



City of Tigard
Tigard Business Meeting – Agenda

TIGARD CITY COUNCIL

MEETING DATE AND TIME: January 14, 2014 - 6:30 p.m. Study Session; 7:30 p.m. Business Meeting

MEETING LOCATION: City of Tigard - Town Hall - 13125 SW Hall Blvd., Tigard, OR 97223

PUBLIC NOTICE:

Anyone wishing to speak on an agenda item should sign on the appropriate sign-up sheet(s). If no sheet is available, ask to be recognized by the Mayor at the beginning of that agenda item. Citizen Communication items are asked to be two minutes or less. Longer matters can be set for a future Agenda by contacting either the Mayor or the City Manager.

Times noted are *estimated*; it is recommended that persons interested in testifying be present by 7:15 p.m. to sign in on the testimony sign-in sheet. *Business agenda items can be heard in any order after 7:30 p.m.*

Assistive Listening Devices are available for persons with impaired hearing and should be scheduled for Council meetings by noon on the Monday prior to the Council meeting. Please call 503-639-4171, ext. 2410 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

Upon request, the City will also endeavor to arrange for the following services:

- Qualified sign language interpreters for persons with speech or hearing impairments; and
- Qualified bilingual interpreters.

Since these services must be scheduled with outside service providers, it is important to allow as much lead time as possible. Please notify the City of your need by 5:00 p.m. on the Thursday preceding the meeting by calling: 503-639-4171, ext. 2410 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

SEE ATTACHED AGENDA

VIEW LIVE VIDEO STREAMING ONLINE:

<http://live.tigard-or.gov>

CABLE VIEWERS: The regular City Council meeting is shown live on Channel 28 at 7:30 p.m. The meeting will be rebroadcast at the following times on Channel 28:

Thursday 6:00 p.m. / Sunday 11:00 a.m.

Friday 10:00 p.m. / Monday 6:00 a.m.



TIGARD CITY COUNCIL

MEETING DATE AND TIME: January 14, 2014 - 6:30 p.m. Study Session; 7:30 p.m. Business Meeting

MEETING LOCATION: City of Tigard - Town Hall - 13125 SW Hall Blvd., Tigard, OR 97223

6:30 PM

• **STUDY SESSION**

A. Briefing on the First Amendment to an Agreement with Clean Water Services (CWS) Regarding the Derry Dell Sewer Project

• **EXECUTIVE SESSION:** The Tigard City Council may go into Executive Session. If an Executive Session is called to order, the appropriate ORS citation will be announced identifying the applicable statute. 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.

