



**City of Tigard**  
 Tigard City Council Meeting Minutes  
 June 25, 2013

STUDY SESSION

City Council present: Mayor Cook, Councilor Snider, Councilor Woodard, Council President Henderson and Councilor Buehner.

Staff present: City Manager Wine, City Attorney Bennett, Assistant Public Works Director Rager, Parks Manager Martin, Community Development Director Asher, Assistant Community Development Director McGuire, Engineering Manager McMillan and Deputy City Recorder Krager.

At 6:31 pm Mayor Cook announced that the Tigard City Council would enter into Executive Session under ORS 192.660(2)(e) to discuss real property transaction negotiations. The Executive Session ended at 7:25 pm.

Councilor Buehner left the meeting at the conclusion of the Executive Session.

1. BUSINESS MEETING

- A.  At 7:30 pm Mayor Cook called the meeting to order.
- B. Deputy City Recorder Krager called the roll.

	Present	Absent
Mayor Cook	✓	
Councilor Buehner		✓ (Councilor Buehner was present for the Study Session only.)
Council President Henderson	✓	
Councilor Snider	✓	
Councilor Woodard	✓	

- C. Pledge of Allegiance – Mayor Cook welcomed members of Boy Scout Troop 799 who presented the flag ceremony and led the pledge of allegiance.
- D. Council Communications & Liaison Reports – Council President Henderson said he wished to talk in the future about funding cuts to the Community Development Block Grant (CDBG) program. He said the 48 percent cuts are significant. Mayor Cook said this was

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discussed at the Mayor's Conference he recently attended. Councilor Snider said he would give a short report regarding the water partnership, on behalf of Councilor Buehner, at the end of the meeting.

- E. Call to Council and Staff for Non-Agenda Items – Mayor Cook said he has an item he would hold for the end of the meeting.

## 2. CITIZEN COMMUNICATION

- A. Follow-up to Previous Citizen Communication – City Manager Wine provided follow-up to Citizen Communication from the June 11, 2013 council meeting. Council heard from some citizens regarding a Wal-Mart store coming to Tigard and directed staff to perform some additional analysis regarding changes the city may pursue. She said information was received from the city attorney. She reported that staff began negotiations with Tigard Little League and Southside Soccer and an agreement will come before council within a few months. She said she will follow up with Dr. Davis on his concerns.

- B.  Citizen Communication – Sign Up Sheet

 Jill Byars, 10915 SW Hall Blvd, Tigard, OR 97223 is the president of SEIU, Local 199 which is a chapter of the largest public employee union in Oregon and represents 107 City of Tigard employees. She spoke on two issues: 1) the union's desire to work in partnership with the city to raise revenue and restore services, and 2) the union's need to settle a fair contract for their members. She said she came to council in February with a statement that expressed the union's desire to partner with the city on common goals. At the bargaining table the union proposed funding solutions to restore services the citizens lost during the 2012 budget cuts. This would also restore library staff members cut to part-time status to full-time and resume the seven-days-a-week library schedule. She said the union is ready, willing and able to help build local public support to pass a local option levy for immediate relief, and engage in joint legislative advocacy efforts in Salem to help solve problems created by the state tax structure. She said the partnership offer was sharply rejected, with the city's attorney saying the city would be glad to have their help in raising revenue, but want to be able to use that revenue as they see fit, and the bargaining table is not the right place for that conversation. Ms. Byars asked council if this is the right place and if they were interested in partnering with them to raise revenue and restore services. If so, the union would be happy to partner with the city, but first they need a fair contract that gives wages and benefits in line with comparable Oregon cities, and good health coverage they can afford. She asked council to convince city management's bargaining team to make this investment in their employees. She referred to a table of local government retirement contribution comparators. A copy of this table and her full statement has been added to the packet for this meeting.

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Ann-Marie Anderson, 309 Main Street, Dayton, OR 97114, spoke about the SEIU contract negotiations. She spoke on behalf of library employees. She said the city and the library run very efficiently. Out of 29 SEIU library bargaining unit members, all were reduced to part-time hours in the last fiscal year. She listed some increased workload statistics but said staff is still able to provide great customer service. She brought in a bibliography demonstrating how libraries positively impact business and are a boon to the business community. She said librarian and library staff choose their jobs because they want to make a difference in people's lives. They enjoy public service and want to be helping people. She said what they don't want is to struggle financially. She asked for council's support. Letters from library staff and a copy of the bibliography have been added to the packet for this meeting.

