City *of* Tigard
Tigard City Council Meeting Minutes
September 10, 2013

- STUDY SESSION

At 6:30 pm Mayor Cook called the Study Session to order and announced that the Tigard City Council would be entering into an executive session to discuss labor negotiations and real property transaction negotiations under ORS 192.660 (2) (d) and (e).

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

Staff present: City Manager Wine, City Engineer Stone, City Attorney Ramis and Deputy City Recorder Krager. Human Resources Director Zodrow, Senior Human Resources Analyst Burbank and Labor Attorney Damm were present for the first executive session only.

Executive Session ended at 7:30 pm.

Mayor Cook announced that requests were received from council to remove all Consent Agenda Items, with the exception of 3.A, 3.B and 3.C, for separate discussion. He noted these items would be discussed after the Local Contract Review Board is convened for Agenda Item No. 5.

1. BUSINESS MEETING

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

B. Deputy City Recorder Krager called the roll.

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

C. Pledge of Allegiance – Mayor Cook asked everyone to join him in the pledge of allegiance.

D. Council Communications & Liaison Reports – Mayor Cook and Councilor Buehner said they would give reports at the end of the meeting.

E. Call to Council and Staff for Non-Agenda Items – City Manager Wine said she had some follow-up to citizen communication from previous meetings which she would give at the end of the meeting under Non Agenda items.

2. CITIZEN COMMUNICATION

A. Follow-up to Previous Citizen Communication - City Manager Wine will give this at the end of the meeting.

B. Tigard High School Student Envoy – Tigard High School ASB President, EJ Albaugh presented a report on THS activities. He announced that the homecoming parade and football game will be on Friday, October 18, and the dance on Saturday, October 19.

C. Tigard Area Chamber of Commerce – CEO Debi Mollahan gave an update on Chamber activities. A *Meet Your City Council* event, focusing on the SW Corridor project is scheduled for September 30 from 6-7 pm. It will be hosted at Broadway Rose Theater and there is no admission charge but registration is requested. The Downtown Tigard Third Friday event is scheduled for September 20. The Tigard Downtown Alliance will hold a Downtown Dialog for those interested in the revitalization of the downtown area on Wednesday, September 25 from 4:30-6 pm in the Chamber's meeting room. Economic Development Manager Lloyd Purdy will be the speaker.

D. Washington County Sheriff Garrett – Sheriff Garrett and Patrol Commander Koch gave council an update and PowerPoint presentation on sheriff office activities. A copy of the presentation has been added to the packet for this meeting. Sheriff Garrett thanked the Tigard Police Department for their collaborative work with his agency.

Sheriff Garrett discussed the sheriff's office duties and highlighted county-wide public safety. He said Washington County is the fastest growing yet safest urban county in Oregon.

Sheriff Garrett discussed the Washington County Jail, noting that the supervision model is direct supervision in a pod design. He described the matrix used to determine forced releases from jail, and said the Washington County Jail is on track to have a forced release rate as low as in 2008.

Commander Koch discussed how interagency teams work with participating agencies to give depth to resources.

- A Mental Health Response Team was formed to meet the increasing needs county-wide, helping people in crisis. A clinician travels with a sheriff deputy, enabling faster treatment. Getting people in to the mental health system more quickly helps avoid repeat calls for service. He commented that this team is very busy.

- The Westside Interagency Narcotics Team is made up of investigators from the Sheriff's office, Beaverton, Hillsboro, Sherwood, the DEA, FBI and the National Guard. He said Tigard had been a longstanding member of this team and they hope to get a representative from the Tigard Police Department back on the team.

- The Interagency Gang Enforcement Team responds county-wide to any gang activity calls. He said there were over 65 documented gang members in Tigard alone and 1,519 active gang members in Washington County.

- Clandestine Meth Lab teams – Although meth labs are on the decline, ecstasy and DMT labs are on the increase. This team watches for emerging drug trends and responds quickly to keep communities safe.

Sheriff Garrett closed by mentioning their 2013 goals:

- Support interagency teams and partners
- Strengthen Mental Health Response Team
- Aggressive drunk driving enforcement efforts
- Sustain a strong organization and be good partners in public safety

Sheriff Garrett said a major goal of 2014 is renewal of the current county-wide local option and he will return to discuss this at the future meeting.

