



City of Tigard

Tigard City Council Meeting Minutes

September 24, 2013

Mayor Cook called the meeting to order.

<u>Name</u>	<u>Present</u>	<u>Absent</u>
Mayor Cook	✓	
Council President Henderson	✓	
Councilor Buchner		✓
Councilor Snider	✓	
Councilor Woodard	✓	

Staff present: Assistant City Manager Newton, Assistant to the City Manager Mills, Community Development Director Asher, Assistant Community Development Director McGuire, Associate Planner Floyd, City Attorney Ramis (arrived at 6:48 p.m.) and City Recorder Wheatley.

Mayor Cook read the following citation to convene the City Council into an Executive Session:

- **EXECUTIVE SESSION:** The Tigard City Council went into Executive Session at 6:30 p.m. to discuss exempt public records and consultation with legal counsel regarding potential litigation under ORS 192.660(2)(f) and (h). All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(4), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.

Executive Session concluded: 7:26 p.m.

- **STUDY SESSION**
 - Administrative items reviewed:
 - **Holiday Meeting Schedule:**
 - November 26 is the date for the second November council business meeting. This is also Thanksgiving week.
 - December 24, 2013 is Christmas Eve and is also the date the for the last business meeting of the year for the City Council. Mayor and City Council agreed to cancel the December 24 meeting.

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Council Calendar:

October

- 1 Tuesday City Center Development Agency
- 8* Tuesday Council Business Meeting—6:30 p.m., Town Hall
- 15* Tuesday Council Workshop Meeting – 6:30 p.m., Town Hall
- 22* Tuesday Council Business Meeting – 6:30 p.m., Town Hall
- 29 Tuesday Town Hall Meeting – 6:30 – 8:30 p.m. Location TBA
- 30 Monday Chamber Event – “Meet the City Council” at Broadway Rose, 6-7 p.m.

November

- 5 Tuesday City Center Development Agency
- 11 Monday Veteran’s Day Observed – City Hall Offices Closed
- 13* Tuesday Council Business Meeting—6:30 p.m., Town Hall
- 20* Tuesday Council Workshop Meeting—6:30 p.m., Town Hall
- 27* Tuesday Council Business Meeting—6:30 p.m., Town Hall
- 28-29 Thurs/Fri Thanksgiving Holiday – City Hall Offices Closed

7:30 PM

1. BUSINESS MEETING – September 24, 2013

A.  Mayor Cook called the meeting to order at 7:34 p.m.

B. Roll Call – City Recorder called the roll:

<u>Name</u>	<u>Present</u>	<u>Absent</u>
Mayor Cook	✓	
Council President Henderson	✓	
Councilor Buehner		✓
Councilor Snider	✓	
Councilor Woodard	✓	

C. Mayor Cook to ask everyone to stand and join him in the Pledge of Allegiance

D. Council Communications & Liaison Reports – 
Liaison reports were given later in the meeting. (See Agenda Item 6.)

E. Mayor Cook called for non- agenda items; there were none.

2. CITIZEN COMMUNICATION

A. Follow-up to Previous Citizen Communication

 Asst. City Manager Newton gave follow-up reports on:

- Issue brought up by the Mangold family concerning land use issues at the July 9, 2013, City Council meeting. Issues have been worked through and the Mangolds are proceeding with their plans for their property.

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- Updated council on individuals opposing plastic bags and calling for a ban. The opponents advised they would be contacting the city for action; however, there has been no additional contact.
- Concerns about an assisted living facility at the corner of Ross and Hall Street were brought to the council's attention on July 9, 2013. Plans are proceeding with a pre-application conference and a neighborhood meeting is scheduled.
- Waterline restoration is complete on Dr. Davis' property. City Engineer Stone has been in contact with Dr. Davis and Dr. Davis' attorney. Also, Dr. Davis has met with staff.



