



## City of Tigard

# Tigard City Council Workshop Meeting Minutes June 18, 2013

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### 1. WORKSHOP MEETING

A. At 6:33 pm Mayor Cook called the Tigard City Council and City Center Development Agency to order.

B. Deputy City Recorder called the roll.

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

C. Pledge of Allegiance

D. Council Communications & Liaison Reports – Councilor Woodard said accumulated Metropolitan Area Communications Commission (MACC) funds at the end of the fiscal year will give the city's general fund an additional \$23,600. He said the quarterly payout for the January through March 2013 period is \$127,492. He noted that MACC will soon enter into contract negotiations with Comcast. Mayor Cook congratulated Councilor Woodard on his election to MACC Vice-Chair.

Councilor Buehner said she will give three liaison reports at the next council meeting.

E. Call to Council and Staff for Non-Agenda Items – City Manager Wine received a request for a council field trip to Eugene to see the bus rapid transit system and asked to hear from council on their interest. Council President Henderson said he would like this invitation extended to Tigard's Transportation Advisory Commission, Planning Commission and interested staff. Mayor Cook agreed with his suggestion.

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## 2. RECEIVE BRIEFING ON THE EMERGENCY MANAGEMENT COOPERATIVE AGREEMENT OF WASHINGTON COUNTY

Public Works Director Koellermeier said the city has been a member of a cooperative called OCEM (Office of Consolidated Emergency Management) since 1995. Other members included Tualatin, Washington County, Washington County Sheriff and Tualatin Valley Fire & Rescue. This agreement has advanced from the concept of TVF&R being in charge of operations to Washington County being the administrative home for this activity.

He said the negotiated agreement is similar to the prior OCEM agreement but has a few modernizations that allow other members to join in the future. Mayor Cook noted this new agreement covers a larger area so Tigard's fee would be reduced. Public Works Director Koellermeier said the city's cost would be reduced by \$20,000, subject to the group's annual work plan. He said Tigard was a voting member of the OCEM board and will be a voting member on the new board. City Manager Wine has directed Public Works Director Koellermeier to be Tigard's representative.

Council indicated that they are comfortable with this agreement coming back for consideration on a future consent agenda.

## 3. RECEIVE LEGISLATIVE REPORT FROM JOEL RUBIN, CFM

Assistant City Manager Newton mentioned that Joel Rubin, from the city lobbyist firm CFM, Mayor Cook and staff visited the Super Fresh operation in Tigard today. She said the city has submitted a grant to assist this program and there is potential for them to build a greenhouse in Metzger.

Mr. Rubin discussed the City of Tigard's federal agenda and updated council on policy issues, grants and projects supported by the city. A slide show for this agenda item is in the packet for this meeting. He said it is now the middle of the grant funding cycle so many requests are pending.

- Fanno Creek Regional Trail – This project made it to the 150% transportation alternative list (combined state and federal dollars) which is the first step; funding decisions will be made throughout the year.
- Interoperable communications request – Due to decreases in crime statistics this year the City of Tigard fell below the formula for funding. The city can still work through the state to access funds.
- Police automated license plate recognition for Washington Square – This technology would enable police to monitor and red flag vehicles. The city received letters of support from legislators and funding should be announced in September.
- Tigard/Metzger Farm to School Program – Our congressional delegation is working on letters of support for a grant from the US Department of Agriculture.

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Councilor Buehner asked if it will get tied up in the Farm Bill Mr. Rubin said this would not, but the request for Tigard Farmers Market promotion is affected.

- Downtown Farmer's Market promotion is tied up with the Farm Bill so money will not be available until this bill is passed. There is optimism about this bill passing.
- Area-wide brownfield assessment grant money is available. CFM has been in discussion with the EPA regionally and nationally. Tigard will prepare a proposal for grant funding in the fall.

CFM Lobbyist Rubin updated council on projects supported by the City of Tigard including high capacity transit, the Lake Oswego/Tigard partnership and Columbia River Crossing. In response to a question from Council President Henderson, Mr. Rubin said that the federal government has committed to \$850 million for light rail and more, but there must be funding commitment from the states of Oregon and Washington this year in order for the project to remain in its place in line. State legislators in Washington are wrestling with coming up with funding and it is unclear what will happen to the project if they fail in that regard.

Policy Initiatives of Interest to Tigard:

Tigard Street Trail Project – Discussions were held with the Surface Transportation Board in Washington, DC on how to get access to the project. The STB's role is to walk local governments and railroads through the process of accessing rail right of way.

