



City of Tigard
Tigard Business Meeting – Agenda

TIGARD CITY COUNCIL AND CITY CENTER DEVELOPMENT AGENCY -

Agenda Revised on 11/7/2012 - In the Study Session the Public Contracting Rules will be rescheduled. A City Council Executive Session was added for pending litigation.

MEETING DATE AND TIME: November 13, 2012 - 6:30 p.m. Study Session; 7:30 p.m. Business Meeting

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

PUBLIC NOTICE:

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

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

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

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

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

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

SEE ATTACHED AGENDA

VIEW LIVE VIDEO STREAMING ONLINE:

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

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

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



City of Tigard

Tigard Business Meeting – Agenda

TIGARD CITY COUNCIL AND CITY CENTER DEVELOPMENT AGENCY- Agenda Revised on 11/7/2012 - In the Study Session the Public Contracting Rules will be rescheduled. A City Council Executive Session as added for pending litigation.

MEETING DATE AND TIME: November 13, 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 - TIGARD CITY COUNCIL AND CITY CENTER DEVELOPMENT AGENCY

A. ~~Discuss Public Contracting Rules~~ Removed from agenda; will be rescheduled.

B. City Center Development Agency: Main Street Art/Gateway Update

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

7:30 PM

1. BUSINESS MEETING - NOVEMBER 13, 2012

A. Call to Order

B. Roll Call

C. Pledge of Allegiance

D. Council Communications & Liaison Reports

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

2. CITIZEN COMMUNICATION (Two Minutes or Less, Please)
7:35 p.m. - time is estimated

A. Follow-up to Previous Citizen Communication

B. Tigard High School Student Envoy

C. Tigard Area Chamber of Commerce

- D. Citizen Communication – Sign Up Sheet
3. CONSENT AGENDA: (Tigard City Council) These items are considered routine and may be enacted in one motion without separate discussion. Anyone may request that an item be removed by motion for discussion and separate action. Motion to:
7:45 p.m. - time is estimated
- A. Approve City Council Meeting Minutes for:
1. August 21, 2012
 2. August 28, 2012
- B. RECEIVE AND FILE:
1. Council Calendar
 2. Tentative Agenda
- C. Receive and File: Hall Boulevard Condition Assessment
- D. Approve Waiver of Temporary Sign Permit Fees for Tigard Little League - Resolution
- *Consent Agenda - Items Removed for Separate Discussion: Any items requested to be removed from the Consent Agenda for separate discussion will be considered immediately after the Council/City Center Development Agency has voted on those items which do not need discussion.*
4. REQUEST FOR PUBLIC INPUT - CITY MANAGER PERFORMANCE REVIEW CRITERIA
7:50 p.m. - time is estimated
5. CONTINUATION FROM OCTOBER 23, 2012, OF PUBLIC HEARING ON URBAN FORESTRY CODE REVISIONS - URBAN FORESTRY CODE REVISION PROJECT - COMPREHENSIVE PLAN AMENDMENT (CPA) 2011-00004 DEVELOPMENT CODE AMENDMENT (DCA) 2011-00002
8:00 p.m. - time is estimated
6. COUNCIL LIAISON REPORTS
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
9:15 p.m. - time is estimated

Business Meeting

Meeting Date: 11/13/2012
Length (in minutes): 30 Minutes
Agenda Title: Discuss Public Contracting Rules
Prepared For: Joseph Barrett
Submitted By: Joseph Barrett,
 Financial and
 Information Services

Item Type: Update, Discussion,
 Direct Staff
Meeting Type: Council
 Business Mtg
 - Study Sess.
Public Hearing - Newspaper Legal Ad Required?: No
Public Hearing Publication Date in Newspaper:

Information

ISSUE

Public Contracting Rules (PCR) annual update and possible discussion points.

STAFF RECOMMENDATION / ACTION REQUEST

As a part of the annual update, staff is seeking direction and input on possible changes to the Purchasing and Contracting Rules.

KEY FACTS AND INFORMATION SUMMARY

The City needs to revise its Public Contracting Rules (PCRs) to include a key change to Oregon Revised Statute (ORS) 279C. Since the City last updated our PCRs, a change to the way public agencies solicit certain classes of professional services went into effect and the city is a bit behind in getting the change into our Public Contracting Rules (Rules.) The required change involves qualification based solicitations (QBS) and requires the city to use this process when hiring professional services such as:

- Architects,
- Engineers,
- Transportation Planners,
- Land Surveyors, and
- Others as listed in ORS 279C.100

The QBS process requires the selection of the top qualified firms be made by criteria other than price. The city may use a firm's experience, project management approach, project team member qualifications, local expertise, or other criteria so long as it's not price, in determining the top qualified firm for the work. Only after this determination has been made and the proposers ranked may the city enter into price negotiations with the top ranked firm. If an agreement cannot be made for the cost, the city may move on to the second most qualified firm and so on until an agreement is reached. While the city is required to include this in the Rules there is room to determine the exact makeup of the policy which staff is hoping to get the LCRB's direction on how that process should look.

The need to include the QBS provisions into the city's Rules also affords the opportunity to look at other potential revisions to the Rules, ones that may help clarify a policy's intent or streamline a segment of the Rules or a process. The attached matrix lists these potential changes. The list was developed using a committee of city staff and has been reviewed by the City Attorney's Office. Based upon the review the list was pared down to remove suggestions with negative legal concerns.

OTHER ALTERNATIVES

The Local Contract Review Board could decide to not discuss these topics during study session and direct staff to bring them forward during a business meeting as a revised version of the Public Contracting Rules.

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

N/A

DATES OF PREVIOUS COUNCIL CONSIDERATION

The current Public Contracting Rules were adopted in September 2011.

Attachments

Possible Topics for PCR Revisions Matrix

TIGARD'S PUBLIC CONTRACTING RULES – REVISION TOPICS – NOVEMBER 13, 2012 STUDY SESSION

RULE	LCRB DIRECTION REQUEST/DETAILS	IMPACT OF REVISION	SECTION
Qualification Based Selection (QBS)	<p>Staff will be asking the LCRB to adopt a Qualification Based Selection (QBS) policy as required by state</p> <p>The city needs to include the QBS process in its Public Contracting Rules as mandated by ORS 279. This was passed by the 2011 legislature and became effective in January 2012. The city was waiting for the Attorney General's public contracts manual to come out before taking action but the AG will not produce revised model rules this year. Thus, the city should initiate its own changes to come into compliance with the new selection process.</p>	<p>This revision will have a significant impact on how the city solicits for certain classes of professional services including:</p> <ul style="list-style-type: none"> • Architects, • Engineers, • Transportation Planners, • Photogrammetrists, • Land Surveying, and • Others <p>The QBS process does not allow for price as a criteria in the selection of a consultant... qualifications for the work are determining factor. After determining the most qualified consultant the city would then negotiate a price. If the parties could not come to acceptable terms, the city could open discussions with the second most qualified consultant.</p> <p>Staff will also need to solicit for, and maintain, a qualified list of vendors to select from for intermediate level projects. This will limit those able to work on the project to those that are on the qualified list.</p>	<p>70.000 This isn't included in the PCRs yet but it will go under Section 70.000 – Personal Services Contracts</p>
Sustainable or "Green" Purchases	<p>Is the LCRB interested in a clause that encourages the city to purchase sustainable or "green" products whenever financially or operationally feasible?</p>	<p>Inclusion of this clause will likely have an impact on the city's contracting and purchasing practices. Staff would be required to afford some diligence in ensuring good faith effort to utilize sustainable products. A rule like this would require defining terms such as "financially feasible" or "operationally feasible." Without such development, how this rule is implemented throughout the city would likely vary to a large degree.</p>	<p>90.000 This isn't in the PCRs. If included, it would naturally fit in with Section 90.000 – Recyclable/Recycling Purchasing Guideline with a slight title change.</p>

TIGARD'S PUBLIC CONTRACTING RULES – REVISION TOPICS – NOVEMBER 13, 2012 STUDY SESSION

RULE	LCRB DIRECTION REQUEST/DETAILS	IMPACT OF REVISION	SECTION
Exemption for Temporary Personnel Services	Is the LCRB interested in including an exemption from competitive bidding/proposal for contracts with temporary personnel agencies?	As the city is truly purchasing the services of the assigned temporary employee more than the temp service itself, it may help expedite the process by waiving the three quote requirement. Staff typically asks to review resumes from a temporary firm and conducts either phone or face-to-face interviews prior to final selection. This exemption would essentially view the candidates as the proposers rather than the temporary agency.	10.000 Similar exemptions exist for advertising, ammunition, software, and others.
Intergovernmental Agreements (IGAs)	<ul style="list-style-type: none"> • Is the LCRB interested in a more definitive definition regarding if the City Manager (or designee) can sign for any IGA under the delegated signature authority (currently \$100,000) as with other forms of contracts. • Is the LCRB interested in include definitions that draw distinction between IGA, Memorandum of Understanding (MOU), and Cooperative Improvement Agreements (CIA) in the public contracting rules? • Is the LCRB interested in the public contracting rules defining a policy for MOUs and CIAs that is different that the IGA policy, specifically related to who approves each type of agreement? 	<p>The purpose of including any of the revision in the PCRs is to help clarify the IGA process for staff.</p> <p>It is worth noting that IGAs are not considered true public contracts as there are political aspects to IGAs that are not part of the public interest protecting in public contracting. As such the possibility of obtaining procedures and rules for IGA (and other forms of agreements with public agencies) may be made outside of the Public Contracting Rules... similar to how the city's Travel Policy or the Property Acquisition Workbook were implemented.</p>	100.00
Surplus	Is the LCRB interested in clarifying the disposal threshold levels for surplus property, specifically regarding a per piece/lot definition?.	Certain areas of the current public contracting rules define as per item where others are silent. On the purchasing of good side, it is clearly defined "per lot." Staff recommends surplus follow the same definitions as a purchase. The inclusion of such a revision may have impact on the methods the city uses to dispose of various pieces of surplus property.	60.000

TIGARD'S PUBLIC CONTRACTING RULES – REVISION TOPICS – NOVEMBER 13, 2012 STUDY SESSION

RULE	LCRB DIRECTION REQUEST/DETAILS	IMPACT OF REVISION	SECTION
Amendments	Would the LCRB be open to an increase in the current 25% of the original agreement threshold for amendments?	Raising the threshold in which original contract amounts may be amended without LCRB approval could help gain efficiencies for staff. It would also likely reduce the amount of contract amendments that are brought before the LCRB.	10.015(F), 10.075, and 70.020

Business Meeting**Meeting Date:** 11/13/2012**Length (in minutes):** 5 Minutes**Agenda Title:** Main Street Art/Gateway Update**Submitted By:** Sean Farrelly, Community Development**Item Type:** Update, Discussion, Direct Staff**Meeting Type:** City Center Development
Agency**Public Hearing:** No**Publication Date:****Information****ISSUE**

Clarify desired design elements for the Main Street gateways/public art sites.

STAFF RECOMMENDATION / ACTION REQUEST

The board of the CCDA is requested to provide feedback to staff on Main Street public art and gateway features.

One clarification is requested from the Board. Is it the expectation of the Board that stone columns and walls, similar in scale to what was built on the corner of Burnham and Hall, be constructed at the Main Street gateways - or should the artwork be the focus?

KEY FACTS AND INFORMATION SUMMARY

At the March 6, 2012 meeting the CCDA Board accepted the recommendation of the CCAC Public Art Subcommittee to concentrate public art resources at the northeastern and southwestern gateways to Main Street. Gateway treatments were recommended in the Tigard Downtown Streetscape Plan. The art would be of large enough scale to mark the entrances to Downtown to passing motorists while also be engaging at the pedestrian scale.

Since this meeting an Intergovernmental Agreement with ODOT has been signed to allow work to be undertaken on the gateway sites (which are technically ODOT right-of-way.) The subcommittee, with CCDA liaison Henderson has worked with public art consultant Valerie Otani on developing criteria for a Request for Proposals and reviewing submittals. The subcommittee anticipates interviewing three finalists in late November/early December. The committee/consultant will continue to work with the selected artist in finalizing a site specific proposal.

Regarding the guidance requested from the Board about the balance of stone work and artwork, there are several alternatives. One possible course of action is that the design of the larger gateway sites be deferred until the artwork proposal is finalized. The artwork and the design of the site could be integrated, perhaps with smaller scale walls, utilizing the same type of stone as in the Burnham/Hall gateway. The stone could be the unifying element for the downtown gateways.

OTHER ALTERNATIVES

The Board of the CCDA can suggest staff to pursue other options for the sites.

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

Tigard Downtown Streetscape Design Plan

Council Goal 3: Downtown

DATES OF PREVIOUS COUNCIL CONSIDERATION

March 6, 2012

Fiscal Impact

Fiscal Information:

The FY 2012-13 CCDA budget included line item for \$60,000 for Gateways and \$60,000 for Main Street Streetscape (including art). \$60,000 has been set as the budget for the gateway public art using the Main Street Streetscape project budget. The gateways will be designed this fiscal year, but not likely built until FY 2013-14. The cost of the design will depend on CCDA Board direction as to the scale of the gateway.

AIS-1075

3. A.

Business Meeting

Meeting Date: 11/13/2012

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

Public Hearing:

Publication Date:

Information

ISSUE

Approve City Council meeting minutes.

STAFF RECOMMENDATION / ACTION REQUEST

Approve minutes as submitted.

KEY FACTS AND INFORMATION SUMMARY

Minutes for the August 21 and 28 council meetings are attached.

OTHER ALTERNATIVES

N/A

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

N/A

DATES OF PREVIOUS COUNCIL CONSIDERATION

N/A

Attachments

August 21, 2012, Council Meeting Minutes

August 28, 2012, Council Meeting Minutes



City of Tigard

Business/Workshop/CCDA Minutes

TIGARD CITY COUNCIL/LCRB/CCDA

MEETING DATE/TIME: August 21, 2012 – 6:30 p.m.

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



1. BUSINESS/WORKSHOP MEETING

A.  At 6:31 p.m. Mayor Dirksen called the City Council, Local Contract Review Board & City Center Development Agency 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: City Manager Wine reported on communication from the public at the August 14, 2012, meeting. She reported that Park Street neighbors were concerned about uses and activities emerging at a property on that street. She said she will meet with the owner to gain a better understanding of what is happening at the property. A meeting will then be scheduled with the neighbors and the owner/operator of the property with the goal of mutual understanding and addressing the concerns.

2. CONSENT AGENDA: (Tigard City Council and Local Contract Review Board)

- A. Approve City Council Meeting Minutes for:
1. June 26, 2012

TIGARD CITY COUNCIL MINUTES – AUGUST 21, 2012

B. Approve a Cooperative Agreement with Oregon Department of Transportation and Walmart

Mayor Dirksen asked council if any member wanted to remove an item for separate discussion and there was no request to do so. Councilor Wilson moved for approval of the consent agenda and Councilor Henderson seconded the motion. The motion passed by a unanimous vote of council present.

	<i>Yes</i>	<i>No</i>
Council President Buehner (absent)		
Mayor Dirksen	✓	
Councilor Henderson	✓	
Councilor Wilson	✓	
Councilor Woodard	✓	



➤ CONSIDER SUBMITTING A PROPOSED CHARTER AMENDMENT TO THE NOVEMBER 6, 2012, BALLOT REQUIRING A PUBLIC VOTE RELATED TO LIGHT RAIL CONSTRUCTION FUNDING

City Manager Wine presented this item and said if approved by council it would place a referendum on the November ballot for Tigard voters to consider. This amendment to Tigard's city charter requires a public vote before imposing any new fees or taxes for light rail construction. She said if council desired to place this on the November ballot, a decision would have to be made tonight in order to meet notification requirements.

Councilor Henderson inquired about a few changes from draft language reviewed earlier. City Manager Wine replied that the draft language was a word or two over the word-count limit in the caption and question areas and so required editing. She said staff also talked with Tigard's southwest corridor area partners, including TriMet, Metro and other cities and asked how this action would be viewed by them. Feedback indicated that it was important in the summary to let people know that what they are voting on is not a certainty in terms of the mode of high capacity transit that may come to the southwest corridor region in the future. She said the language marked in blue in the council packet is based on this feedback from Tigard's partners. She noted that this charter amendment would only be in effect if light rail is the mode of transportation selected.

Mayor Dirksen said another slight change is a clarification that it would prohibit both the imposition of new taxes and fees and also increasing existing taxes. Councilor Woodard said the language clarifies that it is for construction of only that type of project and does not prohibit the ability to plan.

Councilor Henderson asked for the timeline. City Manager Wine said passage of this resolution is a notification to the city recorder of council's intent to place this on the ballot. City Recorder Wheatley said that if passed tonight, she would publish it on Thursday in the Tigard Times. Anyone can appeal the measure up until September 4, 2012, and after that date has passed with no appeals, it would be filed with Washington County. Mayor Dirksen asked what could be appealed. City Attorney Watts replied that an example of what could be alleged is that a ballot title

TIGARD CITY COUNCIL MINUTES – AUGUST 21, 2012

is not accurate or does not summarize the measure. He said that due to the strict word limit everything cannot be put into the caption so the most important elements have to be selected.

Councilor Wilson moved for approval of Resolution No. 12-23. Councilor Woodard seconded the motion. Deputy City Recorder Krager read the number and title of the resolution. Mayor Dirksen asked if there were any comments or questions. City Recorder Wheatley said City Attorney Ramis asked that she convey to council that any appeals go to the city elections officer (city recorder), not to the circuit court. She said this is particular to Tigard and is contained in the Tigard Municipal Code. A vote was taken and the motion passed by a unanimous vote of council present.

12-23 – A RESOLUTION OF THE TIGARD CITY COUNCIL SUBMITTING TO THE VOTERS A PROPOSED CHARTER AMENDMENT TO BE CONSIDERED AT THE NOVEMBER 6, 2012, GENERAL ELECTION, WHICH WOULD REQUIRE A PUBLIC VOTE PRIOR TO IMPOSING NEW LOCAL TAXES OR FEES TO FUND LIGHT RAIL CONSTRUCTION, SAID CHARTER AMENDMENT WILL EXPIRE TEN YEARS AFTER ITS EFFECTIVE DATE

	<i>Yes</i>	<i>No</i>
Council President Buehner (absent)		
Mayor Dirksen	✓	
Councilor Henderson	✓	
Councilor Wilson	✓	
Councilor Woodard	✓	

WORKSHOP MEETING

At 6:41 p.m. the City Council entered into the Workshop segment of the meeting.

3. RECEIVE CAPITAL IMPROVEMENT PLAN UPDATE

City Engineer Stone said other than the street maintenance program which is currently winding down; there has been a construction lull in Tigard. He said with the adoption of the 2012-2013 Capital Improvement Program (CIP) there will be a significant amount of work beginning. He detailed upcoming work, giving examples of various sized projects.

Projects include:

- 92nd Avenue Sidewalk on Waverly Drive to Cook Park - Significant wetlands limit activity so construction will be concentrated on the east side of 92nd Avenue. The project requires land use approval and may require review by the Army Corps of Engineers and other state or federal agencies. A request for this project came to the city from citizens. Estimate \$500,000.
- East Butte Heritage Park Development - Improvements are funded from the parks bond and include restrooms, trail improvements, a covered area for picnics, and road improvements. Pedestrian linkage will be created between three neighborhoods. Sidewalks are included along the street and through the park.

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Councilor Henderson asked about the percentage of parks bond money and Engineer Stone estimated it covers almost half of the project cost.

- Walnut Street Reconstruction and Widening (Tiedeman to 116th) – Engineer Stone said that due to efforts of Mayor Dirksen and the Washington County commissioners, Tigard was able to secure \$5 million to improve Walnut Street from Tiedeman to 116th. This project will be constructed by Washington County under the MSTIP program. The city began the design and acquired most rights of way years ago but has been waiting for funding. Councilor Henderson requested a copy of the construction plans.
- Pacific Highway/McDonald Street/Gaarde Street Intersection –This project improves this intersection and staff is recommending Option A.2 which improves all approaches to the intersection, adds left-turn lanes on McDonald and Gaarde and adds turning and through lanes on 99W. This project will cost \$9.5 million and the funds come from many sources.
- Main Street Reconstruction (Green Street) – The design phase is completed and city is now in the process of acquiring right of way. Phase I construction is going to bid after the first of the year with construction starting next spring or early summer.
- Bonita Road Water Pump Station – This pump station will take low pressure water from the Lake Oswego water facilities, pump it into Tigard’s distribution system and gradually distribute it to other areas of the city. The project will be bid at the same time as the water treatment plant.

In response to a question from Councilor Woodard, Mayor Dirksen said the city assembled \$5 million for the Pacific/McDonald/Gaarde project but that was not enough to do the entire project. Tigard subsequently received another \$10 million from the MSTIP program this cycle and about \$5 million will be used for this project.

Councilor Woodard said he wanted it in the record that when the time arises to recommend future projects, the Tiedeman /North Dakota area should be listed for council consideration. Mayor Dirksen said there is ongoing dialog on this and the project needs to be better defined prior to seeking a funding source.

City Manager Wine added that staff is striving to ensure that CIP transportation project priorities are aligned with council priorities. She said her hope is that staff can bring a CIP report to council on a quarterly basis to show what projects are next on the list. When the funding cycle opens up we can be successful in leveraging transportation funding by having a plan. Councilor Wilson commented that CIP updates were previously issued annually but it is of greater value to see a five-year timeline and know what is coming up in the queue.