Nancy Tracy, 7310 SW Pine Street, Tigard, OR (Metzger area), said she wanted to comment on Walmart. She said it is not too late to remedy something that may be a mistake. She said her issue with Walmart centers on their devil's bargain in China, where many goods are made for Walmart, making billions on the backs of cheap labor and regulation-free pollution of the atmosphere. She said China is leading the industrialization of SE Asia and India, building coal fired power plants with no pollution safeguards. She left for the record an April 1993 pamphlet from the Union of Concerned Scientists warning that we not let the planet be irretrievably mutilated. She said a conversation needs to be held regarding coal or we may lose this moment to secure a better future for our children and for the planet.

 Johnny Gish, 34910 S. Dickey Prairie Road, Molalla, OR, spoke about the partnership with the city that the SEIU union has proposed. He said he went to Salem and spoke with Tigard's state legislators, Representative Doherty and Senator Burdick. He said they both agreed that funding solutions need to be resolved by finding a more predictable source. He stated he was present to offer support for proposed solutions that were rejected in union negotiations and he did not understand why. He said the union is solution oriented. He said public works staff keep getting more added to their workload and are asked to do more with less. He said the Department of Environment Quality, Environmental Protection Agency and Clean Water Services hold the city's contracts and permits and have strict requirements. Without public works staff doing their jobs, the city cannot meet required numbers. He said that SEIU members are here to find funding solutions to this issue that is not going to go away.

 Karen Grissom, 11522 SW Royal Villa Drive, Tigard OR 97224, said she wanted to talk about the newest member to Tigard's business community – Walmart. She said Walmart is the world's largest employer and the third largest corporation. She said ALEC is a corporate front group since 1973 that writes legislation to pave the way for corporations in states. Walmart would not be where they are today without ALEC. She said the National Federation of Independent Businesses has a website listing legislators by state, showing who is voting against local, small businesses. She said, "We do not want it; we certainly don't need it in with local companies that do right by their employees." She said their group is not going to go away and will continue to educate about this issue. She suggested anyone not

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familiar with the Transpacific Partnership should look this up online to learn about secret trade deals. She said six members of the Walton family have a net worth of \$93 billion, the same as the lower 41 percent of the entire United States. She said it is a shame to bring Walmart to Tigard.

 Jennifer Vasicek, 11010 SW Eschman Way, Tigard OR 97223, spoke regarding Walmart. She commented on council's silence when asked for their stance regarding Walmart on the record, she summarized what she has gathered from these and other meetings. Council supports free enterprise and considers Walmart part of that system. Council is excited about the 300 jobs Walmart is bringing to this community. They are unwilling to put forth any of the regulations drafted by the city attorney and as suggested by their group. She asked if she was misrepresenting any of their views. She said their group has been dismissively told that if they don't like Walmart they can vote with their pocketbooks. She said they will be organizing a boycott campaign to affect Walmart's profit. What will be the effect? The city will be left with an empty 137,000 square foot box. Other cities have been forced to tear down these abandoned structures and there are over 400 in the United States. She said if and when that happens she will be here to remind the voters that this council had the opportunity to pass regulations that would have addressed this situation. She asked council to consider this point as they look at the regulations put forth by the city attorney.

 Christine Darnell, 1208 Marguerite Way, Newberg, OR, spoke regarding the SEIU negotiations. She said she and many other union workers share the story of being shuffled out while higher paid management has been shuffled in. She asked for council's help. She said she held a job at the city for ten years and did a very good job. The city needed money and cut her job as well as those of other union workers. Cutting that job did not serve the citizens so the job was renamed and paid over \$6,000 more than when she held it. She said she is fortunate to still be at the city but has paid a large price - a 32 hour schedule and \$19,000 less. She said she, and many other reduced schedule worker struggle. She said, "We have paid our price to help the city's budget. We can't afford to pay more. Senior staff knowledge and experience is one of the city's greatest assets." She asked how many thousands of dollars need to be spent on attorneys just to say no during negotiations. She asked council to guide management to do the right thing as union workers also deserve respect and care.