City Manager Wine said an agreement for the Tigard Street Trail would not be obtained through a rail abandonment process but instead through a lease agreement with ODOT and the railroad.

WIFIA (Water Infrastructure Financing Innovation Act) – This could save 30 percent of the cost of large-scale projects. Senator Merkley is championing this and put it in the Water Resources Development (WRDA) bill that has passed in the Senate. The House is supposed to act later this year. In response to a question from Councilor Snider about the financing mechanism, Mayor Cook said it involves interest payments, and would be borrowing with different collateral and having government backing vs. going out to the ratepayers and buying bonds. He said this would only impact going out for bonds and there is one left to get for the Lake Oswego Tigard water partnership.

Protecting Municipal Bonds – Mr. Rubin said there is much concern at the federal level about municipal bonds. These may be capped as a proposal to save revenue. If this tool goes away it will directly impact cities and counties and their ability to do large-scale projects. Mayor Cook said this is one of three main topics to be addressed at the U. S. Conference of Mayors. Mr. Rubin said we need to continue to remind our legislative delegation of the importance of this.

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A letter has been drafted that will come directly from Tigard that encourages congressional delegates to support this protection. Councilor Buehner said this was mentioned to every member of the Oregon delegation when council was in Washington DC and they were all on board.

Tigard zip code – Congresswoman Bonamici is continuing work on getting Tigard its own zip code.

Unfunded mandates – Mr. Rubin said that not having unfunded mandates is important to cities.

The Community Development Block Grant (CDBG) program took a 45-percent cut.

Mr. Rubin reported that Mayor Cook and City Manager Wine did a great job developing relationships in Washington DC and attended 13 meetings over two and one-half days. He said follow up is important and CFM will help keep the momentum going.

Mr. Rubin discussed the President’s proposed total spending and the deficit. He showed a slide demonstrating effects of sequestration. He said the 110 new legislative members have required time to get up to speed on issues but he thought there would be a common sense approach to handling the debt crises and infrastructure challenges this fall.

Mayor Cook thanked Mr. Rubin for coming and said he appreciated CFM’s prompt response on an issue Tigard sought assistance with recently.

4. REVIEW A NAMING POLICY, RECEIVE BRIEFINGS ON THE PARK BOND AND A RECREATION PROGRAM CHARTER, AND DISCUSS THE CITY’S RELATIONSHIP WITH TWO SPORTS CLUBS

Assistant Public Works Director Rager noted that representatives were present from Southside Soccer and Tigard Little League so he suggested a change in the order of items for discussion:

- City’s relationship with two sports clubs
- Naming and recognition policy
- Park bond update
- Recreation program charter

City’s relationship with two sports clubs

Assistant Public Works Director Rager gave some background on the agreement between the city, Southside Soccer and Tigard Little League. He said in conversations with both sports clubs policy questions arose and staff needs guidance from council.

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- Should these two clubs take scheduling priority over other users for Cook Park ball fields?
- How much should they pay for field use and does council want to grant them a different financial obligation than other users?

Assistant Public Works Director Rager spoke with Dave Nicoli, Bill Monahan (Tigard City Manager at the time the agreement was drafted) and Ed Wegner (former Public Works Director) and learned some history about the spirit of the original agreement. Bob Gray had property to sell but the city did not have money. The Atfalati Recreation District (ARD) was formed and an agreement created in which ARD agreed to pay the city half of the cost for the land over time. A state grant for improvements was available that required the land be owned by a city and for there to be community involvement. The partnership helped the city meet these requirements so the grant money could be received.

All parties agreed that it did not make sense for ARD to own the land; the partnership was intended to provide them with ongoing field space for their sport seasons.

In response to a question from Council Snider on the time period, Assistant Public Works Director Rager said there is some lack of clarity in the agreement and amendments. The initial agreement period was ten years. The former city council discussed what would occur after expiration of the initial agreement and decided to leave that to a future council to decide.

Assistant Public Works Director Rager said after October, 2013 the payment plan ends and there is no further obligation for ongoing payment to the city. He said this is another reason to terminate the existing agreement and start with something new. He noted that there are some provisions in the agreement and amendments that no longer apply and are no longer followed. He said the Tigard Municipal Code currently gives all Tigard-based, non-profits benefitting Tigard youth priority access to the sport fields. Staff felt that this code provision protected the interests of these two clubs but they expressed concerns. The clubs said that because of the history of the work done within the partnership with the city and the pride they feel in calling Cook Park their home, they should be given priority for Cook Park fields over other Tigard non-profits.

