Agenda Item No. 3A3
Meeting of April 9, 2013

# City *of* Tigard
# Tigard City Council Workshop Agenda
# February 19, 2013

1. WORKSHOP MEETING

A. At 6:34 p.m. Mayor Cook called the meeting of the Tigard City Council to order.

B. Deputy City Recorder Krager called the roll.

| | Present | Absent |
|---|---|---|
| Councilor Woodard | ✓ | |
| Mayor Cook | ✓ | |
| Councilor Buehner | | ✓ |
| Council President Henderson | ✓ | |
| Councilor Snider | ✓ | |

C. Pledge of Allegiance

D. Council Communications & Liaison Reports – None

E. Call to Council and Staff for Non-Agenda Items – City Manager Wine said she will bring a non-agenda item forward at the end of the meeting.

2. ANNUAL REPORT – TIGARD MUNICIPAL COURT

Judge O'Brien and Administrative Services Manager Robinson updated council on Tigard's municipal court programs. Judge O'Brien gave a PowerPoint slide show that is included in the packet for this meeting. He discussed highlights of the 2012 calendar year.

2012 highlights include:

- A record volume of violations were filed – 9,105, a 9% increase over 2011
- 1,160 violations in August – a record number for a single month
- 93% of cases were closed within 90 days
- 857 violations docketed for trials

Judge O'Brien described how the city adjusted to the increased caseload. Court personnel FTE increased from 2.5 to 3.0 in 2010. Technology upgrades had a big impact, including electronic citations which take three minutes for an officer to complete vs. 15 minutes to handwrite a citation. Electronic transmission of data saved clerks time transferring data into the system. Cite-Pay USA was introduced to receive online payments and 2,600 payments were made online last year.

Judge O'Brien said the top five violation types were speeding, traffic control, cell phone use, following and seatbelt violations. Judge O'Brien referred to Senate Bill 9 which raises penalties for cell phone violations from a $110 presumptive fine to a $260 presumptive fine. He said it seems likely to pass, and if it does there may an increased volume of people coming to court and more of them may be requesting trials. He said following violations have increased and Tigard police are aggressive about this because it is the single largest cause of collisions on Tigard's streets and highway.

The Compliance Program covers license and insurance violations. Insurance violations are dismissed under Oregon state statutes if the person can prove they had valid insurance at time of the stop. Fines are reduced for license, insurance and equipment violations upon proof of compliance. Dismissals occur in appropriate cases, usually with an administrative fee.

Referring to the court public information program, Judge O'Brien said having drivers come to court is an opportunity to provide driver safety education and influence their future driving behavior. He said court staff provides information at the counter and in the courtroom. Judge O'Brien continues to write a monthly article for the Cityscape called, "Rules of the Road."

Diversion programs in Tigard are available for drivers age 18 and under, over the age of 60, or violators of seatbelt laws. To qualify for a diversion program a driver must have had a clear DMV record for the past five years, pay an administrative fee equal to the fine, and attend the approved safety class within 90 days. The case is then dismissed and there is no DMV entry. He said this program is revenue-neutral for Tigard's municipal court. Judge O'Brien is working with Police Public Information Officer Wolf on a distracted driver program being developed with private grant money. This may be added to the city's division programs.

Judge O'Brien said if Tigard's peer court is reinstated, youth crimes will be screened to determine which court is appropriate: the juvenile court in Hillsboro, Tigard's peer court or Tigard's youth court. Judge O'Brien said there were no juvenile misdemeanors filed in 2012. Peer court was discontinued last fiscal year due to budget cutbacks but staff is in the process of reactivating it. The order allowing Tigard to hold youth court is still in effect so it can be restored. He said a complication in terms of how it operates is that the city may now be required to provide court-appointed attorneys. This is a case on appeal to the Supreme Court. If such a requirement is upheld, it could make the program problematic. Another appellate case affecting courts makes it difficult to suspend anyone's license that is on a payment

agreement. Judge O'Brien said suspension is an effective tool to collect a judgment and it is used routinely (12% of caseload).

