City *of* Tigard

Tigard City Council Meeting Minutes
July 9, 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: Assistant City Manager Newton, Finance and Information Services Department Director LaFrance, Public Works Director Koellermeier, Utility Division Manager Goodrich, City Attorney Watts, City Recorder Wheatley

- STUDY SESSION
  Council reviewed the following administrative items:
  - Administrative Items
    - League of Oregon Cities Conference, September 26 – 28, 2013. City Council members were asked to advise Joanne Bengtson to schedule any field trips desired.
    - Council Goal Setting Dates: Council members were asked to check calendars for availability the day of September 5 or 12 (both dates are a Thursday).

  - Council Calendar:

July

16*	Tuesday	Council Workshop Meeting – 6:30 p.m., Town Hall
23*	Tuesday	Council Business Meeting – 6:30 p.m., Town Hall

August

6	Tuesday	National Night Out (City Center Development Agency 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
5	Thursday	Possible Goal-Setting Meeting (daytime meeting)
10*	Tuesday	Council Business Meeting—6:30 p.m., Town Hall
12	Thursday	Possible Goal-Setting Meeting (daytime meeting)
17*	Tuesday	Council Workshop Meeting – 6:30 p.m., Town Hall
24*	Tuesday	Council Business Meeting – 6:30 p.m., Town Hall
25	Wednesday	Chamber of Commerce Program, "Meet Your City Council," (one of two possible dates) – 6-7 p.m., location to be determined.
30	Monday	Chamber of Commerce Program, "Meet Your City Council," (one of two possible dates) – 6-7 p.m., location to be determined.

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

Mayor Cook announced the Executive Session.

- EXECUTIVE SESSION: The Tigard City Council went into Executive Session at 6:37 p.m. to discuss labor negotiations, and to consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed 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.

1. BUSINESS MEETING – JULY 9, 2013

A. Mayor Cook called the meeting to order at 7:35 pm.

B. City Recorder Wheatley called the roll:

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

C. Mayor Cook led those present in the Pledge of Allegiance.

D. Council Communications & Liaison Reports – See Agenda Item No. 5.

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

2. CITIZEN COMMUNICATION

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

B. Tigard Area Chamber of Commerce: Chief Executive Officer Debi Mollahan gave an update on Chamber activities. A summary of her report is filed with the record copy of the packet materials for this meeting.

C. Citizen Communication – Sign Up Sheet

Debbie Mangold, 8275 SW Ross Street, Tigard, OR 97224, advised she has been working on getting a tree at this property designated as a Heritage Tree. She criticized the staff's administration of the tree ordinance and said, while some staff members do a good job, there are those on city staff who are not held accountable. She noted her contacts with City Manager Wine and Assistant City Manager Newton and expressed appreciation for their willingness to review her issues. She recounted her main areas of concern:

- A lack of response with activity taking place on the Schmidt property (her neighbors), which resulted in contamination in her home, the soil, air and drinking water. She said three of the family pets developed cancer and died. She noted her concern for her family's health.
- In 1990 and 1992, properties adjacent to her property were developed. This resulted in massive flooding on the property on a number of occasions over the next ten years.
- She referred to a potential buyer for her property. This potential buyer wanted to keep the historic home and tree and also build another home. After hours of meeting, she said staff decided the property was ineligible for a minor land partition.

George Binabese, 8116 SW Matthew Park Street, Tigard, Oregon, advised he and his family moved to Tigard from Hawaii. They chose their current home because of the country, quiet-type living. He opposes high-density development as it destroys livability. Mr. Binabese said he heard there are plans to build a three- to four-story building near him. If this happens, he would probably want to move.

Shelley Glanville, 8238 SW Matthew Park Street, Tigard, Oregon testified about a proposed assisted living facility at the corner of Ross and Hall Streets. This 150-bed facility with 91 parking spaces has her concerned about the value of the adjacent properties. She has worries about traffic impacts. When she purchased this property, she understood the road could go through; however, they were unaware that this type of facility was a possibility. She referred to the Mangold property which is behind her home and has met with the developer who plans to place homes on this property.

Karen Kane, 8203 SW Matthew Park Street, Tigard, Oregon, expressed similar concerns noted by Mr. Binabese and Ms. Glanville including increased traffic, parking, trash and a facility that will have employees 24/7. She referred to other access roads that might bring even more traffic into her neighborhood.