He said an operational issue is that the two clubs are allowed to block out as much field time as they want. Things have changed since 1998, and there are now many more users wanting to use the fields. He said the clubs have been pretty good about releasing fields when others want them but there are still challenges with the ability to make contact and make those arrangements in a timely manner. He said the city wants to work with the clubs on this issue.

Assistant Public Works Director Rager compared field revenue and the cost of maintenance in Cook Park. He said based on the budget and the number of staff assigned to Cook Park, the City of Tigard spends \$500,000 annually on Cook Park maintenance, but he does not have the cost separated out by field. He said the city has new software that should make it easy to identify that cost next year. He said combined revenue for shelters and other (non-

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league) sport field use in all parks is between \$60,000-\$65,000 annually. He said that over the years, the clubs have paid \$30,000 per year.

Staff desires, if there is a new agreement, to make it more simple and fair. They would like to establish a base maintenance level of service. If users want to do something additional for their own use, they can do so at their own cost. Staff wants the ability to charge the clubs for all field use they reserve which may encourage them to sharpen their pencils a little more so they have fields when they need them but when they do not, they are opened up to other users, which could create more revenue for the city.

Assistant Public Works Director Rager said if council decides not to give these two clubs preference then Tigard Municipal Code 9.04.020.d would apply, giving them access with all the other non-profits that benefit Tigard youth. He said however, such a decision would be counter to the original agreement's intent. He said the other option is to grant them priority access which may be of concern to other clubs. However, staff contact with other users did not indicate that they were bothered by the current arrangement.

Assistant Public Works Director Rager asked if the council wanted to consider fees. He said staff suggested a \$10 per hour rate that whatever field is blocked out is based on that rate. He encouraged that fees be on a percentage basis because that would make it easier for the city to adjust fees in the future.

He said the clubs feel there is a savings to the city since they are reserving larger blocks on the schedule but said staff does not save money on maintenance, only a little less on administration time. He said if council desires to recoup as much revenue as possible he does not recommend a discounted rate for the two clubs.

Mayor Cook said he was involved with Atfalati Recreation District from the beginning and worked on the bond measure. He disclosed that he was on the Little League Board and coached with Southside Soccer for many years. He said the agreement term was supposed to be for ten years with renewal after that and he encouraged another ten years of priority use in acknowledgement of the clubs' help with the land purchase. He said, "We have the left side of Cook Park because these organizations came to the table." He said the other clubs (lacrosse, Babe Ruth, or soccer) are not as Cook Park oriented and if they want to help build other fields in the Dirksen Nature Park, for example, he had no problem giving them preferential scheduling treatment as well. He said he felt it was not appropriate to stop the agreement now just because the land payments have ended.

Councilor Woodard asked about the other non-profit organizations. Parks and Facilities Manager Martin said there were five or six others including Tigard Football, lacrosse, Babe Ruth (interested in Cook Park but the ball fields are too small), Tigard-Tualatin School District, Frisbee, the Mexicali soccer league and some softball leagues, including the ASA.

Councilor Snider asked how many hours of field use does each club use annually. He said if they use less than 3,000 hours there would be no budget impact. Assistant Public Works Director Rager said the two clubs used 4,378 hours so far in 2013. They used 6,232

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hours in 2012 and 11,000 in 2011. Councilor Snider asked about the variation. Assistant Public Works Director Rager said the Little League has been consistent with their field reservation hours but Southside's hours were lower than usual in 2012 and 2013. Parks Manager Martin said these are reservation, not actual use figures. Mayor Cook said the clubs agreed that they have blocked out time they did not use and they resolved to get better about reserving fields and not using them. He noted a difference between baseball and soccer field reservations in that baseball leagues must schedule for both regular and rainout dates.

Councilor Snider suggested charging more for unused blocked field time because that practice does not serve the public.

Assistant Public Works Director Rager said the original concept was that Atfalati Recreation District would become a full-fledged recreation district. He said those working hard to get it up and running were shocked when it failed to receive voter approval. The long-term idea was that the ARD would eventually take over park maintenance and the two clubs would have priority access. He said he could not find guidance in the agreement about what happens after the expiration date.

Councilor Woodard asked what Atfalati paid towards the fields. Assistant Public Works Director Rager said they have paid over \$500,000 which includes credit given for improvements made.