7:30 PM

1. **BUSINESS MEETING**

A. Call to Order

B. Roll Call

C. Pledge of Allegiance

D. Council Communications & Liaison Reports

E. Call to Council and Staff for Non-Agenda Items

2. **CITIZEN COMMUNICATION (Two Minutes or Less, Please)**

7:36 p.m. - estimated time

A. Follow-up to Previous Citizen Communication

B. Tigard High School Student Envoy

C. Tigard Area Chamber of Commerce

- D. Citizen Communication – Sign Up Sheet
3. CONSENT AGENDA: (Tigard City Council) These items are considered routine and may be enacted in one motion without separate discussion. Anyone may request that an item be removed by motion for discussion and separate action. Motion to:
7:50 p.m. - estimated time
- A. Approve City Council Minutes for:
- September 12, 2013
 - September 17, 2013
 - September 24, 2013
 - October 8, 2013
 - November 19, 2013
- B. Receive and File:
1. Council Calendar
 2. Council Tentative Agenda for Future Meeting Topics
- C. Approve a Resolution in Support of a Nature in Neighborhoods Metro Grant Application
- D. Approve a Resolution to Apply for an EPA Brownfields Assessment Grant
- *Consent Agenda - Items Removed for Separate Discussion: Any items requested to be removed from the Consent Agenda for separate discussion will be considered immediately after the Council/ City Center Development Agency has voted on those items which do not need discussion.*
4. APPOINT TANYA FIREMOON, KAREN HUGHART, KAREN MOHLING, ELISE SHEARER AND KEVIN WATKINS AS VOTING MEMBERS AND MARK CARLTON AND ERIK HALSTEAD AS ALTERNATES TO THE TIGARD TRANSPORTATION ADVISORY COMMITTEE -- RESOLUTION
7:55 p.m. - estimated time
5. QUASI-JUDICIAL PUBLIC HEARING - PROPOSED EAST BULL MOUNTAIN CITY PROPERTY/WILMINGTON LANE ANNEXATION (ZCA2013-00004) AND LOCUST STREET ANNEXATION (ZCA201300006) - ORDINANCES
8:00 p.m. - estimated time
6. APPROVE AN EXTENSION OF THE EXISTING METRO AREA COMMUNICATIONS COMMISSION (MACC) FRANCHISE AGREEMENT WITH COMCAST THROUGH DECEMBER 31, 2014 TO ALLOW FOR THE "FORMAL" FEDERAL NEGOTIATION PROCESS BETWEEN MACC AND COMCAST - RESOLUTION
8:20 p.m. - estimated time
7. ADOPT 2014 CITY COUNCIL GOALS
8:35 p.m. - estimated time
8. ADOPT THE 2014 STATE AND FEDERAL LEGISLATIVE AGENDAS
8:45 p.m. - estimated time

9. CONFIRM TRAVEL POLICY AND PRACTICE FOR THE CITY COUNCIL
9:00 p.m. - estimated time
10. AMEND THE CITY MANAGER EMPLOYMENT AGREEMENT
9:10 p.m. - estimated time
11. COUNCIL LIAISON REPORTS
12. NON AGENDA ITEMS
13. EXECUTIVE SESSION: The Tigard City Council may go into Executive Session. If an Executive Session is called to order, the appropriate ORS citation will be announced identifying the applicable statute. 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.
14. ADJOURNMENT
9:30 p.m. - estimated time

AIS-1530

A.

Business Meeting

Meeting Date: 01/14/2014

Length (in minutes): 15 Minutes

Agenda Title: Briefing on the First Amendment to an Agreement with Clean Water Services (CWS) Regarding the Derry Dell Sewer Project

Prepared For: Mike Stone

Submitted By: Greer
Gaston,
Public
Works

Item Type:

Meeting Type: Council
Business
Mtg - Study
Sess.

Public Hearing

Newspaper Legal Ad Required?:

Public Hearing Publication

Date in Newspaper:

Information

ISSUE

Briefing on the first amendment to an intergovernmental agreement with Clean Water Services (CWS) regarding the Derry Dell sewer project.

STAFF RECOMMENDATION / ACTION REQUEST

No action is requested; the amendment will come before council for formal consideration at an upcoming meeting.

KEY FACTS AND INFORMATION SUMMARY

The City of Tigard and CWS share responsibility for the operation and maintenance of the city's sewer system.

In January 2012, the council authorized an intergovernmental agreement with CWS. Under that agreement, the city and CWS agreed to work together on the Derry Dell sewer project. This project will reconstruct exposed sewer lines that cross Derry Dell Creek and Fanno Creek on the Skelton property near Woodard Park. CWS was tasked with designing, contracting and managing the project. A portion of the Skelton property was required to construct the project. The city was tasked with acquiring an easement to or purchasing that property.

The council authorized the purchase of the entire Skelton property in August 2012. The purchase of the entire property—rather than just a portion of the property or an easement—made it possible to do enhanced work on the site. This enhanced work includes:

- Replacement of two existing 36-inch diameter culverts crossing under SW Walnut Street with 108 linear feet of 8-foot by 9-foot reinforced concrete box culvert. The new culvert will be fish-friendly and will provide additional stormwater capacity.
- Installation of 240 feet of 8-inch, ductile iron water line. This will replace an aging, 6-inch cast iron line. (This is an opportune time to upgrade the line while the area is under construction.)
- Widening of approximately 275 feet of SW Walnut Street to its ultimate width.
- Installation of 795 feet of paved trail and boardwalk. The trail will connect the Pathfinder-Genesis Trail with the Johnson Street entrance to Woodard Park. The boardwalk will provide a neighborhood connection from Johnson Street on the west side of Derry Dell Creek to the trail and Johnson Street on the east side of Derry Dell Creek.