Councilor Buehner asked if there was a special task force that addresses domestic violence. Commander Koch replied that there is a Domestic Violence Response Team (DRVT) and while they are often not the first responders to an incident, they talk to the victims later and are trained in advanced investigative techniques that lead to solid arrests. Councilor Buehner asked what action the Sheriff's office takes to identify which offenders are more likely to repeat their crimes and Sheriff Garrett said there is a group that focuses on determining that.

Councilor Buhner mentioned the large Hispanic population in Washington County and asked if the sheriff's office has been able to increase the number of their employees who speak Spanish. Sheriff Garrett replied that there are 15 bilingual officers in the patrol section and 30 who work at the jail, but "we can never have

enough." He asked council to forward to him any recommendations they have on how to recruit for multi-cultural officers.

In response to a question from Council President Henderson, Sheriff Garrett replied that there is a classification system which separates men, women, gangsters and co-conspirators. He noted that predatory inmates are also kept apart from those likely to become their victims. He clarified that the county's probation officers are part of the Washington County Corrections Department, not the Sheriff's office.

E. Citizen Communication

Don Sims 13348 SW Ascension Drive, Tigard - shared his observations and concerns regarding speeding on Ascension Drive. He said the speed limit is 25 miles per hour and the road is very steep, but it has turned into a thoroughfare. He described his professional background in federal law enforcement. He asked council for help to make it a safer neighborhood.

He said he met with Sergeant Frisendahl on this issue but felt the reality is that there is not enough traffic police coverage. He said a flashing sign was placed there one year ago, and seven cars were stopped by police within a span of ten minutes. He offered ideas that might help, including a permanent speed flashing device, citing more drivers or installing speed bumps similar to those on Benchview Drive.

Councilor Buehner mentioned a similar problem in her neighborhood. She suggested Mr. Sims also go to the Washington County Commission to give them the same information as they are the police services for islands and some of the drivers are on county, not city roads. She said that may encourage a sheriff to come into that area and patrol

City Manager Wine thanked Mr. Sims for his testimony and said the city will explore options and contact him. Councilor Snider said he was interested in a future update on the situation.

3. CONSENT AGENDA:

A. Approve City Council Meeting Minutes for:

1. April 30, 2013
2. June 18, 2013

B. Receive and File:

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

Mayor Cook announced that only Items A and B remained on the Consent Agenda. A request has been made for Items C and D to be discussed separately.

Councilor Buehner moved to approve Consent Agenda Items A and B. Councilor Woodard seconded her motion and all voted in favor.

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

C. Authorize the City Manager to Execute an Intergovernmental Agreement to Construct a Sewer Line of the West Side of Tigard Including River Terrace

In response to a question from Councilor Buehner, City Manager Wine confirmed that council received a briefing on this IGA at the August 20, 2013 meeting. Mayor Cook said two questions have since arisen. Council President Henderson asked about the $420,000 cost and wanted to know why it was not being considered by the LCRB. He said he understands an agreement is not necessarily an LCRB item, but as a general contractor, he said this seemed to him to be a contract because of the amount.

Senior Management Analyst Barrett clarified that when the LCRB approved the latest contracting rules, intergovernmental agreements dropped out from LCRB consideration. He said they do not fit under the public contracting laws or rules. The IGA process is not the same as it is for typical contracts. City Manager Wine said it is staff's commitment that council will have a chance to review and discuss items prior to their being placed on the consent agenda so they know what is coming forward. Council received a briefing on August 20, 2013 and it was noted that this IGA would be placed on a future consent agenda.

City Attorney Ramis addressed the procedural question and said IGA's are not typically included as LCRB items because they are established in a separate state statute. The statute creates the authority for local governments to enter into these agreements. He said the problem in implementing this statute is that it simply says, "It will be approved by the governing body." He said some jurisdictions have developed a process and procedures and council may want to discuss alternatives.

Council President Henderson noted that he has requested several times that larger cost items not be placed on the Consent Agenda. He said it should be aired in public because it is their money. He said there was some new information that was not discussed previously and he felt it his responsibility to talk about it publicly.