Pending legislation was discussed:

- Senate Bill 9 - Raises the fine for cell phone violations
- 2012 Court of Appeals decision limiting the DMVs ability to suspend for nonpayment of fines - a legislative fix is pending
- Senate Bill 180 would reduce state's $60 priority share to $45

Judge O'Brien said improved technology includes better police helmet cameras and electronic ticketing devices. The high-quality police helmet cameras make video evidence files easier to retrieve from the devices. He said this is very helpful in court because the drivers can see their behavior on screen and the trial becomes less of a credibility contest. Trials take longer with video evidence but they are more credible for everyone. Around two-thirds of citations are filed electronically.

Judge O'Brien acknowledged the court staff: Nadine Robinson, Chris Snodgrass, Brenda Annis and Brandon Taggart, saying they did an excellent job handling the increased workload.

Mayor Cook complimented Judge O'Brien on the Cityscape articles. He mentioned the more formal "fixit" ticket that Beaverton and Sherwood offer for equipment violations and asked if Tigard Municipal Court wants to follow their lead or keep it less formal. In response, Judge O'Brien replied that feedback indicates the system is popular with staff and the judges. The only complaint is that an officer has to take the time meet the violator, inspect the vehicle and sign off on a form. Smaller police forces, such as Sherwood's, have fewer officers available and this takes them away from other duties. He was not aware of Tigard police department's opinion on this. He said if council desires, it could be formalized in Tigard and a fee established so people with a good record would pay a minimal amount and the violation will not go on their record.

Councilor Woodard asked to see a breakdown of juvenile infractions by age and other demographics. Administrative Services Manager Robinson said they were able to do this in the past but no longer have the IT staff to pull that data. Councilor Woodard said it is important to know what kids are doing with their time so the city can be proactive rather than reactive. He said it would be nice to see juvenile crime statistics as the city moves towards offering a recreation program. He said he noticed an increase in graffiti. Judge O'Brien said, speaking anecdotally, two-thirds of the juvenile cases are for shoplifting. Administrative Services Manager Robinson said she can get figures from the Police Department on crimes the officers are citing.

Councilor Woodard asked what caused the rise in the number of violations and if it corresponds to the amount of fines received. Judge O'Brien responded that there were many variables involved, including a presumptive fine schedule which essentially lowered fines so even while caseload increased, the amount of money for fines imposed went down. A new

default judgment approach increased the fine by 25 percent in Tigard Municipal Court for those who fail to appear in court. He commented that often the people who don't appear in court are also the people who do not pay their fines. He said there are also many payment agreements and although they were entered into prior to December 2012, revenue many not show up until months later.

Council President Henderson asked, "What is the greatest evidence supporting a return to offering peer court?" Judge O'Brien replied that it is responsiveness to local problems. He said Washington County must prioritize attention and focus on person-to-person crimes. If youth court services were restored in Tigard, then instead of just getting a letter from the county, a juvenile would have to attend court. In Tigard's peer court their classmates arrive at a judgment and in youth court the process is similar to adult court. He said there was very little recidivism from these programs.

Councilor Snider asked about the conviction rate for the 827 trials held in 2012. He asked if the videos shown in court affect the conviction rate. Judge O'Brien said he did not know the conviction rate but it is already high in traffic cases because of the low bar for burden of proof. Officers are trained to testify and he estimated the city may win all cases where videos are shown. Administrative Services Manager Robinson said she will extract that data. Councilor Snider requested that this information be added to the next Tigard Municipal Court annual report.

3. BRIEFING ON AN INTERGOVERNMENTAL AGREEMENT WITH METRO FOR MANAGEMENT OF THE FIELDS PROPERTY

Parks and Facilities Manager Martin introduced this item regarding an intergovernmental agreement with Metro for the Fields property. Tigard has been working with Metro on an IGA and conservation and management plan. He said the IGA covers the "who" and the conservation and management plan is the "what" for managing this property. Metro will begin some stabilization work involving eliminating invasive growth and starting native plants in the natural area and Tigard requested to manage the property in the interim period between the property purchase and completion of the management plan. He said it is typical in park properties with joint Metro ownership for them to manage the natural area and the local jurisdiction to manage the developed area.

Mayor Cook mentioned the upcoming Metro levy for park improvements and asked, "Could we ask for part of this money being paid by Tigard citizens be used to manage the wildlife area of this Tigard park?"

Councilor Woodard asked about the benefits of both options. He expressed concerns that Metro could place stipulations on something they fund.

In response to a question from Councilor Snider, Parks Manager Martin said Metro often funds the natural areas in their agreements with local governments. He said the city opted in this

instance to have more day-to-day control over the area due to the close proximity of the Fields property to the public works yard.

