies shall be conducted by Purchaser at its sole expense. Purchaser shall defend, indemnify and hold Seller harmless for, from, and against any claim, loss, or liability, or any claim of lien or damage which arises in connection with any entry on the Property by Purchaser or any activities on the Property by Purchaser, its agents, employees, and independent contractors; provided, however, that Purchaser shall have no obligation to indemnify, defend, or hold harmless Seller from any condition of the Property discovered by Purchaser, or from any loss of marketability of the Property as a consequence of such discovery.

4.3 Notice of Termination; Failure to Notify. If Purchaser determines, in Purchaser's sole, absolute, and arbitrary discretion, the Property is not suitable, Purchaser may terminate this Agreement and cancel Escrow by delivering written notice of termination to Seller prior to the expiration of the Contingency Period, in which case this Agreement shall immediately terminate and Escrow Holder shall immediately return the Earnest Money to Purchaser.

4.4 Review of Preliminary Report. Within ten (10) days after the Effective Date, Seller shall provide Purchaser with a preliminary title report issued by the Escrow Holder, describing title to the Property, and including legible copies of all recorded documents described in the preliminary report and plotted easements (collectively, the "Preliminary Report"). On or before ten (10) days after Purchaser's receipt of the Preliminary Report, Purchaser shall deliver written notice of approval or disapproval of matters disclosed in the Preliminary Report, which approval or disapproval shall be in Purchaser's sole and absolute discretion. Unless waived pursuant to Section 4.6, the approved matters disclosed in the Preliminary Report along with the standard printed exceptions on a form of title insurance policy, shall be the "Permitted Exceptions" included as exceptions in the Title Policy, defined in Section 4.7.

4.5 Right to Cure Disapproval of Preliminary Report. If Purchaser delivers notice of disapproval pursuant to Section 4.4 above, Seller may elect in writing, within five (5) days thereafter, to agree to remove or otherwise cure, to Purchaser's reasonable satisfaction, any disapproved item(s) prior to Closing. Notwithstanding any provision in this Agreement to the contrary, Seller shall be obligated to remove any deeds of trust and other monetary liens (other than liens for non-delinquent taxes and assessments) and any exceptions to title caused by Seller.

4.6 Failure to Cure Disapproval of Preliminary Report. If Seller fails to agree to cure a disapproved item, or agrees to cure and thereafter fails to cure a disapproved item prior to Closing, Purchaser shall have the right to (i) terminate this Agreement and receive a full refund

of the Earnest Money, (ii) suspend performance of its obligations under this Agreement at no cost to Purchaser and extend the Closing Date until that removal of the disapproved exception has occurred or (iii) waive in writing its prior disapproval of such item and accept title subject to such previously disapproved item, by delivering written notice of Purchaser's election to Seller prior to Closing.

4.7 **Title Policy.** Seller shall be unconditionally committed to procure from Escrow Holder upon the Closing, an ALTA standard coverage owner's policy of title insurance for the Property, with a liability limit in the amount of the Purchase Price, and insuring fee title vests in Purchaser subject only to the Permitted Exceptions (collectively, the "Title Policy"). At Purchaser's option, Purchaser may elect to have the Title Policy issued with endorsements and/or in an ALTA extended coverage form, provided that Purchaser pays any additional costs associated with issuance of such policy and pursuant to section 8.4 of this Agreement.

4.8 **Approval of Leases; No Tenancies.**

4.8.1 **Leases.** Within ten (10) days of the Effective Date, Seller will provide to Purchaser copies of all current leases affecting the Property, and copies of any and all documents other than leases which provide for or discuss any matters affecting the occupancy of the Property by tenants, including but not limited to options to lease, relocation rights, termination rights, and/or expansion or contraction rights (collectively, the "Lease Documents"). Purchaser may terminate this Agreement at any time during the Study Period if Purchaser shall determine in the exercise of its sole discretion that the documents described in Section 4.1 or the Lease Documents are not satisfactory.