Karen Crichton, 3525 Upper Drive, Lake Oswego, Oregon noted she attend a CPO meeting the week before last and met with a Walmart representative. People attending have not had a response from this meeting. She requested that an independent third party monitor the wetlands area, especially during the construction of the store. She said she learned that Todd Prager is under contract with the city as an arborist. She said it would be acceptable to her group for Mr. Prager to monitor this project. Ms. Crichton said they would like to receive reports that the wildlife is being monitored and notification of periodic water and soil testing to maintain the wetlands.

Mayor Cook asked City Manager Wine about the city's current process for managing areas during construction. City Manager Wine said the type of monitoring performed is dependent on what is occurring on a specific development site. Assistant City Manager Newton advised that Clean Water Services is primarily responsible for overseeing the areas brought up by Ms. Crichton. The city also does some onsite inspections.

Robert Izatt, 3028 SW Carson Street, Portland, Oregon 97219, referred to citizens of Istanbul, Turkey rising up against their government a little over a month ago. These citizens were protesting the demolition of a park to make way for a shopping mall development. Mr. Izatt described promises by the politicians in Turkey and referred to the practice of "green washing" as the earth is exploited in an effort to make people think we are still acting in a "green" way. Mr. Izatt referred to the City of Tigard's website stating, "The City of Tigard has a proud history of commitment to preserving, enhancing and maintaining its urban forest. The city's trees provide an important backdrop for life in Tigard." Tigard has also been named a Tree City USA for 11 consecutive years; however, Mr. Izatt said he found articles about development projects taking place that have or will destroy many trees in Tigard. One such project is the Lake Oswego/Tigard Water Partnership water treatment plant and another is the Walmart store project.

He called for more respect for the trees in the City of Tigard rather than for the rush for profit and a misguided false image that this is progress. The Walmart project is dangerously close to wetlands where trees are, again, supposed to be protected. He asked if Tigard was "really a city of trees or a city of 'green washing.'"

Jennifer Vasicek, 11010 SW Eschman Way, Tigard, OR 97223 spoke about events and concerns surrounding the Walmart project. Ms. Vasicek noted appreciation for staff attendance at a recent CPO 4M meeting. A Walmart representative also attended this meeting. She expressed disappointment at the handling of the list of citizen concerns. Ms. Vasicek spoke from a written copy of her list of issues; a copy of this list is on file with the record copy of the meeting packet.

Karen Grissom, 11522 SW Royal Villa Drive, Tigard, Oregon 97224 referred to the Walmart representative who attended the CPO meeting. When the representative was questioned about some of the independent media reports, she dismissed the reports as being untrue. Ms. Grissom said that 70 percent of the media (including television studios) is owned by six corporations. Ms. Grissom cited Democracy Now (est. 1984) as an example of what she characterized as independent media that was open and fair. Democracy Now has hosted discussions about Walmart and always asks Walmart representatives to attend; Walmart always declines. She suggested people review the Democracy Now website.

Gary Romans, 13166 SW Broadmoor Place, Tigard, OR 97223, current president and one of the founders of Mask and Mirror Community Theater thanked the City Council for the grant to this organization. They just completed their second full season in Tigard. The theater has completed all six productions this year "in the black" due to being fiscally conservative.

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

A. Receive and File:

1. Council Calendar
2. Council Tentative Agenda for Future Meeting Topics

B. Receive and File: CONSIDER APPROVAL OF REVISED NEIGHBORHOOD INVOLVEMENT COMMITTEE BYLAWS

C. APPROVE WORKERS' COMPENSATION INSURANCE FOR CITY VOLUNTEERS - Resolution

RESOLUTION NO. 13-32 – A RESOLUTION EXTENDING CITY OF TIGARD'S WORKERS' COMPENSATION COVERAGE TO VOLUNTEERS OF THE CITY.

D. LOCAL CONTRACT REVIEW BOARD - AWARD CONTRACT FOR JACK PARK IMPROVEMENTS - PHASE I

Motion by Council President Henderson, seconded by Councilor Snider, to approve the Consent Agenda.

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

4. REVIEW OPTIONS FOR POTENTIAL BALLOT MEASURE TO REVISE URBAN RENEWAL CHARTER LANGUAGE

- Finance and Information Services Department Director LaFrance presented the staff report. Community Development Director Asher was also present to urge support of the proposed language revision to assure the availability of options for funding public infrastructure.

  The purpose of the measure will be to revise language in the City Charter/Urban Renewal Plan to clarify the use of tax increment financing for public/private partnerships. Council members and staff also referred to a July 9, 2013, memorandum from legal counsel Tim Ramis and Damien Hall regarding "Potential Charter Amendment to Fully Utilize URA Plan." A copy of this memorandum is filed in the record copy of the July 9, 2013, council meeting packet.

