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

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

City Council present:

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

Staff present: City Manager Wine, Assistant City Manager Newton, Public Works Director Koellermeier, Finance and Information Services Director LaFrance, City Attorney Ramis, City Recorder Wheatley.

Mayor Cook read the Executive Session citation:

EXECUTIVE SESSION: The Tigard City Council will go into Executive Session to discuss labor negotiations and for consultation with legal counsel about current/pending litigation under ORS 192.660(2)(d) and (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.

Executive session concluded at 7:28 p.m.

- STUDY SESSION
  Administrative Items:
  - Note: Consent Agenda Item 3.A. requests City Council authorize the Mayor to execute the City's Continuity of Government Plan and authorize certain staff to update the plan. Mayor Cook advised he has reviewed this plan and viewed the video of that the discussion had last week. He said he discussed the Plan proposed with

City Manager Wine, noting he felt the mayor should be involved in a liaison role with the executive team. After brief discussion, council members agreed to this addition to the Plan.

Council and City Manager Wine reviewed the calendar:

- Council Calendar:

August

6	Tuesday	National Night Out (CCDA Meeting Cancelled)
13*	Tuesday	Council Business Meeting (Cancelled)
20*	Tuesday	Council Workshop Meeting—6:30 p.m., Town Hall
27*	Tuesday	Council Business Meeting—6:30 p.m., Town Hall

September

2	Monday	Labor Day Holiday– City Hall offices closed
3	Tuesday	City Center Development Agency —6:30 p.m., Town Hall
10*	Tuesday	Council Business Meeting—6:30 p.m., Town Hall
12	Thursday	Goal Setting Meeting at the Fanno Creek House; Noon-5 p.m. (lunch provided)
17*	Tuesday	Council Workshop Meeting – 6:30 p.m., Town Hall
24*	Tuesday	Council Business Meeting – 6:30 p.m., Town Hall
30	Monday	Chamber of Commerce Program, "Meet Your City Council," 6-7 p.m., location to be determined.

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

1. BUSINESS MEETING – July 23, 2013

A. Call to Order – Mayor Cook called the meeting to order at 7:37 p.m.

B. Roll Call – City Recorder Wheatley called the roll:

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

C. Pledge of Allegiance – Mayor Cook asked members of audience to stand and join him in the Pledge of Allegiance.

D. Council Communications & Liaison Reports – None.

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

2. CITIZEN COMMUNICATION

A. Follow-up to Previous Citizen Communication –

City Manager Wine reported on a recent Citizen Communication from Steve and Debbie Mangold who had several complaints regarding land use development process issues on their property. Meetings have been set up to meet with the Mangolds to review these issues.

B. Citizen Communication – Sign Up Sheet

- Penelope, Sabine and Kati Kim, 12195 SW 124th Avenue, Tigard, Oregon. Ms. Kim and her daughters had been in previously to request a solution to the keeping of backyard chickens in Tigard. They are here again to petition to the Council to be allowed to keep their backyard animals. The family also owns pygmy goats.

  After hearing the presentation, council commented on this recurring issue. Mayor Cook advised this issue would be taken under consideration later in the year when a comprehensive review of Community Development Code language begins. (Note: Council discussed this matter again at the end of the meeting and gave direction on enforcement for the time period between now and when this section of the Code is reviewed by the council.)

- Jim Long, 10730 SW 72nd Avenue, Tigard testified about an unsafe street and other concerns.

  He said he rides his bicycle; however, he does not travel down SW 72nd Avenue because it is unsafe. He referred to the portion of SW 72nd Avenue between Pacific Highway and Dartmouth is unsafe for bikes and pedestrians. He said he has brought this safety issue (no striping and few sidewalks) to CPO meetings when city transportation planners attend. The planners indicate this issue has moved up on the priority list, but Mr. Long said he has been bringing this to the city's attention for approximately six years.