4.8.2 **No Tenancies.** At least five (5) days prior to the Closing Date, Seller shall have terminated any tenancy provided for in the Lease Documents and rendered the Property free of any occupants whatsoever.

4.9 **Acquisition of Additional Property.** Purchaser's acquisition of the Property is contingent upon the City's prior requisition of title of two parcels of property located directly to the east of the Property, identified as tax assessor map nos. 2S104DC05800 and 2S104DC05900, on or before the Closing Date of this Agreement.

4.10 **Contingency Failure.** In the event any of the contingencies set forth in Section 4 are not timely satisfied or waived, this Agreement and the rights and obligations of the Purchaser and the Seller shall automatically terminate, and shall immediately return the Earnest Money to Purchaser.

ARTICLE 5
COVENANTS AND AGREEMENTS

5.1 **Damage or Destruction; Eminent Domain.** If, prior to the Closing, all or a material part of the Property is damaged or destroyed, or taken or appropriated by any public or quasi-public authority under the power of eminent domain or such an eminent domain action is threatened pursuant to a resolution of intention to condemn filed by any public entity, Purchaser

may either (i) terminate this Agreement and receive a refund of the Earnest Money, or (ii) elect to receive an assignment from Seller in lieu of the part of the Property that has been so damaged or taken of all of Seller's rights to any award and/or proceeds attributable to said damaged or taken part of the Property, and the parties shall proceed to Closing pursuant to this Agreement.

ARTICLE 6 SELLER'S REPRESENTATIONS AND WARRANTIES

6.1 Representations and Warranties of Seller. Seller represents and warrants that, as of the Effective Date, the end of the Contingency Period, and the Closing, that all of the representations and warranties contained in this Agreement are and shall be true and correct, and shall survive Closing for a period of one (1) year. Each of Seller's representations and warranties is material to and is being relied upon by Purchaser and the continuing truth thereof shall constitute a condition precedent to Purchaser's obligations hereunder. Seller represents and warrants to Purchaser as follows:

6.1.1 Proof of Authority. Seller has authority and authorization to enter into this Agreement and consummate the transaction contemplated by it, and shall deliver such proof of the power and authority of the persons executing and/or delivering any instruments, documents, or certificates on behalf of the Seller to act for or bind the Seller, as may be reasonably required by the Escrow Holder and/or the Purchaser.

6.1.2 Title to the Property. Seller has sole legal and beneficial fee title to the Property, and has not granted any person or entity any right or interest in the Property except as set forth in this Agreement and in the Preliminary Report. Seller agrees to transfer to Purchaser, via Deed, the Property, subject only to the Permitted Exceptions.

6.1.3 Property Documents, Lease Documents; No Defaults. To Seller's knowledge, the Property Documents and Lease Documents delivered by Seller to Purchaser are true, correct and complete copies and there are no other documents or instruments that would constitute Property Documents or Lease Documents that have not been delivered by Seller or otherwise made available to Purchaser. Seller has no knowledge of any default by Seller under any Property Documents or Lease Documents. Seller warrants that the services associated with the Property Documents and Lease Documents, have been, or will be, paid for by Seller no later than Closing.

6.1.4 Pending Transactions, Suits or Proceedings. To Seller's knowledge, there are no transactions, suits, proceedings, litigation (including zoning or other land use regulation proceedings), condemnation, or investigations pending or threatened against or affecting the Property or Seller as the owner of the Property in any court at law or in equity, or before or by any governmental department, commission, board, agency or instrumentality.

6.1.5 Defects. To Seller's knowledge, there are no latent or other defects or conditions on or about the Property which would cause injury or damage to persons or property, or which would have a material adverse effect on lawful uses of the Property.