Mayor Cook commented that he missed the August 20 meeting but watched it online. He noted that the cost has changed since the first discussion and is now identified as $420,000, although $358,000 was budgeted and appropriated in June. He asked who made the decision on where in the budget the extra $62,000 can be moved to meet this shortfall. He asked if there is a $350,000 overage on a project, if that money falls to the bottom line of the CIP fund for reallocation to another project.

Councilor Snider confirmed that the new cost was not part of the discussion in August, making this a material change. City Manager Wine asked Project Engineer Murchison for clarification. He said the contract is with CleanWater Services and the City of Beaverton. CWS has contracted with Washington County for the sewer line construction and the Washington County Board of Commissioners approved the construction contract.

Council President Henderson said the city has a responsibility to ensure the work is done satisfactorily. In response, Project Engineer Murchison said the city's role is outlined in this agreement. Staff will provide construction oversight which includes examining the bills, construction sequencing and schedule. Council President Henderson requested to see better reporting on the project. Project Engineer Murchison agreed to update council with a staff report on project progress and costs in the future.

City Manager Wine pointed out that when council approves the budget, the appropriations are made at the fund level. Council does not appropriate on a project by project basis.

Councilor Buehner suggested that if a council member has a question on an upcoming agenda item they need to contact relevant staff so they can come to the meeting prepared to respond. Councilor Snider agreed but said, "When we ask for briefings and it comes to a consent agenda with new information, we need a new briefing." Mayor Cook said he agreed with Council President Henderson because if one councilor calls staff and gets a question answered, the other four councilors do not hear the question and answer. City Manager Wine clarified that the council groundrules say a question should go to her or to the relevant department head so staff can prepared to give the answer at the meeting. Council President Henderson noted that the timing of information sent to council can be an issue at times because City Hall is closed on Fridays and there are often Monday holidays.

Councilor Woodard said it is better to discuss things with all council present so everyone can benefit from the discussion.

Mayor Cook asked for council's preference on voting on this contract or carrying the discussion to a future work session. Councilor Snider said despite objections to the content of the report process, he had no issue with moving forward with the IGA and did not want to micromanage projects within funds. He reminded council that it is more cost effective to do this work while the road is already torn up. Council President Henderson clarified that he just wished to make a comment, not pull the item off the agenda. He said he is concerned about filling in from other funds.

Council President Henderson moved to approve the IGA. Councilor Buehner seconded the motion. The motion passed unanimously.

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

Councilor Buehner requested that this process be discussed the next time council talks about groundrules.

4. ADOPT A RESOLUTION OF NECESSITY TO ACQUIRE PROPERTY FOR THE DERRY DELL CREEK CULVERT REPLACEMENT PROJECT

Engineering Manager McMillan gave the staff report. She said this resolution of necessity is for property along the Derry Dell Creek culvert project. The area is near the Skelton property, which was previously purchased because of many potential benefits to the city including a water project, a storm culvert replacement project under Walnut Street, widening of the shoulder on Walnut Street, a park, a trail and a boardwalk project. She said this will enable the city to acquire pieces of property and easements to do the sewer, storm and right-of-way shoulder improvements. She said the city is following the federal process required for these acquisitions. Property owners will be notified of the federal process, receive appraisals and the city will make offers and good faith negotiations. If this does not work, then the city uses eminent possession.

Councilor Woodard asked about the upstream side and lack of fish passageway and asked if it would be restored. He said the upstream elevation should be tapered because it would be a tough fish passage area due to the steepness. Engineering Manager McMillan said staff is already working with upstream neighbors whose backyards border the creek. She said she would look into Councilor Woodard's questions.

Council President Henderson asked what funds are being used to purchase this property. Engineering Manager McMillan outlined the various funds that will pay for the improvements (gas tax, parks bond, parks SDCs, sewer, storm water and water CIP).

Councilor Woodard moved to adopt Resolution No. 13-40 and Council President Henderson seconded the motion. Deputy City Recorder Krager read the number and title of the resolution and a vote was taken. The motion passed unanimously.

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

Councilor Buehner asked when the work will be complete. Engineering Manager McMillan said work is currently underway with CleanWater Services to obtain permits from the Department of State Lands (DSL), Army Corps of Engineers and the Oregon Department of Fish and Wildlife (ODFW). She estimated that the work would start in late spring, with the start of construction dollars being used in May or June of 2014.