The proposed amendment addresses the permitting, design and construction of the enhanced work. Under the amendment, the city will:

- Provide all designs, permits and temporary construction easements necessary to construct the enhanced work.
- Provide lead inspection and any construction testing related to the enhanced work.
- Grant sanitary sewer easements to CWS for the 21-inch sanitary sewer line. (The city will retain all property rights in the easement area, but will avoid any construction activity on or near sewer lines.)
- Reimburse CWS for costs associated with enhanced work.
- Reimburse CWS for the cost to design and install plant materials required for the vegetated corridor enhancement associated with enhanced work.
- Reimburse CWS for construction contract administration efforts associated with enhanced work.

OTHER ALTERNATIVES

The council could choose not to authorize the amendment and direct staff to:

- Re-negotiate the terms of the amendment.
- Develop a separate intergovernmental agreement for the enhanced work.
- Not to pursue the enhanced work.

COUNCIL OR CCDA GOALS, POLICIES, MASTER PLANS

None

DATES OF PREVIOUS CONSIDERATION

This is the first time this amendment has come before the council.

Fiscal Impact

Cost: 900,000
Budgeted (yes or no): Yes
Where Budgeted (department/program): Multiple Funds

Additional Fiscal Notes:

This project has \$1.5 million budgeted over two fiscal years — FY 2014 and FY 2015. This total budget amount is sufficient to cover the costs of this project, including the enhanced work.

Attachments

CWS IGA Amendment 1

**FIRST AMENDMENT
TO INTERGOVERNMENTAL AGREEMENT
BETWEEN CITY OF TIGARD AND
CLEAN WATER SERVICES FOR THE
DESIGN, PERMITTING, AND CONSTRUCTION OF
THE DERRY DELL GRAVITY SEWER REPLACEMENT**

This Amendment, dated effective _____, 2013, is between CLEAN WATER SERVICES (District), a County Service District organized under ORS Chapter 451, and the CITY OF TIGARD (City), an Oregon Municipality and amends the parties' Intergovernmental Agreement for the Design, Permitting, and Construction of the Derry Dell Gravity Sewer Replacement dated April 3, 2012 (Agreement).

A. RECITALS

1. City and District previously entered into the Agreement to collaborate on the design, permitting, and construction of the Derry Dell Gravity Sewer Replacement (Original Project). The Original Project includes designing and constructing approximately 1,200 feet of new sanitary sewer, removing or abandoning 1,800 feet of existing sanitary sewer, and realigning a 700-foot reach of Derry Dell Creek.
2. In the best interests of permitting, design, construction, and to minimize adverse impacts on adjacent properties and costs, the parties now wish to amend the Original Project to include: (i) replacing two existing 36-inch diameter CMP culverts crossing SW Walnut Street with 108 linear feet of 8-foot by 9-foot reinforced concrete box culvert, (ii) installing 240 feet of 8-inch water line, (iii) widening approximately 275 feet of the SW Walnut Street road prism to its ultimate width, and (iv) installing 795 feet of paved trail and boardwalk and associated appurtenances (collectively, Enhanced Work).
3. The parties also wish to amend the Agreement to clarify each party's responsibility for the Enhanced Work, Communication Plan, and to further clarify the allocation of mitigation credit generated from the Original Project.
4. City and District agree that it is in the best interest of the public and both parties to postpone the construction due to the design of the Enhanced Work, National Marine Fisheries Service consultation, In-Water Work Period limitations, winter erosion control issues, public inconvenience, and to provide appropriate project review periods. The bidding period will be postponed until after January 2014 with a new substantial completion target of October 31, 2014.