6.1.6 No Further Encumbrances. As long as this Agreement remains in force, Seller will not lease, transfer, option, mortgage, pledge, or convey its interest in the Property or any portion thereof nor any right therein, nor shall Seller enter into any agreement granting to any person or entity any option to purchase or rights superior to Purchaser with respect to the Property or any part thereof.

6.1.7 Hazardous Materials. To Seller's knowledge, no Hazardous Materials have been generated, disposed of, deposited or released (or caused to be generated, disposed of or released) on, within, under, about or from the Property. To Seller's knowledge, no other party or person has used, stored, transported, generated, disposed of or released on, within, under, about or from the Property any Hazardous Materials. Without limiting the foregoing, neither Seller nor, to Seller's knowledge, any other party, has installed, operated or maintained any underground storage tanks on or adjacent to the Property, and the Property is not now, and has never been, in violation and is not currently under investigation for the violation of any Environmental Laws. To Seller's knowledge, there is no asbestos or lead paint on the Property. Seller hereby assigns to Purchaser as of the Closing, to the extent assignable, all claims, counterclaims, defenses or actions, whether at common law or pursuant to any other applicable federal or state or other laws, if any, that Seller may have against third parties to the extent relating to the existence of Hazardous Materials in, at, on, under or about the Property.

6.1.8 Access; Possession. The Property has legal and physical access to a publicly-dedicated street or road. Except as reflected in the Lease Documents, there are no leases or tenancies in effect on the Property and possession thereof can and will be delivered to Purchaser upon Closing.

6.1.9 Construction or Other Liens. Seller warrants that, at the time of Closing, no work, labor or materials have been expended, bestowed or placed upon the Property, adjacent thereto or within any existing or proposed assessment district which will remain unpaid at close of escrow or upon which a lien may be filed.

6.1.10 No Option or Right of First Refusal to Acquire Premises. Seller represents that no person or entity has any right of first refusal or option to acquire any interest in the property or any part thereof.

6.1.11 Conduct Pending Full Payment; Covenants.

6.1.11.1 Conduct of Property. Seller hereby agrees that Seller will not modify, cancel, extend or otherwise change in any material manner any of the terms, covenants or conditions of the Property Documents or Lease Documents, nor enter into any additional leases as to the Property without Purchaser's written consent, nor enter into any other agreements having a material effect on the Property without the prior written consent of Purchaser, which Purchaser shall not unreasonably withhold.

6.1.11.2 No Alterations. Seller will not make any material alterations to the Property prior to the Closing.

6.1.11.3 Maintain Physical Condition. Seller, at its sole cost and expense, will maintain and keep the Property in approximately the same condition, reasonable wear and tear excepted, between the Effective Date and the Closing Date, and will keep Purchaser timely advised of any significant repair or improvement required to keep the Property in such condition.

ARTICLE 7
PURCHASER'S REPRESENTATIONS AND WARRANTIES

7.1 Purchaser's Representation and Warranties. Purchaser represents and warrants that, as of the Effective Date, the end of the Contingency Period, and Closing, all of the representations and warranties of Purchaser contained in this Agreement are and shall be true and correct, and shall survive Closing for a period of one (1) year. Each of Purchaser's representations and warranties is material to and is being relied upon by Seller and the continuing truth thereof shall constitute a condition precedent to Seller's obligations hereunder. Purchaser represents and warrants to Seller as follows:

7.1.1 Authority. The execution and delivery of this Agreement has been duly authorized and approved by all requisite action of Purchaser, and the consummation of the transactions contemplated hereby will be duly authorized and approved by all requisite action of Purchaser, and no other authorizations or approvals will be necessary in order to enable Purchaser to enter into or to comply with the terms of this Agreement.

7.1.2 Binding Effect of Documents. This Agreement and the other documents to be executed by Purchaser hereunder, upon execution and delivery thereof by Purchaser, will have been duly entered into by Purchaser, and will constitute legal, valid and binding obligations of Purchaser. To Purchaser's actual knowledge, neither this Agreement nor anything provided to be done under this Agreement violates or shall violate any contract, document, understanding, agreement or instrument to which Purchaser is a party or by which it is bound.