Audience member Art Cornelius, 13398 Benchview Terrace, Tigard, OR, requested to speak. Mayor Dirksen asked if council was amenable to having a member of the public speak during a work session and they were favorable. Mr. Cornelius asked who the Pacific/McDonald/Gaarde project is supposed to benefit. He said improving passage through Tigard will benefit people in McMinnville, Dundee and those driving to and from Portland. He said he

TIGARD CITY COUNCIL MINUTES – AUGUST 21, 2012

sees limited benefit to Tigard residents who are footing the bill for this project. Mr. Cornelius said he drives through the intersection two or three times a week and agreed it is not ideal. He expressed skepticism about the cost benefits.

Mayor Dirksen responded that for years, when the city heard from residents polled on where the focus should be, they said traffic congestion on 99W was priority. He said the Pacific/Gaarde McDonald project improves turning movements through the intersection for Tigard residents using the highway to get to their homes as they will be able to enter and exit it more easily. He said the majority of the funding comes from Washington County and the remainder comes from state and city gas taxes and previous federal ODOT grants.

Mr. Cornelius said Councilor Henderson sent out a questionnaire and he submitted suggestions such as timing the 99W traffic signals to expedite travel. Mayor Dirksen responded that two years ago a major upgrade was completed on Hall Boulevard/99W and Greenburg Road/99W and the traffic control system was replaced from the top of the hill through to Durham Road. A federal grant paid for a new control system, taking it from a limited, 30-year-old system to one that is interactive and adjusts to traffic volume, direction, and time of day. Mr. Cornelius said he found this relatively ineffective.

Councilor Henderson commented that this intersection's high accident count is a major problem that they are trying to solve. He referred to computerized data gathering by the new traffic signal system and said ODOT is still training on this and working out the bugs. He asked Mr. Cornelius to be patient as it will improve over time.

Councilor Wilson asked Mr. Cornelius what alternatives he would suggest. He said better timing for the signal system. He said his question was not on the advisability of modifying the Gaarde/McDonald/Pacific intersection; he was questioning the cost/benefit ratio. He added that taxes from Washington County and Oregon "also come from us."

City Engineer Stone said project modeling indicates that during morning peak hours, the capacity would be improved by 18% and in the evening peak hour by up to 31%.

Councilor Woodard asked City Engineer Stone if, after this project and improvements to signalization are complete, there were any other solutions to the congestion issue besides high capacity transit. City Engineer Stone said the general rule is you have to build it bigger or reduce the volume of traffic to improve flow. He said taking this project to anything much more than it is would significantly impact a number of businesses along Highway 99W.

Councilor Woodard said he sees benefits to this project but asked staff how long they estimate these efficiencies to last. City Engineer Stone replied that if the city selects Option A-2, it is anticipated that it will take until 2028 to reach the condition it is in today.

Councilor Wilson said he would prefer to hear the presentation on the project before discussing its merits.

Mayor Dirksen said council approval earlier tonight of the agreement with ODOT and Walmart is an example of other things Tigard is doing to improve traffic. As development takes place in the Tigard Triangle, developers will be required to make improvements to all streets in the area, including 99W. He mentioned access (driveway) management as another way to improve traffic flow and reduce congestion. He said without wholesale destruction of private property and businesses along the corridor and widening 99W and turning it into another

TIGARD CITY COUNCIL MINUTES – AUGUST 21, 2012

interstate highway, there is little else Tigard can do to that corridor. He said the city needs to explore options for transportation through other Tigard streets and other means such as transit to address the issue.

Councilor Wilson used the analogy of road improvements as a Rubik's cube. He said that once you improve one thing, it affects something somewhere else; fixing an issue with one road draws increased traffic from others. He reiterated that traffic is the top concern of Tigard citizens.

4. DISCUSS AND DIRECT STAFF ON A CONCEPT DESIGN FOR PACIFIC HIGHWAY/McDONALD STREET/GAARDE STREET INTERSECTION

Senior Transportation Planner McCarthy introduced those heavily involved in this project: Tigard Senior Transportation Planner McCarthy, ODOT Project Manager Matt Fritag and WH Pacific Consultant Wayne Bauer who prepared all the modeling and exhibits. He said eight options were initially considered and this was narrowed down to three: A-2, B-2 and C-2. Staff is recommending Option A-2. He said Option B-2 widened only Gaarde and McDonald and Option C-2 widens Pacific Highway, but not McDonald or Gaarde. Option A-2 is a combination of B-2 and C-2.



City Engineer Stone said B-2 and C-2 were initially considered by the city because there was only enough funding available for them. With the additional MSTIP funding in hand staff recommends Option A-2, which is estimated at \$9.5 million.

Councilor Wilson asked which two properties have to be taken out entirely. City Engineer Stone said they estimate that it will be the two gas stations. He said this is a conservative, worst case scenario and there may be a way to reconfigure one or both. Mayor Dirksen said his initial reaction is that this could not be done without vacating the south side gas station.

Councilor Woodard said 26 properties are impacted and asked how much right of way is affected. Mayor Dirksen said some right of way would be necessary but it may not impair business. City Engineer Stone said there would also be impacts on the Walgreens parking lot.

In response to a question from Councilor Henderson about capacity increases, Senior Transportation Engineer McCarthy confirmed that it is total intersection capacity and does a little more to address the afternoon capacity. He said the three key backup areas are southbound on Pacific Highway, the northbound left turn access and traffic crossing McDonald and Gaarde.

In response to a question from Mayor Dirksen, Senior Transportation Engineer McCarthy clarified after its completed, the intersection will work equally well in the morning and evening rush hours. City Engineer Stone said anyone who routinely drives in this area knows that the traffic is worse on Saturdays.

In response to a question from Councilor Woodard on other intersections that create bottlenecks, Engineer Stone replied that one area is Hall Boulevard, with traffic turning onto McDonald Street in the afternoons. Councilor Woodard asked if there was a project planned for this intersection and the mayor said there is a future project that addresses that intersection.

Mayor Dirksen said when council first started examining options for this intersection some had extremely negative impacts on businesses. He said consulting engineers WH Pacific are the

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experts on this and he felt they came up with the best compromise. Councilor Wilson asked if there would be any other driveway closures and WH Pacific Engineer Bauer said he didn't think so but this project includes an access management plan with ODOT. Their main concern is permitted driveways in proximity to signalized intersections. Opportunities for combining driveways will be explored. Councilor Wilson said it is already problematic for drivers turning left to enter the Walgreens parking lot on Gaarde. City Engineer Stone said with dual left-turn lanes at least someone could get by them, where currently, traffic gets stopped.

 City Engineer Stone said \$1 million of OTIA funds must be spent by December 12, 2012. He said staff needs to know if there is consensus from council to finish the design of this project and begin right of way acquisition. Councilor Henderson gave the mayor kudos for being involved in regional transportation and helping the city obtain OTIA funding. Mayor Dirksen asked council if there was consensus for moving ahead with this project and council indicated there was.

5. RECEIVE TIGARD TRIANGLE UPDATE

 Associate Planner Caines led the discussion on this item. Members of the Planning Commission joined the City Council for this topic. Planning Commissioners in attendance were Tom Anderson, Jason Rogers, Dianne Armstrong, Richard Shavey, Margaret Doherty, Matthew Muldoon and Andrew Miller. Ms. Caines referred to the document *Tigard Triangle: The Path Forward* which was included in the meeting packet. She introduced David Berniker from David Berniker Urban Design, one of the consultants for this document. She briefly discussed the past history of development in the Triangle area, noting that a master plan for the area was prepared but never adopted. Work on a master plan and the development of land use policies and designations to support high capacity transit near the Triangle have been goals of the city council. The Tigard Triangle has also been designated as a possible transit station location in the southwest corridor.

Ms. Caines said the city applied for a Transportation Growth Management (TGM) grant and she will discuss a two-path approach, based on what happens if Tigard receives the grant and what can happen if it does not. TGM grant awards will be announced in October.

She said staff engaged the Planning Commission to work on a vision for the area. They attended workshops and toured the Triangle area, looking at it from an entirely different perspective. The last planning for the area occurred almost twenty years ago. Since then, many changes have occurred:

- The City Council supported expansion of the Town Center designation into the Triangle area, which would help to address traffic constraints
- The Transportation Planning Rule (TPR) has some flexibility
- Tigard has adopted a new Transportation System Plan
- Tigard's Comprehensive Plan has been updated

Ms. Caines noted that this is a new opportunity to see where the city has been and where it wants to go in the Triangle, building on the old plans, but including new information and seeking input from stakeholders who live and work inside the Triangle.

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Consultant Berniker discussed steps to move forward with a comprehensive plan district. He said when the City Council and Planning Commission think about moving forward, there are some ideals to be considered. He urged everyone to get involved and noted that there has been a lot of good work to date that needs to be included (Metro SW Corridor Plan and HCT Land Use Plan). It is important to think of principles and ideals. He said it is very important to think of the financial feasibility of the project. There are a lot of sub areas on a complex site with multiple land uses and a varied topography. He said, "Mixed-use zoning was in place, yet things haven't happened. Why?" He said the overriding issue in this area is connectivity.

Consultant Berniker said there is a draft vision statement in the document but there needs to be a new one done by the community as part of this process. He said elements that need to be brought into the vision statement are:

- Housing elements – an array of housing types
- Vibrant set of uses (places where people want to gather and meet friends)
- Tie in sustainability (storm water runoff, design guidelines, solar)
- Connectivity (getting to and moving around in the area)
- Town Center definition (bringing together the downtown and the Triangle)
- Legibility (Creating a "place." What elements of the community give people visiting the area a sense of where they are? Is there something that welcomes people to the Triangle?)
- Job Creation



Consultant Berniker said those are the important elements and as the process evolves, what is proposed for this area should consider the following criteria:

- Transportation capacity and connectivity
- HCT and alternative transportation modes
- Economic feasibility and the market
- Financing and funding
- Implementation strategies (infrastructure improvements and design regulations)

Consultant Berniker said the work plan has three areas: visioning and goal setting, framework plan, and economic analysis/implementation strategy. He said these elements are found within the TGM grant.

Associate Planner Caines discussed the two paths to achieve this planning, one with the TGM grant and one without. The grant award announcement will be made in October and if awarded, work will begin in July, 2013. She said tasks that can be done in the meantime include putting together the scope of work and selecting a consultant. She said if the grant is not awarded, there is a scaled back version. Ms. Caines said analysis at the same scale would be required but outcomes would be different. She said that could mean funding recommendations rather than an adopted strategy. It could also mean minor development code changes and connectivity policies. She said the city would most likely begin work on a plan for the Triangle in 2014 rather than 2013 if the grant is not received.

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Councilor Henderson asked Associate Planner Caines what the consequence would be if the city does not do this study at this time. Ms. Caines responded that development will still occur because the location adjacent to three highways makes it ideal for commercial buildings. She said a lot of things are coming together now; an economic analysis pointed to the Triangle being a great location for high-density residential and an economic employment center. She said it would be a missed opportunity not to align the area with the Tigard HCT (high capacity transit) Land Use Plan and the Southwest Corridor studies. Councilor Henderson said the city needs to do studies now to be ready when the economy improves. He said he just questioned if this needs the focus now.

Consultant Berniker said Tigard is in a terrific place to do something truly wonderful with the Triangle area. He said he sees many cities struggling with how to attract the growth that is coming in a way that would help their downtowns and communities. He said Tigard has many of the elements in place and this is an opportunity to leverage that. In response to Councilor Henderson's question about the consequence of not doing this study now he remarked that there is a lot of competition and this is a chance for Tigard could get ahead of the curve.

Planning Commissioner Shavey presented an idea for an alternate path. He suggested breaking the Triangle into smaller areas, such as the Red Rock Creek location for residential and other areas for different uses. He suggested the city be creative and make features such as a manmade lake. He commented, "We don't know how to connect it to the rest of the city. Break it into smaller areas and develop them so we don't keep stumbling over the same thing." He said he hadn't heard any planners talking about taking this approach.

Councilor Wilson commented that it is a big area and from his perspective the recently developed and soon-to-be developed parts are not that interesting and those areas will probably remain as they are for the next thirty years. He suggested if cost becomes an issue, the city concentrate on areas likely to develop sooner. He noted that Tigard just completed a visioning project with the HCT station area plans and asked if the city is going to do it again and just get more details.

Associate Planner Caines said breaking the Triangle down into smaller pieces or quadrants was discussed. A residential area could be planned along Red Rock Creek and focusing on development would support HCT. She agreed with Commissioner Shavey that the Triangle is not all the same. There are employment areas, commercial areas, and residential areas. She said tonight's discussion is more about setting the stage.

Councilor Wilson said he was on the planning commission when the first plan for the Triangle was completed. Phil Lewis School and single-family detached homes were surrounded by freeways. He said Costco took out an entire neighborhood to put in a warehouse store. He commented that he would like to do things differently this time. He said at the end of this process he would like to have more than just regulations. He expressed disappointment in the Regional Center Plan and feared that tight standards might deter development. He asked that design standards and regulations be examined through the economic component to see what is hampering development.

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 Councilor Woodard referred to spotlighting and asked if there is an opportunity within the TPR to look at newly designated areas. He asked if the city could bring in disciplines such as marketing and economic development to develop concepts. Mayor Dirksen replied that the challenge is bringing this type of expertise in-house but if the city gets the TGM grant, there is money to hire consultants.

Commissioner Rogers said the Planning Commission talked about spotlighting the area but he did not see it mentioned in the report. He said the Commission talked about best practices such as those used at Nimbus, Orenco Station, Dawson Creek; areas where someone started with a vision and a large piece of land and built a successful business park or neighborhood around high capacity transit. He said Tigard needs to incentivize and invite businesses in by branding and spotlighting the area. He said the city needs companies to think, “I can see my business here.” He said he was very much in favor of the plan and felt it captured their discussion, minus the spotlighting piece.

 Commissioner Doherty said Tigard is landlocked and this is its last frontier. She suggested planning it carefully. She said she was hoping for more of upscale retail but it is a large area so there is room for more.

Commissioner Muldoon expressed interest in a decision-tree analysis that works backwards and explores what the possibilities are with and without high capacity transit.

Commissioner Armstrong commented that it appears a lot of hopes are pinned on receiving the grant. Associate Planner Caines said staff received positive feedback on their application. She said staff will move forward without the grant but resources are limited.

Consultant Berniker said, “This is a really important area.” The mayor noted it is important to Metro and Councilor Wilson added that it is also important to ODOT, who encouraged the city to apply for the grant.

Mayor Dirksen said he appreciated Commissioner Shavey’s concerns about doing the same thing over and over and wondering why it doesn’t work. He said his idea of breaking the area into smaller pieces is good but cautioned that if areas are addressed separately, they must be planned so each area relates to the context of the larger area. He supported the concept of spotlighting different areas for attention.

 Commissioner Shavey suggested that Council task the Commission to come up with the concepts before the end of the year and said he would enjoy working on this. Mayor Dirksen said the Planning Commission will be relied on for momentum and if the city gets the full grant the burden will be on the Commission to keep the process moving in the direction of their shared vision with Council for this area.

Councilor Henderson suggested they not use the photo with the “for rent” sign in their printed materials.

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Planning Commissioner Rogers said he felt the Council and Commission were on the same page and that they realize that doing nothing is the wrong approach, especially with high capacity transit coming. He said that doing nothing would lead to what is there now - disjointed, unplanned buildings.

Councilor Woodard said he would like to hear ideas on how to connect the Triangle to downtown. Mayor Dirksen said in his view, the lack of internal connectivity and the limited linkage to the rest of the community and region is the greatest single reason we have not seen better use of that land already. He said even if the city doesn't get the grant, staff must move forward with the "economy model" of planning because this area is so important to Tigard's future.



6. DISCUSSION ON ANNEXATION POLICY

City Manager Wine introduced this item, noting that staff presented an Annexation Background Report to council in July. Following the review of the report, staff began a discussion on the prioritization of topics related to annexation policy. She would like council's confirmation on this direction. The three major areas of annexation policy that the city is facing are:

1. Undeveloped extraterritorial areas (including Areas 64, 63 and the Roy Rogers West area recently added to the Urban Growth Boundary) and completion of the River Terrace Community Plan
2. Island areas
3. Developed extraterritorial annexation areas

City Manager Wine said that from her perspective the undeveloped extraterritorial areas have first priority for staff time and city resources. She said this emphasis and staffing restraints may mean that Priority No. 3 areas are not addressed immediately. She asked council if the incentives the city has created for Priority area No. 1 are working and if there were any they would like to add. She noted that council discussed philosophies for different islands and staff heard their preference for separate policies for each island. She asked what incentives exist for Priority No. 3 and if they are working. She asked if there were others that might incentivize residents in the urbanized extraterritorial areas to annex.

City Manager Wine said there were questions at the July meeting regarding legal concepts and staff received responses from the city attorney. She reported that it is required to annex an island in its entirety. Another question council had related to delaying implementation of city taxes. Ms. Wine said the city attorney responded that it is possible to approve an annexation with a delayed effective date and also possible to delay the imposition of taxes for up to ten years. She asked council if there was interest for staff to bring council options for what a delayed imposition of property taxes might look like.

Mayor Dirksen said there is an immediate need to move forward with the Community Plan for River Terrace area (including Areas 63, 64 and Roy Rogers West). He said a commitment was made to the county, regional partners and residents. He suggested the first step is to make

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sure the entire area is annexed into the city before the Community Plan is finalized, which is the proper way, with a funding source and governance in place. He said that people are moving forward with petitions to annex in Area 63 and Roy Rogers West in order to get a triple majority annexation, but there is some hesitation because of uncertainty due to the fact that the city council is still discussing incentives. He said, "Property owners want to know exactly what the city can offer and we need to finalize this." He noted that the city is already offering a three-year tax phase in period and there is concern among property owners that if the Community Plan is delayed then they may be paying at the higher rate before the plan is done and they can develop. He said the timeline most likely would lead to the Community Plan being finalized prior to the end of the phase in period, but, if the City promised up front that the taxes would not increase until the Plan is done, it would give them certainty. He asked if staff had computed the financial impact of offering a three-year phase in period and City Manager Wine responded that it is considered lost revenue and through 2016, the total for all three areas (Areas 63, 64 and Roy Rogers West) is near \$92,000.

In response to a question from Councilor Wilson regarding phasing in taxes by a certain percentage a year, or delaying them, City Manager Wine said both options are possible. Councilor Wilson inquired about the maximum time for phasing in property taxes. City Attorney Watts replied that it was five years.

Councilor Woodard expressed agreement with the Priority No.1 area incentive of paying the same taxes until the Community Plan is done. He said he couldn't foresee enough staff resources available to complete the island annexations at this time. He commented that to be fair, Area 63 should be offered the same incentives as Area 64.

Mayor Dirksen mentioned that in addition to a loss of revenue, there will be an increase to service costs such as police, but most of the area is sparsely populated so it may not be a huge increase, especially at first.

Councilor Henderson commented that this incentive information will be noted by citizens in other unincorporated areas (islands and developed extraterritorial). He said there needs to be communication with these other areas. City Manager Wine agreed that three conversations are required at this point and are different for each of the three prioritized areas.

Mayor Dirksen remarked that the incentive discussed tonight is for the Priority No. 1 areas only and there is consensus on this point. City Manager Wine said staff will prepare a revised resolution relating to annexation incentives that can put these in place sooner to facilitate completion of annexation petitions of Area 63. Mayor Dirksen urged staff to move forward on this.

 Councilor Woodard moved to adjourn the City Council meeting and convene the City Center Development Agency meeting. Councilor Wilson seconded the motion and all voted in favor.

At 8:50 p.m. Mayor Dirksen called for a 10-minute break.

At 9:05 p.m. Mayor Dirksen reconvened the CCDA meeting.

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CITY CENTER DEVELOPMENT AGENCY MEETING

7. APPROVE CITY CENTER DEVELOPMENT AGENCY MINUTES

A. July 3, 2012

Director Wilson moved and Director Henderson seconded a motion to approve the CCDA minutes of July 3, 2012. Director Woodard abstained because he was not in attendance. The motion passed.

	Yes	No
Director Buehner (absent)		
Chair Dirksen	✓	
Director Henderson	✓	
Director Wilson	✓	
Director Woodard (abstained)		

8. REVIEW TARGETED INCENTIVE PROGRAM REQUEST FOR PROPOSALS

Redevelopment Project Manager Farrelly presented a request for proposals to attract new businesses that will add vitality to the downtown. The Targeted Incentive Program offers matching grants to prospective retail and restaurant tenants to help offset the cost of interior tenant improvements.

The CCDA discussed how to get the program information into the hands of businesses and building owners, including publicizing it at Rotary, Chamber of Commerce and advertising in the Daily Journal of Commerce. Redevelopment Project Manager Farrelly suggested CCDA members give the RFP to businesses they feel are appropriate.

CCDA Director Wilson commented that this RFP is a vast improvement from the earlier version. He asked City Attorney Bennett what the limits of CCDA discretion are, commenting that it seemed to him agencies have wide latitude in making choices. He said “This is public money and you don’t want to be picking favorites.”

City Attorney Bennett replied that the CCDA has immense discretion to establish criteria. As people apply the CCDA cannot vary from the established process. It is not uncommon to have a complex rating that supports an agency’s objectives. It is not incorrect to have objectives. He said the CCDA’s objectives are fairly general. He said that once the RFP goes out, the CCDA will value the responses based on established criteria. He added that they could reject them all.

CCDA Director Wilson said one dilemma is that there might be applications that are not what the CCDA has in mind and he hoped the Agency would have the ability and good judgment to select a “winner.” Executive Director Wine asked for clarification from Director Wilson and he responded that he wants to be highly selective yet keep the process fair and ethical.