Mayor Cook recessed the City Council meeting and convened the Local Contract Review Board. He said prior to Agenda Item No. 5, the LCRB would consider items removed from the Consent Agenda.

D. Local Contract Review Board

1. Approve the Purchase of a New E-Citation System from Advanced Public Safety, Inc.

Senior Management Analyst Barrett said staff sent a memo to council on August 28 regarding this purchase. He said the purchase is pending LCRB approval tonight and a conditional purchase order was released stating this. He said this is funded in large part with an ODOT grant and the order had to be placed by a September 1 deadline.

Council President Henderson noted that he did not see a purchase order. City Manager Wine said she did not attach the purchase order with the backup information because the memo adequately described the situation. At Council President Henderson's request she read the purchase order form, which included wording that this purchase is contingent upon LCRB approval at this meeting. In response to a question from Council President Henderson, Senior Management Analyst Barrett replied that he signs all purchase orders for the city

and he clarified his signature was below that statement. Council President Henderson expressed concerns about breaking protocol. Senior Management Analyst Barrett said he understood his frustration and said he and Police Department staff were in the same mode because they got word extremely late from the vendor about hardware testing issues. He said they let the vendor know this was not a guarantee of purchase, but was a conditional order to meet the grant deadline. To miss this deadline would have meant foregoing the $131,000 ODOT grant funding.

Councilor Snider commented that there are times when leaders and managers are faced with bad decisions without any clear good ones. He said the right judgment calls were probably made and the city's processes were not followed, but "stuff happens." He recommended in the future that things like this be approved beforehand or an emergency meeting called.

Councilor Woodard agreed with calling an emergency meeting so staff does not have to "go it alone."

Council President asked staff when council was first told about this. Senior Management Analyst Barrett said Council was about the grant during the budgeting process in May. City Manager Wine said two state agencies, Office of Public Safety and ODOT were still testing the system when local jurisdictions got word in the last week of August that a purchase commitment was required to be made no later than September 1. Senior Management Analyst Barrett said the Police Department did not get the word until August 15. He said staff attempted to make this as transparent as possible by providing council with memos and the reason it was on the Consent Agenda was that he thought there had been enough notice, and he apologized if there was not.

Councilor Snider moved for approval of the e-citation system purchase. Councilor Woodard seconded the motion. The motion passed unanimously.

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

2. Award a Contract for Mechanical/HVAC Preventative Maintenance and Inspection Services to Reitmeier Mechanical

Senior Management Analyst Barrett said this contract has a possible five-year life. The amount is roughly $27,500 per year with four potential extensions, for a total of $137,500 over the life of the contract. He said this is for routine HVAC maintenance and inspection services.

Councilor Woodard said he pulled this item from the Consent Agenda because he was in this business 20 years ago, and he wanted to make sure he is comparing apples to apples. He asked if this firm has done prior work for the city. Senior Management Analyst Barrett replied that they had, for five years.

Councilor Woodard asked why there was only one HVAC firm bidding for this contract because there are so many heating and air conditioning firms. Senior Management Analyst Barrett said there was another bidder but they were disqualified because they were unable to work on Carrier brand equipment. A walk-through was held with another firm but they did not submit a proposal.

In response to a question from Councilor Woodard, Facilities Supervisor Nissan described each unit's size and location. Councilor Woodard asked if filter change-outs are included. Facilities Supervisor Nissan said they are included in the scope of work. Councilor Woodard asked about expansion valves and driers. Facilities Supervisor Nissan replied that those were additives of price plus 10-percent. Councilor Woodard asked about technical backgrounds of the contractors and Facilities Supervisor Nissan said each HVAC contractor is required to be Carrier-approved and the company must have in-house electricians so that no subcontractors are required.

Councilor Woodard said he was still unsure if the city was getting the most for its money because only one company submitted a bid. Facilities Supervisor Nissan said nine companies attended the walk-through. When the bids came in, one firm backed out and another firm said they did not have enough technicians. Council Woodard commented that there is no way council would know this information without his questions to Facilities Supervisor Nissan. He said now that he has the rest of the information he felt that this was a good decision.