ARTICLE 8
PRORATED FEES AND COSTS

8.1 Prorations. Escrow Holder will prorate between the parties, based on the latest information available to Escrow Holder, all taxes, bonds and assessments ("Taxes") for the Property, except as provided in Section 8.2 below. If, after the Closing, either party receives a bill for any Taxes, the parties agree that the Taxes shall be prorated between the parties to the Closing Date. The party receiving the bill for the Taxes shall notify the other party in writing of the amount of such Taxes and the party receiving that notice shall pay its prorated share of such Taxes within thirty (30) days of demand therefore, but not later than ten (10) days prior to delinquency. The parties' obligations under this Section shall survive Closing.

8.2 Penalties. Any penalties that would be due as a result of removal of the Property from any tax deferral program shall be charged to Seller as though the Property were removed from such program on the Closing Date. Seller's obligations under this Section shall survive Closing.

8.3 **Seller's Fees and Costs.** Seller shall pay: (i) the costs for the Title Policy; (ii) Seller's recording charges; (iii) one-half of Escrow Holder's escrow fee; and (iv) one-half of any transfer taxes.

8.4 **Purchaser's Fees and Costs.** Purchaser shall pay (i) one-half of the Escrow Holder's escrow fee, (ii) Purchaser's recording charges; (iii) if requested by Purchaser, any extended coverage and endorsements for the Title Policy; and (iv) one-half of any transfer taxes.

8.5 **Other Costs.** Except as otherwise provided in this Agreement, each party shall bear and pay the expense of its own attorneys, accountants and other professionals incurred in negotiating this Agreement.

ARTICLE 9 CLOSING

9.1 **Closing.** Escrow Holder shall close Escrow by (i) recording the Deed; (ii) confirming execution of all documents necessary for Closing and (iii) delivering funds and documents as set forth herein, when and only when all terms and conditions of this Agreement have been met and each of the conditions set forth below have been satisfied:

9.1.1 **Funds and Instruments.** All funds and instruments required pursuant to this Agreement have been delivered to Escrow Holder.

9.1.2 **Satisfaction of Conditions Precedent.** Each of the conditions precedent set forth in the Agreement have been either satisfied or waived.

9.1.3 **Liens and Encumbrances.** All liens and encumbrances required to be paid by Seller have been paid and satisfied at Seller's sole expense, including without limitation any trust deed or mortgage affecting the Property. The Property shall be conveyed free of encumbrances, except for the Permitted Exceptions and those expressly accepted or waived by Purchaser pursuant to the terms of this Agreement.

9.1.4 **Assignment of Lease Documents.** Seller shall have executed the Assignment of Leases attached to this Agreement as **Exhibit C**, if any ("Assignment of Leases").

ARTICLE 10 RECORDATION AND DISTRIBUTION OF FUNDS AND DOCUMENTS

10.1 **Recorded Documents.** Escrow Holder shall cause the County Recorder of Washington County to mail the Deed.

10.2 **Conformed Copies.** Escrow Holder shall at Closing deliver to Seller and Purchaser (i) a copy of the Deed, conformed to show recording date, and conformed copies of each document recorded to place title in the condition required by this Agreement, (ii) a copy of each non-recorded document received hereunder by Escrow Holder, and (iii) copies of all documents deposited into Escrow to the parties herein.

10.3 **Payment of Funds at Closing.** Escrow Holder shall deliver at Closing all amounts as set forth in the final, approved closing statement.

10.4 **Original Documents.** Escrow Holder shall at Closing deliver to Purchaser the Original Assignment of Leases.

ARTICLE 11 DEFAULT AND REMEDIES

11.1 **Purchaser's Default.** If Purchaser breaches this Agreement, which breach Purchaser fails to cure within thirty (30) days after receipt of written notice thereof from Seller, Purchaser shall be in default hereunder and Seller is entitled, as Seller's sole and exclusive remedy, to liquidated damages pursuant to this Article. If Escrow fails to close due to Purchaser's default, Purchaser shall pay all Escrow cancellation charges.