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City Attorney Bennett said there is nothing inappropriate about the city contacting several coffee shops, for example, and urging them to apply. He said there may be some explaining to do if the business with lowest score is awarded the money. He said interviews will help with to the evaluation process.

The CCDA approved the Targeted Incentive Program RFP for release.

9. DISCUSS DEVELOPER MEETINGS

 Redevelopment Project Manager Farrelly said the CCDA and the City have been investing a significant amount of money in the downtown but attracting private development has faced some hurdles. Development feasibility studies and informal discussions with developers indicate there are significant financial viability gaps in attracting the kind of mixed-use, multi-story residential development as envisioned in the Tigard Downtown Improvement Plan. He said the basic reasons are the cost to build, low rents, scarcity of low-cost land for redevelopment, and the recession.

Mr. Farrelly said there are ways to address these challenges, particularly if the Agency is able to acquire land that can be brought to a public-private partnership in the future. He said as the city may be on the brink of acquiring some property, the Agency is intensifying its relationships with the development community to find out what the challenges and opportunities are to developing downtown Tigard. One strategy, as suggested by the SRJ consultant, is to hold one-on-one interviews with developers who specifically work on mixed-use buildings in downtowns. A list of developers was received from SRJ and they are being contacted and will meet with staff and the real estate advisor. This is also a way to market Tigard's downtown. He said they plan to meet with eight to ten developers and will bring this information back to a joint CCAC/CCDA meeting. He asked CCDA directors if there are any questions they would like asked of the developers.

Director Wilson commented that it is a great idea and he would like to be involved. He recommended looking at the recently adopted downtown codes and asking to what degree those might hinder or make developing in Tigard less attractive, in particular the stepping back of walls after a certain height. He mentioned that apartment buildings are being built in southeast Portland which have almost no parking but are within walking distance to transit.

Redevelopment Project Manager Farrelly said the CCAC developed parking standards of one spot per unit. He said one concern of having less parking is competition with businesses for parking. Director Wilson said he wasn't suggesting a change but just found the trend interesting.

Chair Dirksen suggested asking developers why they chose to develop their project somewhere else in the southwest quadrant such as in Beaverton or Tualatin, rather than in Tigard. He said hearing their perceptions would be helpful.

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Director Woodard said there are probably many public-private partnership opportunities that could utilize a mix of incentives. He said he was interested in learning about financial incentives such as:

- What incentives were used for Washington Square
- Sewer reimbursement districts
- Deferred land costs
- Public-private partnerships.

CCDA Executive Director Wine suggested asking what developers are looking for in a public partner and what type of incentives would pencil out for them.

Chair Dirksen suggested asking them about the desirability of the city deferring fees and system development charges. He asked, “But what would happen if the city deferred fees and system development charges and the development failed?”

Director Wilson said it would be valuable also to ask Main Street Village owners what their demographics are and how that and their rental rates rents compare with other properties they may own.

Director Henderson said he would like to view the list of developers and would be surprised if the CCDA could get many companies to do respond. He guessed that they will look at this as a latent program that will take five years to develop. He suggested they be asked what their investment period is and when they expect a return. Executive Director Wine clarified that the developers will be asked how much lead time they think is involved to make the investment and also their willingness to be involved for what could be multiple years.

Redevelopment Project Manager Farrelly noted that some developers say they are looking for parcels that are five acres or more. He said there are some almost that size but looking in the future, we are going to have to start assembling parcels.

Redevelopment Project Manager Farrelly said staff will schedule this topic for a joint CCAC/CCDA session in November and present the results of the meetings. He noted that developers may prefer not to discuss things publically, so there may be a public and a private answer for some questions.

➤EXECUTIVE SESSION: At 9:41 p.m. the Tigard City Center Development Agency entered into Executive Session to conduct real property negotiations under ORS 192.660(2) (e). The Executive Session ended at 10:37 p.m.

10. COUNCIL LIAISON REPORTS: None

11. NON AGENDA ITEMS: None

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12. ADJOURNMENT

At 10:38 p.m. CCDA Director Woodard moved to adjourn and CCDA Director Henderson seconded the motion. Motion passed unanimously.

	Yes	No
Director Buehner (absent)		
Chair Dirksen	✓	
Director Henderson	✓	
Director Wilson	✓	
Director Woodard	✓	

Carol A. Krager, Deputy City Recorder

Attest:

Craig Dirksen, Mayor

Date

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City of Tigard
Tigard City Council Meeting Minutes
August 28, 2012

• STUDY SESSION

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

City Council Attendance:

<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, Public Works Director Koellermeier, Senior Project Engineer Murchison, Legal Counsel Bennett and City Recorder Wheatley.

Track 1

A. Administrative Items

Council Calendar was reviewed:

September

- 3 Monday Labor Day Holiday – City Hall Offices Closed
- 4 Tuesday City Center Development Agency – 6:30 p.m., Red Rock Creek Conference Room
- 11 Tuesday Council Business Meeting -- 6:30 p.m., Town Hall
- 18* Tuesday Council Workshop Meeting – 6:30 p.m., Town Hall
- 25* Tuesday Council Business Meeting – 6:30 p.m., Town Hall

In response to a question from Councilor Wilson, City Manager Wine referred to the status of the Urban Forestry Code Revisions process. Staff captured issues raised by the council. These issues are being categorized several areas, including:

- Questions to be answered.
- Potential changes for discussion.

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On September 11, staff will present council with responses to the questions raised and leave time for council discussion. Council President Buehner requested the topic of solar access be placed on the future schedule for council consideration.

Councilor Henderson called for a point of order recalling council discussed who should be able to attend City Council executive sessions and asked if this topic had been settled. City Manager Wine said her recollection was the “default policy” for a City Center Development Agency executive session was that the City Center Advisory Commissioners (CCAC) are invited to attend. Mayor Dirksen said he would prefer mayor and council candidates be invited to executive sessions after the election results are known, Mayor Dirksen said council can determine on a meeting-by-meeting basis who to invite to executive sessions.

Mayor Dirksen called a City Council executive session and read the appropriate citation stating the reason for the session:

- EXECUTIVE SESSION: The Tigard City Council went into Executive Session at 6:36 p.m. to discuss real property transaction negotiations under ORS 192.660(2)(e).

Executive Session concluded at 7:13 p.m. and the council reconvened into the study session.

- > Portland’s consideration of fluoridating its water will be discussed as a non-agenda item during tonight’s City Council meeting. In response to a comment by Councilor Wilson, Assistant City Manager Newton advised that the Tualatin Valley Water District (TVWD) receives water from the City of Beaverton, which is fluoridated. At the time Beaverton began to fluoridate its water, it was a topic of discussion in Tigard since part of the city is served by TVWD.

The City of Tigard is a wholesale water customer of the City of Portland. The cities of Tualatin and Gresham also buy water from Portland and officials from these cities take issue that the City of Portland did not contact its wholesale water customers to ask for opinions on whether to fluoridate the water. Discussion followed on the school of thought that fluoridated water contributes to dental health. The mayor commented that Portland is the only major city in the United States that does not fluoridate its water. In response to a question from Councilor Woodard, Mayor Dirksen said he thinks the cost to implement fluoridation of Portland’s water is about \$5 million.

- > Councilor Henderson referred to the adopted Capital Improvement Program budget document he received recently. In response to an observation by Councilor Henderson about new information in this document, City Manager Wine explained the CIP was developed absent some information that became available later; i.e., the Wal-Mart project improvements and the MSTIP decisions. In the first quarter budget amendments, which will be coming to the council soon, staff will prepare options for amending the CIP to reflect what is now known. City Manager Wine said additional discussion can be scheduled to respond to specific questions and to review how funding is allocated.

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Councilor Henderson said there is a clock tower listed in the CIP document that shows \$300,000 in management fees. City Manager Wine said project management is \$150,000 and construction management is \$150,000 – this seems high and the city manager said she would find out the basis for this cost estimate.

Study Session recessed at 7:20 p.m.

1. BUSINESS MEETING - August 28, 2012

A. Mayor Dirksen called the meeting to order at 7:30 p.m.

B. Roll Call

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

C. Pledge of Allegiance

D. Council Communications & Liaison Reports

Council President Buehner presented a report on the information forthcoming from the August 13 Tigard-Lake Oswego Water Partnership Oversight Committee. Key points:

- Engineering and planning work is progressing. The 60 percent engineering report is nearly done and should be published within the next 60 days.
- A joint Tigard/Lake Oswego council meeting will be scheduled in the next few months.
- All of the permits for piping water from the river have been approved.
- Council President Buehner represented Tigard in meetings with the Robinhood neighbors to work on issues. They have met twice. Meetings will continue without elected officials since policy issues have been addressed.
- An Intergovernmental Agreement between West Linn and Lake Oswego is being drafted. Updates are needed to reflect that Tigard is now a water partner. The draft agreement will be coming to the council for review in the coming weeks.
-  West Linn is considering a franchise fee to charge the water partnership for the water site. No additional information is available.
- The revised plant application was filed in West Linn about ten days ago. As a result of the 60 percent engineering findings, the plant site is a little smaller. Also the clean water tank size was reduced. Council President Buehner distributed copies of a map showing the plant facility site plan. This map was included in the amended application filed with West Linn.

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- Mayor Dirksen commented the decision was made to reduce the plant footprint by choosing more expensive alternatives to diminish the impact to the neighborhood.
-  Part of the pipe was planned to come through Mary S. Young Park. A letter was received from the Attorney General stating an opinion and raising concerns about the pipe running through the park because of some restrictions put into place when Mrs. Young dedicated the park to the public. Senator Burdick wrote a letter to the Attorney General to advise that those easement restrictions had been released at the time other pipework was done in the park.

 Councilor Henderson gave a report as the liaison to the Willamette River Water Coalition (WRWC). The Coalition was created in 1997 under Oregon statute. Its members include the Tualatin Valley Water District, cities of Tigard, Tualatin and Sherwood. The WRWC is committed to providing its members with adequate, reliable and long-term water supply. Communities within the WRWC are estimated to grow substantially, making it necessary to share water in Clackamas and Washington Counties. The WRWC has been working with Metro and other jurisdictions to submit an application for an underground pipeline to cross Metro’s Graham Oaks Nature Park near Wilsonville. The Metro staff is recommending the application be denied. Councilor Henderson said he will have more reports in the future – this water resource is vital to Washington County in the future.

 Councilor Henderson reported he serves on the Behavioral Mental Health Council and shared important information for our community. About a year ago, Governor Kitzhaber decided to form a system known as Community Care Organizations – a regional care provider. Multnomah, Clackamas and Washington counties have created a CCO called Health Share of Oregon. As the CCOs receive Medicare or Medicaid funding it is distributed in a lump sum to provide mental and physical healthcare. This is a huge project in the State of Oregon and is being copied in other places in the nation. Cost savings are realized because physical and mental health issues are dealt with at the same time. Mayor Dirksen asked Councilor Henderson to share the written information so the city can determine if some of this would be good to place on our website.

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

 Mayor Dirksen said he would bring up an issue for council discussion at the end of the tonight’s agenda. This issue concerns Portland’s potential plan to fluoridate water.

 2. CITIZEN COMMUNICATION

A. Follow-up to Previous Citizen Communication

 City Manager Wine reported that two weeks ago, the City Council heard from Park Street neighbors who had concerns about a new use for a property on this street. She and Assistant City Manager Newton met with the operators of this group home for

adults recovering from drug and alcohol abuse. This is a “clean and sober” facility for up to eight residents. There is a “mentor” who lives at the home to help residents structure their day. The operator of this property is willing to meet with the neighbors to talk about how this house will operate. The city will facilitate a meeting between the operator and neighbors to be held in the next couple of weeks.

Based on information staff has, this facility is a permitted use and classified as “household living.”

- > Councilor Woodard asked when the next council economic development discussion will occur to follow up his presentation of a few weeks ago. After referring to the council tentative agenda, this topic was scheduled for the September 18 workshop meeting.



B. Citizen Communication – Sign Up Sheet

Joe Jumalon – 14425 SW 93rd Avenue, Tigard OR 97224 – expressed concerns about light rail in Tigard. The mayor and councilors explained the role of TriMet in planning/providing high capacity transit and the importance of the city’s having a seat at the table when decisions are being made about transportation plans affecting our city. Mr. Jumalon was invited to become involved.

Michelle Rocheld – 14425 SW 93rd Avenue, Tigard OR 97224 – referenced a letter she received from PGE regarding an increase in a privilege tax that she must pay. She suggested that if cutbacks were to be made, then the city should live with the cutbacks. Ms. Rocheld commented on the rehiring of two police officers and funding restoration for some youth programs. While she said she did not know anything about the Police Department, she asked if the department’s budget could be examined to find funds if these reinstated services were so important. She objected to the increase without notice. She suggested volunteers could provide assistance to troubled youth.

Ms. Rocheld noted people are moving from Tigard because they don’t like the way the community is starting to look. She said she cannot walk from her home on 93rd Avenue to the library because there are no sidewalks. She commented on the number of rented homes and apartments that are in the city.

Mayor Dirksen shared the process the city went through regarding the increase to the utility franchise fee. The staff’s proposed budget identified \$2 million of needed cutbacks. This proposed budget was submitted to the Budget Committee (consisting of the City Council and five citizens at large). There was general dissatisfaction with the proposed cuts. About 100 people testified they were dissatisfied with the cuts and encouraged the city to look for a way to restore a portion. Potential funding options were explored; however, there was no option that would recover all the cut police positions and youth programs. The decision was made by the Budget Committee to recommend increasing the privilege tax as a way to restore some of the cut positions and programs. The budget was developed over multiple weeks and included public process.

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The franchise fee increase was a recommended change to the budget that was forwarded by the Budget Committee to the City Council for final review and approval. The City Council approved the budget with the changes proposed.

Council President Buehner noted the city was looking at losing six positions. With the increase in the franchise fee, two positions were saved. Most of the cities in the region had already raised the franchise fee to the 5 percent; Tigard avoided this increase for a long time. It became clear, as evidenced by all of the people who testified, that many citizens were concerned that losing this amount of police positions was going to cause a public safety problem. Also, people testified with worries about youth program cutbacks.

Ms. Rocheld said the Budget Committee only heard from 100 people out of 45,000. Could not these 100 people ask for help from the community rather than just taking money from everyone?

Councilor Woodard noted his concerns about the youth. The city is working on organizing services through centralized management of services available to youth and senior citizens. He agreed there are a lot of resources “out there.” At this time, the city is looking to seed a recreation program with a small budget of \$50,000. The city is trying to multiply available resources to bring people together. He spoke to gaps in adequate coverage during certain police staff shifts that needed to be addressed.

Councilor Wilson advised that privilege taxes are state regulated and the maximum that can be imposed is 5 percent. Tigard residents have been paying 3.5 percent up until now. For other utilities the tax rates were already at 5 percent. He referred to the current recession in the economy and the city’s attempt to keep services at a safe level. Mayor Dirksen added that during difficult economic times, there are more demands on government services.

Councilor Woodard pointed out that two years ago the budget was cut substantially as well. The city is operating on less funding – the process has been difficult.

Ms. Rocheld commended the cuts made and again suggested the city should reach out to its citizens to volunteer. Mayor Dirksen noted the city uses a high level of volunteer assistance at this time.

Council President Buehner urged Ms. Rocheld to get involved with the Budget Committee or attend Budget Committee meetings.

Councilor Henderson said the city would work to do a better job in the future to get the information out to residents. Ms. Rocheld thanked Councilor Henderson and explained she is a stay-at-home mom so she can be with her children. But, if taxes keep increasing, she might have to work outside the home and rely on someone else to look after her children. She commented on the large number of children who are unattended because both parents are working.

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Ms. Rocheld said she hopes there is a plan for more sidewalks. She would like to be able to walk from her home to the library. The mayor acknowledged the need for sidewalks and noted the high cost and complexities of funding and building sidewalks.

Ms. Rocheld said if the city is going to allow the state to build light rail then city officials should ask for sidewalks to be included. Mayor Dirksen said about half the cost of light rail projects is earmarked for improvements to streets, intersections and sidewalks.

Ms. Rocheld advised of her concerns for her children should light rail come into the community because of increased population and resultant impacts to schools and public safety. Mayor Dirksen said the increased population will happen regardless, so the question is whether we will have a transportation system that will serve it. Councilor Woodard added comments about how the community has grown since he was a child. He noted the people serving on the City Council, boards and committees are concerned and dedicated to making Tigard a better place to live – they want to be here and they want their families to be here. Tigard’s population will continue to grow, so we have got to figure out how to make it work, which is very challenging and difficult.

In response to a comment from Mr. Jumalon about land uses in Boston, Mayor Dirksen and Council President Buehner noted Oregon laws and the Oregon Constitution are very different from the State of Massachusetts. Oregon land use planning is under the purview of the metropolitan planning organization and not under the control of each individual city.

Councilor Wilson commented that it is not uncommon for people to get involved in government because they are upset about something. He welcomed the input from Mr. Jumalon and invited him to become involved and to learn. Influence can be accomplished through participation and being informed.

Discussion then turned to Ms. Rocheld’s concerns about lead in the water. Councilor Wilson recalled a notice that went out about lead in the water for people who live in older houses who might have old lead pipes. Tigard’s water sources do not contain lead.

Councilor Wilson said Ms. Rocheld could contact the city staff to learn how she could become involved. City Manager Wine said that Assistant City Manager Newton will visit with Ms. Rocheld.



Mayor Dirksen reviewed the Consent Agenda:

3. CONSENT AGENDA: (Tigard City Council)

A. Approve City Council Meeting Minutes for:

1. ~~July 10, 2012~~ (July 10 minutes will be rescheduled)
2. July 17, 2012

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- B. Approve the Purchase of the Skelton Property and Authorize the City Manager to Complete the Property Purchase - Resolution

RESOLUTION NO. 12-34 - A RESOLUTION APPROVING THE PURCHASE OF THE SKELTON PROPERTY, (TAX LOT 2S1 02BB 00700) AND AUTHORIZING THE CITY MANAGER TO TAKE ALL NECESSARY ACTION TO COMPLETE THE PROPERTY PURCHASE ON BEHALF OF THE CITY

- > Mayor Dirksen commented that the Skelton property is located on Walnut Street adjacent to Derry Dell Creek. The city is purchasing the property to resolve some sewer facility problems. This will involve relocating a stream that was moved from its original location and is interfering with the city's sewer system. This project will also allow the city to restore some wetland habitat and provide trail access to Fanno Creek Park. There might be an opportunity to have a small neighborhood park and vehicle parking. This area will link to Woodard Park and eventually to downtown and Summerlake Park. Councilor Woodard said this will also provide a connection to the Genesis Trail Loop.

Councilor Henderson noted the city will be paying for this property with sanitary sewer funds. Mayor Dirksen said park funds would likely reimburse the sewer fund if park improvements are made on the property.

Motion by Council President Buehner, seconded by Councilor Woodard, to approve the Consent Agenda, leaving out the minutes for the July 10, 2012 City Council 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



4. DISCUSS COUNCIL GROUNDRULES AND CONSIDER AMENDMENTS TO THE GROUNDRULES - RESOLUTION

Assistant City Manager Newton reviewed the proposed resolution before the City Council that reflects the council's discussion on August 14, 2012. Two changes are proposed:

1. Delete reference to specific months for the annual review of the groundrules. The groundrules will be reviewed annually, but the proposed wording change would allow flexibility for the council to determine the timing of the annual review.
2. The second amendment pertains to the rules regarding the mayor and council using their titles in support or not in support of a political candidate or issue. The proposal

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clarifies that the use of titles would be for identification purposes only, so it was clear an individual would not be speaking for the entire council when a title is used in that fashion. There would be no need to identify that you are not speaking on behalf of the council, but as an individual since the forms for endorsement have a field to fill out if an individual is speaking for or representing the organization.

Motion by Council President Buehner, seconded by Councilor Wilson, to approve Resolution No. 12-35.

RESOLUTION NO. 12-35 - A RESOLUTION AMENDING THE COUNCIL GROUND RULES AND SUPERSEDING RESOLUTION NO. 10-60

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

 Councilor Henderson referred to his list of issues attached to the agenda material on this item. He said he would like clarification on most of the listed items:

- Item No. 2 – Asked the council to recognize that council rules are the council’s responsibilities.
- Item No. 3 – Suggested that after the General Election is over in November, that there be an orientation given by the council and to include the following:
 - Identify staff, boards and committees – who they are and how they function.
 - How they are important to the council.
 - Provide a departmental flow chart (he noted the structure can change quite a bit from year to year).
 - Identify how the City Charter affects the City Council.
 - Recommended that all council members read the City Charter as there are stipulations with regard to how the council functions. In addition there are several places in other government documents that set rules with regard to the council’s behavior. Orienting newly elected council members will get them off to a good start.
 - Define the City Center Development Agency (CCDA).
 - Explain Tigard Municipal Code 2.64.050 – the section specifying “Limitation on Action” of the CCDA.
 - Define the City Center Advisory Commission (CCAC).
 - Explain roles and responsibilities.
 - Define the Local Contract Review Board (LCRB).
 - Review the Tigard Municipal Code section on LCRB.

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At this point in the review, Councilor Wilson said he agrees with Councilor Henderson that the council could do a better job of orienting new councilors. He recalled when he was new to the council he received numerous city documents. He and Councilor Sherwood (Webb) requested and received a tour of city facilities and participated in a police ride-along. There is so much to learn and care needs to be taken that the new official is not overwhelmed. It takes time to absorb all that needs to be known. He suggested an orientation manual.

City Manager Wine said Assistant City Manager Newton and City Recorder Wheatley provided her with information on past orientation presentations. Thought has been given to assembling a “desk manual” for reference – both for current and new council members. A tour and orientation highlighting city services will be offered.