NOW, THEREFORE, the parties agree as follows:

B. TERMS AND CONDITIONS

The Agreement is amended to add the following:

I. ENHANCED WORK

City shall:

1. Provide all designs, permits, and temporary construction easements necessary to construct the Enhanced Work.
2. Provide lead inspection and any necessary construction testing. City shall be responsible for warranty inspection of Enhanced Work during the project warranty period.
3. Grant sanitary sewer easement(s) to District for the 21-inch sanitary sewer line. City shall retain all property rights in the easement area but agrees not to construct any permanent structures or consent to any construction activities on or near the sanitary sewer line which might in any fashion unearth, undermine, or damage the sanitary sewer line without written consent from District.
4. Within five business days of bid opening, reimburse District the 'bid' amount of the construction costs associated with the Enhanced Work. Upon acceptance reimburse District the final construction costs of the Enhanced Work and any change orders for the Enhanced Work less the amount paid at the time of the bid opening. City has the right to direct District to reject all Enhanced Work bids if not acceptable to City at its sole discretion.
5. By December 31, 2014, Reimburse District for the cost to design and install planting materials to meet the Vegetated Corridor Enhancement requirement associated with Enhanced Work.
6. Reimburse District for construction contract administration efforts. This amount shall be equal to 5% of the total construction cost of the Enhanced Work and installation of Vegetated Corridor plant material associated with Enhanced Work, including any approved change orders. This amount shall be calculated no later than 30 days after the substantial completion date, as determined by the District.
7. By September 30, 2014, Reimburse District for all costs associated with ESA Vigil-Agrimis, Inc. (ESA) providing additional project management, survey, and structural engineering services for the Enhanced Work. City's reimbursement to District for ESA's work shall not exceed \$31,980.

District shall:

1. Amend the Service Provider Letter and planting plan to include the Enhanced Work.
2. Design and install planting materials to meet Vegetated Corridor Enhancement requirements associated with Enhanced Work.

3. Administer the bid process and award the construction contract.
4. Perform construction contract administration for all contracts issued by the District for the Work.
5. Assist the City with construction inspection of the Enhanced Work and warranty inspection.
6. Invoice City no later than 30 days after the substantial completion date.

II. COMMUNICATION PLAN

1. City shall take the lead in handling all public involvement related to planning and constructing the Original Project and Enhanced Work.
2. District shall assist City with communicating to the public about the project and attend planned events for public involvement related to planning and constructing the Original Project and Enhanced Work.
3. District shall reimburse City a percentage of the cost for Sally Murdoch Media Relations to prepare a Communication Plan. District's reimbursement percentage shall be equal to the Original Project construction cost (sewer and creek relocation) divided by the overall construction cost of the Original Project and Enhanced Work. District's reimbursement to City for the Communication Plan shall not exceed \$5,000.
4. City will invoice the District no later than 30 days after the substantial completion date.

III. VEGETATIVE CORRIDOR, STREAM MITIGATION AND WETLAND MITIGATION CREDIT ALLOCATION

The parties agree to the following allocation of vegetative corridor mitigation credit, wetland mitigation credit, and stream mitigation credit:

1. The Original Project created 26,073 square feet of vegetative corridor mitigation credit. This credit shall be divided equally between City and District. Each party shall receive 13,036.5 square feet of vegetative corridor mitigation credit.
2. City's planned park area, south of SW Johnson Street, created 3,518 square feet of vegetative corridor mitigation credit. This credit shall be considered credit associated with the Enhanced Work and belongs to City.
3. District shall use its vegetative corridor mitigation credit to mitigate impact associated with the Original Project. District's impact is 1,073 square feet which will leave District with 11,963.5 square feet of credit for other uses.
4. City shall use its vegetative corridor mitigation credit from the Original Project and Enhanced Work to mitigate impact associated with the Enhanced Work. City's impact is 7,554 square feet which will leave City with 9,000.5 square feet of credit for other uses.

