



City of Tigard

Tigard City Council, City Center Development Agency & Local Contract Review Board Meeting Minutes

September 3, 2013

CITY CENTER DEVELOPMENT AGENCY

- A. At 6:32 pm Chair Cook called to order the meeting of the Tigard City Center Development Agency, Tigard City Council and Local Contract Review Board.
- B. Deputy City Recorder Krager called the roll.

	Present	Absent
Director Snider	✓	
Director Woodard	✓	
Chair Cook	✓	
Director Buehner	✓	
Director Henderson	✓	

- C. Pledge of Allegiance – Mayor Cook asked everyone to join him in the pledge of allegiance.
- D. Council Communications & Liaison Reports – Chair Cook asked if there were any communications or liaison reports. Director Buehner said she will give a report at the next council meeting.
- E. Call to Council and Staff for Non-Agenda Items – Chair Cook asked for any non-agenda items. Executive Director Wine introduced two new Community Development Department staff members, Economic Development Manager Lloyd Purdy and Senior Planner Susan Shanks. Executive Director Wine announced that Senior Planner Shanks will be the project manager for the River Terrace project. Executive Director Wine mentioned an emergency management seminar opportunity on November 7, 2013 and asked council to let her know of their availability.

1. DISCUSS URBAN RENEWAL FINANCIAL MODEL

This agenda item was introduced by Community Development Director Asher who said it is next in the series of “getting to know your urban renewal district,” and the information presented

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is a critical look at the financial situation. He said the consultant's approach is based on assessed values, real market values and how they translate to an urban renewal district's ability to borrow. This relates to the city's ability to implement its urban renewal plan.

ECONorthwest consultant Nick Popenuk presented a PowerPoint slide show, a copy of which is in the packet for this meeting. He said this summary of their report would cover background information on the urban renewal area (URA), methodology for the assessed values, tax increment financing (TIF) revenue forecast and an estimate of URA borrowing capacity.

Slide 1 - Historical trends in growth and assessed value since 2007. The time period that the urban renewal area has existed matches that of the recession so there is not much growth. There has been some stagnation and even decline in the last three years.

Slide 2 - URA property includes a sizable section of "other" property, which includes personal and utility property. Personal property is machinery and equipment. Utility property is owned by telecom or other utility companies and is assessed separately by the state. The bulk of ECONorthwest's analysis was focused on real property (land) because it consists of 80 percent of the URA's total value.

Slide 3 – The URA properties are overwhelmingly commercial, with a large area of publicly owned, tax-exempt properties.

Slide 4 – This slide is a geographical representation map of the various land uses.

Slide 5 – Short-term Forecast. Consultant Popenuk said the inclination is to look long-term when forecasting tax increment financing revenues, but it is also useful to get a clear forecast about what will happen in the upcoming few years. There is a lag time between what is happening in the "real world" and when those events show up on the county assessor's tax rolls. The 2013-14 tax rolls to be issued in October will reflect what occurred in calendar year 2012. This provides a good idea of what the next year's tax revenues will be.

Consultant Popenuk said they looked for any specific changes in this area, such as new development. During 2012 and so far in 2013, no building permits were issued for new development in the URA, so the city cannot expect a large bump in assessed value from the last few years. The flip side is whether there is anything that would cause it to decrease, such as a significant filing of property tax appeals. The good news is that no property assessments are under appeal. Ten properties were sold, with two selling at prices below their assessed value, resulting in a loss to the area of \$100,000. This is a small amount considering the URAs total assessed value of \$92 million. The consultants reflected this in their short-term forecast. A long-term forecast was completed that examined future trends for each property type.

Chair Cook asked about properties selling for more than their assessed value. Consultant Popenuk said that while that raises a property's real market value, the assessed value remains at the level it was, plus three percent.

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Director Buehner asked if the consultants were able to determine whether any sales occurred in the context of a foreclosure or a short-sale to avoid impending foreclosure. She said this may have skewed the analysis. Consultant Popenuk said they had not, but it would be easy to check on this as all properties sold are known.

Slides 6 and 7 – Short and long term snapshots of assessed value/real market value. Current Oregon property tax laws disconnect assessed from real market value and a healthy cushion between the two is desired. The assessed value can grow three percent a year unless the real market value drops below it. Tigard is fortunate in this area because the data shows a healthy gap between assessed and real values. Consultant Popenuk said the major takeaway is that the URA has only a handful of volatile properties. They are by and large, predictable, and should grow at three percent.