### 3. CONSENT AGENDA:

- A. Approve City Council Minutes for:  
May 21, 2013
- B. Acceptance of the Quail Hollow Tract S Open Space Donation – Resolution No. 13-29

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RESOLUTION NO. 13-29 ACCEPTING A DONATION OF OPEN SPACE, KNOWN AS QUAIL HOLLOW-WEST TRACT S, FROM THE QUAIL HOLLOW WEST OWNERS ASSOCIATION AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL DOCUMENTS ASSOCIATED WITH THE DONATION

- C. Authorize the Mayor to execute an amendment to an intergovernmental Agreement with Metro Regarding the Management of the Fields and Brown properties
- D. Approve the Emergency Management Cooperative Agreement of Washington County – Resolution No. 13-30

RESOLUTION NO. 13-30 A RESOLUTION APPROVING THE EMERGENCY MANAGEMENT COOPERATIVE AGREEMENT OF WASHINGTON COUNTY

- E. Approve Appointments of Tigard Library Board Members and Alternates - Resolution No. 13-31

RESOLUTION NO. 13-31 A RESOLUTION APPOINTING SCOTT HANCOCK, KATIE HARRIS AND JAN THENELL AS LIBRARY BOARD MEMBERS FOR FOUR-YEAR TERMS EFFECTIVE JULY 1, 2013 THROUGH JUNE 30, 2017, AND APPOINTING NICCI WALKER AND LORENA STEWART AS LIBRARY BOARD ALTERNATES FOR A TWO-YEAR TERM EFFECTIVE JULY 1, 2013 THROUGH JUNE 30, 2015.

Council President Henderson moved for adoption of the consent agenda and Councilor Snider seconded the motion. All voted in favor

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

4. RECEIVE UPDATE BY TUALATIN RIVERKEEPERS ON THE ENVIRONMENTAL EDUCATION PROGRAM AT DIRKSEN NATURE PARK

 Coordinator Wegener introduced Tualatin Riverkeepers new Environmental Education Director, Isabel LaCourse. She noted that the summer camp program began Monday. A slide show presentation on the Nature Awareness & Service Learning program was given. The field trips have been moved to the Dirksen Nature Park. She noted that it is a beautiful

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location and is closer to the city, making it more convenient and less costly for school transportation budgets. Environmental Education Director LaCourse said the Riverkeepers served 350 students in four months.

Mr. Wegener noted that the City of Tigard has been a financial partner in this nature education effort since the establishment of Dirksen Nature Park. He also mentioned the support of Metro and Clean Water Services.

Mayor Cook asked if Beaverton School District students can be included in the program. Ms. LaCourse said it is accessible to any school within the watershed. She thanked the city and council for supporting this program.

Council President Henderson said his granddaughter attended for the last few years. A slide was shown of Council President Henderson's granddaughter in a kayak on the Tualatin River.

5. RECEIVE PROFESSIONAL ACHIEVEMENT IN PLANNING AWARD FOR URBAN FORESTRY CODE REVISIONS PROJECT

 Associate Planner Daniels reported that she was present to share the success of the Urban Forestry Code Revisions Project. She accepted the Professional Achievement in Planning award last month along with former City Arborist Todd Prager, at the Oregon chapter of the American Planning Association banquet. Former Assistant Community Development Director Susan Hartnett and current Assistant Community Development Director Tom McGuire nominated the project based on the innovative nature of the process and the results.

She said the Professional Achievement in Planning award recognizes individuals or organizations for a planning project of exceptional merit. The awards committee noted, "The City of Tigard's Urban Forestry Code Revisions Project demonstrates the city's commitment to preserving, enhancing and maintaining their urban forest. Further, the project offers noteworthy citizen engagement and urban forestry contributions and practices for other municipalities to consider when undertaking similar approaches." She said the success of this project is measured in relationships, and she recognized the Council and Planning Commission for their leadership in this project. She presented the award and gave council bookmarks made of plantable paper that has information about the project.

Mayor Cook said Ms. Daniels thanked the Planning Commission and City Council and acknowledged the two years staff spent on these code changes and manuals. He said staff did a great job.

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6. AMEND THE TIGARD MUNICIPAL CODE TO AUTHORIZE SOCIAL GAMING – PUBLIC HEARING

Mayor Cook said the purpose of this public hearing is for the City Council to consider allowing social gaming.

- a.  Mayor Cook opened the public hearing.
- b. Attorney Bennett read the public hearing procedures, noting that it was a legislative public hearing in which any person shall be given the opportunity to comment.
- c.  Senior Management Analyst Wyatt summarized the staff report and proposed amendments. He said over a year ago staff came to council in an effort to define social gaming and what the options were for Tigard. They studied what other cities are doing with social gaming. Based on council feedback staff drafted an ordinance and possible restrictions the city might consider. At the April 23, 2013, council meeting the desire was expressed for a less restrictive ordinance. He said the ordinance was refined to reflect council input. Staff feels that the ordinance council will be voting on tonight involved council input and is legally defensible based on the Attorney General's opinion on social gaming. He said the city has the enforcement capabilities to carry out the ordinance, if approved.