11.2 **Seller's Remedies.** In the event of Purchaser's default under this Agreement, the Earnest Money shall be forfeited by Purchaser and retained by Seller as liquidated damages. Such amount has been agreed by the parties to be reasonable compensation and the exclusive remedy for Purchaser's default, since the precise amount of such compensation would be difficult to determine. Seller shall have no right to any other damages, claims or actions against Purchaser. By initialing this provision in the spaces below, Seller and Purchaser each specifically affirm their respective agreement to this liquidated damages provision as Seller's sole and exclusive remedy for Purchaser's default, and agreement that the sum is a reasonable sum.

Purchaser's Initials

Seller's Initials

11.3 **Seller's Default.** If Seller breaches this Agreement, which breach Seller fails to cure within thirty (30) days after receipt of written notice thereof from Purchaser, Seller shall be in default of this Agreement. If Escrow fails to close due to Seller's default, Seller shall pay all Escrow cancellation charges.

11.4 **Purchaser's Remedies.** In the event of Seller's default under this Agreement, Purchaser shall have the right to either (i) terminate this Agreement, and upon such event the Earnest Money shall be immediately refunded to Purchaser, or (ii) seek an action for specific performance in order to enforce Purchaser's rights hereunder. No provision of this Agreement shall be construed as waiving any of Purchaser's rights regarding eminent domain.

ARTICLE 12 ASSIGNMENT

12.1 **Assignment by Purchaser.** Purchaser may not assign or otherwise transfer any of its rights or obligations under this Agreement.

ARTICLE 13
GENERAL PROVISIONS

13.1 **Attorneys Fees.** If any action is instituted between Seller and Purchaser in connection with this Agreement, the party prevailing in such action shall be entitled to recover from the other party all of its costs of action, including, without limitation, attorneys' fees and costs as fixed by the court therein.

13.2 **Construction of Agreement.** The agreements contained herein shall not be construed in favor of or against either party, but shall be construed as if both parties prepared this Agreement.

13.3 **Entire Agreement.** This Agreement constitutes the entire agreement between the parties hereto pertaining to the subject matter hereof and all prior and contemporaneous agreements, representations, negotiations and understandings of the parties hereto, oral or written, are hereby superseded and merged herein. The foregoing sentence shall in no way affect the validity of any instruments executed by the parties in the form of the exhibits attached to this Agreement.

13.4 **Governing Law.** This Agreement shall be governed by and construed under the laws of the State of Oregon.

13.5 **Joint and Several Liability.** If any party consists of more than one person or entity, the liability of each such person or entity signing this Agreement shall be joint and several.

13.6 **Modification.** No modification, waiver, amendment, discharge, or change of this Agreement shall be valid unless the same is in writing and signed by all signatories hereto.

13.7 **Real Estate Brokerage Commission.** Purchaser represents and warrants that no real estate agent or broker representing Purchaser was involved in negotiating the transaction contemplated herein. Seller is represented by Dirk Knudsen of Prudential Northwest Properties. Seller agrees to be responsible for payment of any compensation, commission or fee to Seller's broker in accordance with the terms and conditions of the agreement between them. In the event any claims for real estate commissions, fees or compensation arise in connection with this transaction, the party so incurring or causing such claims shall indemnify, defend and hold harmless the other party from any loss or damage, including attorneys' fees, that said other party suffers because of said claims. The obligations of the parties in the prior sentence shall survive Closing or the termination of this Agreement.