B. Citizen Communication – Mayor Cook and the council heard from the following individuals who signed in on the sign-in sheet to offer comments to the City Council:

The following individuals testified regarding the current SEIU/OPEU and City of Tigard labor contract negotiations:

- Carla Staedter, 13900 Sundeleaf Drive, Lake Oswego, OR 97034 -- Her comments related to the overall picture of the negotiations and the offer by the union to partner with the city to find solutions to issues. She commented on the impacts that the proposed management offer would have on her as an individual. She commented the proposal being made is not affordable for her and recounted the financial impact to her if she is required to pay for 10 percent of her health insurance premium.
- Jonny Gish, 34910 South Dickey Prairie Road, Molalla, OR 97038 -- He read from a prepared statement, with key points being:
 - Stressed union employees have been willing to compromise and have been open-minded and solution oriented since the beginning of the negotiations.
 - He reviewed the concessions made by the city's labor force over the last several years.
 - He noted their willingness to work through a healthcare committee to explore options to find solutions for increasing healthcare insurance premium costs. However, it does not appear the city wants to lower the costs; rather, the city wants to pass the increased costs onto others.
 - He acknowledged the generous city benefit package.
 - He asserted the offer by the union to share in 5 percent of the costs of healthcare is fair.
 - He urged the council to call on management to reconsider their healthcare proposal and be solutions oriented.
-  Dela Burgess, 17433 SW Cody, Beaverton OR 97007 – Key points of Ms. Burgess' statement were:
 - She referred to a petition she started regarding a safety issue at the library. She said that she and others who signed the petition had a “talking to” about it. She said she understands that she must follow the city's complaint procedure in the future or she will receive a reprimand. She said she felt this situation would have

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benefited from a labor/management committee to collaborate on solving problems.

- She shared her account of a situation involving her employee locker at the library and removal of SEIU stickers and other signs on the locker. She noted library employees received an email requesting that stickers not be placed on the lockers because they are hard to remove. She said she said she would have removed the stickers; however, she found, during her work break, that the stickers had been removed since her arrival at work. She said she placed items on her locker with painter's tape thinking this would be acceptable since it is easily removed and leaves no mark. But these were removed as well. She then placed something on the locker with no adhesive and it was removed. It felt to her that the issue was not about removing stickers but about displaying union materials. She said she felt bullied and feared a backlash should she speak up.
- Jill Bentley, 10915 SW Hall Boulevard, #6, Tigard, OR 97223 – Ms. Bentley's remarks were contained in a letter to the council. A copy of this letter is on file with the record copy of the meeting packet. Ms. Bentley is the President of SEIU Local 199, representing 107 city employees.
- Matthew Bradley, 19719 NE Williamson Road, Newberg, OR 97132 – Mr. Bradley's key points:
 -  Spoke of his personal experience in the private sector and his choice to move to the public sector seeking security and good benefits. He said he feels the backbone of America should be in government jobs because this would filter down to the private sector to keep the economy strong. He said he is working at Tigard for half of what he earned in the private sector. He said an increase to a 10 percent employee contribution for healthcare benefits is unaffordable for him and his family.
- Edwin Krieger, 4335 SW 103rd Avenue, Beaverton, OR 97005 – Mr. Krieger's key points:
 -  Advised he came to Tigard about 5-1/2 years ago seeking benefits and stability. He decided to forego extra compensation for the stability, which he now sees slipping away. He spoke to unsuccessful efforts to partner with the management bargaining team. Mr. Krieger said he could not afford the additional \$200 a month to contribute to healthcare insurance premiums. He asked the council to urge the management team to work with the union team to find a reasonable solution.

Mr. Krieger was the last speaker regarding the SEIU/OPEU labor negotiations. A letter was submitted to the City Recorder from Ann-Marie Anderson, MLS regarding the labor negotiations and this letter is on file in the record copy of the meeting packet.

-  Jim Long, 10330 SW 72nd Avenue, Tigard OR 97223, – Mr. Long's remarks were contained in a letter dated September 24, 2013, to the council. A copy of this letter is on file

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with the record copy of the meeting packet. Mr. Long is the Chair of Citizens Participation Organization 4-M. His testimony was regarding concerns about the Walmart development in Tigard and a July 2013 CPO 4M resolution submitted to the city. He referred to a number of outstanding questions by the members of the CPO regarding this project.