Mr. Wyatt said a main change in this ordinance is that floor area was defined to exclude kitchen and storage space. He noted that there was state legislation proposed to curb social gaming and limit it to non-profit entities but the bill died in committee. He said the Tigard Police Department's Commercial Crimes Unit visited all businesses that contacted the city with interest in social gaming to let them know of opportunities to give input. Anyone who expressed interest in this topic was notified when social gaming discussions would be held. This was publicized on the city's website and in social media outlets. He said if approved, the ordinance will be reviewed in six months to examine the status of implementation and enforcement.

-  Police Chief Orr said the changes made to the draft ordinance will make it easily enforced. He said he did not foresee problems with enforcing the ordinance and officers will spot-check establishments to ensure compliance.

Councilor Snider asked if there will be police officer training. Chief Orr said the Commercial Crimes Unit will be working with the establishments and the district officers will do some compliance checking.

-  Councilor Woodard asked about the process for determining allowable floor space. Chief Orr said there is a hypothetical line and when an establishment applies for a permit, they will indicate the area to be used for gaming. He said police will not be measuring floor space; it has to pass the common sense test.

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- d. Public Testimony – Mayor Cook asked if there was anyone interested in speaking for or against this ordinance. No one had signed up to speak.

City Manager Wine asked about feedback received from Commercial Crimes unit. Senior Management Analyst Wyatt said only one business expressed interest lately. He said the Commercial Crimes Unit completed an informal survey to gauge interest and there were three or four businesses that said they may be interested in social gaming.

- e.  Staff Recommendation – Senior Management Analyst Wyatt said the staff recommendation is for approval of the ordinance.
- f. Mayor Cook closed the public hearing.
- g. Council Discussion and Consideration: Councilor Woodard commented that if a non-profit can do this, why not a small business. He said this is a good idea that businesses can use to expand. He said the ordinance is not complicated and will not make the police department’s job difficult.

Councilor Snider moved for adoption of Ordinance No. 13-11. Councilor Woodard seconded the motion. Deputy City Recorder Krager read the number and title of the ordinance:

ORDINANCE NO. 13-11 – AN ORDINANCE AMENDING TIGARD MUNICIPAL CODE TO ADOPT SUBCHAPTER AUTHORIZING SOCIAL GAMING, SUBJECT TO SPECIFIED CONDITIONS

Mayor Cook asked if there was any discussion.

Council President Henderson said he opposed this mainly because he did not believe that gaming leads to anything Tigard really needs. He said he has been associated with mental health and addiction services providers in the past and while he understands the need for recreation and business needs, he said the science behind this does not support engaging in it and he will vote against it.

Mayor Cook asked Deputy Recorder Krager to conduct a roll call vote.

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

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Mayor Cook announced that Ordinance No. 13-11 is adopted by a majority vote of council present.

7. DISCUSSION ON DRAFT RECOMMENDATIONS TO SOUTHWEST CORRIDOR PLAN STEERING COMMITTEE

 Senior Transportation Planner Gray gave council an update of the SW Corridor Plan. She presented a slide show which has been added to the packet for this meeting. She discussed the timeline, noting that in October 2012, there were ten options for high capacity transit that the Steering Committee reduced to five. The Steering Committee will be asked in July to narrow it down further to determine the final destination and the scope for additional evaluation and analysis. An Environmental Impact Statement, which is a detailed engineering study, will follow that decision and will take three years to complete. She said there is a draft recommendation to be discussed tonight.

Draft recommendations for continued evaluation were summarized:

- A. Light Rail to Tigard and into Tualatin (Recommended option.)
- B. Bus Rapid Transit (BRT) to Tigard (Recommended but combine with Option C for efficiency)
- C. BRT to Tualatin
- D. BRT to Sherwood (Not recommended.)
- E. Hub & Spoke – (Costly and least efficient. The idea is to provide these connections with local service instead.)

For BRT there is a recommended right of way of 50 to 100 percent. To be eligible for federal transit money there is a requirement to have at least 50 percent dedicated right of way.