  Consensus of council was for staff to prepare proposed language for a Charter amendment and to return to the council for consideration of options for a ballot measure for the November 2013 election.

Note: Agenda Item Nos. 5 and 6 were conducted after the City Center Development Agency meeting items (Nos. 6 and 7).

5. COUNCIL LIAISON REPORTS

Councilor Buehner reported on activities at the Metropolitan Policy Advisory Committee (MPAC). The June 12 meeting focused mostly on TriMet with a report and discussion of the issues relating to this agency's financial problems along with the planning process almost completed relating to service. The southwest area is the next focus area. TriMet is interested in talking to west side residents because this area has been underserved. Councilor Buehner raised issues brought forward by Tigard officials several years ago regarding service improvements.

Councilor Buehner said there was a presentation at MPAC on transit equity issues, which has to do with federal funding for various transportation projects for mass transit. Officials from other areas in the Metro region did not realize how limited the bus service is for the Tigard area.

Councilor Buehner reported she had some information on the Climate Smart Community Project if anyone was interested in reviewing them.

Councilor Buehner, Councilor Snider and Mayor Cook reported on the Water Oversight Committee meeting held on July 8. There were questions raised on the status of the permit from the National Marine Fisheries Service, which is still pending. There is hope that the permit will be issued by July 12, 2013. The treatment plant bidding process is done now that the Lake Oswego Council decided it would consider awarding the contract to the lowest responsive bidder on July 16, 2013. A new bid proposal was being considered because of some non-responsive bidding issues and questions about the second lowest bid. On balance, a delay of contract award would mean substantial additional expenses attributable to re-doing the call for bids for the treatment plant along with costs associated with loss of construction time.

City Manager Wine reported on the status of the pipeline contract. The pre-qualification process is being reopened for all potential bidders.

6. NON AGENDA ITEMS: None.

Note: Agenda Item Nos. 7 and 8 (City Center Development Agency meeting) were conducted before Agenda Item Nos. 5 and 6 at 8:32 p.m.

Chair Cook called the City Center Development Agency meeting to order.

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

7. APPROVE CCDA MINUTES FOR:
   - June 4, 2013

Motion by Director Buehner, seconded by Director Woodard, to approve the June 4, 2013, CCDA minutes.

The motion was approved by a unanimous vote of board members present.

Chair Cook	Yes
Director Buehner	Yes
Director Henderson	Yes
Director Snider	Yes
Director Woodard	Yes

8. ROUNDTABLE DISCUSSION WITH TIGARD DOWNTOWN ALLIANCE (TDA)

TDA Members present: Steve DeAngelo, Mike Stephenson, Tom Murphy, Elise Shearer, Debi Mollahan

Redevelopment Project Manager Farrelly introduced this agenda item. He advised membership of the TDA consists of property/business owners, Chamber representatives and other downtown stakeholders. The Alliance began meeting in January 2013. Items to keep in mind during the discussion included:

- Supporting the formation of a downtown organization was identified as a priority in the 2007 Leland Report and in Michelle Reeves' report in 2011.
- The City Center Development Agency last considered this issue in October 2011 upon the City Center Advisory Commission recommendation to provide support for a downtown organization.
- In 2011, there was no group formed so the City Center Development Agency decided to support downtown businesses by providing funding assistance for events and marketing. The Chamber of Commerce is now leading in this role.

Mr. Farrelly introduced Steve DeAngelo, who is a downtown property owner and one of the primary movers to assemble the TDA.

Mr. DeAngelo said the representatives of the newly emerging TDA come before the City Center Development Agency tonight hoping to bring assistance to the city in moving forward as recommended by the Leland Report and by Michelle Reeves. Supplemental packet materials reviewed during this agenda item included:

- An outline of the presentation of the Tigard Downtown Alliance to CCDA (Delineating the scope/objectives, history, structure, tools and financial needs/support request of the TDA).
- A bubble chart showing intersections of activities and contributions among the City of Tigard, the Tigard Downtown Alliance and the Tigard Area Chamber of Commerce.
- A brochure for the Tigard Downtown Alliance. (draft)

Additional discussion points:

- The draft mission statement of TDA: "Represent the downtown leaders (property and business owners) to guide the changes needed for a vibrant and thriving downtown for the benefit of the entire community."
- The term "alliance" was used (rather than "association") to emphasize the partnership of the Alliance, the City and the Chamber.
- A low initial dues structure is proposed.
- Financial support requested from the CCDA to cover legal fees, accountant fees, insurance, state filing fees, printing and mailing costs, advertising, operating capital and miscellaneous. The city business license fee can be waived. TDA would continue to use the Chamber of Commerce as a fiscal agent to assist with check writing and accounting for downtown events. The initial amount requested from the CCDA is $8,500 (either a grant or "gifted.")
- It is anticipated the TDA could have a membership of about 60-100 property and business owners.
- The TDA would present a proposed budget to the CCDA for the 2014 business cycle.
- Funding in the future would include membership dues and explore potential revenue sources.
- The TDA formation group has looked at formation of a non-profit business interest group, which is a 501(c)(6) status. Such status would allow opportunities to apply for federal funding.

Council and Alliance representatives' comments followed:

- Councilor Woodard noted his support of the initial TDA proposal as a good "first step." Mr. DeAngelo responded to a question from Councilor Woodard and advised the TDA would eventually need a part-time staff person to "drive it and continue to drive it." Depending wholly on volunteerism will likely burn out key individuals and lead to failure to thrive as an alliance. Councilor Woodard agreed a part-time, paid staff person would also add some expertise/skill sets. He acknowledged the great efforts made so far by the TDA formation group.
- To add to the comments regarding the paid part-time staff person, Mr. DeAngelo noted the need to help market vacant properties and bring in new business using existing tools, such as the website.
- Councilor Buehner suggested consideration be given to including businesses located just outside the downtown boundaries. Mr. DeAngelo commented on interactions with several of these businesses and including them in the TDA has not been ruled out.
- Council President Henderson recalled there has been some funding set aside ($60,000) in the recent past for a downtown manager but no progress was made. In his research for a downtown organization, he said it appears that there is a need for a half-time (or more) staff person who is devoted to the efforts of the Alliance. He proposed the $60,000 might be a good figure to begin with as a targeted budget. In response to Council President Henderson's question about whether the Alliance believed it could eventually fund itself through its membership, Mr. DeAngelo was cautious, saying it might be possible in the "long-term future." Timeframes for the Alliance achieving financial independence were discussed. City Center Advisory Commission Chair Elise Shearer was present and she recalled the discussions were for a start-up formation time period of three to five years. This would be the amount of time it would take to assemble a membership of between 60-100.
- Chamber CEO Debi Mollahan commented that the Chamber's support for marketing and administering downtown events would eventually transition to the Alliance organization as it gains momentum through its successes and membership growth.
- Councilor Woodard commented on the benefits of formation of the Alliance and creating a forum to simplify the structure to support activities and provide momentum for downtown economic development.
- Mayor Cook thanked the Alliance representatives for attending tonight. He appreciated that the three organizations appear to be coming together: the City, Chamber and the Alliance. Their efforts have created momentum and identified a direction to move forward.
- City Manager Wine said now that the city has heard from the Alliance organizers regarding its request for support, staff will look at the proposal and return to the City Center Development Agency to report what is possible for the city to do to help seed/support these efforts. Redevelopment Project Manager Farrelly added that the City Center Advisory Commission will be discussing this topic at its meeting tomorrow night. Mike Stephenson commented that to get started right away, there will be expenses. The start-up group has expended quite a bit of effort, but there is not much more they can do until they know what financial resources they can count on. Immediate expenses include start-up fees and support to solicit membership.
- Councilor Snider asked when staff reviews possible city support options that in-kind services also be explored.

- Councilor Buehner offered to assist as an advisor to set up the 501(c)(6) foundation for the Alliance.
- Mayor Cook concluded the discussion saying that he has heard consensus among the council members for support of the TDA and the task before the city now is to determine how to facilitate the requests made tonight.
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9:05 City Center Development Agency meeting recessed to consider Agenda Item Nos. 5 and 6 on the Tigard City Council agenda.

Chair Cook to read Executive Session citation for the City Center Development Agency:

9. EXECUTIVE SESSION: The Tigard City Center Development Agency went into Executive Session at 9:16 p.m. to discuss real property negotiations under ORS 192.660(2) (e). 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.

10. ADJOURNMENT – 9:40 p.m.

Motion by Councilor Snider, seconded by Councilor Buehner, to adjourn the meeting.

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

Catherine Wheatley

Catherine Wheatley, City Recorder

Attest:

Mayor, City of Tigard

Date: October 22, 2013

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