Assistant City Manager Newton advised that staff will review the questions submitted in the letter and will be contacting Mr. Long to respond.



3. CONSIDER AUTHORIZATION OF A COMMUNITY DEVELOPMENT BLOCK GRANT IN EXCESS OF \$100,000

Community Development Director Asher presented the staff report. Also present to answer potential questions by the City Council was Streets and Transportation Senior Project Engineer McCarthy. This grant application is due next week for the 2014/15 funding cycle under the Community Development Block Grant Program. Mr. Asher provided an overview of the program:

- CDBG is a federally funded program focused on meeting needs of low- and moderate-income families.
- Washington County administers the program.
- CDBG funds can be used towards eliminating/preventing blight and to meet urgent housing and community development needs.
- The 11 cities in Washington County participate in the program through the “Entitlement Communities” provisions. This is an annual formula grant that the federal government makes to Washington County based on its population and the federal budget.
- Up to now, about \$70 million has been invested in housing and community development projects throughout the county.
- The current cycle requires grant applications from cities and non-profit service providers to be submitted by next week. The Policy Advisory Board, of which Council President Henderson is a member, will be voting on and evaluating the applications in January. Funds will be available after July 1, 2014.
- A small percentage of the federal funding is needed to administer the program. There are some programs (i.e., housing programs) that are non-competitive and will be funded each year. An allocation is made for competitive programs for several categories: infrastructure improvements (streets, sidewalks, structural, drainage, water, sewer, etc.); public facilities (senior centers, multi-purpose centers, youth centers and parks); public services (serving at-risk youth, employment counseling, health, recreation); housing improvements (loans, rehabilitation of owner-occupied housing units).
- Cities, and Tigard in particular, tend to be most competitive in the area of infrastructure.
- Tigard has been inconsistent recently in participating in this program likely because the city does not have vast tracts of eligible areas. City staff reductions over the last several years have cut into this program. Staff that had been monitoring this program closely to ensure the City of Tigard was submitting applications whenever possible are no longer employed by the city. As a result, the city has “sat out” the last couple of rounds. The

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last time the city had a successful CDBG application was in 2009, which was for the Garrett Street sidewalks (an award of \$140,000).

- Other entities within Tigard have successfully acquired CDBG grants: the Knoll project (2010) and the Senior Center was awarded \$140,000 a few years ago.
- Many of the awards are in the range of \$10-30,000. Infrastructure awards generally range from \$100-300,000 – depending on the amount of federal funding. The County, at this time of year, does not know how much federal funding it will receive. In recent years, the amount of CDBG funding has declined.
- Staff believes that we can be competitive for the current round of applications. The city does have needs through projects identified in the Transportation System Plan (TSP) in areas that sorely need improved facilities. The Community Development Department and Public Works Department staff has spent time over last summer with Washington County staff to identify what types of projects the city might want to put forward.
- The proposal is do some sidewalk infill on SW North Dakota Street and SW 95th Avenue to Greenburg Road.

Streets and Transportation Senior Project Engineer McCarthy described the proposed CDBG grant application:

- About \$4-500,000, in total, will be available for infrastructure projects. The County prefers to fund more than one project to divide among communities.
- Staff focused on finding projects in the \$200,000 range, or below. They looked to find a location where we could build a sidewalk that would be of great benefit to one of the eligible neighborhoods.
- He described the review of the list of prioritized Capital Improvement Program projects identified within the city.
- The highest objective was to find project(s) to get the best value for the public dollar; that is, where is there a short section of sidewalk that would serve a lot of people within a link that is difficult to walk and would provide a connection on both ends to an existing sidewalk/pedestrian network.
- Based on the county's criteria, the proposed North Dakota/95th Avenue sidewalks are within areas that are very eligible under the grant program. These are short sections – about 500 feet on one side of North Dakota Street and about 350 feet on one side of 95th Avenue to connect that whole neighborhood in its two main ways in/out to Greenburg Road. This connects to transit service lines and to sidewalks to walk into downtown Tigard or to the Washington Square mall.
- North Dakota Street is particularly narrow. There is relatively good sidewalk along the remaining length of this sidewalk, except adjacent to Greenburg Road, where most people need to walk.
- 95th Avenue, north of Greenburg Road, goes over a vertical crest. Staff has heard from several citizens and the Pedestrian/Bike Subcommittee of Transportation Advisory Committee that there is a real need to get a safe walking facility at this location. This section of sidewalk would provide a place for people to walk outside the travel lane in an area where cars are coming up over a hill. In response to a question from Councilor