Senior Transportation Planner Gray said there are many roadway and transportation projects listed in the draft recommendation to make HCT work and achieve identified land use visions. These are all taken from each city's transportation system plan. She has received questions about what it means if a project is included. She said projects related to HCT will be carried forward for further evaluation. Roadway projects might receive greater priority in a competitive funding environment because being listed shows a higher level of evaluation or a corridor-wide need. In some cases a road project would be needed for an alignment if an HCT application is made. Some roadway projects are not alignment options but would provide circulatory benefits to support access to transit stations.

Senior Transportation Planner Gray referred to a section in the material given to council called Development Strategy. This is the policy discussion that Metro's Transit-Oriented Development (TOD) team held as they looked at each city's policies and what they can do to help accommodate or support the land use vision. The recommendation is for guidance only and the Steering Committee will not have authority to change policies. She said this will be informative for Tigard as it enters into the Triangle planning because zoning codes, restrictions and market conditions are

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examined. She said it is also possible to look at expanding how performance is evaluated on Highway 99W by discussing this while everyone (Oregon Transportation Commission, Metro, Portland, Tigard, and Tualatin) is at the table.

Key Dates:	June 26	Community Planning Forum, 6-8 pm at Tigard Public Library
	July 8	Steering Committee Meeting at Metro
	July 22	Steering Committee Meeting at Metro

Mayor Cook asked if there was any public testimony.

 Calista Fitzgerald, 7453 SW Gordana Court, Tigard, OR 97223. She identified herself as a Planning Commissioner and said she has attended most of the SW Corridor meetings. She takes a personal interest because she drives the corridor every day to downtown Portland. She said that as a citizen she knows it is important to see this project considered carefully and thoughtfully. She noted that all Planning Commissioners signed the agreement letter approving the draft. She attended the forums held in Portland at Multnomah Art Center and in Tualatin and it was interesting to hear the residents, participants and stakeholders at each location. Everyone is interested in this. She said Tigard is the lynchpin in this project and it will be a catalyst for development in the Triangle. She told council to move forward and continue studying both the light rail and rapid bus options. There is a lot more to be learned from this. The community needs to hear the options to know the benefits and pitfalls of both options. There has to be a sound decision made that they are comfortable with.

Elise Shearer, 9980 SW Johnson Street, Tigard, said she was present as the City Center Advisory Commission Chair and also as a citizen. She encouraged council to continue studying both options. She said her largest concern is future housing growth. River Terrace alone will add 2,300 households. And 4-6,000 more are projected for the South Cooper Mountain area. She said Metro's 2030 housing review shows we need to absorb 6,547 housing units which adds another 12-13,000 cars on the road. She said having a high capacity transit option available in Tigard will keep that traffic off Pacific Highway and give people more options. She attended a BRT discussion at Metro and found it interesting. She saw a graph showing costs for right-of-way build-out and BRT decreases in efficiency and light rail increases in efficiency. She said her personal preference is light rail. She said as CCAC Chair that the Commission's recommendation is to study both options and keep in mind the housing and traffic growth.

Councilor Snider asked Ms. Shearer if her personal preference for light rail is based on capacity alone. She responded that it would have a higher capacity but the perceived difference of investment and infrastructure among citizens and developers is higher. She said she knows it is more expensive initially to construct, but there will be development, businesses, and mixed-use housing along light rail. She said it has taken off in other areas and she believes it will happen in Tigard.

Council President Henderson said as liaison to the CCAC he appreciated their hard work and noted it was not easy to come to a conclusion given all the data they needed to review.

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 Councilor Woodard thanked Ms. Fitzgerald for representing the Planning Commission and Ms. Shearer for representing the CCAC. He said he supports the idea of looking at both ideas to see what makes sense and is affordable. He said we can't just keep expanding rights of way on highways and back roads. He mentioned a positive light rail experience in Portland and said he enjoyed using the underground train in Washington DC. He said while there were early complaints about WES not being used to capacity he believes it will be soon. He stated that we need to build for the future.

 Councilor Snider asked Senior Transportation Planner Gray and Mayor Cook if there is specific input needed from council. Mayor Cook responded that his early hope was that the ten options could be narrowed to one but after identifying five options, at this point there are two. He said he is comfortable with this because there is not a consensus yet among all partners at the table and more time is needed to research and weigh cost benefits. He hears a lot from the community on preferences for one or the other, and some like none of the options. He likes the fact that Senior Transportation Planner Gray has gone to the different boards and commissions and so we are hearing from them as well as from citizens. He asked council if they see a glaring omission or if there is a particular option he should represent.