Director Henderson asked if new apartment construction would be assessed at the lower rate. Consultant Popenuk said it is usually based on a comparable ratio of assessed vs. real market value and the assessor would compare it to all other multi-family housing in Washington County.

Director Buehner noted that commercial property historically appreciates at a slower rate than residential property and asked how the consultants incorporated this variable into their report. Consultant Popenuk said they considered the chance that the slow appreciation of three-percent growth per year will outpace the real market value growth over the same time period. He said they concluded that it is possible but not likely over the next 13 years.

Director Buehner said she was concerned at the time of the URA inception that the 20-year time period was too short. She asked how an extended URD life affects their analysis. Consultant Popenuk said her concern would be discussed at the end of the presentation and it is their recommendation that the city consider an extension.

Slides 8 and 9 – Market trends and vacancy rates in the entire city were considered. Retail vacancies held steady during the recession, most likely due to Washington Square Mall but the office market vacancy rate was higher than preferred. This has however, already dropped down from 20 to 14 percent. The recession did not have a large impact on area rental rates perhaps due to rental contracts. He saw no cause for concern in terms of dropping real market value in the future.

Slide 10 – Vacant Land Map. The easiest place for new development to go is on vacant land. This slide shows the lack of vacant land in Tigard's URA.

Slide 11 – Improvement to Land Value Ratio Map. Since there is not much vacant land, there is a need to look at redevelopment. It is desirable for a piece of property to have more value from the building than the land. This slide shows likely sites for redevelopment. Director Buehner noted that one property on Hall Boulevard marked green on the map is affordable housing and is tax exempt. Consultant Popenuk will correct this on the map.

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Slide 12 – Key Assumptions. Consultant Popenuk said analysis indicates that in the long term Tigard should see the URA properties appreciate at 3 percent. In the short-term, the rate may be closer to 2.9 or 3.1 percent. Forecasting changes in utility or personal property is more difficult. ECONorthwest is awaiting information from Washington County on long-term trends for these types of properties. The report will be updated after this is received. His experience is that utility properties grow more slowly.

Slide 13 - Assessed Value Forecast. Taking the historical data and adding a conservative one-percent growth rate per year gives Tigard’s urban renewal district a growth forecast of three and one-half percent per year.

Slide 14 – Historical Trends. This slide shows that growth should be better than recession but not quite at pre-recession values.

Slide 15 – TIF Forecast. Last year the URA generated about \$300,000 and in year 2026 when the URA is to stop issuing new debt, it will raise \$875,000.

Chair Cook asked what the reason was for the tax rate decrease. Consultant Popenuk said there are laws that determine the rates an urban renewal area can use for calculations. Tigard’s URA can calculate based on permanent tax rates and general obligation bonds or local option levies approved prior to 2001. There are some general obligation bonds approved over a decade ago that are gradually phasing out and their tax rates tend to decline over time. ECONorthwest forecasts their rates using the agencies’ CAFR reports. They expect that over the next six years all the bonds will go away so Tigard will be collecting taxes only on the permanent rates, adding up to a 11.9692 tax rate.

Slide 16 - Borrowing Capacity. Consultant Popenuk said tax increment financing is not usually spent as it comes in, but is left to build up until there is a large project a community desires. The TIF is used to augment money borrowed from a bank or bonded so there is a larger lump sum up front. The money is then not only being used for projects; it is being used for debt service and interest. He said his firm provided city staff with a spreadsheet that can be filled with different revenue and timeframe scenarios to forecast various borrowing capacities. Tigard has their own bond counsel and finance staff who can study these variables. He said the city’s finance staff have reviewed this information and agree that it is in the ballpark.

He said the city’s immediate financial borrowing capacity is a little less than \$2 million. It would probably be five years until the city could borrow again. The borrowing capacity through 2026 is \$13.2 million. Since the URD has a maximum capacity of \$22 million, there is an obvious disconnect between these two numbers. Consultant Popenuk said one large-scale redevelopment project would boost these numbers. Barring that, Tigard would need to extend the timeline or use other revenue streams. He said even a four-year extension to the urban renewal timeline would bring the city closer to reaching \$22 million. He said this is not anything that must be done this year or the next, but advised the CCDA to keep an eye on the numbers as the district nears its expiration date. If there are projects the community wants done, extending the timeframe is an option.

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Chair Cook expressed his appreciation for the presentation and said the information on both where the URA will be in the long run, and the hard work necessary to grow the increment in the short run was useful.

Consultant Popenuk added that now the analysis has been assembled it is easy to “plug and play” different borrowing scenarios. The model is built and the can continually be updated with new assessed value data.