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Snider, Streets and Transportation Senior Project Engineer McCarthy advised this new section of sidewalk would connect to an existing sidewalk.

Council questions and discussion followed:

- In response to a question from Councilor Woodard, Community Development Director Asher advised a bridge walkway could potentially be eligible for CDBG funding. Eligibility of projects rests primarily on where the project is located. Councilor Woodard agreed for the need of the sidewalk sections as proposed in this grant application. He is very concerned with the lack of a safe pedestrian crossing over the North Dakota bridge. He walks the area frequently and has witnessed the unsafe conditions. Councilor Woodard referred to Metro statistics showing increases in the number of pedestrians and bicyclists, so the need to provide a safer environment for this mode of travel is becoming more pressing. Councilor Woodard urged that some type of improvement be prioritized for this area and considered for funding as soon as possible.
- Streets and Transportation Senior Project Engineer McCarthy responded to Councilor Woodard's comments. He said he was, in fact, looking at this bridge just this week to consider what options might be viable to address this safety issue. Councilor Woodard suggested that a pre-fabricated bridge walkway might be the solution, noting there is such a structure on the Beaverton side of Fanno Creek.
- Mayor Cook and Councilor Woodard discussed that safety concerns for pedestrians and bicyclists were brought to their attention by the residents during their visit to this neighborhood for National Night Out. There was acknowledgement that the CDBG program might not be the correct funding mechanism to address these concerns.
- Streets and Transportation Senior Project Engineer McCarthy said staff would look at the bridge/pedestrian safety matter for SW North Dakota and return with options for the City Council to consider.
- Council President Henderson noted his support for the CDBG application proposed by staff. He noted the importance of continuing to submit and re-submit projects such as this – he encouraged staff and the council to not give up if a grant is not received this year.
- Council President Henderson noted a partial award might be possible, but funds should be identified that would complete the project. Part of the criteria for a grant award is to demonstrate that the jurisdiction can complete a project.
- Discussion followed on remaining vigilant in submitting or resubmitting projects and to give consideration to the possibility of partial funding and finding the money to complete projects.

Community Development Director Asher summarized that grant awards are based upon scoring criteria. He said he thinks the city will have a strong staff recommendation for this application – this is a competitive project that has been right sized and is located in an area that qualifies in this program. Tigard has not had a grant award for many years.

A motion by Councilor Snider, seconded by Councilor Woodard, to authorize the Community Development Director and department staff to apply for a Community

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Development Block Grant in excess of \$100,000 to fund sidewalk improvements along SW 95th Avenue and North Dakota Street.

In response to a question from Councilor Woodard, Community Development Director Asher advised that a match amount is encouraged, but is not required. Staff will be able to document some match through providing in-kind staff time.

Council President Henderson requested that he and the council see this application as soon as possible.

The motion was approved by a unanimous vote of City Council present:

Mayor Cook	Yes
Council President Henderson	Yes
Councilor Buehner	Absent
Councilor Snider	Yes
Councilor Woodard	Yes



4. **CONSIDER RESOLUTION SUPPORTING DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT TECHNICAL ASSISTANCE GRANT**

Economic Development Manager Purdy presented the staff report. Staff recommended that the council approve the proposed resolution to support the submission of a Department of Land Conservation and Development Technical Assistance grant to develop an infrastructure finance plan to fund public infrastructure currently lacking on industrial zoned property.