Councilor Snider said from an economic standpoint he prefers the BRT mode but is convinced that both need to be studied. He is concerned about capacity given up if we go the BRT route. He said light rail needs to remain on the table and the direction to move forward makes sense. He expressed concern about the lack of connectivity extending to Sherwood but said their community has weighed in.

 Council President Henderson said his focus is to just get it to Tigard. He said there are a lot of decisions to be made once it reaches Tigard about alignment. He said he has ridden BRT in Eugene and is anxious to see it now that it has expanded with more routes. He said he likes light rail and uses it and WES as much as possible. He said he supports studying both options at this point.

Mayor Cook said there were no decisions to be made tonight. He wanted to make sure council was up to speed and if there was anything else he needed to know before the Steering Committee meeting.

Senior Transportation Planner Gray said a packet with a new draft recommendation from staff will be distributed to council on Monday, July 1. She thanked the council for their comments and direction.

## 8. DISCUSSION ON RIVER TERRACE COMMERCIAL COMPONENT

 Community Development Director Asher led the discussion on this item. He said he and Senior Planner Wyss asked council four weeks ago if there was interest in giving more consideration to the location of the River Terrace commercial area as planned in the West Bull Mountain Concept Plan. He said some members of the stakeholder group raised questions on the viability of a commercial area located there and it was also recognized that it has been a few years since the market study was

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done which set the assumptions. He said he had questions too because he was not around for that earlier plan. He said the land uses need to be decided soon as staff enters into the infrastructure master planning. At the time, Council indicated they had interest in getting a better understanding about current market conditions and how it would work to have a neighborhood center that is not on a major arterial.

Community Development Director Asher summarized the Leland Consulting Group report which is an update to the June 2008 findings. He said the Leland update focused on demographics, real estate and impacts from the South Cooper Mountain annexation. It also considered whether the 25,000 square feet recommended in 2008 is adequate.

He summarized that the neighborhood has not changed. Households are still larger than average and a little more affluent. What has changed is the use of real estate in the neighborhood. Murray Scholls has 200,000 square feet of commercial area. Murrayhill Marketplace is 150,000 square feet and Progress Ridge Town Square is 350,000 square feet. He said the development most similar to the proposed River Terrace commercial area is The Village on Scholls which is 30,000 square feet and includes a restaurant, nail salon, insurance agent and bicycle shop. He noted however, that there are vacancies throughout all of the above-mentioned commercial areas which show that we are not fully absorbed. So before anyone would develop any new commercial areas there would have to be a lower vacancy rate. He said another signal is that the commercial area in River Terrace will be unable to compete with these larger, more diverse shopping centers. Commercial development in River Terrace and South Cooper Mountain will trade on neighborhood convenience shopping.

Community Development Director Asher said the updated Leland report indicates that the addition of 4-6,000 South Cooper Mountain residents does not create additional demand for commercial in River Terrace. They will have their own neighborhood centers. Both will use what is already built on Scholls Ferry. The civic use component is important in making this work. Connectivity to a park system and public plaza is also helpful as is street connectivity. Whether it is built on Roy Rogers Road or a new street, drive-by traffic is important for a commercial use.

The Leland report still recommends 25,000 square feet (19,000 commercial with 6,000 professional office space) and some additional amount of civic space. Five acres is still sufficient.

Community Development Director Asher distributed a report from GBD Architects. They were asked to work with the assumption of building a 25,000 square foot retail plus civic area. The program is a straight takeoff from the Leland report but with parking added, they estimate an area of 68,000 square feet is required. The attempt is to make this multi-modal, but acknowledge that retail cannot exist by depending on walk-up traffic.

Site Sketch A is a concept plan drawn to scale with parking and circulation. He said the first finding is that commercial and parking can easily fit into that area. He noted that there isn't all that much commercial, especially when considering supporting a multi-use plaza. The program stays the same. However, the consultants indicate that although it fits here it will be hard to activate the civic space. The housing would have to be built first. He noted that GDB also conferred with commercial realty advisors and their input is included. There is a question about the street going east/west. In

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response to Councilor Woodard's comment, it has been drawn more pedestrian-friendly and connected. There is a question whether this street will attract too much drive-through traffic or cuts through the neighborhood. Suggestions were to zone this area to allow more commercial if there is future desire.