  Mr. Long referred to a list of questions he brought to the City Council a couple of weeks ago regarding the Walmart project. Some of the questions have been answered and some still need answers. At the last CPO meeting two City of Tigard engineers attended to respond to some of the questions. Also in attendance was Deborah Heron who represents Walmart. Mr. Long said that not only are there questions that remain unanswered, there were some of the answers that did not fit well.

Mr. Long referred to a meeting between city officials and Walmart representatives on July 11, 2013. Mr. Long attended this meeting hoping to find answers; however, he left this meeting very disappointed. He said, according to the maps and charts, there are no plans to do anything for 72nd Avenue. He said he is sure the city will have to do something if Pacific Highway is widened an extra lane to draw traffic down 72nd Avenue.

Mr. Long said there will be a CPO meeting tomorrow night. Former Mayor Craig Dirksen will attend to talk about Metro issues and the SW Corridor status. Also on the agenda will be further discussion about questions regarding the Walmart development.

Mayor Cook advised Mr. Long he did not have answers to his questions readily available. After brief discussion, Mayor Cook advised that Assistant City Manager Newton was working on the remaining outstanding questions on the Walmart project.

- Chris Rall, Pacific Northwest Field Organizer for Transportation for America, 133 SW 2nd Avenue, Portland, OR 97204, distributed materials to the City Council. These materials were added to the council meeting packet. Mr. Rall said Transportation for America is a diverse coalition of more than 500 organizations representing a broad array of interests. They are working to align transportation policy with 21st century challenges.

Mr. Rall referred to a number of exciting transportation issues coming to Tigard, not the least of which is the SW Corridor transit improvements that have been proposed. He referred to opportunities to align options with how people are using transportation today. The information distributed to the City Council explains some of the demographic changes in transportation usage as the millennial generation enters the workforce. These young people are driving 23 percent less, getting driver's licenses much later (if at all) and buying 30 percent fewer cars than folks their age ten years ago. As baby boomers retire and this new generation takes over, the decades' long climb in driving and traffic has now reversed. Driving numbers have been in decline for the last ten years in Oregon. This has big implications for how we invest in transportation and also for how we pay for it.

Mr. Rall referred to the information he distributed that shows the projected shortfalls in the Federal Highway Trust Fund and in the transit account. In September 2014, we will not have much in the way of federal transportation funding unless something is done.

Mr. Rall said that, as local leaders, "we really need your leadership to help us to address this challenge and make sure we can provide for our children and grandchildren with a transportation system that supports the economy and the quality of life that we should not take for granted." He said Transportation for America could be resource to help the city win transportation funding to achieve its goals.

Mr. Rall asked for the council to get in touch with him if they would like to find out more.

Chris Garsteck, 11774 SW 125th Court, Tigard, OR 97223, advised she volunteers with the Tigard Dog Park Committee. She invited everyone to submit photos to the virtual dog photo contest. Ms. Garsteck distributed a flyer to the City Council describing the contest; this flyer was added to the meeting packet. The contest is being held in conjunction with the upcoming Tigard Street Fair on August 17.

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

A. Authorize the Mayor to Execute the City's Continuity of Government Plan and Authorize Certain Staff to Update the Plan

B. Adopt a Resolution of Necessity to Acquire Easements for the Main Street Sanitary Sewer Project

RESOLUTION NO. 13-33 – A RESOLUTION DECLARING THE NEED TO ACQUIRE EASEMENTS ON PROPERTIES FOR THE PURPOSE OF CONSTRUCTING THE MAIN STREET SANITARY SEWER IMPROVEMENTS ALONG MAIN STREET AND PROPERTY OWNED BY MAIN STREET, LLC AND MICHAEL DUDUNAKIS AND AUTHORIZING IMMEDIATE POSSESSION OF THE PROPERTY

C. Local Contract Review Board:

1. Award the contract for the construction of the 92nd Avenue street and storm sewer to R & R General Contractors, Inc. and authorize the City Manager to take all necessary steps to execute the contract.

Motion by Councilor Buehner, seconded by Councilor Woodard, to approve the Consent Agenda.

The vote was approved by a unanimous vote of council present.

