Agenda Item No. 5.A.B.5
Meeting of 5/14/2013

City *of* Tigard
Tigard City Council Meeting Minutes
April 23, 2013

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

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

Staff Present: City Manager Wine, Assistant City Manager Newton, Assistant to the City Manager Mills, City Engineer Stone, Police Chief Orr, Asst. Police Chief de Sully, Senior Management Analyst Wyatt, Community Development Director Asher, Senior Management Analyst Barrett, Utility Division Manager Goodrich, Senior Planner Wyss, City Attorney Watts, City Recorder Wheatley

Mayor Cook advised an Executive Session would take place after the business meeting.

- EXECUTIVE SESSION: The Tigard City Council will go into Executive Session under ORS 192.660(2)(e) to discuss real property transaction negotiations.

- STUDY SESSION

A. Discuss River Terrace Community Plan Consultant Selection

Public Works Director Asher and Senior Planner Wyss facilitated this discussion.

Senior Planner Wyss summarized the status of the River Terrace project and reviewed the selection process for a consultant to create the infrastructure master plan for the area. Highlights:

- Request for Proposals for the consultant has been published.

- Consultant contract approval scheduled for City Council review on May 14, 2013.
- A detailed update on the River Terrace project is scheduled for the May 21, 2013 City Council meeting.
- The River Terrace Community Plan is on schedule to be completed by March 2014.

The following issues were discussed between the City Council and staff:

- Completed master plans (i.e., Water Master Plan/Water Rates) should be incorporated in this project.
- The River Terrace Community Plan will utilize the West Bull Mountain Concept Plan. Elements of the Concept Plan will be compared to Tigard's master plans and adjusted to represent the city's and stakeholders' choices.
- Land use designations for commercial, residential, parks, etc. will be influenced by the need to be cost effective and fair to landowners.
- As the project gains momentum, the Stakeholders Working Group will continue to hear about issues people have with the West Bull Mountain Concept Plan. The more difficult issues are starting to come up.
- The scope of the infrastructure consultant RFP is not tightly written and off-site impacts, such as transportation impacts on the system outside the area, will be understood.

B. Discuss Social Gaming Regulations

Senior Management Analyst Wyatt presented the staff report and gave a history of the activity to date on the proposed social gaming draft ordinance now before the City Council. He referred to the proposed alternate language presented to the council. Police Chief Al Orr presented remarks outlining the Police Department's perspective and enforcement tools for/of social gaming regulations. Highlights:

- Discussion was held about the Portland social gaming ordinance model, which is in need of an update to comply with the Attorney General's opinions regarding the definitions and regulations on social gambling.
- King City recently adopted regulations to allow social gaming and the King City Police Chief indicated that these regulations will need tightening to comply with the Attorney General's opinions.
- The Attorney General's opinion is clear -- there should be no cover charge during the times social gaming is occurring at commercial establishments.

- Police Chief Orr commented on the appeal process. Councilor Snider indicated he was satisfied with the appeal procedures.
- Mayor Cook advised that the changes reflected in the updated proposed ordinance alleviated his concerns.
- After discussion, consensus was that the definition of 50 percent of the floor area that can be used for social gaming activity should exclude the kitchen and storage areas along with the other exclusion areas listed in the proposed ordinance.
- The proposed ordinance does not limit social gaming to poker card games; the social gaming definition applies to games where betting occurs.
- Councilor Woodard commented on the changes to the proposed ordinance and advised his concerns were alleviated.
- City Attorney Watts explained the differences in social gaming in commercial establishments vs. charitable non-profit organizations (fundraising, "Monte Carlo" activities).
- Councilor Snider said he would prefer the 50 percent floor area provision be increased, but said overall the proposed ordinance with the alternate language was acceptable.
- Staff will schedule a public hearing and bring the proposed ordinance to City Council for its consideration.

C. Administrative Items

- City Council received an April 22, 2013, memo from Senior Management Analyst Wyatt regarding *Alternate Language for Draft Social Gaming Ordinance* and a draft ordinance with revisions highlighted.
- Update from staff on the Wal-Mart Petition: Emails from Wal-Mart petition signers, "No Wal-Mart in Tigard," have been received by the City Council in recent days. After brief discussion, consensus of council was to agree that staff could respond to the signers in one email blast regarding the status of the Wal-Mart development application. Approximately 80 percent of the petition signers are non-Tigard residents.
- Council President Henderson requested to be copied on the email sent to the petition signers.

> Crosswalk on Walnut Street: Councilor Buehner noted several emails received by the City Council regarding a crosswalk on Walnut Street. City Manager Wine said she would look into this and report back to the City Council.