The brokers pointed out that the city may be missing a target audience by not having visibility from Roy Rogers Road. They said this will become a neighborhood center that has more professional services than food or flower shops, etc. Unless food service businesses are heavily subsidized, they will be difficult to attract. He summarized that this scheme can work, it fits, and would be neighborly, but commercial property development might take longer and it may not be as interesting and vibrant.

Site Sketch B slides the commercial area out to Roy Rogers but maintains the neighborhood character by not putting parking in front of the buildings. There is a public plaza and the civic building acts as an anchor. He said this would attract a coffee shop and a small restaurant more quickly which would help brand River Terrace and allow for a commercial effort to start sooner. . Community Development Director Asher's opinion is that this is close to refinement. He asked if there was council interest in allowing Site Sketch B to be taken to the Stakeholder Working Group (SWG and letting them know council has done this refining of the commercial concept. He said the alternative, which is not his recommendation, is to keep to the first scheme and be patient as it takes more time to develop.

 Mayor Cook said this fits a lot of the things that have been discussed. Scholls and Barrows have two major streets and are still not built out in retail. He said it would take years to develop the commercial area unless it is moved towards Roy Rogers Road. He said in the other aspect, there is a direct cut-through in the neighborhoods. He said council is making a recommendation to the SWG.

 Councilor Snider asked Attorney Bennett if ex parte contact needed to be disclosed. City Attorney Bennett said it did not because council is not making a land use decision.

 Councilor Snider that there were a lot of reasons why the commercial was where it was and the intent was keeping it off of major thoroughfares. He asked if the actual placement need to be re-thought or is it generally in the right place. Community Development Director Asher said his opinion is that it is generally in the right place and if it goes too far north or too far south, it will not be convenient and may infringe upon SCM. He said he is comfortable in its approximate location and did not know why the placement decision was made. He said it may have been more of a character and quality issue, that is - do not make it a strip mall. He said this can be still be achieved with Tigard's regulatory toolbox.

 Council President Henderson noted that the open space is larger. He said the topography is steeper than he expected and asked how that would work. He said the area needs to have somewhat of a "village appearance" and the civic center should be close to the open space.

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 Councilor Woodard said he had concerns that putting the commercial area too far north might lead to vacant commercial space. He said he is also concerned about drainage costs with the original location because of the slope. He said the more he considers the layout, the more prone he is to place the commercial area alongside the road.

 City Manager Wine asked Community Development Director Asher to clarify council and SWG roles. She said the SWG has the role of advising council so after they have discussed this, a recommendation will come back to council. She said drainage issues can be addressed through the Technical Advisory Committee (TAC) and master plan updates. Community Development Director Asher said if we are going to get through this in a nine-month period, the critically important issues cannot be piled up and given to council at the end. He said council has to adopt this plan into the Comprehensive Plan and they want neighborhoods in River Terrace to be as vibrant and successful as possible. He said that even though council makes the final decisions and the SWG is advisory, when these time-sensitive issues come up, upon which a lot of other assumptions will be built, it is important for the SWG be aware of the council's position.

Councilor Snider commended City Manager Wine and Community Development Director Asher for getting these materials together promptly and efficiently.

Mayor Cook inquired about the ability to add a second spot, perhaps on Scholls Ferry, which is less desirable for building a house. Community Development Director Asher replied that the market demand is for housing and it is important to hit the spot where there is just enough commercial, but not too much. He noted that the refinement is to the zoning map and decisions cannot be made about single lots.

 Councilor Woodard asked if staff knew where SCM is building the commercial area. Community Development Director Asher said Beaverton is contending with the same issues as Tigard with River Terrace. They have a plat of land near Scholls Ferry that might end up being the commercial area but it could also be housing.

Community Development Director Asher said he will summarize this discussion and make it part of the next SWG discussion, letting them know that the city council is interested in expanding and potentially moving the commercial area towards Roy Rogers and having a flexible mixed-use zone in place. He said the SWG may have a strong reaction to this and if they do, the conversation will continue. If not, this is how we will move forward.

Councilor Snider encouraged a robust dialog with the SWG on this topic. Community Development Director Asher suggested that Councilor Woodard, as council's representative can carry this forward.