City Manager Wine said the argument is similar to road management. She said, "If the city takes over the management of these facilities, we have local control and can achieve something that we know our community wants, but then the investment is ours. We have to pay for it. This is the trade-off." She said if council wants staff to ask Metro to be part of these natural area investments we could certainly negotiate that. She said it would be contrary to past practice.

Councilor Snider said that may be awkward. "We can't have control and make them pay for it." In response to a question from Mayor Cook, Parks and Facilities Manager Martin said, "Most of what is stipulated was laid out in their bond measure. An area identified as a natural area will remain a natural area." He said the city can do a better job taking care of the dirt trails because city staff can actively look for problems and he was unsure how often Metro visits these properties.

In response to a question from Councilor Snider on what the staff preference was, Parks Manager Martin replied that he favors city management of the property but that it would not hurt to pose the question about whether there is a way to fund this if the bond measure passes. He noted that the stabilization work being done by Metro is costly. City Manager Wine commented that costs would be shared if the city and Metro were able to come to an agreement. Councilor Snider said to the extent that Tigard can get help paying for it and maintaining control he was favorable.

City Manager Wine said that the levy currently does not contain a provision for local share of this kind of management.

Councilor Woodard asked about access issues and the cost of maintaining the natural area. Parks Manager Martin said the natural area maintenance would be inexpensive. Councilor Woodard mentioned concerns about stipulations placed when dollars are accepted. He said whether or not the levy passes, if the city does nothing, it loses control.

Council President Henderson asked if the proposed agreement addresses the nearby Brown property. Parks Manager Martin said the Brown property has a separate agreement with Metro and the city sharing responsibility.

Council President Henderson asked what percentage of the Fields property is owned by Metro and what percentage the city owns. Parks and Facilities Manager Martin said Tigard purchased 39 percent and Metro purchased 61 percent. Council President Henderson asked if the calculations are ever used in determining responsibility and Mr. Martin said they have not, but there is a clause enabling city eligibility for Metro programs such as RID, which removes debris found in natural areas.

Councilor Woodard asked City Manager Wine if the parks levy passes, is there a policy that states there is no flexibility in what we are proposing, City Manager Wine replied , "I wouldn't say there is no flexibility but the natural area was established with specific priorities of Metro's in mind. It wasn't this kind of a property. There has been effort by cities, at the elected and administrative level, to request of Metro, when scoping this levy, that some portion be allocated to Metro properties within municipalities. We weren't successful." She said she did not think it precludes working with Metro directly on this particular property.

City Manager Wine said if council was comfortable with this agreement it will move forward and appear on the next consent agenda. Mayor Cook confirmed that they were but wants to politically try and push for local inclusion if the levy passes.

4. UPDATE – SW CORRIDOR PLAN PROJECT

Senior Transportation Planner Gray introduced Metro Principal Regional Planner Malu Wilkinson who joined her to give an update on the SW Corridor Plan project progress, recent and upcoming Steering Committee decisions and community involvement activities. Ms. Wilkinson Metro's project manager for the SW Corridor Plan.

Senior Transportation Planner Gray described Phase I of the SW Corridor Plan. In 2010 Tigard kicked off the HCT land use plan which was adopted by Council in August 2012. She said the plan was a conversation with the community which helped identify places that people want to stay the same and those where more housing and mixed-use made sense. The underlying land uses are important in identifying the kinds of transportation connections most suitable for the community and which options make high capacity transportation investments successful. The regional land use planning started when the SW Corridor Plan Steering Committee started meeting in October 2011. She said it seemed to move slowly at first but she said over the next four-five months, things will begin to move quickly. She discussed Steering Committee milestones:

- At the February 11 meeting of the Steering Committee they were asked to select five bundles of projects. Each included one HCT alternative and a set of integrated roadway and other transportation investments. The project bundles were compiled from a list of more than 500 projects and narrowed down to 48 roadway and 84 active transportation projects. Five bundles will be forwarded to the Project Team for detailed analysis and technical findings.

- In April the Steering Committee will meet again to discuss economic development strategies, housing strategies, and policy changes.

- In May the Steering Committee will receive a presentation of the detailed findings from all five bundles.

- In June the preferred alternative will be selected. Phase I will be complete.