13.8 **Notice and Payments.** Any notice or document to be given pursuant to this Agreement must be delivered either in person, deposited in the United States mail duly certified or registered, return receipt requested with postage prepaid, by electronic mail, or by Federal Express or other similar overnight delivery service marked for next business day delivery. Notices shall be effective upon receipt if delivered personally, upon confirmation of receipt if sent by electronic mail, on the next day if sent by overnight courier, or two (2) days after deposit

in the mail if mailed. Any party listed below may designate a different address, which shall be substituted for the one specified below, by written notice to the others.

If to Seller: Kelly Eiswerth
4189-2 Ave W
Prince Albert, Saskatchewan, Canada S6W 1A1
E-mail: gail.trunorth@gmail.com

with a copy to: Dirk Knudsen
dirkknudsen@gmail.com

If to Purchaser: City of Tigard
Attn: Parks Manager
City Hall
13125 SW Hall Blvd
Tigard OR 97223
E-mail: steve@tigard-or.gov

with a copy to : Jeff Bennett
Jordan Ramis PC
Two Centerpointe Drive, 6th Floor
Lake Oswego, OR 97035
Fax: (503) 598-7373

13.9 **Remedies Cumulative.** Except as specifically set forth herein, all rights and remedies of Purchaser and Seller contained in this Agreement shall be construed and held to be cumulative.

13.10 **Severability.** In the event that any phrase, clause, sentence, paragraph, section, article or other portion of this Agreement shall become illegal, null or void or against public policy, for any reason, or shall be held by any court of competent jurisdiction to be illegal, null or void or against public policy, the remaining portions of this Agreement shall not be affected thereby and shall remain in force and effect to the fullest extent permissible by law.

13.11 **Successors and Assigns.** Subject to limitations expressed in this Agreement, each and all of the covenants and conditions of this Agreement shall inure to the benefit of and shall be binding upon the successors-in-interest, assigns, and representatives of the parties hereto. As used in the foregoing, "successors" shall refer to the parties' interest in the Property and to the successors to all or substantially all of their assets and to their successors by merger or consolidation.

13.12 **Time of the Essence.** Time is of the essence of each and every provision of this Agreement.

13.13 **Legal Representation.** Seller acknowledges that this is a legal document and that Seller has been advised to obtain the advice of legal counsel in connection with its review

and execution of this Agreement. Seller covenants that it will not deny the enforceability of this Agreement on the basis that Seller elects not to obtain legal counsel to review and approve this Agreement.

13.14 **Waiver.** No waiver by Purchaser or Seller of a breach of any of the terms, covenants or conditions of this Agreement by the other party shall be construed or held to be a waiver of any succeeding or preceding breach of the same or any other term, covenant or condition herein contained. No waiver of any default by Purchaser or Seller hereunder shall be implied from any omission by the other party to take any action on account of such default if such default persists or is repeated, and no express waiver shall affect a default other than as specified in such waiver. The consent or approval by Purchaser or Seller to or of any act by the other party requiring the consent or approval of the first party shall not be deemed to waive or render unnecessary such party's consent or approval to or of any subsequent similar acts by the other party.

13.15 **Negation of Agency and Partnership.** Any agreement by either party to cooperate with the other in connection with any provision of this Agreement shall not be construed as making either party an agent or partner of the other party.

13.16 **Calculation of Time.** All periods of time referred to herein shall include Saturdays, Sundays and legal holidays in the State of Oregon, except that if the last day of any period falls on any Saturday, Sunday or such holiday, the period shall be extended to include the next day which is not a Saturday, Sunday or such holiday.

13.17 **Statutory Disclaimer.** THE PROPERTY DESCRIBED IN THIS INSTRUMENT MAY NOT BE WITHIN A FIRE PROTECTION DISTRICT PROTECTING STRUCTURES. THE PROPERTY IS SUBJECT TO LAND USE LAWS AND REGULATIONS THAT, IN FARM OR FOREST ZONES, MAY NOT AUTHORIZE CONSTRUCTION OR SITING OF A RESIDENCE AND THAT LIMIT LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, IN ALL ZONES. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009 AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO VERIFY THE EXISTENCE OF FIRE PROTECTION FOR STRUCTURES AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009 AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

13.18 **Counterparts.** This Agreement may be executed in counterparts, each of which, when taken together, shall constitute fully executed originals.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the Effective Date.