## **TIGARD CITY COUNCIL MINUTES – JUNE 25, 2013**

## Local Contract Review Board

### 9. CONVENE LOCAL CONTRACT REVIEW BOARD: CONSIDER AWARD OF RIVER TERRACE COMMUNITY PLAN CONTRACT

 Senior Management Analyst Barrett said this contract scope includes updates to the park system, water system, transportation system, sanitary sewer and storm water master plans as well as development of an infrastructure financing strategy, development of a public facilities plan and project communication and coordination.

A Qualifications-Based Solicitation (QBS) process was issued in late March which means the city cannot look at price. Criteria included firm or project team qualifications and experience, project approach to the master plan updates and project approach to the financing strategies. One proposal, from OTAK, was received. A selection team comprised of multi-departmental staff and an outside source reviewed OTAK's proposal and found it to be responsible and the firm well qualified to perform the work. Based on this determination the project staff and OTAK entered negotiations and the result is a negotiated price of \$465,000.

Councilor Snider commented that in the QBS process, staff's expert opinion is the only thing available to evaluate reasonableness of cost. He asked what staff thought it would cost for this contract.

Community Development Director Asher said the proposal was "in the neighborhood." He said staff took a hard look at the \$750,000 South Cooper Mountain (SCM) project as a comparable. He said rates and hours were considered, divided by task. He said Tigard staff has experience with master plans so City Engineer Stone and Senior Transportation Planner Gray examined the proposal to ensure the city was not being gouged. He said, "This is a market rate," noted that Tigard loaded more money into the financial planning segment of the contract. The financial consultant will be required to appear before council at least twice.

In response to a question from Councilor Snider, Senior Management Analyst Barrett said there is another QBS project coming up and council will be given the engineer's cost estimate up front so that when staff brings the contract to council for approval, they will at least where staff started in the negotiations.

Council President Henderson asked why, in this economy, only one proposal was received. Senior Management Analyst Barrett replied that staff was taken aback when only one proposal was received. Community Development Director Asher said one reason is that the SCM project is one step ahead of River Terrace and some of these specialties only have two local firms. He confirmed that some of the consultants were hired for the SCM consultant team. Council President Henderson said that answered his question, and while he was not "crazy about the QBS process" he realizes there is a timing issue. He said he was forced to agree to this because he did not want to slow down the project.

## TIGARD CITY COUNCIL MINUTES – JUNE 25, 2013

Councilor Snider moved for approval of the contract award and Councilor Woodard seconded the motion. Motion passed by a unanimous vote of council present.

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

10. COUNCIL LIAISON REPORTS

Councilor Snider reported on a Lake Oswego/Tigard Water Partnership meeting. He noted that some of the key timelines are at risk due to lack of approval and opinion from the National Marine Fisheries Service water permits. He said he is concerned about the timeline and short window to do this work. He said they continue to have bids coming in and Lake Oswego will hear protests from bidders who were disqualified as not meeting minimum qualifications. Mayor Cook said he and Lake Oswego Mayor Studebaker followed up with the Army Corps of Engineers to request their help.

11. NON AGENDA ITEMS  Mayor Cook said Washington County is proposing a vehicle registration fee of up to \$43 per vehicle annual registration fee to be used for road maintenance. He said the county does road maintenance with gas tax funds but they are not getting the money they need. There is also a rule that says counties can do this but they need to share with the cities on a 60/40 percent split. Tigard' share would be \$1 million and it would be up to council how to spend that money. There are no restrictions; we could build a new road if we wanted. He said to let him know of any concerns and he will pass them along to the Washington County Coordinating Committee.

Councilor Snider asked if this took a vote and Mayor Cook said the Commissioners could decide this. Councilor Snider noted that many vehicles drive on Washington County roads but are not registered here.

Councilor Woodard said it is not as expensive as it is in California but it is still bad news for multi-car owners. He questioned the 60/40 split. City Manager Wine said those numbers are in state statutes. Mayor Cook said there were exemptions for antique farm vehicles, government vehicles, travel trailers, campers, motorhomes, motorcycles and vehicles over 26,000 pounds.

Mayor Cook said he will give a United States Conference of Mayors report at a later date.

**TIGARD CITY COUNCIL MINUTES – JUNE 25, 2013**

12. EXECUTIVE SESSION - None held

13. ADJOURNMENT

At 9:52 pm Councilor Snider motioned for adjournment and Council President Henderson seconded the motion. Motion passed unanimously.

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

  
Deputy Recorder Carol A. Krager

Attest:

  
\_\_\_\_\_  
Mayor John L. Cook

October 22, 2013

## TIGARD CITY COUNCIL MINUTES – JUNE 25, 2013