In response to a question from Councilor Woodard, Assistant Public Works Director Rager said what the clubs would have paid, if they had been charged the regular rental rate over the years, is estimated at over \$800,000. He reiterated that the maintenance costs of Cook Park are \$500,000 annually. Councilor Woodard asked how the city can pay for the maintenance without going into the general fund.

Councilor Snider said, "We are losing money on Cook Park." He noted that charging \$10 per hour for field use is nowhere near breaking even and the fees would have to increase by 8-9 times, not that the field use should offset the entire Cook Park budget.

City Manager Wine reminded council that there were two questions brought forward for discussion and whether there should be a full-cost recovery program for Cook Park was not one of them. She asked for council guidance on what the next chapter of the agreement should look like and whether these two sports clubs should get priority field scheduling. She asked council if their financial contribution should be different from other users.

In response to a question from Councilor Woodard, Assistant Public Works Director Rager said the city arrives at field use rates by comparison to other cities and other users. He noted that the new computer software will better identify how much money is spent on sport fields.

Councilor Snider said he is unsure it is fair to charge a full rate to someone who bought into a system.

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Councilor Buehner said continuing the spirit of the arrangement by giving them scheduling priority makes sense for a time. She said such priority scheduling is worth something and they should not get a lower rate because they are already getting priority field use. She said it has been three years since fees were looked at and it is time to examine them.

Mayor Cook said the clubs could probably fit incremental increases into their budgets but asking them to pay twice as much would be a hardship.

Council President Henderson verified that amendment #3 was between the city and the two clubs. He asked how the priority question came into play. He suggested going back to the original agreement and starting over. He suggested the clubs may want representation by an attorney.

Councilor Snider proposed that the city extend the scheduling preference for a five- or ten-year fixed period with a clear understanding that field reservations will then revert to a first come, first served basis. He recommended the two clubs be given a four-year ramping-up period so 70 percent of the regular fee would be paid this year, 80 percent in the second year, 90 percent in the third year and the full rate in year four. Mayor Cook expressed preference for a ten-year period with more frequent evaluations, as sport trends may change. Councilor Woodard agreed but did not want the agreement limited to a term.

Councilor Buehner asked if staff had done field fee research with other cities. Parks and Facilities Manager Martin said it is close to \$10 per hour. Councilor Buehner said priority field scheduling is worth a lot and they should pay the same as everyone else.

Councilor Snider said, “But that does not acknowledge their involvement in this long-term relationship.” He said if we are making a change we should give them some time to increase their budgets. They may not have predicted this and it is similar to an unfunded mandate. He said, “Give them an opportunity to plan.”

Mayor Cook said increasing the costs just raises the cost to our citizens for belonging to sports clubs and they are already paying for parks through their taxes. Councilor Buehner asked who should bear the larger piece of park costs, the users or the taxpaying citizens that may not even use them. She said this is a policy question that council needs to consider. Mayor Cook said the same argument applies to libraries.

City Manager Wine said staff will regroup and come back with parameter options including five- and ten-year periods and extended field preference for a few years. Councilor Snider said the clubs need a ramp-up period to keep their costs similar to what they have been expecting. Mayor Cook suggested refining the hours and increasing the payments over time, starting with the current amount.

Assistant Public Works Director Rager agreed to extend priority schedule rights and continue the discussion on how much to charge. He said staff will talk to the clubs and examine impacts. There was consensus not to create a big budget impact in the next year or two.

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Discussion was held on continuing on to the agenda and going to the next topic – park naming policy as there is a pending naming request. Mayor Cook called a two-minute break at 8:29 pm. At 8:32 pm the council meeting resumed.

#### Park Naming Policy Discussion

Assistant Public Works Director Rager said the existing policy is not inclusive and is confusing. It is called the memorial policy which implies its use would be only for naming city property after someone who has passed away. This is not always the case and for this and other reasons, council requested that staff develop some consistent procedures. Staff used council input to develop a draft policy for discussion. He said Confidential Executive Assistant/Office Manager Gaston did a great job crafting this draft policy. He discussed each section.

Part A covers the purpose of this policy.

Part B lists naming criteria and the kinds of things (city key features) that can be named by the city.

Part C has two parts, a process section if the naming is city-initiated (staff, council, boards), and a second section of for non-city-initiated requests to name city key features.

Part D discusses changing a name.

Part E describes the process when staff is in negotiations for acquisition of a property and the naming a property comes into play.