Councilor Henderson referred to his experience. For instance, he was surprised at the responsibilities held by the Local Contract Review Board (LCRB). The learning process was difficult because negative feedback was not balanced with positive advice. He noted he valued the orientation session presented by the League of Oregon Cities.

Council President Buehner agreed with Councilor Henderson about the need for a good orientation for new members. She recalled she met with the City Manager shortly after elected and they spent almost a day reviewing questions she had. The learning curve for a new City Council member is about six months. She expressed some reservations about councilors providing the orientation to the new members noting she feels she is not a good teacher.

Discussion followed on an orientation session and Mayor Dirksen said orientation should not be conducted during a regular council meeting. He commented that one or two council members, not necessarily the entire council, could take the lead in providing orientation.

Councilor Woodard recalled that when he was a candidate that Councilor Wilson reviewed a number of city documents during a session attended by all the candidates. Councilor Woodard said this session was helpful.

Councilor Wilson said the important thing to convey to new people is that they are not expected to be an “expert” at first. It is a continual learning process. He suggested it would be a good idea to formalize the process.

Assistant City Manager Newton advised that in her experience, the more valuable orientations are when a staff member is available to describe the more technical aspects along with the presence of a councilor to talk about their perspective. Mayor Dirksen said he agrees with Councilor Henderson that the city’s elected officials take the lead during the orientation session. He referred to Councilor Henderson’s list that could be used as an excellent guideline.

TIGARD CITY COUNCIL MEETING MINUTES – AUGUST 28, 2012

Councilor Henderson continued his review of his list of recommendations:

- Reserve the first week of December to evaluate council rules and goals. Discussion followed with support expressed for this recommendation. This does not need to be stated in the groundrules, but this should be the general guideline and to reserve the first part of December on the council's tentative agendas. Councilor Wilson suggested that it be stated to say this review should be scheduled between the time period right after the election and early in the year (aka November – January). City Manager Wine said staff could follow this policy/guideline to target this time period for the council groundrules discussion.
- There was discussion on setting time aside to review groundrules and goals into one session rather than discussing separately – dedicating a full day.
- Councilor Henderson's recommendation No. 5 was for changes to the current City Council Groundrules.
 - Page 2 – General groundrules provisions
 - Provisions governing proceedings (Groundrules, Page 3) of the City Council, Local Contract Review Board and City Center Development Agency appears to be incomplete. After discussion it was determined that this was a formatting issue insofar as the fourth bulleted item in this section is simply a statement that the council groundrules cannot conflict with statutory provisions. City Manager Wine confirmed that staff could fold in this change with any others that might be proposed during the council's review of the groundrules in December. Council President Buehner offered that this change could be considered a scrivener error and could be amended without council action. Assistant City Manager Newton said the formatting change would be included in the groundrules presented to the City Council in December.
 - Page 8 – Communications with potential mayor and council candidates – the rules state the council will host an event. The mayor and councilors acknowledged this was overlooked this year. There was discussion about whether this was a good idea. Mayor Dirksen suggested a better way might be to encourage people contemplating running for council to contact elected officials to get a perspective on what type of a commitment is entailed with regard to council service. Council decided to discuss this more at the next groundrule, goal-setting meeting.
 - Page 9 – Communications with other public agencies – this section needs to have examples described. Not all activity is reported. Council discussed various ways the council receives information on activity on these outside agency meetings through means other than direct reports; i.e., sharing of documents, announcing upcoming events, and regular written updates/monthly reports etc. MPAC and JPACT representation will change after the first of the year and the mayor recommended either a council member or senior staff member attend these meetings on a regular basis.

City Manager Wine noted that Councilor Henderson recommended that “communicate” be defined. She suggested this as a topic for the groundrules, goal-setting meeting. Timely communications were discussed. One method to convey events/activities for outside agencies is to advise the City Manager so she can advise council members of evolving situations through her weekly one-on-one meetings, the council packets or the end-of-the week newsletters.

Councilor Woodard said it would be helpful if a list of priorities relating to MSTIP selections be discussed by the City Council prior to the budget process. Council President Buehner commented on the Capital Improvement Program (CIP) process. She recalled that some years ago, City Engineer Duenas would come to the Planning Commission in February with the draft list for the CIP. City Manager Wine and Assistant City Manager Newton explained the process now proposed, which is to have a public process during September and October, which is the time where Planning Commission members could participate. Council members expressed a desire to have ample time to review and give input before the CIP list is finalized for budget purposes.

Discussion was held on setting priorities so the city would be poised to take advantage of available funding. Councilor Wilson pointed out that the next priority might not fit funding requirements, so it is good to have more projects listed than we know can be done or funded.

Assistant City Manager Newton confirmed with Councilor Henderson that he would like the council to define “communicate” within the context of the council groundrules.

- Councilor Wilson commented on the “no surprises, no secrets” statement contained in the groundrules. He finds that he often needs to make a judgment on whether the council would find information of interest that was shared at a meeting he has attended. Councilor Henderson said he felt outside the communication circle when meetings were held regarding Areas 63 and 64. While he understands events can occur quickly, he would like to have as much information as possible before asked to make a decision.
- Council conduct with one another during meetings. Councilor Henderson said he also would like to add a provision dealing with how the City Council members interact with committee members. He suggested there be some way to subtly communicate to one another when a discussion might need to be curtailed; as an example, he cited a recent meeting where information about issues were, in his view, being misdirected and communicated improperly. There was brief discussion. Mayor Dirksen suggested that a council member could call for a “point of order” to direct the council’s attention to the groundrules and to take pause. City Manager Wine also suggested she or a council member might ask for a brief recess in the proceedings. Councilor Henderson noted the importance of maintaining good relationships to retain members on boards and committees.

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- Councilor Henderson suggested the list prepared during the last discussion with Joe Hertzberg be included in the council groundrules. City Manager Wine advised this could be considered in the upcoming groundrules, goal-setting discussions to determine how this list could be incorporated into the groundrules. Assistant City Manager Newton noted the mayor, at the February 14, 2012, City Council meeting proposed that the Hertzberg list be included as an addendum to the groundrules; however, no formal action was taken.
- Councilor Henderson said he appreciated the assistance from Mr. Hertzberg whether it is in a one-to-one conversation with each member of the council or as a group. City Manager Wine said Mr. Hertzberg is always a resource for the council throughout the year. One-to-one meetings with him are helpful as a lead-in to council goal setting and groundrules. She said he will meet with council members individually in preparation to the groundrule discussion.
- There was discussion on the final point listed by Councilor Henderson, which is to bi-annually sign the council groundrules certification. Assistant City Manager Newton said councilors would be asked to sign the certification when the groundrules are revised. She suggested that after the election, the entire “new” council would be asked to sign in acknowledgement of the groundrules signaling their commitment to each other. Council consensus was that this was a good idea. City Manager Wine, in response to a question from Councilor Henderson, said the Executive Staff signs groundrules to acknowledge the rules for how they interact with one another. Mayor Dirksen noted it was a good idea to have board and committee members sign the code of conduct again when new member(s) are appointed.
- Councilor Henderson asked about the budget for education for the new mayor and whether that person would spend whatever was remaining in the fiscal year’s budget – Mayor Dirksen indicated that he thought this would be the case. There are some education dollars remaining in this budget allocation to attend some important sessions coming up. If new councilors are elected, Mayor Dirksen suggested the council review the education dollars remaining and whether reapportionment should be considered. Assistant City Manager Newton said, if needed, the council could consider a budget amendment. Council President Buehner said she would like council member training funding to be reconsidered as she believes training is underfunded.
- Councilor Henderson asked about the mayor’s stipend. Mayor Dirksen said the stipend is to be re-evaluated every year based on what the council recognizes to be needed for regional representation and participation. The stipend can be offered to no one, the mayor or council president, depending on who the council feels should represent the city and who has the time to be a representative.

Councilor Henderson said he would appreciate more conversation on the additional stipend and what needs to be done to represent the City of Tigard. Mayor Dirksen said he would recommend how to transition within the various roles he has been filling before he leaves office. Councilor Wilson commented the council decided to offer an increased stipend for additional duties because other cities were more successful in obtaining grants from the state, ODOT, TriMet, and Metro when represented by elected officials at regional meetings. The council was uncomfortable with the idea of having a

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full-time, paid mayor position because the members did not want people to run for the sole purpose of receiving a salary. The mayor said the success can be measured by monetary as well as other benefits; i.e., influence on county and regional policy.

Councilor Henderson referred to a Beaverton plan regarding a first-tier suburb and suggested this is something Tigard might want to consider. There was discussion on similar efforts that Tigard should be involved in.

Council President Buehner said it would be beneficial if one of the Tigard councilors was a member of the League of Oregon Cities board of directors.

Councilor Henderson commented that he saw the additional duties/stipend for the mayor to be beneficial.

- Councilor Henderson would like to have a Charter amendment prepared to deal with the “elected vs. appointed” issue for council members as it relates to term limitations. He referred to the current circumstance where the mayor resigned with two years remaining on his term. He would have preferred that the election to determine a new mayor could have been for a new, four-year term.

Councilor Henderson said he thought the language regarding term limitations and the filling of an unexpired term is confusing. Consensus of the council was that additional discussion is needed on the subject of term limits.

Assistant City Manager Newton suggested a discussion on potential charter amendments be discussed separately from the discussion on groundrules.

5. COUNCIL LIAISON REPORTS: None.

6. NON AGENDA ITEMS

 Mayor Dirksen advised that the City of Portland will be considering fluoridating their water. Tigard and several other cities are wholesale water customers of the City of Portland. The mayors of Tualatin and Gresham are addressing letters to the Portland City Council taking issue that the wholesale customers were not consulted prior to consideration. Mayor Dirksen said he was asked if the City of Tigard would be interested in submitting a similar letter.

Council President Buehner said she thought it was a great idea for the City of Tigard to send a similar letter. She was concerned that past experience has shown that this will likely have no effect on how Portland decides to proceed. Mayor Dirksen said such a letter, at the least, gives Tigard the opportunity to “go on record” with its opinion. Mayor Dirksen said a draft letter would be forwarded for council members’ review and, if there are no objections, he will submit the letter.

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In response to a question from Councilor Henderson, Mayor Dirksen said the city has heard “next to nothing” regarding the potential of fluoridated water being piped to Tigard water customers. The issue is that the city was not consulted by our water provider.

After discussion, council members indicated their support for the mayor to proceed with drafting the letter as he proposed.

- 7. EXECUTIVE SESSION: Not held
- 8. ADJOURNMENT: 9:58 p.m.

 Motion by Council President Buehner, seconded by Councilor Wilson 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: _____

AIS-1077

3. B.

Business Meeting

Meeting Date: 11/13/2012

Length (in minutes):

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

Submitted By: Cathy Wheatley,
Administrative
Services

Item Type: Receive and File **Meeting Type:** Consent Agenda

Public Hearing - Newspaper Legal Ad Required?: **Public Hearing Publication Date in Newspaper:**

Information

ISSUE

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

STAFF RECOMMENDATION / ACTION REQUEST

N/A

KEY FACTS AND INFORMATION SUMMARY

N/A

OTHER ALTERNATIVES

N/A

COUNCIL OR CCDA GOALS, POLICIES, MASTER PLANS

N/A

DATES OF PREVIOUS CONSIDERATION

N/A

Attachments

Council Calendar

Tentative Agenda



MEMORANDUM

TO: Honorable Mayor & City Council/City Center Development Agency Board
FROM: Cathy Wheatley, City Recorder
RE: Three-Month Council/CCDA Meeting Calendar
DATE: November 6, 2012

November

6 Tuesday City Center Development Agency – 6:30 p.m., Red Rock Creek Conference Room
12 Monday Veteran’s Day Observed – City Hall offices closed
13* Tuesday Council and City Center Development Agency Business Meeting – 6:30 p.m., Town Hall
20* Tuesday Council Workshop Meeting – 6:30 p.m., Town Hall
22 Thursday Thanksgiving – City Hall offices closed
27* Tuesday Council Business Meeting – 6:30 p.m., Town Hall

December

4 Tuesday Council Meeting and City Center Development Agency Meeting – Town Hall – 6:30 p.m.
11* Tuesday Joint Lake Oswego Council Meeting – 5:30 dinner; 6-7:30 meeting followed by Tigard Council Business Meeting – 7:45 p.m., Town Hall
18* Tuesday Council Meeting – Mayor’s Farewell Reception, Remarks and Blue Ribbon Task Force Report – 6:30 p.m., Town Hall
25* Tuesday Christmas – City Hall offices closed

January

1 Tuesday New Year’s Day – City Hall offices closed
8* Tuesday Council Meeting - Reception, Oath of Office Ceremony, State of the City, Elect Council President – 6:30 p.m., Town Hall
10 Thursday Council Groundrules Review; Goal Setting Meeting – Fanno Creek House, 9 a.m. – 5 p.m.
15* Tuesday Council Workshop Meeting—6:30 p.m., Town Hall
22 Tuesday Council Business Meeting – 6:30 p.m., Town Hall

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

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

**City Council Tentative Agenda
 11/6/2012 1:55 PM - Updated**

Form #	Meeting Date	Submitted By	Meeting Type	-----Title-----	Department	Inbox or Finalized
801	11/06/2012	C Wheatley	AAA	CCDA - November 6, 2012 Meeting Canceled		
824	11/20/2012	Carol Krager	AAA	Meeting Date: November 20, 2012		
1068	11/20/2012	Cathy Wheatley	CCWKSHOP	1 30 Minutes - Update from Tualatin Valley Fire & Rescue - Chief Duyck	Administrative Services	MartyW, City Manager
1021	11/20/2012	Greer Gaston	CCWKSHOP	2 10 Minutes - Briefing on an Amendment to an Intergovernmental Agreement to Construct a Turnaround on Metro Property at Woodard Park	Public Works	Gaston G, Conf Executive Asst
1065	11/20/2012	Judith Gray	CCWKSHOP	3 45 Minutes - Southwest Corridor Plan Update (cw is checking with Judith – guests for this item?)	Community Development	Gray J, Sr Transportation Planner
1062	11/20/2012	Darren Wyss	CCWKSHOP	4 45 Minutes - River Terrace Community Plan Briefing	Community Development	Wyss D, Senior Planner
1055	11/20/2012	Sandy Zodrow	CCWKSHOP	5 40 Minutes - Executive Session: Conduct Annual Performance Review for City Manager		10/03/2012
				Total Time: 170 of 180 minutes have been scheduled		

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

**City Council Tentative Agenda
 11/6/2012 1:55 PM - Updated**

825	11/27/2012	Carol Krager	AAA	Meeting Date: November 27, 2012		
1054	11/27/2012	Greer Gaston	ACCSTUDY	30 Minutes - Briefing on City and Community Recreation Inventory	Public Works	Martin S, Parks Manager
1069	11/27/2012	Loreen Mills	ACCSTUDY	15 Minutes - Executive Session - ORS 192.660(2)(f) - Exempt Public Records		10/25/2012
Total Time: 45 of 45 minutes have been scheduled						
1023	11/27/2012	Greer Gaston	ACONSENT	Consent Item - Authorize the Mayor to Execute an Amendment to an Intergovernmental Agreement with Metro to Pave a Portion of the Lowery Property near Woodard Park	Public Works	Gaston G, Conf Executive Asst
978	11/27/2012	Todd Prager	CCBSNS	40 Minutes - Urban Forestry Code Revisions - Land Use Elements	Community Development	Daniels M, Assoc. Planner
979	11/27/2012	Todd Prager	CCBSNS	40 Minutes - Urban Forestry Code Revisions - Non Land Use Elements	Community Development	Daniels M, Assoc. Planner
1012	11/27/2012	Gary Pagenstecher	CCBSNS	30 Minutes - Projections Into Required Yards Code Amendment	Community Development	Wheatley C, City Recorder
Total Time: 110 of 110 minutes have been scheduled						

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

**City Council Tentative Agenda
 11/6/2012 1:55 PM - Updated**

802	12/04/2012	Cathy Wheatley	AAA	Council and CCDA - December 4, 2012		
1074	12/04/2012	Cathy Wheatley	CCDA	1 30 Minutes - Presentation from Greater Portland, Inc.	Administrative Services	
849	12/04/2012	Greer Gaston	CCDA	2 10 Minutes - Capital Improvement Plan Update	Public Works	Stone Mike, City Engineer
1071	12/04/2012	Sean Farrelly	CCDA	3 15 Minutes - Discussion of Strategies for Vacant Properties and Targeted Improvement Program	Community Development	Farrelly S, Redev Project Manager
1070	12/04/2012	Sean Farrelly	CCDA	4 25 Minutes - Executive Session- Property Acquisition	Community Development	10/25/2012
				Total Time: 80 of 110 minutes have been scheduled		

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

**City Council Tentative Agenda
 11/6/2012 1:55 PM - Updated**

827	12/11/2012	Carol Krager	AAA	Meeting Date: December 11, 2012 No study session. Special – Joint meeting with LO 5: 30-6 dinner 6-7: 30 joint meeting 7: 45 Tigard City Council meeting		
1001	12/11/2012	Liz Lutz	ACONSENT	Consent Item - Appoint Budget Committee Members	Financial and Information Services	Lutz L, Conf Exec Asst
1067	12/11/2012	J Bengtson	CCBSNS	1 5 Minutes - Proclaim Human Rights Week	City Management	10/29/2012
1022	12/11/2012	Sean Farrelly	CCBSNS	2 60 Minutes - Legislative public hearing for Downtown Connectivity Plan Code Amendments	Community Development	Farrelly S, Redev Project Manager
1063	12/11/2012	Darren Wyss	CCBSNS	3 40 Minutes - Public Hearing - River Terrace Comprehensive Plan Amendment	Community Development	Wyss D, Senior Planner
Total Time: 105 of 110 minutes have been scheduled						
828	12/18/2012	C Krager	AAA	Meeting Date: December 18, 2012		
1031	12/18/2012	Liz Newton	CCWKSHOP	60 Minutes - Farewell reception for Mayor Dirksen	City Management	
1032	12/18/2012	Liz Newton	CCWKSHOP	45 Minutes - Mayor's Blue Ribbon Task Force Report	City Management	
Total Time: 105 of 110 minutes have been scheduled						

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

**City Council Tentative Agenda
 11/6/2012 1:55 PM - Updated**

1037	01/08/2013	Cathy Wheatley	AAA	January 8, 2013 - State of the City; Oaths; Photos, Elect Council President		
1066	01/10/2013	Cathy Wheatley	CCSPEC	City Council Groundrules Discussion and 2013 Goal Setting Meeting - 9 a.m. to 5 p.m. - Fanno Creek House	Administrative Services	
1038	01/15/2013	Cathy Wheatley	AAA	January 15, 2013 - Council Workshop Meeting		
1053	01/15/2013		CCWKSHOP	15 Minutes - Annual Police Department Temporary Holding Facility Tour and Inspection	Police	MartyW, City Manager
Total Time: 15 of 180 minutes have been scheduled						
1039	01/22/2013	Cathy Wheatley	AAA	January 22, 2013 Council Business Meeting		
705	01/22/2013	Cheryl Caines	CCBSNS	20 Minutes - Annexation Hearing for River Terrace Phase II (UGB Area 63 & Roy Rogers West)	Community Development	Caines C, Assoc Planner
Total Time: 20 of 110 minutes have been scheduled						

Business Meeting

Meeting Date: 11/13/2012
Length (in minutes): Consent Item
Agenda Title: Receive and File: Hall Boulevard Condition Assessment
Prepared For: Mike Stone **Submitted By:** Greer Gaston, Public Works
Item Type: Receive and File **Meeting Type:** Consent - Receive and File
Public Hearing: No **Publication Date:**

Information

ISSUE

Receive and file the Hall Boulevard Condition Assessment.

STAFF RECOMMENDATION / ACTION REQUEST

This report is provided as information to the Council with no recommendation from staff at this time. Given the estimated costs reported here for on-going maintenance and/or improvement to a minimum standard acceptable to the City, Hall Boulevard will remain in ODOT's jurisdiction.

No action is requested; this is a receive and file item.

KEY FACTS AND INFORMATION SUMMARY

A 3-mile section of Hall Boulevard, from Locust Street to Durham Road, lies within Tigard's city limits.

This section of Hall Boulevard is a state highway under the jurisdiction of the Oregon Department of Transportation (ODOT).

Although the city has received no formal request, ODOT staff has raised the possibility of Tigard assuming jurisdiction of the section of Hall Boulevard that lies within city limits.

The purpose of the attached assessment is to document the existing condition of Hall Boulevard and estimate the cost of immediate and long-term improvements and maintenance. The report serves to inform consideration of the question of whether Tigard should take jurisdiction of Hall Boulevard in the future for such reasons as coordinating Tigard's and ODOT's expectations about the future capacity of the roadway. There is not sufficient transportation modeling to recommend a future roadway width. Tigard staff prepared the attached report based on in-field inspections, roadway condition assessments, as-built drawings and maintenance information from ODOT.

The assessment concludes that approximately \$31 million in improvements would be required to bring Hall Boulevard up to current city standards.

OTHER ALTERNATIVES

Not applicable

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

None

DATES OF PREVIOUS COUNCIL CONSIDERATION

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

Attachments

Hall Boulevard Condition Assessment



**Hall Boulevard
Condition Assessment**

City of Tigard

11/6/2012

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Executive Summary

Hall Boulevard, in the City of Tigard, is currently a state highway under the jurisdiction of the Oregon Department of Transportation (ODOT). ODOT staff frequently raise the possibility of making this corridor a city street.