Senior Transportation Planner Gray described the different project bundles to assist Council in understanding the process and prepare for detailed analysis when presented in May. She noted that council had an Attachment in their packets showing the HCT alignments.

Five different HCT options are being considered: one has light rail and the other four have BRT (bus rapid transit). This was the Steering Committee's decision. Metro Principal Regional Planner Wilkinson said the decision in June is not where these lines will go but is a decision to move forward into a federal analysis.

- Option A - The first bundle has light rail through Portland to Tigard with possible extensions to Tualatin. It does not go along 99W once it gets to Tigard. It would come through the Tigard Triangle (68th and 70th Avenues) and over to Highway 217 (Hampton and Hunziker Streets) and then into downtown Tigard. Design options connect it to Tualatin.

Four options include BRT and reflect greater flexibility.

- Option B - Lines could extend to Portland Community College – Sylvania, Haines Bridge and then into Tigard Triangle.
- Option C - BRT to Tualatin with the primary route on Hall Boulevard, down Durham Road, with an alternative to 72nd Avenue.
- Option D - BRT to Sherwood. Principal Regional Planner Wilkinson noted that it was more important to Tualatin and Sherwood residents that they connect to each other rather than the 99W connection.
- Option E - Baseline to Tigard Triangle and downtown with a hub and spoke system. This idea is desirable because it covers more area but it cannot serve as continuously during the day; frequency is the tradeoff.

Mayor Cook said it is possible to pick an option, such as Option B and mix and match with additional hub and spoke connections.

Councilor Snider asked who would be voting on alignments in June and Senior Transportation Planner Gray replied that it will be the Steering Committee. Metro Principal Regional Planner Wilkinson said the SW Corridor Project is not confined to transit. She said Tigard led the way with the HCT land use plan and now other cities are working on their land use plans. Not all places are going to be hit by transit. She said they may be able to identify general beginning and end locations at the conclusion of Phase I but not at the detail of identifying station locations.

Council President Henderson said it seems evident that getting from downtown Portland to Tigard is well identified. He said most of the decision making will come from other communities, such as Tualatin and Sherwood, and how well they respond to this.

Senior Transportation Planner Gray said the lines on the maps do not indicate where additional right of way will be required, significant wetland locations or other environmental or engineering challenges. These will need to be determined.

Principal Regional Planner Wilkinson said she also expects TriMet to look at their local service and their SW Enhanced Planning, because much of what the Steering Committee hears is not a need for HCT but a desire for better connections.

Referring to the roadway and active transportation projects Metro Principal Regional Planner Wilkinson said after June there should be some agreement on a smaller set of projects that, as a community, the SW corridor can work together on to fund and get implemented. She suggested that after June cities will be able to consider the development strategy and how to support all of the places they would like to see grow. She suggested working with transit-oriented development experts to see what needs to be done to encourage development, such as updating local codes. Senior Transportation Planner Gray said the economic development strategies, housing strategies and policy change topics will be discussed at the Steering Committee meeting on April 8, 2013.

Senior Transportation Planner Gray discussed the SW Corridor Transportation Project Map Book and said more than 500 individual roadway and active transportation projects were reviewed and screened down to those that are most important for making the corridor successful. Ms. Gray presented the project list and gave an example of looking at a project number and finding it on the map. Each project listed has an indication showing whether it appears in an alignment option. She complimented the Metro staff for their work on this book.

Mayor Cook said, "A key point is that these projects are not things that Metro created. These are projects that came out of Tigard's Transportation System Plan and are our priorities."

Metro Principal Regional Planner Wilkinson said there are not many expensive projects in the map book, although there were in the 500 Projects List. She said they went from a total of $4 billion to $800 million. She said the Steering Committee worked with all city, county and agency staffs to arrive at this list and it is a huge feat to reach an agreement on these projects.

Senior Transportation Planner Gray showed a matrix of upcoming activities and this has been added to the packet for this meeting.

Councilor Woodard asked how the community has been involved. Senior Transportation Planner Gray said the most extensive Tigard community involvement in Tigard was with the HCT plan. Metro Principal Regional Planner Wilkinson added that Metro relied on local advisory committees. All advisory committees will be invited to continue their involvement and interact with each other. There will be one more community forum prior to the June decision and one in the summer. She noted that more citizens have engaged over the internet than in public meetings. 500 people completed an online interactive web tool questionnaire called, "Shape SW." There will be another online survey in the spring using Metro's Opt-in program.