5. The Original Project created 22,377 square feet of wetland mitigation credit. This credit shall be divided equally between City and District. Each party shall receive 11,188.5 square feet of wetland mitigation credit.
6. There is no net wetland impact associated with the Original Project, therefore mitigation will not be required which will leave District with 11,188.5 square feet of wetland mitigation credit for other uses.
7. The Oregon Department of State Lands and US Army Corps of Engineers approved City to use its wetland mitigation credit to mitigate wetland impacts associated with the Enhanced Work. City's wetland impact is 6,751 square feet which will leave City with 4,437.5 square feet of wetland mitigation credit for other uses.
8. The Original Project created 266 Linear Feet of stream mitigation credit. This credit shall be divided equally between City and District. Each party shall receive 133 linear feet of stream mitigation credit.
9. In the event that City requires more credits than allocated, City shall have the right to purchase credit from District at direct cost (the actual cost to establish the credits which shall include all construction and maintenance costs) or at the rate of \$3.93 per square foot for vegetative corridor mitigation credit and \$4.09 per square foot for wetland mitigation credit, whichever is lower.
10. Each party in its sole discretion shall be able to use its share of wetland mitigation credits for future projects within its jurisdiction in compliance with federal, state and local regulations.

C. EFFECT OF AMENDMENT

Except as amended herein, the Agreement shall remain in full force and effect.

CLEAN WATER SERVICES

CITY OF TIGARD, OREGON

By: _____
General Manager or Designee

By: _____
City Manager or Designee

APPROVED AS TO FORM

APPROVED AS TO FORM

District Counsel

City Counsel

AIS-1578

3. A.

Business Meeting

Meeting Date: 01/14/2014

Length (in minutes): Consent Item

Agenda Title: Approve City Council Meeting Minutes

Submitted By: Cathy Wheatley, Administrative Services

Item Type: Motion Requested

Meeting Type: Consent Agenda

Public Hearing:

Publication Date:

Information

ISSUE

Approve City Council meeting minutes.

STAFF RECOMMENDATION / ACTION REQUEST

Approve minutes as submitted.

KEY FACTS AND INFORMATION SUMMARY

Attached council minutes are submitted for City Council approval.

OTHER ALTERNATIVES

N/A

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

N/A

DATES OF PREVIOUS COUNCIL CONSIDERATION

N/A

Attachments

[September 12, 2013 Council Minutes](#)

[September 17, 2013 Council Minutes](#)

[September 24, 2013 Council Minutes](#)

[October 8, 2013 Council Minutes](#)

[November 19, 2013 Council Minutes](#)



City of Tigard
Tigard City Council Special Meeting Minutes
September 12, 2013

1. SPECIAL MEETING - September 12, 2013 – The meeting convened at 12:20 p.m.

Council attendance:

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

Also present: City Manager Wine, Consultant Hertzberg, Assistant City Manager Newton, and City Recorder Wheatley.

2. REVIEW COUNCIL AND STAFF ROLES AND RESPONSIBILITIES

Consultant Hertzberg distributed a document: “Essential Council Roles.” Highlights of his summary for this agenda item included:

- City Council is to determine the city’s overall direction through values, vision, goals and plans. Council’s focus is on the “big picture” and to empower staff.
- City Council is to establish a policy framework through plans, code, ordinances and resolutions.
- City Council is to set reporting guidelines to ensure accountability.
- City Council’s role for strategic planning was overviewed. Staff directs 90 percent of the daily work to implement the strategic plan. The council’s focus should be on the 10 percent pertaining to determining the city’s overall direction.

City Council discussed matters of importance to them in carrying out their responsibilities.

Highlights and areas for follow up included:

- Request the city attorney present a review of quasi-judicial procedures and the council’s role for these types of hearings.
- Reconsider the composition of the City Center Development Agency board. Council President Henderson advocated restructuring to appoint board members who are qualified

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with an assorted array of pertinent skill sets for redevelopment/development for the urban renewal area. He also spoke to giving more opportunities for community input.

- Mayor Cook commented he supported retaining oversight of the urban renewal district by having the City Council serve as the CCDA board.
- Additional discussion on this issue will be scheduled for the City Council/CCDA before the end of 2013. Staff will also forward advice from the city attorney on potential options for the makeup of the CCDA board.