The purpose of this report is to outline the condition of the roadway and potential costs for immediate and long-term improvements/maintenance of the three-mile section of Hall Blvd from Durham Road to the city limits just north of Locust Street.

Cost Summary

Hall Boulevard has significant immediate needs, and significant issues resulting from years of deferred maintenance. It would cost approximately **\$12 million** to address these needs, including:

- Pavement Rehabilitation \$3.4 million (cost for complete grind/overlay)
- Safety Projects at Intersections \$1.1 million (improvements at McDonald and Pfaffle, including curb ramps)

- Storm Drainage System Repairs \$2.0 million
- Fanno Creek Bridge Replacement \$5.5 million

The approximate annual cost to maintain this section of Hall Boulevard in accordance with our current practices for Arterials is **\$372,000 per year**. This includes the cost to maintain the street, storm, bridge and traffic signal systems, annualized paving costs, and responding to citizen concerns.

It would cost an additional \$18 million to improve Hall Blvd to provide the facilities generally expected on an urban arterial in Oregon. This would include a three-lane section with sidewalks, bike lanes, and a storm drainage system that would accommodate expected rainfall events.

Conclusion

There are significant needs and liabilities that have developed along Hall Boulevard in recent years as ODOT maintenance funds and crews have been directed to higher-priority highways.

Estimated Immediate Need: \$12 Million

Estimated Immediate Need Annual Maintenance: \$372,000/year

Estimated Facility Improvement Need: \$18.3 Million

Estimated Facility Improvement Need Annual Maintenance: \$20,000/year

Estimated Improvement to Current City Standards: \$31 Million

Evaluation Background and Purpose

Hall Boulevard, in the City of Tigard, is currently a state highway under the jurisdiction of the Oregon Department of Transportation (ODOT). ODOT staff frequently raise the possibility of making this corridor a city street. Citizen complaints have been received about the condition and function of Hall Boulevard.

The purpose of this report is to outline the condition of the roadway and potential costs for immediate and long-term improvements/maintenance.

Evaluation Area

This evaluation focuses on the section of Hall Boulevard that is fully within the City of Tigard. This section extends from the southern terminus at Durham Road to the northern side of Hall Blvd at its intersection with Locust Street. The length of this section is about 15,800 feet, or three miles.

Cost and Issues Inherent in Assuming Jurisdiction of Hall Boulevard

Hall Boulevard has significant maintenance needs that have not been addressed, such as portions lacking sidewalks, overlays, bridge maintenance and functioning drainage. Other portions of Hall have been built or upgraded to meet city standards for an arterial street and are in relatively good condition. This report evaluates the key elements of this transportation corridor, focusing on four key questions:

- 1) What is the current condition of Hall Boulevard?
- 2) What work and costs are necessary to address deferred maintenance, immediate safety needs, and preserve the existing assets of the corridor? What ongoing costs are necessary to maintain this corridor?
- 3) What work and costs are necessary to provide the basic facilities expected in an urban arterial transportation corridor?
- 4) What work and costs are necessary to bring Hall Boulevard up to current standards and plans?

Functional Classification and Planning Context

Hall Boulevard is classified as an Arterial street in Tigard's Transportation System Plan (TSP) and Washington County's Transportation System Plan. ODOT classifies Hall Boulevard as a District level highway, their lowest of four classification levels.

ODOT has required that Tigard's TSP show Hall Blvd as a three-lane road north of Pacific Highway 99W and a five-lane road south of 99W.

Traffic Counts

The most recent (2011) ODOT Transportation Volume Tables list the following traffic volumes:

<u>Count</u>	<u>Location on Hall Boulevard</u>
9300	0.02 mile north of S.W. Locust Street
11200	0.02 mile north of S.W. Oak Street
11700	0.02 mile north of S.W. Pfaffle Street
9500	0.02 mile north of Pacific Highway West (OR99W)
10000	0.02 mile south of Pacific Highway West (OR99W)
10800	0.02 mile south of Scoffins Street
11700	0.01 mile south of S.W. Commercial Street
13900	0.02 mile south of S.W. Burnham Street
13400	0.02 mile south of S.W. Omara Street
16800	0.02 mile north of S.W. Bonita Road
12900	0.02 mile south of S.W. Bonita Road

These estimates are extrapolations based on (2008) traffic volumes on Hall Blvd which were constricted by severe capacity deficiencies at the Hall/99W intersection. A recent construction project has addressed these deficiencies and has likely resulted in higher traffic volumes. Actual traffic volumes have not been fully measured at this time.

Pavement Widths

The pavement width on this arterial street varies. Some portions are relatively narrow, with two lanes plus bike lanes, while other sections fronting new development have been built with a five-lane half-width, in accordance with ODOT requirements.

Pavement widening would be necessary in some areas to meet current standards (either city or state). The table below shows pavement width by length and percentage of Hall Boulevard.

Width	Length (ft)	Percentage
Two Lane Total Width	5530	35%
Three Lanes Total Width	9320	59%
One Side Widened for Five Lanes; Other Side Narrower	950	6%
Five Lanes Total Width	0	0

Pavement Condition



The pavement has been deteriorating due to the 10,000 to 18,000 vehicles passing through per day. Most of the street (87 percent) is in fair, poor, or very poor condition. Signs of significant fatigue include: cracking, potholes, pavement distortions, rutting, weathering, and other deterioration throughout the corridor.

Pavement Condition	Length (ft)	Percent	Rehabilitation Cost
Very Good (81-100)	1145	7.3%	0
Good (61-80)	905	5.7%	0
Fair (41-60)	4935	31.2%	\$494,000
Poor (21-40)	3325	21.0%	\$665,000
Very Poor (<20)	5490	34.8%	\$2,196,000
Total Rehabilitation Cost			\$3,355,000

Hall Boulevard, in its current condition, would require approximately \$3.4 million worth of pavement rehabilitation to address the deferred maintenance needs of its driving surface and supporting structure. This is roughly equivalent to two years of our citywide PMP budget.

If this work were to be completed and paid for over five years, it would necessitate \$671,000 per year in additional revenue. If the current PMP fee is adjusted to provide this revenue, the residential rate would need to increase from \$5.45 to \$7.31 per house per month and the nonresidential rate would need to increase from \$1.23 to \$1.72 per parking space equivalent per month.

If additional funds are not provided, and this work is completed with existing funds, the result would be a decrease of over four points in our citywide pavement condition index. It would no longer be feasible to meet Council's adopted goal to 'hold the line' by keeping our citywide pavement condition index from deteriorating below 67, even with all the progress made in recent

years, and our citywide pavement condition would be on a declining trajectory for the future unless the fees are increased.

Fanno Creek Bridge #04969

The existing bridge over Fanno Creek #04969 will require widening to accommodate the road along with the need to raise it above the 100-year flood level. The current sufficiency rating of the bridge is 83.5, which indicates good structural condition with no load limit. However, there are some erosion issues adjacent to the approach abutments which need addressing. A preliminary estimate for the cost of widening, raising, and/or replacing this structure is \$5.5 million.



Maintenance of this bridge is estimated at approximately \$20,000 per year.

Ash Creek Bridge #05215

The existing bridge over Ash Creek #05215 (north of Oak Street), appears to have adequate structural condition. Hall Boulevard is three lanes wide as it crosses this bridge. The current sufficiency rating of the bridge is 98.1, which is very good with no load limit. Maintenance of this bridge is estimated at \$5,000 per year.



Traffic Signals

Currently, there are eight traffic signals along Hall within Tigard city limits: Locust, Oak, Hunziker/Scoffins, Burnham, Wall, McDonald, Bonita, and Sattler/Ross. It would be reasonable to figure the signals would have the same maintenance costs as the current county-maintained signals. If so, the additional signal maintenance costs would be approximately \$18,000 per year.

The condition of the traffic signal heads, poles, mastarms, and other equipment along this roadway is generally adequate for current needs and matches the condition of the traffic signals owned by the city. These would be similar to the needs of traffic signals currently owned by the City of Tigard.

Electricity bills for most of the traffic signals along Hall Boulevard are already paid by the city. This includes: Hunziker/Scoffins (\$1,200 per year), Burnham (\$600 per year), Wall (\$900 per year), McDonald (\$500 per year), Bonita (\$600 per year), and Sattler/Ross (\$500 per year). Power costs for the remaining signals, at Locust and Oak, would total approximately \$1,500 per year.



Major Project Needs

Tigard’s 2035 Transportation System Plan (TSP) identifies 13 needed projects along this section of Hall Blvd, shown in the table below:

Project needs Identified in Tigard’s Transportation System Plan (TSP)

Project #	Name	Description	Timeframe	Estimated Cost
11	Hall/Hunziker/Scoffins Intersection Realignment	Realign offset intersection to cross intersection to alleviate congestion and safety issues	Near-Term	\$5,000,000
21	Hall Extension	Extend south to Tualatin across the Tualatin River	Long-Term	\$60,000,000
Part of 36a	Hall /Bonita Intersection	Part of a larger project to widen Bonita to five lanes	Near-Term	\$1,000,000 of \$20,000,000
Part of 40	Hall/Durham Intersection	Part of a larger project to widen Durham to five lanes	Mid-Term	\$1,000,000 of \$8,000,000

45a	Hall Widening – Oleson to 99W	Widen to 2-/3 lanes; build sidewalks and bike lanes; safety improvements	Near-Term	\$3,500,000
45b	Hall Widening – 99W to Fanno Creek	Widen to 4-/5 lanes, depending on corridor plan	Near-Term	\$2,500,000
45c	Hall Widening – Fanno Creek to McDonald	Widen to 4-/5 lanes, depending on corridor plan	Mid-Term	\$2,500,000
45d	Hall Widening – McDonald to Bonita	Widen to 4-/5 lanes, depending on corridor plan	Near-Term	\$1,500,000
45e	Hall Widening – Bonita to Durham	Widen to 4-/5 lanes, depending on corridor plan	Near-Term	\$3,000,000
45f	Hall Fanno Creek Bridge Replacement	Replace bridge	Near-Term	\$5,000,000
49	Pfaffle /Hall Intersection	Traffic signal or other intersection treatment	Near-Term	\$500,000
60	Hall/McDonald Intersection	Intersection improvements (right turn lane, etc.)	Near-Term	\$400,000
P20	Hall Sidewalks	Fill sidewalk gaps from Hunziker to Durham	Near-Term	\$1,800,000
		Total Capital Project Needs		\$87,700,000
		Near-Term Project Needs		\$24,200,000
		Mid-Term Project Needs		\$3,500,000
		Long-Term Project Needs		\$60,000,000

From the projects listed above, the Pfaffle/Hall intersection signal and Hall/McDonald intersection right turn lane are considered immediate needs to address safety issues. The TSP lists an additional \$23.3 million in near-term projects, \$3.5 million in mid-term projects and \$60 million in long-term projects along Hall Blvd in Tigard.

Right-of-Way Issues

The current standards for right-of-way width along Hall Boulevard are a 50-foot half-width south of Pacific Highway 99W and a 38-foot half-width north of 99W. The vast majority of the street (91 percent) does not meet current standards for right-of-way width. More than two-thirds of the street (68 percent) has a right-of-way width that is significantly (more than 10 feet) less than the standard. More than half of the roadway does not have enough right-of-way space to provide the basic facilities (such as sidewalks) that would be expected in an urban corridor such as this.

Right-of-Way Width	Length (ft)	Percent
Meets or Exceeds Width Standards on Both Sides	1480	9.4%
Within 10 Feet of Standards or One Side Not Adequate	3520	22.3%
11 to 20 feet Less Than Standards	4720	29.9%
More than 20 Feet Less Than Standards	6080	38.5%

Several areas have been identified where the sidewalk, drainage system, or some other important aspect of the street appears to be outside of the public right-of-way. These issues will need to be cleared up, likely by purchasing right-of-way and/or acquiring easements for these facilities. This cleanup is estimated to cost \$2 million.

Storm Drainage System



The condition of the drainage network is unknown; pipe functionality is not quantifiable without extensive inspection data and about 65 percent of the pipe sizing is unknown. Approximately 30 percent of the field-identified drainage structures are full of debris and are not functioning within the system. Two water quality manholes were identified in the field and both were full of debris. The majority of catch basins are flow-through basins without sumps to collect oil, heavy metals, etc. Aside from the shallow roadside vegetative ditches, and one water quality compost structure near the intersection of Hall Boulevard and Knoll Drive, there is no water quality treatment provided.

In order to assess the existing condition and effects of deferred maintenance, it would be necessary to clean and inspect all pipes and structures. It is likely that there are many failed pipes and structures in the system that would need to be replaced immediately.

One flooding hazard has been identified between properties located at 10915 and 10965 SW Hall Blvd. Two 24” concrete culverts discharge into an undersized conveyance channel. Access rights to

the channel are unknown, and it has not been cleaned or maintained since 1986. The channel accepts a tributary to Ash Creek.

To bring the system up to standards and provide drainage in areas of new curb and sidewalk, it is estimated the necessary improvements would cost \$3 million.

Intersection Capacity Issues

Intersection capacity issues exist at the McDonald, Bonita, and Hunziker/Scoffins intersections. Traffic delays occur at each of these intersections on a daily basis, typically in the afternoon peak hours.

Streetlights

Much of the corridor lacks street lighting. The estimated cost of installing these lights would be \$300,000. Yearly electricity and maintenance costs are estimated at \$20,000.

Sidewalks



The current standard for an arterial street is an eight foot sidewalk in good condition on both sides of the street. The standard also includes a five-foot landscape strip between the sidewalk and curb. With 15,800 lineal feet of street, this would mean 31,600 lineal feet of sidewalk.

Sidewalk Characteristics	Length (ft)	Percent
Meets Standards – Good Condition, 8+ Feet Wide, 5+ Feet Landscape Strip	2200	7.0%
Adequate Condition, 8+ Feet Wide, Lacking Landscape Strip	8080	25.6%
Adequate Condition, 5-7 Feet Wide, with Landscape Strip	410	1.3%
Adequate Condition, 5-7 Feet Wide, No Landscape Strip	11040	34.9%
Existing, but Inadequate	420	1.3%
No Sidewalk	9450	29.9%

Most (69 percent) of the sidewalks along Hall Boulevard are in adequate or better condition, with some sidewalk in very good condition, but 30 percent of the street lacks sidewalks. The cost to build these sidewalks is estimated at \$8 million. These costs are included in the TSP-identified projects.

Curb Ramps



The curb ramps (or lack thereof) along Hall Boulevard were inventoried and evaluated based on current standards. Key aspects of current standards are: acceptable longitudinal slopes, acceptable cross-slopes on the continuing sidewalks, acceptably flat resting spaces, and truncated domes providing a tactile warning to the visually impaired when they are approaching traffic areas.

Curb Ramp Current Condition	Number	Replacement Cost
Meets Current Standards	30	\$0
Ramp does not meet current standards, but is otherwise in generally good condition	35	\$105,000
Ramp is in 'Fair Condition' – still usable, but requires extra maneuvering	11	\$70,000
Ramp is in poor condition – either not usable or very difficult to use	2	\$20,000
Walkway exists, but there is no ramp connection	21	\$210,000
No curb or sidewalk to connect to	9	\$90,000
Asphalt pathway connection	14	\$140,000
Total Retrofit Cost		\$635,000

Constructing new ramps and repairing those in poor condition would cost approximately \$230,000. An additional \$300,000 would be necessary to provide ramps at pathway and new sidewalk connections, and replace 'fair' ramps. These costs are included in the \$8 million to provide adequate sidewalks.

Signs and Posts

Most of the signs along the roadway are attached to wooden posts; it is the city's standard is to use metal posts. Both types of posts are considered acceptable. Over time, the wooden posts would be replaced with metal as new signs are installed. The condition of the signs—material, color retention, retroreflectivity, corrosion, etc. — generally matches that of existing signs on city streets.

Accident History

State crash data includes 132 recorded crashes on Hall Boulevard in the three-year period from January 1, 2007, through December 31, 2009. These crash rates are within the normal range for streets of this nature. The location and severity of these crashes is listed below:

Location	Fatal	Severe Injury	Moderate Injury	Minor Injury	Property Damage Only	Total
Locust	0	0	1	3	3	7
Oak	0	1	1	0	3	5
Joelle	0	0	0	0	1	1
Lucille	0	0	0	0	2	2
Pine	0	0	0	2	1	3
Pfaffle	0	0	3	2	7	12
Pacific Hwy 99W	0	0	4	16	26	46
Garden	0	0	0	0	1	1
Knoll	0	0	0	1	1	2
Hunziker	0	0	0	1	4	5
Scoffins	0	0	0	1	2	3
Commercial	0	0	1	2	1	4
Burnham	0	0	2	1	2	5
O'Mara	0	0	2	0	1	3
Wall	0	0	0	1	2	3
McDonald	0	0	1	2	10	13
Bonita	0	0	0	2	0	2
Murdock	0	0	1	0	1	2
Sattler/Ross	0	0	2	2	3	7
Langtree	0	0	0	1	0	1
Hamlet	0	0	0	0	1	1
Durham	0	0	0	2	2	4
Total Crashes	0	1	18	39	74	132

The intersection project at Hall /Pacific Highway 99W is anticipated to reduce crash rates at this location.

Crash data indicate safety issues at Hall/Pfaffle intersection. Potential contributing factors include a high volume of traffic turning at this unsignalized intersection and sight distance issues (due to a bridge railing and vertical curve) for drivers turning from Pfaffle Street. The TSP includes installation of a traffic signal at this intersection, which is considered an immediate need with an estimated cost of \$500,000.

This crash data also indicates a relatively high frequency of crashes at Hall/McDonald intersection. These lower-severity, often rear-end crashes are likely related to capacity issues at this intersection. The TSP includes a project to add capacity at this intersection, and this project may be considered an immediate need with an estimated cost of \$400,000.

Access Management Issues

There are many driveways along Hall Boulevard that have detrimental effects on the flow and safety of vehicular traffic, cyclists, and pedestrians in the area. These driveways are often close to street intersections or other driveways, and/or have poor configurations that may lead to safety issues. As access is a major issue for homes and businesses, each driveway would become a potentially contentious issue for the road authority during future capital projects and development in the area.

Utilities in the Right-of-Way

There are many utility lines currently utilizing the Hall Blvd right-of-way. This is evidenced by the number of wires on the poles along Hall Blvd and the number of conduits strapped to the bridge over Fanno Creek. Each of these utilities will bring its own set of issues to bear on any future public or private street or drainage improvement projects in the area.

Complaints / Ongoing Issues

As part of this evaluation, a request was made to ODOT District 2A for records to track complaints and ongoing issues on this section of roadway. ODOT staff said they do not record site-specific issues and are unable complete this request. The City of Tigard has compiled complaints and issues commonly brought to staff and they include:

- Lack of sidewalks (in each section where sidewalks are missing)
- Capacity issues at Hall/McDonald intersection, especially in the afternoon rush hour
- Requests for traffic signals and/or better sight distance at the Hall/Pfaffle intersection
- Requests for additional crosswalks and more enforcement of crosswalk stopping laws
- Complaints about the poor pavement condition
- Complaints about the lack of sweeping, drainage, and other maintenance
- Complaints about catch basins and other obstacles in bike lanes

Correction of these issues is estimated to add about \$40,000 annually.

Maintenance Needs

The city's streets crew maintains 148 miles of roads with an annual budget of \$1.28 million. Adding three miles of Hall Boulevard to the current maintenance and upkeep program would add 2 percent more total street mileage, but 23 percent more arterial mileage to Tigard's street system. Arterials, such as Hall Blvd, typically cost more to maintain because they have more paved area and traffic wear, as do streets (such as Hall Blvd) that are in relatively poor condition. It is estimated that maintenance of Hall Blvd would add 8 percent, or \$102,000 annually to the city's street maintenance needs. It is also estimated that jurisdiction of Hall Boulevard would add 5 percent, or \$65,000 annually to the city's stormwater maintenance needs.

Asphaltic concrete pavement deteriorates over time. A street with the traffic and other characteristics of Hall Blvd would be expected to need a pavement overlay every 12 to 15 years.

Dividing the cost of this overlay by its expected life calculates an annualized paving cost of approximately \$120,000 per year.

Site-Specific Issues

The following maps provide more detail regarding the site-specific issues on Hall Boulevard. Included are aerial photos showing lane configurations, sidewalks, property lines and other issues. Markings indicate pavement condition, stormwater facilities, sidewalks, curb ramps, etc. Notes indicate other site-specific issues such as intersection capacity and flooding.

Cost Summary

- 1) What work and costs are necessary to address deferred maintenance, immediate safety needs, and preserve the existing assets of the corridor? What ongoing cost will be necessary to maintain this corridor?

Immediate Need	One-Time Cost
Pavement Rehabilitation	\$3.4 Million
Intersection Safety Projects	\$0.9 Million
Pedestrian Facilities (curb ramps, etc.)	\$0.2 Million
Storm Drainage Repairs	\$2.0 Million
Fanno Creek Bridge Replacement	\$5.5 Million
Total Immediate Need Costs:	\$12 Million

Annual Costs	Annual Cost
General Street Maintenance	\$102,000/yr
Annualized Paving Cost	\$120,000/yr
Bridge Maintenance	\$25,000/yr
Traffic Signal Maintenance and Electricity	\$20,000/yr
Administration Costs and Citizen Complaints	\$40,000/yr
Stormwater Maintenance	\$65,000/yr
Total Necessary Maintenance Cost:	\$372,000/yr

- 2) What work and costs are necessary to provide the basic facilities expected in an urban arterial corridor (adequate vehicular capacity, sidewalks, bike lanes, etc.)?