She said the public has been involved in Phase I and they will continue to engage them through Phase II.

Councilor Woodard asked about the timeline for Phase II. Metro Principal Regional Planner Wilkinson said the decisions made in June include choosing an alignment and prioritized transportation investments, and how to move forward from the development side. She said following that will be 6-9 months of refinements and about two-three years of analysis on a draft environmental impact statement (EIS). Work on developing the local preferred alternative may last for three years and two years is estimated for the federal portion of the final EIS. After that we can get into the funding portion of building transit.

Councilor Woodard asked when Tigard will know their fair share cost. He said council will need to know in advance so it can be put to a vote. Senior Transportation Planner Gray said there will be some cost estimates available in May. Councilor Woodard asked who is funding the upcoming technical studies in Phase II. Senior Transportation Planner Gray said Metro is not funding all of it. She said the $2 million grant was paid through a federal Transit Administration grant and Tigard's land use plan was paid for by a Transportation Growth Management (TGM) grant funded by the Department of Transportation Land Use and Conservation and Development. She said as the project moves into the next phase we will need to look at participating in a meaningful way in those costs and that information will be coming soon. An economic summit is scheduled for April 30 and held at the Tigard Library. She said TTAC will remain engaged in this project.

Mayor Cook asked if there is an opportunity for citizen input at the TTAC and other community forums. Senior Transportation Planner Gray said she will look at upcoming TTAC agendas to see how this could be accommodated as they are also looking at things not related to this project.

Mayor Cook said he is considering holding a Town Hall on the next fifth Tuesday, April 30. He said SW Corridor planning will be discussed along with any other city issues citizens want to talk about such as water or River Terrace. He said since we need to make decisions in May or June, we need to make an effort to reach people. Senior Transportation Planner Gray said the evaluation results will be returned by then so the April 30 Town Hall is timely.

Mayor Cook reiterated the importance of making efforts to engage Tigard citizens. He said they are always welcome to attend TTAC meetings or send emails to council. He said they incorrectly heard that "HCT is coming down the middle of 99W" and there is a need to communicate that the plan going forward does not have HCT dividing 99W.

Councilor Snider said he's pleased to see so many BRT options. He said, "While it may not be as cool to ride, looking at it from a purely economical standard, it is cheaper to build a dedicated road and run BRT."

Senior Transportation Planner Gray said council will receive another SW Corridor Project Update in May.

5. COUNCIL LIAISON REPORTS - None.

6. NON AGENDA ITEMS – City Engineer Stone said that the Pacific Highway/ Gaarde/McDonald intersection improvement project has been discussed by council for a little over a year. There is a 30 percent design completion meeting this week with ODOT, designer of the intersection improvements.

   City Engineer Stone said the project is now at the point where responsibilities for each portion of the work need to be assigned. He said an intergovernmental agreement written by ODOT will be on the February 26, 2013 consent agenda. It is time sensitive because of federal deadlines for a portion of the money. There are several funding sources for this project including federal, state, county and City of Tigard money. Councilor Snider asked for a breakdown percentage of cost per agency. In response, City Engineer Stone said Tigard's contribution is $1.5 million with other partners picking up nearly $8 million.

   In response to a question from Councilor Snider about the construction timeline, City Engineer Stone replied that construction will begin in late summer of 2013 with project completion estimated for December, 2014. He said public meetings will be held in April and in the summer. Pedestrian improvements include center landscape medians on 99W and better sidewalks. Council President Henderson asked about right of way acquisition and City Engineer Stone said ODOT is responsible for acquiring all rights of way for this project.

   City Manager Wine suggested that any questions be forwarded to City Engineer Stone. She noted that council will receive the agreement document in their council meeting packet for February 26, 2013.

7. EXECUTIVE SESSION – None held.

8. ADJOURNMENT

   At 8:24 p.m. Councilor Woodard moved for adjournment and Councilor Snider seconded the motion. The motion passed by a unanimous vote of council present.

| | | Yes | No |
|---|---|---|---|
| Councilor Woodard | | ✓ | |
| Mayor Cook | | ✓ | |
| Councilor Buehner | (absent) | | |
| Council President Henderson | | ✓ | |
| Councilor Snider | | ✓ | |

Carol A Krager

Carol A. Krager, Deputy City Recorder

Attest:

John L. Cook, Mayor

April 9, 2013

Date