Councilor Snider asked if the city had another other options to taking a single bid. Senior Management Analyst Barrett said council always has the option to throw out all bids and rebid, but he warned that the result could end up being the same.

Councilor Woodard said Councilor Henderson listed some good points. He said he has a higher level of confidence after hearing the discussion with staff.

City Manager Wine said she attempts to make sure the purchasing and technical staff are in attendance when the LCRB is considering contracts.

Councilor Snider moved for approval of awarding the contract for Mechanical/HVAC Preventative Maintenance and Inspection Services to Reitmeier Mechanical. Councilor Woodard seconded the motion.

Council President asked who is managing the contractors and how much that costs. Facilities Manager Nissan said he manages the contract and the contractors when they come on site. He also manages the inspections and maintenance. He said he using Energy Star equipment and having Town Hall and the Permit Center closed on Fridays saves on costs. Councilor Woodard thanked Mr. Nissan for his information.

A vote was taken and the motion passed unanimously.

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

3. Award a Contract for Sanitary Sewer and Storm Water Line Television Inspection Services to Pacific Int-R-Tek

Senior Management Analyst Barrett said the city has an IGA with CleanWater Services requiring a video inspection of every sewer line on a seven-year rotation. This contract is to provide the city with help in getting the inspections done. He said Utility Manager Goodrich was present to answer any questions. Mr. Barrett said the city received three responses to an RFP. Pacific Int-R-Tek received a score of 92 percent and staff is recommending that they be awarded this contract at an average annual rate of $40,000 which could be $200,000 over the five-year period of the contract.

Council President Henderson asked if this is an extension of a contract from last year. Senior Management Analyst Barrett responded that it is a new contract. In response to a question from Council President Henderson on how far behind the city is in sewer line video inspections, Utility Manager Goodrich responded that the city is doing everything possible to get back into compliance. He said there is one truck and a very lean staff to cover 166 miles of pipe and currently the city is eight- percent out of compliance. He said that over the five-year contract period, the city will do everything possible to get into compliance by using the city's truck and

staff. But if the truck goes down, or there is difficulty meeting staff requirements, the city can go to this contractor on an as-needed basis.

Councilor Snider asked if this was cheaper than building more capacity for this work within the city by purchasing equipment and adding staff. Utility Manager Goodrich said renting as needed is a better choice because another truck costs $300,000 and would sit idle in the public works yard much of the time. He added that if the city has a problem with its truck or there are staff issues, it can quickly go to the contractor.

Council President Henderson asked if the funds are dedicated. Utility Manager Goodrich replied that if $40,000 is not needed each year, it will not be spent. He said there is no guarantee and it is on an as-needed basis.

Councilor Woodard moved to award the contract for Sanitary Sewer and Storm Water Line Television Inspection Services to Pacific Int-R-Tek. Council President Henderson seconded the motion and all voted in favor.

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

At 9:16 pm Councilor Snider asked for a check on the meeting time. City Manager Wine said both remaining agenda items are time-sensitive. Staff were asked to keep their reports concise.

5. AWARD A CONTRACT FOR PLANNING, DESIGN AND CONSTRUCTION MANAGEMENT SERVICES FOR UPCOMING WATER SYSTEM IMPROVEMENTS TO MURRAY, SMITH AND ASSOCIATES

The staff Report was given by Senior Management Analyst Barrett. He said the QBS solicitation process was used to seek proposals for planning, design and construction management services for upcoming water system improvements, focusing on aquifer storage and recovery (ASR) well 3. He said staff narrowed down the list to the qualified roster that Public Works uses for professional services. This allowed staff to consider detailed criteria from firms prequalified as eligible civil engineering firms.

Senior Management Analyst Barrett said there was only one proposer on this project and staff is confident that Murray Smith and Associates (MSA) can do this work. He said the

city has extensive experience with MSA. They performed similar work on ASR 2. He noted that council was informed in April that the city and MSR were entering into negotiations. The negotiations took longer than anticipated, which is why staff is coming before council in September.

In response to a question from Councilor Snider on why the negotiations took so long, Project Engineer Murchison said one issue was to understand that there is the ability for this project to take water from an ASR well to the 410 zone. Staff were also waiting on the Lake Oswego Joint Partnership to determine whether or not this was needed. Detailed discussions with MSA on what services would really be required also delayed the start of the contract.