- Council Calendar:

April

29	Monday	Budget Committee Meeting – 6:30 p.m., Public Works Auditorium
30	Tuesday	Tigard Town Hall – 6:30 p.m., Library Burgess Community Room

May

6	Monday	Budget Committee Meeting – 6:30 p.m., Public Works Auditorium
7	Tuesday	City Center Development Agency Meeting – Town Hall – 6:30 p.m. followed by a City Council Executive Session
13	Monday	Budget Committee Meeting – 6:30 p.m., Public Works Auditorium
14*	Tuesday	Council Business Meeting—6:30 p.m., Town Hall
21*	Tuesday	Council Workshop Meeting—6:30 p.m., Town Hall
27	Monday	Memorial Day – City Hall offices closed
28*	Tuesday	Council Business Meeting—6:30 p.m., Town Hall

Recessed at 7:21 p.m.

1. BUSINESS MEETING - APRIL 23, 2013

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

B. City Recorder Wheatley called the roll:

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

C. Pledge of Allegiance

D. Council Communications & Liaison Reports

Councilor Woodard said he would update the City Council on a recent MACC meeting during Agenda Item No. 8.

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

2. CITIZEN COMMUNICATION

A. Follow-up to Previous Citizen Communication: None

B. Citizen Communication – Sign Up Sheet – No one signed in to speak.

3. CONSENT AGENDA:

A. Approve City Council Meeting Minutes for:
1. January 29, 2013
2. February 26, 2013
3. ~~March 19, 2013~~ Set over to May 14, 2013 for City Council consideration.

B. Local Contract Review Board:

1. Award a Contract for the City's 2013-2014 Pavement Management Program - Slurry Seal Project to Blackline, Inc.

Motion by Councilor Buehner, seconded by Councilor Woodard, to approve the Consent Agenda with the removal of the consideration of the March 19, 2013, City Council minutes.

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

Mayor Cook	Yes
Council President Henderson	Yes
Councilor Buehner	Yes
Councilor Snider	Yes
Councilor Woodard	Yes

Mayor Cook issued the proclamations as noted below:

4. PROCLAMATIONS:

A. Proclaim May 5-11 as Be Kind to Animals Week
B. Proclaim May as Bike Month

5. DISCUSSION WITH METRO COUNCILOR CRAIG DIRKSEN

Mayor Cook introduced Metro Councilor Dirksen who updated the City Council on several Metro activities.

Councilor Dirksen distributed the following information to the City Council:

- *GreenScene – Your spring guide to great places and green living.* www.oregonmetro.gov
- *Optin* – Tell decision makers what's important to you. www.oregonmetro.gov/connect
- *Make a Great Spring at Metro's Venues and Parks* – April – June Calendar www.oregonmetro.gov/calendar

Councilor Dirksen's update included the following; highlights are shown in the PowerPoint slide presentation on file in the record copy of the meeting packet:

- Southwest Corridor Plan Update (online open house, evaluation of project bundles, May 23 community forum in Tualatin, engagement through the Opt In (online).)
- Climate Smart Communities
    - Efforts will fold in cost/benefit factors. The plan is based on the "best science available."
    - Goal is for 20 percent emission reduction from cars and light trucks by 2035. In response to a question from Councilor Snider, Councilor Dirksen advised that the method(s) to evaluate goal achievement are yet to be determined.
    - Councilor Buehner reported of concerns she noted at a recent MPAC meeting, Metro staff was not receptive to local governments' funding challenges to meet mandates. Councilor Dirksen noted that policy issues will need to be resolved by elected officials.
    - Council President Henderson said he believed goal achievement could only be accomplished through understanding/influencing human behavior. Councilor Dirksen said he was not a proponent of forcing these types of changes on people and would rather work toward compliance through setting and achieving goals.
- Urban Growth Management Process
    - Councilor Dirksen advised that every five years Metro is required to do an Urban Growth Report to manage urban growth in the region. This report will contain the region's population forecasts and employment growth projections for the next 20 years. Findings in the report will determine whether the Urban Growth Boundary (UGB) can accommodate that growth. The forecast and analysis will take place in 2014. If the UGB can accommodate the forecasted growth, there will be no need for expansion of the UGB. If it is determined that more capacity is needed, Metro

will first work with local governments to take efficiency measures within the UGB before expansion is considered.
    - Councilor Dirksen said he thought the information on population changes has been released. This information will be shared with the City Council.
- Natural Areas Update
    - Expanding wildlife corridor in the Tualatin Valley.
    - Ice Age Tonquin Trail Master Plan approved.
    - Missing link in Canemah Bluff purchased.
    - Westside Trail Master Plan nearing completion – May 8 open house.
- Convention Center hotel update
    - Goal is to attract new national convention business.
    - Ongoing negotiations for a 600-room Hyatt Regency
- Oregon Zoo
    - Ten-year land use plan approved.
    - Elephant lands construction begins in June.
    - Animal welfare work underway in Asia.

Mayor Cook recessed the City Council meeting and convened the Local Contract Review Board.

6. CONVENE LOCAL CONTRACT REVIEW BOARD:

Senior Management Analyst Joe Barrett presented the staff report on the following LCRB items:

A. Consider Award of a Contract for System Integrator Services to Portland Engineering, Inc.

Motion by Councilor Buehner, seconded by Councilor Snider, to award a contract for System Integrator Services to Portland Engineering, Inc.