Part F discusses recognition items (benches, trees, picnic tables, etc.)

Part G is a process section for non-city-initiated installation and naming of recognition items.

Assistant Public Works Director Rager said that unless council has questions, staff will prepare a resolution for council consideration. He noted that in every case, the City Council is the deciding authority and names must be approved by resolution. He said there is a current request to name the recently acquired property known as the Bagan property and had this proposal been in place, the second section of Part C would be followed.

City Manager Wine said the original question from council was who initiates these requests and how they get routed. Council consensus was that the proposed process is good and it should come back to them for consideration and approval.

#### Receive Update on the Parks Bond

Parks and Facilities Manager Martin updated council on park bond projects. He started with a list of development projects. These projects have been identified as priorities by PRAB and are located throughout the city. He introduced PRAB Chair Mears.

- The Jack Park bridge and trail contract will come before council for award soon.
- Fanno Creek House improvements are underway.

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- East Butte Heritage Park work is ongoing. The restroom and shelter should be completed within the next few weeks.
- The land use submittal for Dirksen Nature Park is ready and the Clean Water Services provider letter will be sent to the city by July 3, 2013. Planning should be complete by the fall.
- Work on a section of the Fanno Creek Trail will begin this summer.
- The East Bull Mountain concept plan is ongoing and the neighborhood is very involved. Councilor Buehner asked if the Parks Department has submitted an application to Washington County for annexation. Parks and Facilities Manager Martin said the County asked for additional information and the city's engineering department is working on it. He said this will be coming to council for consideration in August.
- Irrigation bids have been received for Potso Dog Park. The parking lot work will begin after July 1, 2013.
- The Senn property is a small park in the northeast corner of Tigard and is going through land use planning, which will include a neighborhood meeting.
- A playground has been purchased for Commercial Park.
- Summerlake Park will receive a new restroom near the recently replaced playground.
- The Sunrise property concept plan just completed. It goes to the PRAB within the next month.

He noted that the city is fairly close to spending \$3 million for park development which is close to the \$3.3 million standard the PRAB desired.

Acquisitions were discussed, including the recently purchased Bagan property. Parks and Facilities Manager Martin said another property purchase will come before council for consideration in July and direction sought on a few others. He said other than the downtown area the city is within \$500,000 of spending the park bond funds. Mayor Cook noted that the city has already met the requirement to have substantial spending completed by February 1, 2014.

Councilor Snider asked how much is held for the downtown plaza. Parks and Facilities Manager Martin said out of the \$17 million park bond there is less than \$3.6 million left. He said it does not have to be spent in the downtown but there is a plan to use some of the money there (\$1.6 million with \$340,000 earmarked for development). He noted that \$25,000 has been spent on land acquisition investigation.

#### Recreation Program Charter

Assistant Public Works Director Rager referred to a document in the meeting packet called a Task Charter, which is tied to council's recreation program goal. He said Task Charters are used for projects in the capital improvement plan and describe the purpose of the project and the questions they are trying to answer.

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The Recreation Program Task Charter form has been approved by Public Works Director Koellermeier, City Manager Wine and Finance and IT Director LaFrance. This document will be used as a foundation as staff moves forward. The first question is what role the city should play in recreation programs. The second question is if the city does provide recreation programs, should they be operated under a cost-recovery operation model or should they be partially subsidized. This document provides background on what has been done in the past, what council's recreation goals are, and what scope of work is needed in order to answer these questions. A team will be assembled of staff from different city departments, Councilor Woodard, PRAB Member Mears. The next step is to set up a team meeting.

There were no questions from council.

5. COUNCIL LIAISON REPORTS – None.

6. NON AGENDA ITEMS - None.

CITY CENTER DEVELOPMENT AGENCY

At 8:49 pm Mayor Cook announced that the Tigard City Center Development Agency was convening and would enter into Executive Session to discuss pending litigation under 192.660 (2) (h). He said the meeting would be adjourned after the executive session.

At 9:28 pm CCDA Director Buehner moved for adjournment. CCDA Director Snider seconded the motion and it passed unanimously.

	Yes	No
CCDA Director Buehner	✓	
CCDA Director Henderson	✓	
CCDA Director Snider	✓	
CCDA Director Woodard	✓	
CCDA Chair Cook	✓	

/s/ Carol A. Krager  
Carol A. Krager, Deputy City Recorder

Attest:

/s/John L. Cook  
Mayor, City of Tigard

Date: September 10, 2013

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