Facility Improvement Need	One-Time Cost
Sidewalk Construction	\$8 Million
Additional Street Lights	\$0.3 Million
Storm Drainage Improvements	\$3 Million
Right-of-Way for Existing Facilities	\$2 Million
Intersection Improvements	\$5 Million
Total Facility Improvement Cost:	\$18.3 Million

Additional Annual Cost	Annual Cost
Street Light Electricity and Maintenance	\$20,000/yr
Total Additional Maintenance Cost:	\$20,000/yr

- 3) What work and costs would be necessary to bring Hall Boulevard up to current standards and conformance with current plans (note: this would be a five-lane roadway south of Pacific Hwy 99W)?

Improvement to Standards Costs	One-Time Cost
Street Widening (Includes ROW and Utilities)	\$23 Million
Storm Drainage and Water Quality	\$5 Million
Traffic Signal Equipment Replacement	\$3 Million
Total Improvement to Standards Cost:	\$31 Million

The total cost of improvements necessary to bring Hall Boulevard from its current condition up to city standards is estimated to be \$61 million. Maintaining the corridor in its current condition is estimated to cost \$372,000 per year.

Summary

It would cost roughly \$12 million for infrastructure repairs to address immediate needs and years of deferred maintenance. Additional annual maintenance costs for the city would be approximately \$372,000. It would cost an additional \$18 million to provide the facilities expected along an arterial – sidewalks, bike lanes, functioning storm drainage, street lights, right-of-way acquisition, intersections with adequate capacity, and a new bridge above flood levels, etc. It would cost an additional \$31 million to bring Hall Boulevard up to current standards.

AIS-1073

3. D.

Business Meeting

Meeting Date: 11/13/2012

Length (in minutes): Consent Item

Agenda Title: Approve Waiver of Temporary Sign Permit Fees for Tigard Little League

Prepared For: Liz Lutz **Submitted By:** Liz Lutz,
Financial and
Information
Services

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

Public Hearing - Newspaper Legal Ad Required?: No **Public Hearing Publication Date in Newspaper:**

Information

ISSUE

Does the Tigard City Council find that benefit to the community of waiving the temporary sign permit fees for Tigard Little League to hang two banners outweigh the \$108 financial hardship to the city?

STAFF RECOMMENDATION / ACTION REQUEST

Consider Resolution waiving \$108 of permit fees for Tigard Little League.

KEY FACTS AND INFORMATION SUMMARY

On October 25, 2012, Kim Kelleher from Tigard Little League emailed the city to request a waiver of permit fees charged to hang two banners (text of email attached). According to the Master Fees and Charges Schedule, Temporary Sign Permits are \$54 per sign. Kim is requesting the city waive fees for two signs, totaling \$108 fee waiver. TMC 3.32.070 authorizes council to waive fees for non-profits. The text of the TMC is as follows:

"3.32.070 Exemptions. The City Council is authorized to waive or exempt the fee or charge imposed upon an application or for the use of city facilities and services, if a nonprofit organization requests such a waiver in writing and the Council determines that community benefit from the proposed activity outweighs the financial burden on the city. The waiver or exemption shall not excuse the nonprofit organization from compliance with other requirements of this code."

Tigard Little League is a qualifying non-profit. They have made their request to waive fees in writing. If council determines that the benefit to the community outweighs the loss of \$108 in permit fees, then council is authorized to waive the fees.

OTHER ALTERNATIVES

City Council could deny the request.

COUNCIL OR CCDA GOALS, POLICIES, MASTER PLANS

Tigard citizens are involved in the community and participate effectively.

Programs and activities are available in the community to meet the needs of a diverse population.

DATES OF PREVIOUS CONSIDERATION

None.

Fiscal Impact

Cost: NA

Budgeted (yes or no): NA

Where Budgeted (department/program): NA

Additional Fiscal Notes:

Waiving the fees will reduce City of Tigard General Fund revenues by \$108.

Attachments

Resolution

Request Letter

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

A RESOLUTION WAIVING \$108 IN TEMPORARY SIGN PERMIT FEES FOR TIGARD LITTLE LEAGUE.

WHEREAS, Tigard Municipal Code 3.32.070 authorizes City Council to waive fees for non-profits when the request is made in writing and Council determines that the community benefit outweighs the financial burden to the city; and

WHEREAS, Tigard Little League has requested in writing the waiver of fees for two temporary sign permits ; and

WHEREAS, The Master Fees and Charges states that the fee for temporary sign permits is \$54 per sign; and

WHEREAS, Council determines that the community benefit outweighs the \$108 financial burden to the city.

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

SECTION 1: Tigard Little League receives a waiver of \$108 in temporary sign permit fees.

SECTION 2: This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2012.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard



October 25, 2012

Dear Ms. Lutz,

I am contacting you in hopes of receiving a waiver from the City of Tigard for banner permits. Tigard Little League is a non-profit organization that has served kids in Tigard aged 5-14 for over 50 years and we are always looking for ways to keep expenses down so that we may offer the lowest registration fees possible and spend money on fields, coach training and equipment instead.

We would like to put up two (2) banners announcing registration:

1. One banner would be placed on the Tigard High School fence at the intersection of Hall Boulevard and Durham Road
2. One banner would be placed on the Fowler Middle School fence at the intersection of Tiedeman Avenue and Walnut Street

We would like to display these banners from December 1st through January 19th (our final day of registration).

Please let me know if you require any further information and thank you very much for considering our request.

Sincerely,

Kim Kelleher
Tigard Little League President

Business Meeting

Meeting Date: 11/13/2012

Length (in minutes): 10 Minutes

Agenda Title: Request for Public Input - City Manager Performance Review Criteria

Submitted By: Sandy Zodrow, City Management

Item Type: Public Hearing - Informational
Update, Discussion, Direct Staff

Meeting Type: Council Business Meeting - Main

Public Hearing: Yes

Publication Date:

Information

ISSUE

Is there any public input regarding the criteria and/or process that will be used to conduct the annual performance review for the city manager?

STAFF RECOMMENDATION / ACTION REQUEST

Receive public input regarding the criteria or process to be used for the city manager's performance review.

KEY FACTS AND INFORMATION SUMMARY

On October 23, 2012, the City Council selected the review criteria and process to be used to evaluate the performance of the city manager. The purpose of this hearing is to provide the public an opportunity to give input on the criteria and process. The city manager's evaluation is scheduled to take place during an executive session on November 20, 2012.

A copy of the evaluation form containing the performance criteria is attached.

OTHER ALTERNATIVES

N/A

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

N/A

DATES OF PREVIOUS COUNCIL CONSIDERATION

October 23, 2012

Attachments

Council Appraisal Form of City Manager

Council Appraisal of City Manager City of Tigard

City Manager:	Date:
City Councilor: Mayor & Council Appraisal	

SECTION I: PERFORMANCE MEASUREMENT CRITERIA

Please designate a rating in the appropriate box for each item, and include examples and comments which support the rating.

Administrative Ability

<p><u>Planning:</u> Ability to anticipate and analyze problems. Maps effective solutions. Exceeds <input type="checkbox"/> Fully Effective <input type="checkbox"/> Developing <input type="checkbox"/> Needs Improvement <input type="checkbox"/></p> <p><u>Comments:</u></p>
<p><u>Organizing:</u> Ability to arrange work and efficiently apply resources. Recognizes opportunities for management and operational efficiencies. Exceeds <input type="checkbox"/> Fully Effective <input type="checkbox"/> Developing <input type="checkbox"/> Needs Improvement <input type="checkbox"/></p> <p><u>Comments:</u></p>
<p><u>Timing - Opportunist:</u> Makes decisions when sufficient information is available. Exceeds <input type="checkbox"/> Fully Effective <input type="checkbox"/> Developing <input type="checkbox"/> Needs Improvement <input type="checkbox"/></p> <p><u>Comments:</u></p>
<p><u>Analytical:</u> In making decisions considers the best available facts, projections, and evidence. To the extent that resources permit, insures that these tools are available. Exceeds <input type="checkbox"/> Fully Effective <input type="checkbox"/> Developing <input type="checkbox"/> Needs Improvement <input type="checkbox"/></p> <p><u>Comments:</u></p>
<p><u>Job Knowledge:</u> Has a solid understanding of all phases and departments of municipal government. Exceeds <input type="checkbox"/> Fully Effective <input type="checkbox"/> Developing <input type="checkbox"/> Needs Improvement <input type="checkbox"/></p> <p><u>Comments:</u></p>

Personnel Functions

<p><u>Supervision:</u> Builds and motivates a team, provides direction, monitors and adjusts performances as necessary. Exceeds <input type="checkbox"/> Fully Effective <input type="checkbox"/> Developing <input type="checkbox"/> Needs Improvement <input type="checkbox"/></p> <p><u>Comments:</u></p>

Delegation: Effectively assigns work to others to get City business done efficiently.

Exceeds Fully Effective Developing Needs Improvement

Comments:

Communication with Employees: Listens to employees and openly communicates in order to provide sufficient information to keep the employees motivated and part of the team. Understands their concerns.

Exceeds Fully Effective Developing Needs Improvement

Comments:

Hiring: Recognizes the value of excellent employees and hires and maintains available staff.

Exceeds Fully Effective Developing Needs Improvement

Comments:

Labor Relations: Understands contract negotiations and contract administration. Equitably handles problems of grievances among subordinate employees.

Exceeds Fully Effective Developing Needs Improvement

Comments:

Leadership: Motivates, encourages and seeks to develop skills and abilities in staff. Sets the standard for performance accountability by example. .

Exceeds Fully Effective Developing Needs Improvement

Comments:

Collaboration Skills: Builds collaborative trust with staff. Treats staff with respect.

Exceeds Fully Effective Developing Needs Improvement

Comments:

Risk Management: Implements effective programs to limit liability and loss.

Exceeds Fully Effective Developing Needs Improvement

Comments:

Budget and Finance

Financial Management: Accurately and concisely reports and projects the financial condition. Management practices and policies are designed to maintain or achieve a sound long-range financial condition. Uses debt cautiously, plans for the long-term replacement and maintenance of equipment and infrastructure.

Exceeds Fully Effective Developing Needs Improvement

Comments:

Operational Efficiency: Obtains the best possible end result for the money spent. Monitors efficiency service improvement and effectiveness for all programs. Most economical utilization of manpower, materials and machinery.

Exceeds Fully Effective Developing Needs Improvement

Comments:

Community Relations

Public Service: Commitment to the service of the public. Recognizes and respects the value of public service. Projects a positive image of the City.

Exceeds Fully Effective Developing Needs Improvement

Comments:

Forges Compromises: Has the ability to resolve conflicts with little or no assistance from outside sources. Is a good negotiator. Is credible and builds trust in the community.

Exceeds Fully Effective Developing Needs Improvement

Comments:

Sensitivity: Listens and understands the positions and circumstances of others. Communicates that understanding.

Exceeds Fully Effective Developing Needs Improvement

Comments:

Communication with the Public: Approachable and responsive to the public and takes their concerns and problems seriously, regardless of how insignificant the questions or complaints seem to be. Is able to represent Council at community events and forums. Pursues an outreach style of management as a spokesperson for city issues.

Exceeds Fully Effective Developing Needs Improvement

Comments:

Public Involvement: Involves citizens in city issues and programs. Provides link between the Council and business community.

Exceeds Fully Effective Developing Needs Improvement

Comments:

Media Relations: Develops effective relationships and positive image with public/media. Is able to accurately articulate City Council and community goals.

Exceeds Fully Effective Developing Needs Improvement

Comments:

Relation with Council

Communication with Council: Accurately interprets the direction given by the Council. Provides Council with well informed concise oral and written communication.

Exceeds Fully Effective Developing Needs Improvement

Comments:

Accepts Direction: Aggressively responds to the direction of the majority of the Council. Not sidetracked to the minority but recognizes their concerns.

Exceeds Fully Effective Developing Needs Improvement

Comments:

Research: Prepares fully researched materials for Council action including alternatives and recommendations. Analyzes issues and presents policy alternatives to Council with documented justified recommendations. Assures that material is concise and easily understandable.

Exceeds Fully Effective Developing Needs Improvement

Comments:

Intergovernmental Relations

Develop Relations: Develops good working relationships with other local, county, regional, state and federal agencies.

Exceeds Fully Effective Developing Needs Improvement

Comments:

Representative: Effectively represents the City on commissions, boards, and committees.

Exceeds Fully Effective Developing Needs Improvement

Comments:

Resource Developer: Exerts appropriate influence on decisions affecting Tigard from other agencies, gaining resources to benefit the City. Has basic understanding of federal and state grants and appropriations.

Exceeds Fully Effective Developing Needs Improvement

Comments:

Interpersonal Skills

Creativity: Implements effective and creative solutions to resolve City problems.

Exceeds Fully Effective Developing Needs Improvement

Comments:

Honest, Fair: Consistently demonstrates integrity and honesty, straightforward and impartial.

Exceeds Fully Effective Developing Needs Improvement

Comments:

<p><u>Adaptable:</u> Responds positively to a changing work environment and changing local conditions. Does not cling to the status quo for its own sake. Exceeds <input type="checkbox"/> Fully Effective <input type="checkbox"/> Developing <input type="checkbox"/> Needs Improvement <input type="checkbox"/></p> <p><u>Comments:</u></p>
<p><u>Resilient:</u> Energy and motivation maintained in spite of constant demands. Handles stress well. Exceeds <input type="checkbox"/> Fully Effective <input type="checkbox"/> Developing <input type="checkbox"/> Needs Improvement <input type="checkbox"/></p> <p><u>Comments:</u></p>
<p><u>Ethical:</u> Conforms to the high standards of the profession. Exceeds <input type="checkbox"/> Fully Effective <input type="checkbox"/> Developing <input type="checkbox"/> Needs Improvement <input type="checkbox"/></p> <p><u>Comments:</u></p>
<p><u>Professional Development:</u> Takes action to acquire new knowledge and skills. Encourages employees to do the same. Exceeds <input type="checkbox"/> Fully Effective <input type="checkbox"/> Developing <input type="checkbox"/> Needs Improvement <input type="checkbox"/></p> <p><u>Comments:</u></p>
<p><u>Judgment:</u> Thinks logistically and utilizes independent thought to make sound decisions. Exceeds <input type="checkbox"/> Fully Effective <input type="checkbox"/> Developing <input type="checkbox"/> Needs Improvement <input type="checkbox"/></p> <p><u>Comments:</u></p>

Economic Growth

<p><u>Economic Development:</u> Identifies and helps Council create conditions which foster economic development. Understands importance of, and knowledge of factors and methods for, maintaining existing businesses, as well as recruiting new ones. Recognizes relationship of local economy to region and beyond. Develops policies and guidelines to reasonably allocate costs of public improvements and services related to economic development between the public and private sectors. Exceeds <input type="checkbox"/> Fully Effective <input type="checkbox"/> Developing <input type="checkbox"/> Needs Improvement <input type="checkbox"/></p> <p><u>Comments:</u></p>

CITY WIDE CORE VALUES

The City of Tigard is dedicated to setting the standard for service excellence. To that end, the organization is committed to job performance behaviors that demonstrate the City of Tigard’s reputational values.

Those values are:

- ❖ Get It Done
- ❖ Do the Right Thing
- ❖ Respect and Care

Please provide a rating and appropriate supportive narrative in each of the Core Values that reflects how the employee incorporates these values into their daily work, or where they need to expend greater effort to demonstrate these values in their job.

GET IT DONE: Means that we will go the extra mile to exceed people's expectations; meet or beat deadlines; establish clear expectations and timelines so that there are no misunderstandings; offer to help when we see the need; and keep people informed of progress and steps to completion

- DEVELOPMENT NEEDED
- SUCCESSFUL EMPLOYEE
- EXCEPTIONAL PERFORMANCE

COMMENTS: Explain how the employee is meeting or not meeting the specific performance expectations in this area.

DO THE RIGHT THING: Means that we will focus on solutions, not excuses; if we see a problem we will own it until we take care of it or until we can find the right person to handle it; find opportunities to say "yes" versus "no"; be proactive, rather than waiting for something to become a problem; and look for options and alternative ways to solve problems.

- DEVELOPMENT NEEDED
- SUCCESSFUL EMPLOYEE
- EXCEPTIONAL PERFORMANCE

COMMENTS: Explain how the employee is meeting or not meeting the specific performance expectations in this area.

RESPECT AND CARE: Means that we will treat people well; welcome suggestions and diverse points of view; greet each other and the customers with a smile and a friendly tone; build collaborative and cooperative relationships with others; treat them with respect; and say thank you.

- DEVELOPMENT NEEDED
- SUCCESSFUL EMPLOYEE
- EXCEPTIONAL PERFORMANCE

COMMENTS: Explain how the employee is meeting or not meeting the specific performance expectations in this area

SECTION II: ESTABLISHMENT OF GOALS & OUTCOMES FOR UPCOMING RATING PERIOD

Outline the goals for the upcoming period and the desired outcomes. The City Manager’s goals should be related to the Community goals. The City Manager goal may include a new project or may include a goal that is an ongoing fundamental portion of the position. Any number of goals may be set. The desired outcome is the standard against which performance will be measured. These should be specific and measurable including timeframes.

Dept/City Goal:	
Individual Goal:	
Desired Outcome:	

Dept/City Goal:	
Individual Goal:	
Desired Outcome:	

Dept/City Goal:	
Individual Goal:	
Desired Outcome:	

Dept/City Goal:	
Individual Goal:	
Desired Outcome:	

Dept/City Goal:	
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Desired Outcome:	

Dept/City Goal:	
Individual Goal:	
Desired Outcome:	

Dept/City Goal:	
Individual Goal:	
Desired Outcome:	

SECTION III: COUNCIL’S SUMMARY COMMENTS

The following is an overall performance rating for the City Manager, recommended action by the Council, and sign off. The City Manger's signature does not necessarily mean that the City Manager agrees with the rating, only that the evaluation process has taken place.

Summary Comments:

Overall Rating (check one):

Exceeds: Exceeds expectations in all or majority of categories.

Fully Effective: Meets expectations in all categories (may exceed in some)

Developing: does not meet expectations in one or more category

Needs Improvement: Does not meet expectations in majority of categories

City Manager's Signature

Date

Mayor's Signature

Date

Business Meeting**Meeting Date:** 11/13/2012**Length (in minutes):** 60 Minutes**Agenda Title:** Continuation of Public Hearing - Urban Forestry Code Revisions**Submitted By:** Marissa Daniels, Community Development**Item Type:** Public Hearing - Legislative**Meeting Type:** Council Business Meeting - Main**Public Hearing:** Yes**Publication Date:****Information****ISSUE**

This item is a continuation of Council's discussion of the recommended Urban Forestry Code Revisions from October 23, 2012. The purpose of this hearing is to have Council discussion and get Council direction on the remaining policy issues and potential code changes in advance of the November 27, 2012 meeting. This discussion covers both aspects of the proposal - the land use and non land use elements.

STAFF RECOMMENDATION / ACTION REQUEST

Receive the staff report and:

1. Confirm policy direction provided to staff on October 23.
2. Provide direction to staff on the remaining policy issues from October 23, 2012.
3. Identify any additional amendments to the proposed code.

KEY FACTS AND INFORMATION SUMMARY

The purpose of the November 13, 2012 meeting is to continue discussions based on Council direction on October 23 (Attachment A). On September 11, 2012 Council discussed the UFCR proposal and confirmed the list of issues of interest for further study or possible code changes. This information was reformatted into a discussion guide for October 23, 2012 (Attachment B). Any changes Council requests on November 13 will be incorporated into the Planning Commission's recommendation and returned for Council review on November 27.

On November 13, staff will present a brief overview of the code topics relevant to Council's issues of interest and discussion on October 23. Council will have the opportunity to discuss the remaining policy items with staff, Todd Prager of Todd Prager and Associates, and consultants from AKS Engineering and Forestry, the firm who completed the peer review of the draft code. Staff is asking council to provide direction on the final policy items and indicate whether it is desirable to:

1. Accept the Planning Commission's recommendation,
2. Choose one of the policy alternatives proposed by staff, or
3. Propose a new alternative

Public testimony will not be taken on November 13. The next opportunity for public testimony will be on November 27, 2012.

Public Hearing Overview

At the November 13 meeting:

- Staff will present Council direction on the policy issues of interest.
- Council will direct staff on any desired code changes to address the remaining issues.
- Council will notify staff of any issues for clarification that should be brought forward as policy issues.

- Public testimony will not be accepted.

At the November 27, 2012 meeting:

- Staff will present a report based on council direction from prior meetings.
- Public testimony will be taken on any changes under consideration.
- Potential council decision to adopt any changes and the entire UFCR package.

Additional meetings may be scheduled if more time is needed to adopt the proposal.

OTHER ALTERNATIVES

Council has a wide range of options in the legislative adoption process. Council could also decide not to adopt any changes to the existing codes.

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

- Goal 1.b.i. Implement the Comprehensive Plan through code revisions, including tree code.
- Comprehensive Plan Goal 2, Section 2. Tigard's Urban Forest
- Urban Forestry Master Plan

DATES OF PREVIOUS COUNCIL CONSIDERATION

Council previously considered this matter on the following dates:

- February 16, 2010 (council direction to pursue a comprehensive set of code revisions)
- October 19, 2010
- November 9, 2010
- November 23, 2010
- January 25, 2011
- July 19, 2011 (staff presentation and council input on draft code revisions)
- January 24, 2012
- July 10, 2012
- July 24, 2012 (first public hearing on planning commission recommended code revisions)
- August 14, 2012
- September 11, 2012
- October 23, 2012

Attachments

November 13 Council Memo

October 23 Council Memo

PowerPoint Slide Presentation



City of Tigard Memorandum

To: Tigard City Council
From: Marissa Daniels, Associate Planner
Re: Urban Forestry Code Revisions Discussion
Date: November 13, 2012

On November 13, 2012 Council is scheduled to continue discussion of the Urban Forestry Code Revisions project. The goal of this meeting is to provide direction to staff on any changes Council wishes to make to the Planning Commission's recommendation. To that end, staff has identified three items for discussion on November 13:

1. Confirm policy direction provided to staff on October 23;
2. Discuss remaining policy issues presented on October 23; and
3. Identify any additional amendments to the proposed code.