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

Mayor Cook	Yes
Council President Henderson	Yes
Councilor Buehner	Yes
Councilor Snider	Yes
Councilor Woodard	Yes

B. Consider Award of a Contract for the FY 2013-2014 Pavement Management Program - Pavement Overlay Project to Eagle Elsner, Inc.

Motion by Councilor Buehner, seconded by Councilor Snider, to award the contract for the FY 2013-2014 Pavement Management Program - Pavement Overlay Project to Eagle Elsner, Inc.

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

Mayor Cook	Yes
Council President Henderson	Yes
Councilor Buehner	Yes
Councilor Snider	Yes
Councilor Woodard	Yes

C. Consider Award of a Contract for Grounds Maintenance at Various City Facilities, Water and Water Quality Sites to Portland Habilitation Center Northwest, Inc., an Oregon Qualified Rehabilitation Facility

Motion by Councilor Buehner, seconded by Councilor Snider, to award the contract for Grounds Maintenance at Various City Facilities, Water and Water Quality Sites to Portland Habilitation Center Northwest, Inc., an Oregon Qualified Rehabilitation Facility.

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

Mayor Cook	Yes
Council President Henderson	Yes
Councilor Buehner	Yes
Councilor Snider	Yes
Councilor Woodard	Yes

7. SELECT A SOLID WASTE RATE MODEL AND CONSIDER A RESOLUTION TO ADJUST SOLID WASTE RATES BASED ON THE SLECTED RATE MODEL INCLUDING A ONE-PERCENT INCREASE IN THE SOLID WASTE FRANCHISE FEE (PUBLIC COMMENT TO BE HEARD PRIOR TO COUNCIL CONSIDERATION)

Staff Report: Public Works Business Manager Michelle Wright and Consultant Chris Bell of Bell & Associates were present.

Public Works Business Manager Wright reviewed the staff report. Council discussed solid waste rate and franchise fee adjustments at its March 19, 2013, workshop meeting. During that meeting the council requested the following additional information:

- The number of customers in each service type.

- Cost of service, fixed rate and commercial subsidy rate models.
- Rate comparison with neighboring jurisdictions.

This additional information was included in the written staff report.

The mayor referred to the sign-in sheet that was available to anyone who wanted to comment on the adjustment to the solid waste rates. No one signed in to speak and the mayor asked if there was anyone present who wanted to speak on this matter. There was no testimony.

During discussion with staff on the proposed options, Mayor Cook, Council President Henderson, Councilor Buehner and Councilor Woodard indicated support for Option 1, which was the cost-of-service rate model. Councilor Snider said he favored Option 3, the commercial subsidy rate model, because it had a lesser impact on residential customers. He said Option 3 appears to be the most equitable with regard to sharing the increase in rates.

Mayor Cook and Council President Henderson commented on why they favored Option 1, noting their preference was to stay away from subsidizing commercial service. Ultimately, the consumer pays the commercial rate increases because businesses will pass these costs through by charging more for goods and services.

All three options included a 1 percent increase in the solid waste franchise fee. The increase will bring the total franchise fee up to 5 percent, which is consistent with other city franchise fees. Staff estimated the increase will generate $90,000 annually.

During discussion, Consultant Bell confirmed for council that there has been no rate increase to the solid waste rates in Tigard for seven years.

Motion by Councilor Woodard, seconded by Council President Henderson, to select Option 1 and adopt Resolution No. 13-18.

RESOLUTION NO. 13-18 - A RESOLUTION ADOPTING A NEW SOLID WASTE RATE SCHEDULE AND DIRECTING CITY STAFF TO ADJUST THE SOLID WASTE FRANCHISE FEE

The motion was approved by a majority vote of City Council present:

Mayor Cook	Yes
Council President Henderson	Yes
Councilor Buehner	Yes
Councilor Snider	No
Councilor Woodard	Yes

8. COUNCIL LIAISON REPORTS

Councilor Woodard gave an update on a recent meeting of the Metropolitan Area Communications Commission (MACC). There are 9 openings for videoing local government events. Programming ideas for Tigard are being considered.

The MACC contract with Comcast is in initial review. Councilor Woodard requested City Council members to refer people to Fred Christ or Bruce Crest at MACC if asked about the contract negotiations.

In response to a question from Councilor Buehner, Councilor Woodard said West Linn's council meetings will begin to air over TVCTV in July.

9. NON AGENDA ITEMS: None

Mayor Cook announced the upcoming Tigard Town Hall meeting scheduled for April 30, 2013.

Mayor Cook announced the Executive Session:

10. EXECUTIVE SESSION: The Tigard City Council went into Executive Session under ORS 192.660(2)(e) at 9:11 p.m. to discuss real property transaction negotiations.

11. ADJOURNMENT: 10:28 p.m.

Catherine Wheatley

Catherine Wheatley, City Recorder

Attest:

Mayor, City of Tigard

Date: May 14, 2013

I:\adm\cathy\ccm\2013\final minutes\04 april\130423 final.docx