SELLER

PURCHASER

City of Tigard, an Oregon municipal corporation

By: _____

By: _____

Name: _____

By: _____

Its: _____

APPROVED AS TO FORM:

By: _____
City Attorney

Exhibit A - Property
Exhibit B – Deed
Exhibit C – Assignment of Leases

CONSENT OF ESCROW HOLDER

The undersigned Escrow Holder hereby agrees to (i) accept the foregoing Agreement, (ii) be the Escrow Holder under said Agreement, and (iii) be bound by said Agreement in the performance of its duties as Escrow Holder; provided, however, the undersigned shall have no obligations, liability or responsibility under this Consent or otherwise unless and until said Agreement, fully signed by the parties, has been delivered to the undersigned.

DATED: _____, 2012.

By: _____
Name: _____
Title: _____

EXHIBIT A

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

A TRACT OF LAND SITUATED WITHIN THE SOUTHEAST ONE-QUARTER OF SECTION 4, TOWNSHIP 2 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN, IN THE CITY OF TIGARD, WASHINGTON COUNTY, OREGON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE ONE-QUARTER CORNER BETWEEN SECTION 4 AND SECTION 9, TOWNSHIP 2 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN; AND RUNNING THENCE TRACING THE SECTION LINE BETWEEN SAID SECTIONS 4 AND 9, SOUTH 89° 53' 30" EAST 262.86 FEET; THENCE LEAVING SAID SECTION LINE NORTH 0° 19' 06" EAST 331.43 FEET TO THE EASTERLY PROJECTION OF THE SOUTH LINE OF BENCHVIEW ESTATES, A DULY RECORDED SUBDIVISION PLAT RECORDED IN PLAT BOOK 66, PAGE 39, WASHINGTON COUNTY PLAT RECORDS; THENCE WESTERLY TRACING SAID EASTERLY PROJECTION AND THE SOUTH LINE OF SAID BENCHVIEW ESTATES, NORTH 89° 53' 30" WEST 262.86 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE SOUTH 0° 19' 30" WEST 331.43 FEET TO THE POINT OF BEGINNING.

NOTE: This Legal Description was created prior to January 01, 2008.

EXHIBIT B

AFTER RECORDING RETURN TO:

City of Tigard
Attn: City Manager
City Hall
13125 SW Hall Blvd
Tigard OR 97223

UNTIL A CHANGE IS REQUESTED
SEND TAX STATEMENTS TO:

This space is reserved for recorder's use.

STATUTORY WARRANTY DEED

Kelly Eiswerth, Grantor, whose address is: _____conveys and warrants to CITY OF TIGARD, an Oregon municipal corporation, Grantee, whose address is: 13125 SW Hall Blvd, Tigard OR 97223, the following described real property free of encumbrances except as specifically set forth herein:

See Exhibit A attached hereto.

The true consideration for this conveyance is Sixty-Five Thousand and no/100 (\$65,000.00). This conveyance is made subject to the matters set forth on Exhibit B attached hereto.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY

LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

DATED this _____ day of _____, 20__.

By: _____

STATE OF OREGON)
) ss.
County of _____)

This instrument was acknowledged before me on _____, 20____, by
_____.

NOTARY PUBLIC FOR OREGON
My Commission Expires: _____

ACCEPTED:

GRANTEE

CITY OF TIGARD, an Oregon municipal corporation

By: _____
Name: _____
Its: _____

STATE OF OREGON)
) ss.
County of _____)

This instrument was acknowledged before me on _____, 20____, by
_____ as _____ of the City of Tigard, an Oregon
municipal corporation.