Any changes Council requests on November 13 will be incorporated into the Planning Commission recommendation and returned for Council review on November 27.

Confirmation

On October 23 Council discussed, with some resolution, seven of the eight policy issues presented by staff. A summary of this discussion is included on page 3. Based on this direction, staff has begun work on amendments to the Planning Commission recommendation to make it consistent with Council Direction provided on October 23, and ready for Council consideration on November 27. If there are any remaining areas in need of clarification or change, staff requests you raise them for discussion on November 13.

Discussion

The remaining questions for discussion on November 13 stem primarily from Council's deliberations on Policy Issues P1 and P7. In short, staff heard that Council is comfortable with the use of the canopy approach (item P1), but that there are concerns about how the approach is implemented, particularly the implementation of the development code through the administrative rules (item P7).

While Council deferred discussion of item P7, “Should the Administrative Rules be eliminated and the elements moved into the Code?” to November 13, it came up several times during the discussion of other items. Below is a summary of what staff heard in earlier parts of the discussion with respect to Policy Item #7:

- The process to complete a tree plan under the new regulations requires a certain amount of analysis and may be too complicated.
- Initially concern was expressed that the canopy tiers may be too high. However, during further discussion of this item under Policy Issue #2, Council confirmed Planning Commission’s recommendation.

In the October 23 memo, staff provided two options to consider based on previous Council discussion.

- Council can revise the administrative rules during the administrative rulemaking process. Specific items to address could include:
 - Should the tree lists be amended?
 - Should the administrative rules be simplified?
- Council could eliminate the administrative rules altogether, although staff recommends against this approach.

City Attorney Damien Hall recommended a third option to consider on October 23.

- Council can work with staff to clarify the extent to which the administrative rules apply to tree plan submittal. Council could choose to clarify that the administrative rules are guidelines and applicants can provide alternative submittals so long as they show substantial compliance with the development standards.
 - It appeared Council was okay with the administrative rules so long as they are implemented as guidelines, not mandatory requirements, and applicants can provide simpler or alternative information to show compliance with development standards.

Council will be asked to provide direction to staff on Issue P7 at their November 13 meeting.

Additional Items

In the October 23 council packet memo, staff listed and responded to several Issues for Clarification. If there is an item in this category you’d like to raise for group discussion please do so on November 13.

P1: Is the canopy approach an appropriate regulatory tool?

There was a qualified consensus from Council that they are comfortable with the use of the canopy approach. This consensus was qualified by concerns that the implementation was too complicated/burdensome, a “solution in search of a problem,” and that related canopy targets appeared too high (see Policy 7).

P2: How will the requirements apply to small infill sites vs. larger subdivisions, planned developments and redevelopment sites?

Council did not express a concern with the canopy tiers as proposed, just the process to show compliance (see Policy 7).

P3: Should developers be required to maintain trees for two years after planting to ensure establishment?

Consensus was that developers should be required to maintain trees; there should be a differentiation between residential and all other development; the developer should be required to maintain residential trees for two years or until sold to a private resident; and for non-residential development there should be a one-year maintenance requirement.

P4: Should a permit be required to remove trees that were planted or preserved with development?

Consensus was to go with the staff alternative (do not require permits for single-family lots).

P5: Should Hazard Trees Remain Prohibited in Tigard?

P6: Should hazard tree requirements address personal liability requirements?

(These were discussed concurrently.)

Consensus was to go with the alternative recommendation for Policy 5 to clarify that removal is required only after a confirmed complaint. Addressed both Policies 5 and 6.

P7: Should the administrative rules be eliminated or moved into the code?

Deferred to next meeting. During deliberations Council was repeatedly concerned about the cost to produce plans and overly complex requirements contained within administrative rules. This was discussed within the context of “mom and pop” minor land partitions performed by non-professional developers. Appeared Council was okay with administrative rules so long as they are implemented as guidelines, not mandatory requirements, and applicants can provide simpler or alternative information to show compliance with the standard.

P8: Does the proposal increase the cost of development?

Council is comfortable increasing the cost of installation to ensure trees are able to thrive and provide canopy in areas where this has historically been a problem, but does not want to increase the cost of preparing plans. Concerned that the requirements of the administrative rules would require people to spend too much money on preparing plans, Council wanted to provide flexibility to applicants. Issue of concern on Policy 8 was tied to Policy 7 and the role of the administrative rules.



City of Tigard Memorandum

To: Tigard City Council
From: Marissa Daniels, Associate Planner
Re: Urban Forestry Code Revisions
Date: ~~October 1, 2012~~ October 23, 2012

On October 23, 2012, City Council will continue discussion on the Urban Forestry Code Revisions. At the September 11, 2012, public hearing, staff presented a list of 47 “issues of interest” to capture Council feedback. At that time, Council gave direction to staff to categorize and simplify the list of issues to be discussed. The result of that process is included on page 3 of this memo (Discussion Guide). Issues from the September matrix have been condensed and categorized, then sorted into the following types:

Policy Issues are items where Council has indicated a desire to look at potential changes to Planning Commission’s recommendation. Discussion on October 23, 2012, will center on these items and staff will be asking Council to provide direction on each issue.

Appendix A details each of the policy issues and provides a staff response. Most notable are the few areas where staff has provided options to consider, based on your prior discussions. This includes alternatives to:

- Exempt single family residential trees on private property (i.e. backyard trees) from maintenance and permit requirements.
- Revise the Administrative Rules during their (separate) adoption process. Specific items to address at that time could include:
 - Should the tree lists be amended?
 - Should the administrative rules be simplified?
- Revise the proposed code to clarify that hazard trees are required to be removed only after complaints are verified using industry standard methods.

Issues for Clarification are informational in nature, and Appendix B includes staff response. While some of these questions may be answered by the staff presentation, we do not plan to run through each item individually. If there is an item in this category you’d like to raise for group discussion, please do so during the October 23, 2012, meeting.

Future issues will not be considered in the adoption of the code at this time. For example, if Council wishes to amend certain administrative rules in the Urban Forestry Manual, then that

can be addressed during the upcoming administrative rules adoption process. Solar access is another example of an issue Council identified as a future work item.

Resolved indicates issues discussed on September 11, 2012 with some resolution.

Please note that time for public testimony will be provided. Staff from AKS, the firm that completed the Peer Review, will also be on hand.

Background

Council took the approach of first studying community values and existing conditions to set the framework for addressing the code. This began with the Comprehensive Plan process which established broad, 20 year goals and policies through the new Urban Forest Section of the Comprehensive Plan. From the Comprehensive Plan, council then directed the Urban Forestry Master Plan which expanded upon the Comprehensive Plan goals and policies and studied the issues in much greater detail. While the long term goal in the Master Plan is to increase citywide tree canopy from the current 25% up to 40%, the short term action items are to revise the city's urban forestry codes and funding streams in support of that goal. We're now here on the ground implementing the action items in the Urban Forestry Master Plan:

- Revising the land use and non land use elements of the code,
- Creating the Urban Forestry Manual to administer the code, and
- Updating the Master Fees and Charges Schedule to reflect fees associated with the recommended code.

The City Attorney advised staff to separate the land use vs. non land use elements of the code on council agendas because they have different process requirements. The Urban Forestry Standards for Development and Tree Grove Preservation Incentives apply during development and so are categorized as land use elements, and the Tree Permit Requirements, Hazard Trees and Urban Forestry Manual represent the non land use elements of the code. The Urban Forestry Manual consists of administrative rules that implement the details of the land use and non land use elements of the code.

Discussion Guide

Urban Forestry Code Revision Issues of Interest – September 11, 2012

Category	Issue	Type			
		Policy	Clarification	Future	Resolved
Standards for Development	5. Is the canopy approach appropriate as a regulatory tool?	P1			
	10. How will the requirements apply to large subdivisions vs. small infill (i.e. partitions) and redevelopment sites?	P2			
	11. Should developers be required to maintain trees for two years after planting to ensure establishment?	P3			
	7. Are the canopy requirements a regulatory taking?				<input checked="" type="checkbox"/>
Administrative Rules - Details	32. Are the tree planting, removal and thinning standards internally consistent?			<input checked="" type="checkbox"/>	
	33. What is the “built environment” (e.g. trees are allowed to be removed if their roots damage the “built environment”)?			<input checked="" type="checkbox"/>	
	35. Are there some inappropriate trees on the lists such as London Plane Tree?			<input checked="" type="checkbox"/>	
	36. How was the nuisance tree list developed?			<input checked="" type="checkbox"/>	
	39. Should there be spacing standards between trees and from buildings?			<input checked="" type="checkbox"/>	
	40. Why are there different standards for planting open grown vs. stand grown trees?			<input checked="" type="checkbox"/>	
	44. Why is it necessary to specify sheet size and scale for development plans?			<input checked="" type="checkbox"/>	
	45. Is it necessary for the city to have hard copies submittals of development plans?			<input checked="" type="checkbox"/>	
	46. Is requiring tree protection inspections by arborists/landscape architects twice monthly during development excessive?			<input checked="" type="checkbox"/>	
Administrative Rules – Tree Lists	48. Complexity of requirements to draw plans.			<input checked="" type="checkbox"/>	
	34. Do the tree lists provide enough options?			<input checked="" type="checkbox"/>	
	35. Are there some inappropriate trees on the lists such as London Plane Tree?			<input checked="" type="checkbox"/>	
	36. How was the nuisance tree list developed?			<input checked="" type="checkbox"/>	
	37. Is there a federal definition of a nuisance tree that can be used to develop the list?			<input checked="" type="checkbox"/>	
	38. Should Norway Maple be removed from the nuisance tree list?			<input checked="" type="checkbox"/>	
Tree Permit Requirements	43. Are there trees on the list that will cause damage to underground pipes and utilities?			<input checked="" type="checkbox"/>	
	22. Should a permit be required to remove trees that were planted or preserved with development?	P4			
	21. Should permits continue to be required to remove trees on private property?				
	20. Are the proposed permit requirements more restrictive than the existing permit requirements?		C1		
	23. Who will serve on the board or committee that makes decisions regarding removing healthy, protected trees?		C2		
Hazard Trees	25. Why does the code allow the removal and replacement of trees that die within three years of planting (e.g.8.12.040)?		C3		
	28. Should hazard trees be prohibited in Tigard?	P5			
	27. How do the hazard tree requirements relate to insurance requirements?	P6			
	26. Will the hazard tree requirements be effective in requiring removal of hazard trees when there are disputes?		C4		
	29. Are there conflicts between the hazard tree requirements and the recently adopted nuisance code?		C5		
Administrative Rules - General	16/30. Should the Administrative Rules (Urban Forestry Manual) be eliminated and the elements moved into the Code?	P7			
	*Does the proposal increase the cost of development due to the tree canopy plan and soil volume plan requirements?	P8			
	14. Do the administrative rules that implement the development code meet state land use law?		C6		
	15. Will the use of administrative rules lead to more appeals of development projects?		C7		
	17. Do the administrative rules for the development code need to be so detailed?			<input checked="" type="checkbox"/>	
Soil Volumes	31. Are the administrative rules a solution in search of a problem?			<input checked="" type="checkbox"/>	
	9/13. Will the cost of development increase due to the tree canopy plan and soil volume plan requirements?		C8		
	*Should parking lot canopy (and associated soil volume) be required, since it could lead to increased development costs?		C9		
Funding	*How will funding of the Urban Forestry Program be affected by the proposal?		C10		
Proposal Development Process	1. Was there a balance of viewpoint when developing the proposal?				<input checked="" type="checkbox"/>
	2. Is there a disconnect between where we started (i.e. Comp Plan and Urban Forestry Master Plan) and where we ended?				<input checked="" type="checkbox"/>
	3. Do Tigard residents support a 40% long term canopy goal?				<input checked="" type="checkbox"/>
	4. Is the 40% canopy goal for all private property or is it citywide?		C11		
	19. Should there be a review period after adoption?		C12		
	36. How was the nuisance tree list developed?		C13		
Future Work Items	8. Will the canopy requirements prevent solar access?			<input checked="" type="checkbox"/>	
	24. Should people have the right to significant view corridors such as Mt. Hood views?			<input checked="" type="checkbox"/>	
	41. Should there be limits on tree heights in order to preserve significant view corridors such as Mt. Hood views?			<input checked="" type="checkbox"/>	
	42. Should there be restrictions on planting evergreen trees on the south side of streets (due to winter shade/ice issues)?			<input checked="" type="checkbox"/>	

* Denotes issues raised on September 11, 2012

Policy Issues

Standards for Development

P1	<p>Issue of Interest: Is the canopy approach an appropriate regulatory tool?</p>
	<p>Staff Response: Many cities and counties throughout the country, particularly in the southeastern United States, have adopted tree canopy ordinances. The CAC and Planning Commission felt the approach was right for Tigard for three main reasons:</p> <ul style="list-style-type: none"> • The canopy approach allows maximum flexibility for the project designer to meet code requirements. • The canopy approach is more consistent with urban forest science and the city’s long-term urban forestry goals. It encourages large stature, appropriately spaced trees, which have the highest benefit/cost ratios. • The canopy approach requires the project designer to consider future canopy growth, which helps ensure that trees are properly placed within a site to become long-term amenities. It encourages appropriate tree spacing and setbacks from buildings by highlighting mature canopy growth. <p>The CAC and Planning Commission supported the development of a tiered approach to the canopy requirements, recognizing that, for example, more tree canopy is desirable and achievable in residential zones than in industrial zones. Staff and consultants then extensively tested the tiered tree canopy requirements on a wide range of development projects and made adjustments as needed based on CAC and Planning Commission input. The goal of the CAC and Planning Commission was to ensure the requirements are achievable, result in a reasonable balance between trees and development, and do not force typical development projects to pay a fee in lieu of canopy or utilize the discretionary review option.</p> <p>If the canopy requirements are modified significantly, staff recommends additional testing to determine the implications of the modifications. For example, if the canopy requirements are reduced by half, they may be achieved with small stature street trees only and result in less tree canopy in new development than currently exists in the same zones.</p> <p>For more detailed information about why a tree canopy approach was selected over tree count (i.e. tree density or number of trees) please see Volume V, page 6.</p>
	<p>Staff Recommendation: Staff recommends adopting the proposed canopy approach and tiered canopy requirements because they have been extensively tested and supported through the Citizen Advisory Committee, public involvement, and Planning Commission processes. If significant modifications are made, staff will need more time to rework the proposal and recommends additional testing of the results.</p>

P2	Issue of Interest: How will the requirements apply to small infill sites vs. larger subdivisions, planned developments and redevelopment sites?																
	<p>Staff Response: Taking into consideration future development trends, the Planning Commission recommended continuing to apply the draft code standards to Minor Land Partitions (when lots are divided to create two or three lots). These small infill sites represent a significant portion of potential future development. The draft code standards are also applicable to larger projects such as residential Subdivisions and Planned Developments, and redevelopment projects that require Conditional Use Permits, Downtown Design Reviews and Site Development Reviews.</p> <p>Independent peer review by AKS Engineering and Forestry (See Volume II, pages 187-217) demonstrated that the proposed effective tree canopy requirements were achievable on the range of sites that were tested, including three residential sites with smaller lots from the following zones:</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th style="text-align: center;"><u>Zoning</u></th> <th style="text-align: center;"><u>Tier¹</u></th> <th style="text-align: center;"><u>Minimum Lot Size</u></th> <th style="text-align: center;"><u>Effective Tree Canopy Provided</u></th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">R-4.5</td> <td style="text-align: center;">Tier 1</td> <td style="text-align: center;">7,500 sq. ft.</td> <td style="text-align: center;">45%</td> </tr> <tr> <td style="text-align: center;">R-7</td> <td style="text-align: center;">Tier 1</td> <td style="text-align: center;">5,000 sq. ft.</td> <td style="text-align: center;">215%</td> </tr> <tr> <td style="text-align: center;">R-25</td> <td style="text-align: center;">Tier 2</td> <td style="text-align: center;"><3,000 sq. ft.</td> <td style="text-align: center;">35%</td> </tr> </tbody> </table> <p>The Planning Commission approved two changes to the proposal, specifically addressing sites with smaller or more constrained lots:</p> <ul style="list-style-type: none"> • Recognizing that small lots may have limited street frontage for street trees, the commission reduced the per lot minimum from 20% to 15% for Tier 1 sites, and eliminated the per lot minimum for Tier 2 and 3 sites. • The commission voted to move the R-12 district from Tier 1 to Tier 2 to be conservative since an R-12 site was not tested through the peer review. <p>Staff Recommendation: Retain the Planning Commission recommendations. As described in P1, the tiered canopy requirements were carefully tested and adjusted by Planning Commission before forwarding their recommendation to Council. They found that proposed requirements achieve the desired balance between trees and development on small infill sites as well as larger subdivisions, planned developments, and redevelopment sites. Additional testing would be beneficial to determine the implications of significant modifications to the proposed canopy requirements.</p>	<u>Zoning</u>	<u>Tier¹</u>	<u>Minimum Lot Size</u>	<u>Effective Tree Canopy Provided</u>	R-4.5	Tier 1	7,500 sq. ft.	45%	R-7	Tier 1	5,000 sq. ft.	215%	R-25	Tier 2	<3,000 sq. ft.	35%
<u>Zoning</u>	<u>Tier¹</u>	<u>Minimum Lot Size</u>	<u>Effective Tree Canopy Provided</u>														
R-4.5	Tier 1	7,500 sq. ft.	45%														
R-7	Tier 1	5,000 sq. ft.	215%														
R-25	Tier 2	<3,000 sq. ft.	35%														

P3	Issue of Interest: Should developers be required to maintain trees for two years after planting to ensure establishment?
	<p>Staff Response: In the existing code, the City requires developers to guarantee mitigation tree survival during a two year establishment period. Guarantees are not</p>

¹ Tier 1 (40% effective canopy) - R-1, R-2, R-3.5, R-4.5 and R-7 zones
Tier 2 (33% effective canopy) - R-12, R-25, R-40, C-N, C-C, C-G, C-P, MUE, MUE-1, MUE-2, MUC, MUR, and I-P zones
Tier 3 (25% effective canopy) - MU-CBD, MUC-1, I-L, I-H, and schools (18.130.050(j)) zones

	<p>currently required for the establishment of street trees, parking lot trees, and other required landscape trees. The UFCR CAC recommended and the Planning Commission concurred that the city should require a guarantee period for all required trees (street trees, parking lot trees, etc.) not just mitigation trees. Often these other required trees have more difficulty becoming established because they are planted in more challenging locations such as along streets and within parking lots.</p> <p>The proposal requires bonding for 2 years after planting for all required trees to ensure early establishment.</p> <p>Note: There is a separate provision in Title 8 of the Municipal Code that allows the removal and replacement of required trees that die within three years after planting (further explained in C3 below). This provision has been reviewed by staff and does not conflict with the provision in Title 18 that requires developers to maintain trees for two years after planting. The reason the provisions do not conflict is that the Title 8 requirement does not apply during development and the Title 18 provision only applies during periods of active development.</p> <p>Staff Recommendation: Maintain the Planning Commission recommended requirement for a two year early establishment period.</p> <p>Options to consider, based on your discussions, include an alternative to remove the maintenance period for single family residential trees on private property (i.e. backyard trees). If planted in desirable locations, these residential trees may have a higher likelihood of survival because of the care they receive from homeowners. At the same time, this alternative would allow owners more flexibility in managing their residential landscapes. However if homes do not sell soon after being built, these trees may not survive if not maintained by the builder/developer.</p>
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Tree Permit Requirements

P4	<p>Issue of Interest: Should a permit be required to remove trees that were planted or preserved with development?</p> <p>Staff Response: Trees that were required to be planted or preserved as part of past development projects are part of the approved land use permit for that development. This includes mature trees that were preserved and incorporated into development plans, as well as newly planted trees such as parking lot shade trees.</p> <p>Because there is no permit process in the existing code to address the removal and replacement of healthy trees that were required with development, applicants must amend their prior land use permits to legally remove these trees. This process is overly time consuming and expensive with fees into the thousands of dollars.</p> <p>There are many legitimate reasons as to why owners may want to remove healthy trees that were required with development. These reasons include trees with roots that have</p>
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	<p>begun damaging pavement and trees that have grown tall enough to obscure significant views.</p> <p>In order to provide more flexibility and reduce or eliminate costs, the CAC recommended, and the Planning Commission concurred with establishing a tree removal permit process for trees that were required with development in the proposed Title 8.</p>
	<p>Staff Recommendation: Retain the Planning Commission recommendation. Requiring tree permits for trees planted or preserved with development has been supported through the Citizens Advisory Committee, public involvement, and Planning Commission process.</p> <p>Options to consider, based on Council discussions, include removing this requirement for private single family residential trees. If planted or preserved in desirable locations, these residential trees may have a low probability of being removed by homeowners. At the same time, this would allow owners more flexibility in managing their residential landscapes. However, particularly with past development projects, neighbors may have an expectation that certain trees will continue to be preserved or maintained if it was required as part of that project. Also, in the proposed code, trees planted or preserved to meet the requirements receive from 100% to 200% canopy credit. Council will need to decide whether planted and/or preserved trees used to meet canopy requirements should continue to be maintained after development is complete.</p>