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

4. CONSIDER A RESOLUTION FOR RAISING AWARENESS OF THE DANGERS OF "THE CHOKING GAME" – RESOLUTION NO. 13-34

Mayor Cook reviewed this agenda topic. This serious matter was brought to his attention at the recent Conference of Mayors. The proposed resolution is before the City Council to help bring awareness to the fact that some youth participating in "the choking game" have suffered injury, brain damage or death.

Council consideration:

Motion by Councilor Snider, seconded by Councilor Buehner, to approve Resolution No. 13-34.

RESOLUTION NO. 13-34 - A RESOLUTION IN SUPPORT OF RAISING AWARENESS OF THE DANGERS OF "THE CHOKING GAME."

The vote was approved by a unanimous vote of council present.

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

5. QUASI-JUDICIAL PUBLIC HEARING - ZONE CHANGE ANNEXATION (ZCA 2013-0002 - SOUTH VIEW HEIGHTS ANNEXATION
8:05 p.m. - time is estimated

REQUEST: A request to annex 5.79 acres of property known as South View Heights (Knauss), located at 12035 SW Beef Bend Rd. into the City of Tigard.

LOCATION: 12035 SW Beef Bend Road; Washington County Tax Assessor's Map 2S110CB, Tax Lot 02000.

COUNTY ZONE: R6: Residential, 5 units/acre minimum density, 6 units/acre maximum density. The purpose of the R-6 District is to implement the policies of the Comprehensive Plan for areas designated for residential development at no more than six (6) units per acre and no less than five (5) units per acre, except as specified by Section 300-2, Section 300-5, or Section 303-6. The intent of the R-6 District is to provide the opportunity for more flexibility in development than is allowed in the R-5 District.

EQUIVALENT CITY ZONE: R-7: Medium-Density Residential District. The R-7 zoning district is designed to accommodate attached single-family homes, detached single family homes with or without accessory residential units, at a minimum lot size of 5,000 square feet, and duplexes, at a minimum lot size of 10,000 square feet. Mobile home parks and subdivisions are also permitted outright. Some civic and institutional uses are also permitted conditionally.

APPLICABLE REVIEW CRITERIA: The approval standards for annexations are described in Community Development Code Chapters 18.320 and 18.390, Comprehensive Plan Goal 1, Goal 11, Goal 12, and Goal 14; ORS Chapter 222; Metro Code Chapter 3.09.

a. Mayor Cook opened the public hearing.

b. City Attorney Ramis reviewed the hearing procedures

c. Mayor Cook asked for declarations or challenges. Councilor Buehner advised she is very familiar with the site as she frequently walks this area. There were no other declarations or challenges.

d. Associate Planner Caines presented the staff report on the proposal to annex approximately 6.13 acres at 12035 SW Beef Bend Road, including adjacent right of way into the City of Tigard.

e. Public Testimony

Representing Applicant: Mimi Doukas of Venture Properties advised she was present to answer any questions that might arise.

Steve Balough and Robin Carle, 15273 SW 122nd Avenue, Tigard, OR signed in to testify as opponents. Their property is in unincorporated Washington County near the proposed annexation area.

Mr. Balough introduced their concerns. They heard that the property owner adjacent to the proposed annexation area could not be contacted. Ms. Caines confirmed she attempted to contact this property owner. In response to a question from Mr. Balough, Councilor Buehner advised she has visited the adjacent site. Mayor Cook said he has driven by the property numerous times. Council President Henderson and Councilor Snider said they are generally familiar with the property, but have not done a site visit. Mr. Balough said the undeveloped property is well cared for. He said he believed it was the intention of the property owner to keep this property undeveloped.

Mr. Balough noted his concern with regard to the provisions allowed by the R-7 zoning, reading several outright permitted uses including mobile home parks and civic/institutional facilities. Mr. Balough and Ms. Carle said they were concerned about the affect some of the outright permitted uses would have on their property values and the negative impact to the aesthetics in the neighborhood. Ms. Carle said they strongly voice objections to a change on the current use and status of the property in this area.