Motion by Councilor Snider, seconded by Councilor Woodard, to adopt Resolution No. 13-41.

RESOLUTION NO. 13-41 -- A RESOLUTION SUPPORTING AN APPLICATION FOR A TECHNICAL ASSISTANCE GRANT FROM THE DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT

The motion was approved by a unanimous vote of City Council present:

Mayor Cook	Yes
Council President Henderson	Yes
Councilor Buehner	Absent
Councilor Snider	Yes
Councilor Woodard	Yes



5. FORWARD INITIATED BALLOT MEASURE TO THE WASHINGTON COUNTY ELECTIONS DIVISION FOR THE MARCH 11, 2014 SPECIAL ELECTION

Assistant City Manager Newton presented the staff report. Since this is a Charter amendment the City Council must submit the measure to the voters of Tigard at the next available election. Staff recommended the council approve the proposed resolution to direct the City Recorder to do what is provided by law and necessary to place this matter on the March 11, 2014, ballot.

During City Council discussion:

- Clarification was made that due to filing deadlines and the initiative petition process required within the City of Tigard, the next available election was March 11, 2014.
- Assistant City Manager Newton responded to Council President Henderson’s and Councilor Snider’s inquiries and advised that because this is a Charter amendment the City Council is obligated to submit the proposed measure to the voters. After a comment from Councilor Snider, City Attorney Ramis concurred that state statute mandates this action.

Motion by Councilor Woodard, seconded by Council President Henderson, to adopt Resolution No. 13-42.

RESOLUTION NO. 13-42 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TIGARD SUBMITTING TO THE VOTERS A PROPOSED CHARTER AMENDMENT TO BE CONSIDERED AT THE MARCH 11, 2014, SPECIAL ELECTION.

The motion was approved by a majority vote of City Council present:

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

6. COUNCIL LIAISON REPORTS



Councilor Woodard noted he would be attending a conference sponsored by the National Parks and Recreation Association in October. He said he hopes to learn about funding opportunities.



Councilor Snider gave a report on the activities concerning the Water Partnership and requested the council receive a data report that is published monthly about the status of the water treatment plant project.

 Council President Henderson gave a report on the Willamette River Water Coalition. He advised the City of Hillsboro wants to join and that it would also be beneficial if the City of Wilsonville would also join. Council President Henderson said he will have more information regarding the Coalition soon. He also talked of the situation with regard to testing problems of Portland's water and that Tigard has been relying on its aquifer storage facilities to supply its water customers until Portland's situation is resolved.

 Mayor Cook gave a report on his recent attendance at the US Conference of Mayors, the League of Oregon Cities Conference and activities at the Oregon Mayors Association.

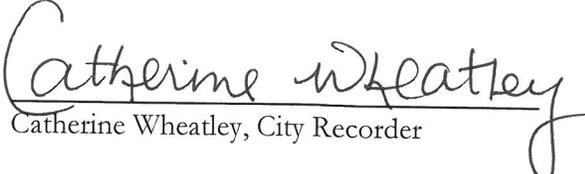
 Councilor Woodard advised of an upcoming River Terrace Work Group meeting.

- 7. NON AGENDA ITEMS
- 8. EXECUTIVE SESSION: Not held.
- 9. ADJOURNMENT: 9:07 p.m.

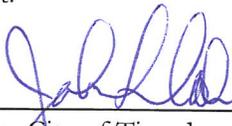
Motion by Councilor Woodard, seconded by Councilor Snider, to adjourn the meeting.

The motion was approved by a unanimous vote of City Council present:

Mayor Cook	Yes
Council President Henderson	Yes
Councilor Buehner	Absent
Councilor Snider	Yes
Councilor Woodard	Yes

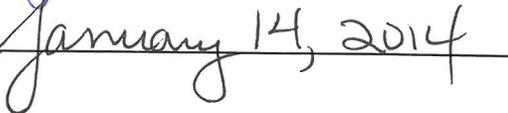

Catherine Wheatley, City Recorder

Attest:



Mayor, City of Tigard

Date:


January 14, 2014

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