Director Snider requested clarification and an example in practical terms of how the city could use other revenue sources. Consultant Popenuk said if the city had \$22 million of improvement projects that were important to this area and urban renewal could only raise \$13 million, the city could look at other options to fill the gap in funding. These include money from SDCs for CIP park and street projects.

Director Buehner asked Consultant Popenuk to obtain the short-sale or foreclosure information.

CITY COUNCIL AND LOCAL CONTRACT REVIEW BOARD MEETING

2. CITIZEN COMMUNICATION

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

B. Citizen Communication – None.

3. CONSENT AGENDA: Mayor Cook asked if any councilors wanted to remove items from the consent agenda for separate discussion. Councilor Woodard requested that the June 18 and April 30 minutes be pulled and considered at the next business meeting so he would have more time to review them. He noted that he would abstain from voting on the May 28 minutes because he did not attend the meeting.

Council President Henderson commented on Consent Item 3.B – Appointing members to the Parks and Recreation Board - and said it is important to celebrate the citizens who volunteer to serve on the city’s boards and committees.

Council President Henderson asked some questions regarding Consent Item 3.D. Senior Management Analyst Barrett confirmed that this is for multiple contracts over five years. He said the intent is for two five-year contracts with the work split between two firms. Council President Henderson asked if there is a way out of the contract if the money is not granted during the budget process, and Mr. Barrett advised the vendors understand there is no guarantee.

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Council President Henderson asked what the contracts entail. Assistant Public Works Director Rager replied staff encounters questions about business practices and keeping up with industry standards or economies but there is no in-house expertise to help explore these. Mayor Cook said the money is not paid to the contractors up front; it is there should we need to use their services. If the city does not, then no funds are expended.

Councilor Snider commented that this will save money in the long run. The city does not have to add performance improvement staff but can just hire the services when needed in a specific area. Councilor Henderson requested that staff give an update on these services next year.

- A. Approve City Council Minutes for:
 - 1. April 30, 2013 Town Hall - set over to 9/10/2013
 - 2. May 14, 2013
 - 3. May 28, 2013
 - 4. June 11, 2013
 - 5. June 18, 2013 – set over to 9/10/2013

- B. Appoint Members to the Park and Recreation Advisory Board – Resolution No. 13-35

RESOLUTION NO. 13-35 - APPOINTING HOLLY POLIVKA AND CLAUDIA CIOBANU AS MEMBERS AND GARY ROMANS AND PAUL DRESHSLER AS ALTERATE MEMBERS OF THE PARK AND RECREATION ADVISORY BOARD (PRAB)

- C. Consider a Resolution to Approve the City of Tigard Naming and Recognition
RESOLUTION NO. 13-36 -APPROVING THE CITY OF TIGARD NAMING & RECOGNITION POLICY AND RESCINDING RESOLUTION NO. 99-37 WHICH ESTABLISHED A POLICY ON PLACING MEMORIALS IN PARKS

- D. Award Contract for Utility Business Planning Services

- E. Award Contract for Right-of-Way Mowing Services

- F. Award Contract for Right-of-Way Maintenance and Improvements

Councilor Buehner moved for approval of the consent agenda, with the minutes from April 30 and June 18 removed for consideration at the next meeting, and the May 28 minutes removed for separate vote. Councilor Snider seconded the motion. All voted in favor.

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

Councilor Buehner moved for approval of the May 28, 2013 minutes. Councilor Snider seconded the motion. Motion passed with three ayes and two abstentions as two council members were not in attendance at the council meeting of May 28.

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

Councilor Woodard asked a question regarding square footage and street maintenance fees in a discussion held by council on May 14, 2013. City Manager Wine said she asked that when staff presents their report on street maintenance fees and completed projects, they also address the additional questions council has. She advised scheduling a workshop discussion if council wishes to revisit the philosophy or calculation behind the street maintenance fees. Mayor Cook said that discussion will be held.

Council President Henderson referred to a prior question about fees paid on a permit and City Manager Wine said she would get a response to council.

Mayor Cook noted that council just approved the appointment of two members to the PRAB and said an alternate was added because eight people applied. He commented on the great pool of interested citizens.

4. **CONSIDER A RESOLUTION APPROVING THE PURCHASE OF THE STEVE STREET PROPERTY AND AUTHORIZING THE CITY MANAGER TO COMPLETE THE PROPERTY PURCHASE**

Parks Manager Martin gave a brief staff report. He said the property was chosen by the PRAB mainly because of its location in an area that needs more parks. He said the 1.4-acre property is between Steve Street and 84th Avenue.