Mr. Balough said that 122nd Avenue is extremely narrow. A larger road on the property would add to safety issues in the area.

Ms. Carle said they know of other property owners in the area who are also concerned. She asked for there to be an opportunity for them to come forward to speak at a later date.

Councilor Buehner explained the purpose of the hearing tonight was to consider annexation and does not address the future use of the property. She also advised that there is a state law that requires the comment about mobile home parks to be in zoning code. Councilor Buehner advised that SW 122nd Avenue was not built to full public road widths, referring to right-of-way setbacks on the Froude property. When this property develops, this road will be widened.

- Mimi Doukas, representing the applicant – Venture Properties responded to the testimony offered. With regard to the Froude property, she said her company has been in contact with the Froude family to attempt to coordinate some infrastructure improvements.

  Ms. Doukas said that, in terms of a mobile home park, it may be a permitted use. Venture Properties held a neighborhood meeting for the subdivision last week. The plans are to develop a single-family, detached home subdivision, which matches the traditional zoning. Ms. Doukas said she would work with the people who testified to see that they receive copies of the handouts distributed at the neighborhood meeting. She this property was too steep to place a mobile home park or any type of commercial use.

f. Associate Planner Caines advised staff recommended adoption of the proposed ordinance to annex the property.

g. Mayor Cook closed the public hearing.

h. City Council discussion and consideration:

Motion by Councilor Buehner, seconded by Councilor Woodard, to approve Ordinance No. 13-12.

City Council discussion followed. Councilor Snider asked for a brief discussion to respond to the testimony received this evening. He said, given the nature of the quasi-judicial process and the council's responsibility to make a decision based on the laws, he did not hear any compelling information that would lead him to believe that the city would be misapplying the criteria/laws. He asked for input from his fellow councilors. Council President Henderson said he concurred with Councilor Snider's observations noting that at this time this is an application for annexation. He said that he also heard that the owner of the property is willing to work with the neighbors. He has heard nothing that would lead him to believe the City of Tigard would be unable to provide the required services to this property is annexed.

Councilor Woodard added that he heard concerns about the aesthetics during the testimony. He noted his family went through a similar scenario when property was developed next to them, which up until that time was fields and trees. While distressing, there was no legal recourse to prohibit the property from developing. He agreed with Council President Henderson's comment that he would encourage the property owners to discuss the plans for development to determine what accommodations might be possible to make it a better area when development occurs.

City Recorder Wheatley read the number and title of the proposed ordinance:

ORDINANCE NO. 13-12 -- AN ORDINANCE ANNEXING ONE (1) PARCEL OF LAND AND A PORTION OF ADJACENT RIGHT OF WAY TOTALLING APPROXIMATELY 6.13 ACRES, APPROVING THE SOUTH VIEW HEIGHTS ANNEXATION (ZCA2013-00002) AND WITHDRAWING PROPERTY FROM THE WASHINGTON COUNTY ENHANCED SHERIFF'S PATROL DISTRICT AND WASHINGTON COUNTY URBAN ROADS MAINTENANCE DISTRICT.

The motion passed by a unanimous vote of City Council present:

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

Councilor Buehner left the meeting at 8:26 p.m.

Mayor Cook adjourned the City Council meeting and called the City Center Development Agency meeting to order.

6. CITY CENTER DEVELOPMENT AGENCY: RECEIVE UPDATE ON MAIN STREET GATEWAY PUBLIC ART

Redevelopment Project Manager Farrelly presented the staff report. The purpose of this discussion is to receive a status report on the concept of the public art for the two Main Street gateways. The selected artist, Brian Borello, was present and talked to the Board about the proposed art inspired by the natural forms of the filbert tree when the nut emerges from the flower. Mr. Borello referred to illustrations and a model of the proposed artwork. Copies of these images are on file in the record copy of the meeting packet.

There was lengthy discussion about the subject matter of the artwork and the fact that there has been some concerned feedback from members of the community. Speculation was offered that the proposed designs could inspire juvenile humor and comments, which would detract from the intentions for the art pieces to bring vitality and contribute to the branding identity of the downtown area.