NOTARY PUBLIC FOR OREGON
My Commission Expires: _____

Exhibit A

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

A TRACT OF LAND SITUATED WITHIN THE SOUTHEAST ONE-QUARTER OF SECTION 4, TOWNSHIP 2 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN, IN THE CITY OF TIGARD, WASHINGTON COUNTY, OREGON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE ONE-QUARTER CORNER BETWEEN SECTION 4 AND SECTION 9, TOWNSHIP 2 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN; AND RUNNING THENCE TRACING THE SECTION LINE BETWEEN SAID SECTIONS 4 AND 9, SOUTH 89° 53' 30" EAST 262.86 FEET; THENCE LEAVING SAID SECTION LINE NORTH 0° 19' 06" EAST 331.43 FEET TO THE EASTERLY PROJECTION OF THE SOUTH LINE OF BENCHVIEW ESTATES, A DULY RECORDED SUBDIVISION PLAT RECORDED IN PLAT BOOK 66, PAGE 39, WASHINGTON COUNTY PLAT RECORDS; THENCE WESTERLY TRACING SAID EASTERLY PROJECTION AND THE SOUTH LINE OF SAID BENCHVIEW ESTATES, NORTH 89° 53' 30" WEST 262.86 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE SOUTH 0° 19' 30" WEST 331.43 FEET TO THE POINT OF BEGINNING.

NOTE: This Legal Description was created prior to January 01, 2008.

Exhibit B

Exhibit C
Assignment of Leases



ADDENDUM TO REAL ESTATE SALE AGREEMENT

1 This is an Addendum to: Real Estate Sale Agreement Seller's Counter Offer Buyer's Counter Offer
2 Re: Real Estate Sale Agreement No. Eiswerth2012 Dated 4/1/2012 Addendum No. A
3 Buyer: City Of Tigard
4 Seller: Kelly Eiswerth

5 The real property described as: 2 Acres: Washington CO, Or: R2003384

6 **SELLER AND BUYER HEREBY AGREE THE FOLLOWING SHALL BE A PART OF THE REAL ESTATE SALE AGREEMENT REFERENCED ABOVE.**

7 The following Clarifications are made to the sale of the property and shall apply to the terms of this sale.

8 a: Dirk Knudsen of Prudential Northwest Properties is representing the Seller. City of Tigard represents itself.

9 b: Closing shall be on or before June 30th, 2012 unless extended by written document between the purchaser and seller.

10 c: Seller has no written information or reports on this property. Therefore they have nothing to deliver to the Purchaser as
11 indicated on Page 3 and elsewhere on the contract.

12 d: There are no leases on this property and therefore Seller has no documentation to provide.

13 e: In the event the property is in Farm or Forest deferral by Washington County Assesors Office then the Seller will deliver it
14 in good standing and the buyer will assume any costs if it is removed during their ownership through their actions.

15 f: Earnest Money shall be in the amount of \$5,000.00

16 g: The property is land locked without any legal access. Buyer Acknowledges this and understands they will have to arrange their
17 own access at their own expense and that the value of the property is being agreed to as a land locked vacant parcel of land.

18 h: The seller has never set foot on the subject property and bought it with any and all defects in As-Is. Therefore this this
19 property is being conveyed completely As-Is with any and all defects both patent and latent. Seller has agreed to purchasers
20 accessing the property and completing any and all inspections and research as needed. Purchaser understands that they
21 make their decision to purchase based upon their own inspections and findings there of.

27 Buyer Signature _____ Date _____ a.m. p.m. ←

28 Buyer Signature _____ Date _____ a.m. p.m. ←

29 Seller Signature (M) _____ Date (M) _____ a.m. p.m. ←

30 Seller Signature _____ Date _____ a.m. p.m. ←

31 Selling Licensee _____ Listing Licensee (Signature)

32 Selling Firm Broker Initials/Date _____ / _____ Listing Firm Broker Initials/Date 4-1-12

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Eiswerth Property

City Property

Paul Properties