Councilor Buehner moved for approval of Resolution No. 13-39. Council President Henderson seconded the motion. All voted in favor.

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RESOLUTION NO. 13-39 – A RESOLUTION APPROVING THE PURCHASE OF THE STEVE STREET PROPERTY, (TAX LOT 1S136CB4402), AND AUTHORIZING THE CITY MANAGER TO TAKE ALL NECESSARY ACTION TO COMPLETE THE PROPERTY PURCHASE ON BEHALF OF THE CITY

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

NOTE: This item was reordered to appear in front of Agenda Items No. 5 and 6.

7. TIGARD TRIANGLE STRATEGIC PLAN UPDATE

Associate Planner Caines gave the staff report on this item, noting that the previous update on the Tigard Triangle strategic plan was in March 2013. She updated council on the consultant proposal review and award of the contract to David Evans and Associates (DEA). Staff is currently working out details of the contract with DEA and ODOT. DEA has done similar work on projects for Hayden Island and Clackamas County. Goals for the Tigard Triangle Strategic Plan include identifying: improved connectivity, possible improvements for different modes of transportation, services needed to support residents and workers and an examination of why there is a lack of the desired kinds of mixed-use developments envisioned for the Triangle.

She said the project team is currently working on two of the six tasks: public involvement and identifying existing conditions. DEA will present an Existing Conditions report to council in October. They are reviewing city plans such as the Comprehensive Plan, the Tigard High Capacity Transit Land Use Plan and the Development Code to see how they already support the Triangle vision and the infrastructure needed to make this plan work. They are also looking at market conditions that may be a barrier to development. She said DEA is conducting expert interviews with transit-oriented developers to find out what they are interested in when developing in suburban areas. Financial experts and brokers are also information resources. Findings from these interviews will be presented to council.

Associate Planner Caines said the city has contracted with Jean Lawson and Associates (JLA) to facilitate citizen advisory committee meetings, conduct stakeholder interviews and assist with public information such as four-five videos for the city’s website. The videos will convey project information quickly and concisely to people interested in what is going on in the Triangle.

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Stakeholder interviews are almost completed and the website is up and running. She said people can also subscribe to a listserv.

Associate Planner Caines said the first citizen advisory committee (CAC) and technical advisory committee (TAC) meetings are scheduled for the end of September. A stakeholder summary report will be prepared.

Councilor Buehner said prior discussions also included the areas right outside the borders of the Triangle. She is concerned that those living in the unincorporated area behind Fred Meyer are not in the loop because they do not receive the Cityscape newsletter. She suggested including a member from the unincorporated area on the CAC. Associate Planner Caines said they did reach out to CPO4M member Jim Long for referrals. Planning Commissioner Fitzgerald lives in that area and is on the CAC.

Councilor Snider said he would make the same comment about those neighbors on the east side – Portland’s Sylvania area and Lake Oswego. He suggested they have as much interest as those on the west side of Highway 99W.

Mayor Cook said people on the Haines Street side of I-5 are very active in the SW Corridor meetings and they feel more a part of Tigard than Portland. Mayor Cook said the map does a good job of encompassing the entire area around the Triangle.

Council President Henderson asked if this work was being paid for by a Transportation and Growth Management (TGM) grant. Associate Planner Caines said an 11-percent match is required from Tigard and staff time and materials are the city’s match. She said around \$30,000 from the general fund is being used for the JLA contract. Council President Henderson asked if staff is tracking volunteer hours for this specific project and Ms. Caines said they were.

Council Woodard asked if the work the Planning Commission did under a prior grant would be available so that past work is not wasted. Associate Planner Caines said that is the starting point. Councilor Woodard said there were three options presented and he would like to look at them again now that council has more information on high capacity transit. Ms. Caines said she will take that back to DEA, which has the concept plan and fiscal analysis to which Councilor Woodard is referring as part of their analysis. She said as we move through the plan, information will be gathered as to the best way to redevelop the area and what the market will support. Councilor Woodard said he wanted to make sure the history was not lost, including the discussion about spotlighting and bridging the two hearts in Tigard, both the downtown and the Triangle.

6. DISCUSS FORMATION OF A CITIZEN ADVISORY COMMITTEE FOR TIGARD TRIANGLE STRATEGIC PLAN

Mayor Cook asked for clarification on the timing of appointing committee members and Associate Planner Caines said the work of talking to various organizations and individuals to find representatives has been completed. City Manager Wine said council will be asked tonight to

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approve the establishment, scope and function of a Tigard Triangle CAC and consider appointment of committee members.