Board members acknowledged their appreciation of the public art projects Mr. Borello has done for other clients. There was discussion about the fact that these gateway artwork pieces can significantly contribute to the branding of the downtown. The filbert blossoms were intended to represent the artwork specifications to represent Tigard's history and nature; i.e., filbert orchards that once were plentiful in the Tigard-area's past. The Board members acknowledged that the proposed artwork concept has the support of the City Center Advisory Commission (CCAC) and the subcommittee of the CCAC for art selection. Board members shared their desire to work within the elements identified in the CCAC and subcommittees artwork concept recommendation. There was discussion on the budget of $60,000 and modifications to the design should stay close to that dollar amount.

At the conclusion of the discussion, Mr. Borello was agreeable to revisiting the concept, based on tonight's discussion, before the final design is presented and selected.

Chair Cook adjourned the CCDA meeting and reconvened the City Council meeting.

7. CONSIDER A RESOLUTION TO PLACE A MEASURE ON THE NOVEMBER 5, 2013, BALLOT FOR A PROPOSED CHARTER AMENDMENT THAT WOULD AMEND SECTIONS 47 AND 48 OF THE TIGARD CHARTER RELATING TO URBAN RENEWAL

Financial and Information Technology Director LaFrance and Community Development Director Asher presented the staff report. As described in the Agenda Item Summary for this matter, approval of the proposed resolution would forward to the voters a proposed City of Tigard Charter amendment to remove limitations to fund public infrastructure projects in Tigard's downtown. Brief council discussion followed the staff report.

Motion by Council President Henderson, seconded by Councilor Woodard, to approve Resolution No. 13-35.

RESOLUTION NO. 13-35 – A RESOLUTION OF THE TIGARD CITY COUNCIL SUBMITTING TO THE VOTERS A PROPOSED CHARTER AMENDMENT TO BE CONSIDERED AT THE NOVEMBER 5, 2013, GENERAL ELECTION, THAT WOULD AMEND SECTIONS 47 AND 48 OF THE TIGARD CHARTER RELATING TO URBAN RENEWAL

The motion passed by a unanimous vote of City Council present:

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

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

8. LOCAL CONTRACT REVIEW BOARD: AWARD CONTRACT FOR THE CONSTRUCTION OF THE FANNO CREEK TRAIL, MAIN STREET TO GRANT AVENUE, TO GSE INC.

Senior Analyst Barrett and City Engineer Stone were present to review and answer questions for this agenda item. The scope of the project is described in the Agenda Item Summary for this contract award. A short discussion on the proposed project was held.

Motion by Councilor Snider, seconded by Councilor Woodard, to award a contract for the construction of the Fanno Creek Trail – Main Street to Grant Avenue project to GSE, Inc. in the amount of $447,817.

The motion was approved by a unanimous vote of Board members present:

	Yes	No
Chair Cook	✓	
Board Member Henderson	✓	
Board Member Buehner	Absent	
Board Member Snider	✓	
Board Member Woodard	✓	

Mayor Cook adjourned the LCRB meeting and reconvened the City Council meeting.

9. COUNCIL LIAISON REPORTS – None.

10. NON AGENDA ITEMS

The next council meeting will be August 20, 2013.

Councilor Snider brought up the topic raised in tonight's Citizen Communication regarding the enforcement of the ordinance pertaining to keeping chickens and other animals on residential properties.

After discussion with City Manager Wine, consensus of City Council was to ask staff, through the city manager, to take no action to require a homeowner to remove backyard livestock until the council reviews this section of the code in late 2013/early 2014. If the city receives a complaint, staff will work with residents to determine if there are options to alleviate the situation.

11. EXECUTIVE SESSION: Not held.

12. ADJOURNMENT 9:29 p.m.

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

The motion passed by a unanimous vote of City Council present:

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

Catherine Wheatley

Catherine Wheatley, City Recorder

Attest:

Mayor, City of Tigard

Date: October 22, 2013