Hazard Trees

P5	Issue of Interest: Should hazard trees be prohibited in Tigard?
	<p>Staff Response: Hazard trees are prohibited in both the current and the proposed Tigard Municipal Code. This is similar to other code prohibitions against nuisances such as tall weeds and grass. In the proposal the definition of “hazard tree” is now consistent with the standardized rating system developed by the International Society of Arboriculture. This helps to remove subjectivity during the hazard tree evaluation process by using industry standard methods and terminology. The overall risk rating of a tree is determined by three main factors: probability of failure, size of defective part, and the target area (i.e. how often the site is occupied and the value of the target). Using this methodology, a dead tree in a natural area is unlikely to be considered a hazard because the target rating would be very low, whereas the same tree on Durham Road may be considered a hazard because there are many high value targets. The Tree Risk Assessment Form, which has been adapted from the ISA form, can be found in Volume III pages 61-65.</p> <p>As recommended by the CAC and supported by the Planning Commission, if a tree on an adjacent property is a hazard, Chapter 8.08 would allow people to file a claim with the city. The city would then utilize a third party arborist to evaluate the tree. If the</p>

	<p>arborist determines there is a hazard, abatement would be required. The city could, after obtaining a warrant, enter a property, abate a hazard tree and recover costs in cases where an owner is uncooperative. The city could abate tree hazards without a warrant when there is an imminent threat to public health or safety as is currently allowed by the existing code.</p> <p>The intent of the proposed code is to establish an objective and efficient process for the abatement of hazard trees only after complaints are verified. The intent is not to cause the wide spread removal of all trees that may or may not be hazards. Consistent with current code enforcement practices, the city would only take action in response to written complaints.</p>
	<p>Staff Recommendation: Maintain the Planning Commission recommendation.</p> <p>One policy option to consider, based on Council discussions, is to revise the proposed code to clarify that hazard trees are required to be removed only after complaints are verified using industry standard methods.</p>

P6	<p>Issue of Interest: Should the hazard tree standards be amended to address personal liability insurance requirements?</p>
	<p>Staff Response: Staff will work with Council to further clarify the impact of the code on personal liability insurance requirements.</p>
	<p>Policy Options: Maintain the Planning Commission recommendation. Policy alternative: Council direction to address requirements.</p>

Administrative Rules

P7	<p>Issue of Interest: Should the Administrative Rules be eliminated and the elements moved into the Code?</p>
	<p>Staff Response: Administrative rules were developed for the Urban Forestry Code Revisions project to clearly document and communicate most of the city’s current administrative practices without making the code excessively long. For example, administrative items such as planting specifications, tree lists and methods for calculating tree canopy are more efficient when placed within an administrative manual rather than in the development code. Also when administrative changes are required such as adding or subtracting trees from the tree lists, the amendment process for administrative rules is more efficient while at the same time providing for adequate public notice and the opportunity for public participation.</p>
	<p>Staff Recommendation: Maintain the format of the Planning Commission recommendation, separating the Code elements from the administrative procedures. In developing the proposal, public input from the range of viewpoints involved wanted the specificity that the proposed administrative rules provide.</p>

	<p>Due to the lack of specificity in the existing code, there are numerous staff interpretations and conditions of approval required to implement the code when approving development applications. The intent of the proposed administrative rules is to minimize staff discretion when implementing the code thereby increasing certainty for applicants and the public.</p> <p>Options to consider, based on Council discussions, include an opportunity to revise the Administrative Rules during the administrative rulemaking process. According to Municipal Code section 2.04.070 (Administrative Rulemaking Procedure), council shall be notified 14 days prior to public notice of any proposed administrative rules. At any time during that 14 day period, any councilmember may put the administrative rules for discussion on the next available council agenda.</p> <p>For this project, if council authorizes administrative rules when adopting the UFCR on November 27, 2012, staff anticipates formally notifying council of the administrative rules on December 13, 2012 and sending public notice of administrative rules on December 27, 2012. Therefore, any councilmember may decide between December 13 through December 27, 2012 to put the administrative rules for discussion as part of the next available council agenda. Of course, if council informs staff on October 23, 2012 that they anticipate further discussion of administrative rules, staff will begin finding time on council's early 2013 agenda for administrative rules.</p> <p>Specific items to address during the administrative rule adoption could include:</p> <ul style="list-style-type: none"> • Should the tree lists be amended? • Should the administrative rules be simplified? <p>Another option to consider is whether to eliminate the administrative rules all together. For the reasons stated above, staff does not recommend this option. However, if council does direct staff to eliminate the administrative rules, staff will need time to further amend the code. This is because as drafted, the code includes numerous cross references to administrative rules in the Urban Forestry Manual such as canopy requirements and how to calculate those requirements. If the administrative rules are eliminated, those details will need to be moved into the code.</p>
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P8	Issue of Interest: Does the proposal increase the cost of development due to the tree canopy plan and soil volume plan requirements?
	Staff Response: The proposed code places a high value on the role of urban forestry professionals in designing and implementing the conditions for sustainable urban tree canopy, which include providing adequate soil volumes. Staff acknowledges that requiring urban forestry professionals adds costs to projects, but it is consistent with the goals of the Urban Forestry Code Revisions: to distribute development costs more equitably (rather than only requiring arborists for projects with existing trees) and to focus on establishing healthy future canopy (rather than only penalties for removal).

As an example, based on interviews with local arborists the current estimated cost to develop and implement a tree plan for a Minor Land Partition is between \$4,000 and \$5,000 (this includes inventory field work, site plan, arborist report, revisions based on city review, implementation and twice monthly inspections). However, costs associated with the existing code for tree removal mitigation alone can reach \$30,000 for a Minor Land Partition (this is in addition to the cost of developing and implementing a tree plan).

The Planning Commission approved the following change to the proposal in order to lower the potential costs associated with the tree canopy and soil volume plan requirements:

- Landscape architects, in addition to arborists, are allowed to develop urban forestry plans to reduce costs by eliminating the need for hiring two urban forestry professionals.

Staff Recommendation: Maintain the Planning Commission recommendation, including the change to allow landscape architects, in addition to arborists, to develop urban forestry plans.

Soil volume plans are not a requirement, but instead an option if the applicant wishes to maximize impervious surfaces and minimize open soil areas for trees. We're not expecting to see this type of development in typical single family residential neighborhoods since there is usually so much soil space available for tree growth. This option might be utilized at non-residential sites if, for example, an applicant wants to maximize the number of parking stalls in a parking lot and provide trees with necessary soil under paved surfaces. However, applicants would need to evaluate whether it makes economic sense to invest in implementing soil volume plans on a project by project basis.

Issues for Clarification

Tree Permit Requirements

C1	Issue of Interest: Are the proposed permit requirements more restrictive than the existing permit requirements?
	<p>Staff Response: The following categories of trees are currently regulated by the city, in the proposed Title 8, these categories of trees will continue to be regulated, with no expansion of regulations to additional categories. The most notable change in this topic area is the creation of a consolidated permit system to make the permitting process clear, consistent and user friendly.</p> <ul style="list-style-type: none"> • Street and median trees, • Trees in sensitive lands, • Trees that were required with development, • Trees that were planted using the Urban Forestry Fund, and • Heritage trees. <p>In some cases, the proposed permit requirements would be less restrictive than the existing permit requirements. For example, currently if someone wants to remove a healthy tree that was required with development they may only do so by amending the prior land use permit or paying fines. Either option typically costs thousands of dollars. The proposed permit requirements create a low or no fee permit process to remove healthy trees required with development for additional reasons such as if they are causing damage or blocking views. Also, currently permits are required to remove any tree over six inch trunk diameter in sensitive lands and the proposed permit requirements would apply only to native trees over six inch trunk diameter in sensitive lands.</p>
C2	Issue of Interest: Who will serve on the board or committee that makes decisions regarding removing healthy, protected trees?
	<p>Staff Response: Section 8.04.030 authorizes the city manager to designate a city board or committee to make decisions regarding removing healthy, protected trees. This could become part of the charge of an existing board or committee or the city manager could designate a new board or committee. If the charge of an existing board or committee is amended, council would need to approve the change. If a new board or committee is formed, council would need to approve the member composition consistent with the current staff appointment process.</p>
C3	Issue of Interest: Why does the code allow the removal and replacement of trees that die within three years of planting (e.g.8.12.030)?
	<p>Staff Response: It is not uncommon for trees to die within the first three years after planting because their roots have not yet become established. The proposed code recognizes this phenomenon and allows for the removal and replacement of newly planted trees that die without requiring another permit. For example, if a property</p>

	owner receives a permit to remove and replace a street tree, and the replacement street tree dies the first summer during a heat wave, the owner could remove and replace the tree on their own without yet another city permit. This is intended to save property owners and city staff time and paperwork.
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Hazard Trees

C4	Issue of Interest: Will the hazard tree requirements be effective in requiring removal of hazard trees when there are disputes?
	Staff Response: The hazard tree requirements were developed in close collaboration with the city's risk division and attorney, and are expected to be effective in requiring hazard tree removal. If a tree on an adjacent property is disputed to be a hazard, Chapter 8.08 would allow people to file a claim with the city. The city would then utilize a third party arborist to evaluate the tree. If the arborist determines there is a hazard, abatement would be required. The city could, after obtaining a warrant, enter a property, abate a hazard tree and recover costs in cases where an owner is uncooperative. The city could abate tree hazards without a warrant when there is an imminent threat to public health or safety as is currently allowed by the existing code. These requirements would create an efficient and effective framework for addressing hazard trees while not unduly exposing the city to liability.

C5	Issue of Interest: Are there conflicts between the hazard tree requirements and the recently adopted nuisance code?
	Staff Response: Susan Hartnett, former Assistant Community Development Director, and Albert Shields, Program Development Specialist, served on the Technical Advisory Committee (TAC) for the UFCR and confirmed that the hazard tree requirements in Title 8 do not conflict with the recently adopted nuisance code requirements in Title 6. When amending the nuisance code, Code Compliance staff avoided making substantive changes to the hazard tree requirements because they were aware of the upcoming changes that would be made through the UFCR project. When substantive changes were made to the hazard tree requirements in Title 8 (section 8.02.050, Hazard Tree Related Definitions and Chapter 8.06, Hazard Trees) revisions to Title 6 (sections 6.01.020, 6.02.030 and 6.04.040) were made concurrently to ensure consistency. Adoption of Title 8 will not replace the changes that were made to Title 6.

Administrative Rules – General

C6	Issue of Interest: Do the administrative rules (Urban Forestry Manual) that implement the development code meet state land use law?
	Staff Response: The administrative rules that implement the development code were drafted in close collaboration with the City Attorney and are consistent with state land use law. The administrative rules include clear and objective standards such as tree

	<p>planting and preservation requirements which are referenced by the development code. After obtaining land use approval, an applicant must provide plans consistent with these requirements before being issued building permits. This is similar to other administrative requirements such as the pipe diameter for water service lines, and building code requirements, which are referenced by the development code rather than included as part of the code itself. Separating these administrative requirements is intended to prevent the code from becoming excessively long while at the same time providing certainty as to the city's planting and preservation standards.</p>
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C7	<p>Issue of Interest: Will the use of administrative rules lead to more appeals of development projects?</p>
	<p>Staff Response: Staff believes the use of administrative rules will reduce the likelihood of appeals by making the development code requirements more clear and objective. Due to the lack of clarity in the existing code, there are numerous staff interpretations and conditions of approval required to implement the code when approving development projects. If someone disagrees with staff's interpretations or conditions, then they may appeal staff's decision. Decisions as to compliance with the administrative rules are not intended as land use decisions. The intent of the administrative rules is to minimize staff interpretations and conditions thereby increasing certainty for applicants and the public, and reducing the likelihood of appeals.</p>

Soil Volumes

C8	<p>Issue of Interest: Are soil volume standards necessary in residential areas, and do they apply only during development?</p>
	<p>Staff Response: Trees need soil to grow and there is a direct relationship between the amount of soil provided and the mature size of trees. Soil volume standards are proposed for street trees and parking lot trees because these tree types are the most likely to not be provided adequate soil volumes. Since street trees are required as part of residential development (i.e. subdivisions, planned developments and partitions), the soil volume standards would apply in these circumstances.</p> <p>The proposed code applies soil volumes standard only during development since there is the opportunity to design the sites to provide sufficient soils for trees. Soil volumes standards would not apply, for example, in situations where an existing homeowner wants to plant a new street tree.</p> <p>The Home Builders Association (HBA) supported applying soil volume standards to residential development during the CAC process because one of the goals of the UFCR was to focus on healthy future tree canopy rather than the punitive mitigation standards for tree removal in the existing code. Another reason for HBA support was the flexibility allowed in meeting soil volume requirements through traditional, low-cost methods such as increasing the size of planter strips for street trees (see code</p>

	section 18.790.050.C.3). More expensive methods such as the use of engineered soils under pavement is one option for meeting soil volume standards, but not the preferred option in most situations.
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C9	Issue of Interest: Should parking lot canopy (and associated soil volume) be required, since it could lead to increased development costs?
	<p>Staff Response: Soil volume standards are proposed for parking lot trees because, based on a review of past projects, these tree types are often not provided adequate soil volumes to support mature canopy growth. The proposed standards are intended to support Council goals identified through the Urban Forestry Master Plan for increasing tree canopy over parking lots.</p> <p>There is flexibility allowed in meeting soil volume requirements through traditional, low-cost methods such as providing larger landscape islands for parking lot trees. This can be achieved through strategic parking lot design and/or the use of an allowed reduction of up to 20% required parking for planting trees (see code section 18.790.050.C.3). More expensive methods such as the use of engineered soils under pavement is one option for meeting soil volume standards. These engineered methods may be used if the value of parking exceeds the cost of using engineered soil designs.</p>

Funding

C10	Issue of Interest: How will funding of the Urban Forestry Program be affected by the proposal?
	<p>Staff Response: Funding of the Urban Forestry Program is not expected to be significantly affected by the proposal. Based on past Tree City USA reporting data, the staff costs associated with administering the code ranges from approximately \$100,000 to \$150,000 annually depending on the level of development. These staff costs are budgeted by the Community Development Department and supported by the city's General Fund. While the proposed code includes a shift from a tree mitigation to a tree canopy approach, the staff costs associated with administering the code are not expected to change significantly.</p> <p>Staff would like to clarify that in the "Policy Roadmap" matrix from Council's September 11, 2012 meeting, the column heading titled "Additional Cost to Implement?" may have caused some confusion. The column heading more accurately should have read "Ongoing Cost to Implement?" since the intent was to differentiate between one-time project costs versus ongoing program costs. Again, these ongoing program costs are not expected to change significantly from what is already budgeted by the Community Development Department for staff costs associated with administering the code, and we have adequately budgeted for program costs within existing resources.</p>

Proposal Development Process

C11	Issue of Interest: Is the 40% canopy goal for all private property or is it citywide?
	<p>Staff Response: The 40% canopy goal in the Urban Forestry Master Plan is a citywide canopy goal that takes into account parks, natural areas, streets, commercial, and residential areas. The Urban Forestry Master Plan seeks to achieve 40% citywide tree canopy by the year 2047. The current amount of citywide tree canopy is approximately 25% with variable distribution from 46% on City of Tigard property, 30% on private residential property, 9% on streets (public right of way), and 6% in parking lots.</p> <p>The 40% effective canopy goal in the Urban Forestry Code Revisions is for lower density residential property (Tier 1). Due to the various credits and standards for the calculations (e.g. 200% credit for preservation, 125% credit for planting native trees, and full credit for street trees) the actual canopy provided through planting and preservation ranges from 16% to 40% canopy or an of average 28% canopy for lower density residential property. There is also the option of paying a fee in lieu or receiving discretionary approval for green building or development techniques instead of providing trees. The proposed code requirements have been compared with one's effective tax rate versus their actual tax rate.</p>
C12	Issue of Interest: Should there be a review period after adoption?
	<p>Staff Response: Both the CAC and Planning Commission recommended an evaluation of the new regulations within five years of their effective date so that any necessary adjustments can be made in a timely manner. This is intended to avoid the need for a complete overhaul of the regulations which is a challenge for all participants.</p>
C13	Issue of Interest: How was the nuisance tree list developed?
	<p>Staff Response: Morgan Holen, certified arborist and forest biologist, served on the UFCR CAC. Just prior to the development of the City of Tigard's nuisance tree list, Ms. Holen was contracted by the City of Lake Oswego to develop their nuisance tree list for very similar purposes (to exempt certain species from tree permit requirements). In order to benefit from the up to date work of another expert in an adjacent city, staff utilized the City of Lake Oswego's list for the City of Tigard's purposes.</p> <p>Ms. Holen's process began with compiling nuisance tree lists from other local jurisdictions such as Clean Water Services and the City of Portland. She then researched and verified the list of tree species using additional sources such as the Native Plant Society of Oregon and the Plant Conservation Alliance.</p> <p>Finally, Ms. Holen further refined the list by contacting local ISA certified arborists and receiving additional feedback. She identified twelve local tree species as capable of spreading at such a rate that they cause harm to human health, the environment</p>

and/or economy.

These twelve species were peer reviewed and approved by Tigard's UFCR CAC and TAC (both included experts on nuisance tree species), and are proposed for inclusion in the City of Tigard's nuisance tree list.

It is important to note that the purpose of the nuisance tree list is to automatically allow the removal of nuisance trees when requested as part of the tree removal permit process. There is no requirement to remove nuisance trees if an owner wants to retain them.

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

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



Urban Forestry Code Revisions

Council Direction on Remaining Policy Issues of Interest

Community Development

November 2012

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

Policy Item	Direction
P1: Canopy Approach	Concerns about complexity of plan preparation
P2: Canopy Tiers	<input checked="" type="checkbox"/>
P3: Developer Maintenance	<input checked="" type="checkbox"/>
P4: Tree Permits	<input checked="" type="checkbox"/>
P5: Hazard Trees	<input checked="" type="checkbox"/>
P6: Hazard Trees	<input checked="" type="checkbox"/>
P7: Administrative Rules	To be discussed on November 13
P8: Cost of Development	Concerns about cost of preparing plans

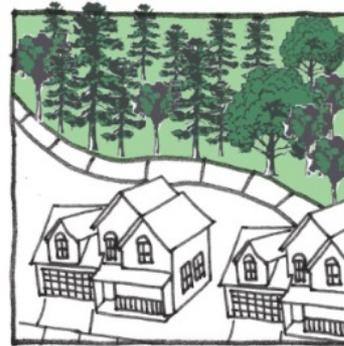
P1: Is the canopy approach an appropriate regulatory tool?



Preservation



Planting



Fee-in-lieu



Discretionary Review

Standards for Development

CITY OF TIGARD

P8: Does the proposal increase the cost of development?



Example Costs for 2 Lot Partition			
Code	Design/ Implementation	Mitigation	Total Cost
Existing Code	\$4,000	\$30,000	\$34,000
Proposed Code	\$5,000	\$0	\$5,000

Administrative Rules

CITY OF TIGARD

P7: Should the Administrative Rules be eliminated or moved into the Code?



Administrative Rules

Discussion



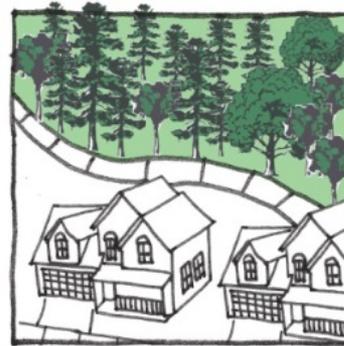
P1: Is the canopy approach an appropriate regulatory tool?



Preservation



Planting



Fee-in-lieu



Discretionary Review

Comment: Planning Commission supported the flexibility of this approach

Alternative: Council direction to develop different requirements

Standards for Development

CITY OF TIGARD

P2: How will the requirements apply to various sites?



Preservation



Planting



Fee-in-lieu



Discretionary Review

Tier	Canopy Range	Zoning
1	16-40%	<ul style="list-style-type: none"> •Lower density residential
2	13-33%	<ul style="list-style-type: none"> •Higher density residential •Commercial •Mixed used •Industrial Park
3	10-25%	<ul style="list-style-type: none"> •Downtown •Industrial •Schools

Comment: Planning Commission recommends tiered canopy approach

Alternative: Council direction to develop new approach

Standards for Development

P3: Should developers be required to maintain trees for two years?



Comment: This is consistent with existing tree establishment requirements

Alternative: Do not require maintenance on private single family residential lots

Standards for Development

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

P4: Should permits be required to remove trees required with development?



Comment: Planning Commission found permit process increases flexibility

Alternative: Do not require permits for private single family residential lots

Tree Permit Requirements

P5: Should hazard trees be prohibited in Tigard?



Comment: The existing code prohibits hazard trees

Alternative: Clarify that removal is required only after complaints are verified

Hazard Trees

CITY OF TIGARD

P6: Should hazard trees standards address personal liability requirements?



Hazard Trees

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

P7: Should the Administrative Rules be eliminated or moved into the Code?



Comment: Admin. Rules provide certainty without making Code too long

Alternative: Revise Admin. Rules during their upcoming adoption process

Administrative Rules

CITY OF TIGARD

P8: Does the proposal increase the cost of development?



Example Costs for 2 Lot Partition			
Code	Design/ Implementation	Mitigation	Total Cost
Existing Code	\$4,000	\$30,000	\$34,000
Proposed Code	\$5,000	\$0	\$5,000

Comment: Overall costs not expected to increase

Alternative: Revise Admin. Rules during their upcoming adoption process

Administrative Rules