Councilor Woodard moved to approve Resolution No. 13-37 and Councilor Buehner seconded the motion. Motion passed unanimously.

RESOLUTION NO. 13-37 – A RESOLUTION ESTABLISHING A CITIZEN ADVISORY COMMITTEE TO ADVISE STAFF DURING THE COMPLETION OF THE TIGARD TRIANGLE STRATEGIC PLAN

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

7. APPOINT MEMBERS TO A TIGARD TRIANGLE CITIZEN ADVISORY COMMITTEE FOR TIGARD TRIANGLE STRATEGIC PLAN

Councilor Buehner moved for adoption of Resolution No. 13-38. Councilor Woodard seconded the motion.

RESOLUTION NO. 13-38 – A RESOLUTION APPOINTING MEMBERS OF THE TIGARD TRIANGLE STRATEGIC PLAN ADVISORY COMMITTEE

Council President Henderson asked for discussion. He asked how the committee membership was determined and how many people applied to be on the CAC. Associate Planner Caines said the stakeholder list for the Tigard Triangle area is different from other areas because there are not a lot of residents. There is an apartment building and a few single-family homes. She visited the apartments and mailed letters to all property owners and residents. Ms. Caines contacted everyone who owns property in the Tigard Triangle, such as TVF&R and Mr. Specht. Also included are people who have businesses in the area. Outreach was extended to universities, George Fox and the University of Phoenix, and she added they will want to be included in transportation discussions. They considered other committee members who may not live in the Triangle but are Tigard residents and have other expertise and interests.

Councilor Buehner suggested that representatives from CPO4 and the Haines Road area of Lake Oswego be added to the list. Council President Henderson asked if there were alternates. Associate Planner Caines said they only expect to hold five meetings and will go quickly. She said there will

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always be a public comment opportunity built into each agenda. She said the first meeting is scheduled for the last week of September. Mayor Cook suggested sending notices to people from Haines Road in Lake Oswego, and CPO4M.

Councilor Snider asked about the roles or job functions of representatives from Fred Meyer or Clear Channel. Associate Planner Caines said Fred Meyer's general manager was included because 99W is a barrier and connectivity across it is important. Ms. Caines said Chris Weiss is an employee at Clear Channel and was added to get the viewpoint of an employee who works inside the Triangle area. Councilor Snider sought clarification on whether his organization is supporting his point of view or if it was his own. Associate Planner Caines said he is not representing Clear Channel. Councilor Snider said listing his employer implies they are condoning his view and if he is not representing them, they should not be listed. He should be in a separate category.

Council President Henderson asked about the CAC role. Associate Planner Caines said the CAC's role is to give feedback on whether the Strategic Plan is going in the right direction and if anything is incorrect or missing that they, as stakeholders, feel is important. They will review the draft before the final report goes to council.

Mayor Cook asked if this was advertised in Cityscape. Associate Planner Caines said people who expressed interest or had background or history with the SW Corridor or downtown planning were contacted first. Some people came forward and expressed interest. Mayor Cook said it is good to have a cross-section and mixture of people who stepped up and those that were hand-picked.

Councilor Snider asked that Mr. Weiss be moved from the category of Representative from Tigard Triangle area Businesses to another category.

Councilor Snider proposed an amended motion to move the name of Chris Weiss to a separate section in Exhibit A called, "Employee of Triangle Business." Councilor Buehner accepted the amendment. Council President Henderson noted that Resolution No. 13-37 refers to only four categories of committee members and will need to be amended to include the category of Tigard Triangle Business Employee. City Manager Wine suggested council vote on Resolution No. 13-38 and then amend Resolution No. 13-37. All voted in favor of Resolution No. 13-38.

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

Councilor Snider expressed strong concerns about listing an individual under the business category unless they have been asked by that business to be their representative.

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Councilor Buehner moved to amend Resolution No. 13-37 to include the additional stakeholder category of Tigard Triangle Business Employee. Councilor Snider seconded the motion. All voted in favor.

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

8. COUNCIL LIAISON REPORTS - None.

9. NON AGENDA ITEMS - City Manager Wine mentioned these at the beginning of the meeting.

10. EXECUTIVE SESSION - None needed.

11. ADJOURNMENT

At 7:57 pm Councilor Buehner made a motion to adjourn the meeting. The motion was seconded by Councilor Woodard and all voted in favor.

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

/s/Carol A. Krager

Carol A. Krager, Deputy City Recorder

Attest:

/s/John L. Cook

Mayor, City of Tigard

Date: November 5, 2013

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