Councilor Buehner said she had been involved with water issues for many years and she endorsed this firm because their work on other projects.

Mayor Cook said his question is that after negotiations, it looks like the city still has to come up with an additional $68,082 from the construction phase, internal costs or other funds. He asked staff if they are hoping to realize savings when it is being built. Project Engineer Murchison agreed and said the contract was structured to have mandatory tasks and optional tasks. He said during the construction services phase we will find out which optional tasks must be used.

Council President Henderson moved to approve the contract with Murray Smith and Associates. Councilor Snider seconded the motion and all voted in favor.

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

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

6. UPDATE ON TIGARD TRIANGLE LOCAL IMPROVEMENT DISTRICT #1

City Engineer Stone said when council last discussed this item, a few individuals testified about changing the boundary of Local Improvement District (LID) #1, so the question was asked whether an LID boundary could be changed without a public hearing. He consulted with legal counsel and the answer is that the boundaries can be changed but there must be a public hearing. City Manager Wine said the question for council is whether they wish to set a public hearing on October 8, 2013.

Mayor Cook said an additional question is whether the city must dissolve an existing LID and restart a new one, or simply change the boundaries of the existing LID. City Engineer Stone confirmed that the boundaries for an existing LID can be changed. Councilor Woodard asked if there was a cost advantage to either option and Councilor Buehner responded that it would be very costly to form a new LID.

Councilor Woodard made a motion to hold a public hearing on this matter and Councilor Buehner seconded the motion. The motion passed unanimously.

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

7. APPROVE GRECO ESTATES DEVELOPMENT AGREEMENT

Associate Planner Caines gave the staff report. She said applicant LF8, LLC has requested has requested building permits for existing lots of record. When the city approved the eight-lot Greco Estates Subdivision one of the conditions of approval was that building permits must be obtained after approval of the final plat by Washington County. Mr. John Wyland of JT Smith Company is representing LF8, LLC and requested that the developer be able to begin construction of two single-family homes prior to a final plat. The final plat was reviewed by the city and is under review at Washington County, which has an estimated sixty-day backlog of work. Allowing JT Smith Company is take advantage of the market now and build two single-family homes requires approval of the city.

Associate Planner Caines said an agreement was drafted between the developer and the city. There is no code language directing the City Manager or staff to review and approve such an agreement so the City Attorney stated that the City Council must review the agreement and decide to have the Mayor or City Manager sign the agreement. This agreement has been reviewed by the City Engineer, City Attorney and the City's Risk Department. The contractor has entered into a Subdivision Compliance Agreement with the city's Public Works Department.

Councilor Buehner asked City Attorney Ramis if approving this agreement creates a precedent that could cause issues in the future. City Attorney Ramis said each situation is individual. He said, "There are two kinds of development agreements. One is the statutory type which has limited duration and has certain requirements. The second is based upon the city's home rule authority. The city has the inherent authority to develop and tailor a development agreement and that is what we are doing."

Councilor Woodard asked if the subdivision was approved by the Planning Commission. Associate Planner Caines said council is being asked to approve the agreement. The subdivision was approved in 2007 and the approval stands. Councilor Snider asked why the developer took so long to build. Associate Planner Caines said the original developer did not develop due to the economic downturn in 2008. John Wyland was present from JT Smith Company and said they purchased the land this summer from the original developer who was unable to perform on the project. He said this is commonly called a model home program. A model home may be built in some cases before the roads are in.

Councilor Snider moved to approve the Greco Estates development agreement and authorize the City Manager to sign. Councilor Buehner seconded. All voted in approval.

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

8. COUNCIL LIAISON REPORTS
Due to the lateness of the hour, Mayor Cook and Councilor Buehner said they will hold their liaison reports until the next meeting.

9. NON AGENDA ITEMS

10. EXECUTIVE SESSION: Not held

11. ADJOURNMENT: At 9:39 pm Councilor Buehner motioned to adjourn. The motion was seconded by Councilor Woodard and all voted in favor.

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

Carol A. Krager

Carol A. Krager, Deputy City Recorder

Attest:

Mayor, City of Tigard

Date: November 12, 2013