3. GOAL SETTING DISCUSSION - MAJOR GOAL HEADINGS:

Water	River Terrace
Tigard Triangle	Southwest Corridor
Recreation	Economic Development
Community Engagement	Downtown
Annexation	Finance

Consultant Hertzberg introduced this segment of the council's agenda. He visited with the mayor and council members individually and to determine positions on milestones to be reached by December 31, 2014. Council members in attendance commented on the milestones and reached consensus. Consultant Hertzberg shared comments on the goal headings he received from Councilor Snider (Councilor Snider was unable to attend this meeting).

Following is a summary of the discussions on each of the goal headings with milestone dates identified (transcribed flip charts prepared during the meeting follow on the next page):

<p style="text-align: center;">Water</p> <ul style="list-style-type: none"> > Lake Oswego/Tigard Partnership <ul style="list-style-type: none"> • Water purchase – mgd • Re-write agreement • Most construction done 12/14 >Intergovernmental Water Board timeline <ul style="list-style-type: none"> • Get agreements done by 12/14 >Develop Willamette River sources <ul style="list-style-type: none"> • Rewrite WRWC membership agreement to protect Tigard’s interests 12/13 • Long-term roadmap of decisions Tigard will need to make • Amend WRWC agreement when new members join 	<p style="text-align: center;">River Terrace</p> <ul style="list-style-type: none"> >Park land acquisition 6/14 <ul style="list-style-type: none"> • Strategy • Funding • Land dedication >Finish community plan, zoning, master plans 6/14 >Building permits 6/14 >Service delivery plan FY 14-15 budget
<p style="text-align: center;">Tigard Triangle</p> <ul style="list-style-type: none"> >Strategic plan Fall >Zoning, street and design Standards 12/14 >Begin implementing strategies 12/14 	<p style="text-align: center;">SW Corridor</p> <ul style="list-style-type: none"> >City’s share of EIS funding Budget >Route segments 6/14 >Cross-pollination with Tigard Triangle >Determine role in possible election 10/13
<p style="text-align: center;">Economic Development</p> <ul style="list-style-type: none"> >Adopt strategies and priorities 6/14 → Budget >Ready to launch implementation 7/14 	<p style="text-align: center;">Recreation</p> <ul style="list-style-type: none"> >Council decision on city role In time for budget
<p style="text-align: center;">Growth</p> <ul style="list-style-type: none"> >Annexation <ul style="list-style-type: none"> • Complete River Terrace • Agree to annexation strategy Feb. • Consider urban reserves 	<p style="text-align: center;">Finance</p> <ul style="list-style-type: none"> >Legislative agenda 12/13 >Review facilities strategy budget
<p style="text-align: center;">Downtown</p> <ul style="list-style-type: none"> >Urban renewal ballot measure: Tigard voters clarify authority/projects 11/13 >Strategy for redevelopment of city-owned property >Main St./Green St. Construction 01/14 >Continue Downtown Plaza Site acquisition and design approval (contingent on site acquisition) Spring 14 >Continue Tigard St. Trail negotiation, design and development thru 6/14 >Finalize downtown redevelopment opportunities (if issues can be addressed) 6/14 >Advance options for rail crossing “trade” for Ash Avenue at-grade crossing thru 2014 >Explore Pacific Highway Urban Renewal District options Late 2014 Commercial Street sidewalk 	<p style="text-align: center;">Community Engagement</p> <ul style="list-style-type: none"> >Redesign community survey effort to include regular two-way communication efforts (based on Fall 2013) >Community education efforts; Develop fiscal report card (Blue Ribbon Task Force) ongoing – 2014 >Develop Tigard’s community identity ongoing - 2014

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Council members, the City Manager and Assistant City Manager shared personal milestones to accomplish by the end of 2014:

Councilor Buehner:

- Water issues – she would like to see the relationship with Lake Oswego resolved with the agreement set so it will work in the future. She also would like to see the construction almost completed. She regrets that she will not be a member of the council for the scheduled opening of the water plant.
- City boundaries – she noted concerns about the irregular city borders. She hopes by the end of 2014 the council will have made some policy decisions to move ahead for the future.

Councilor Woodard:

- Recreation – he appreciated the support he has received in championing his interests in this area.
- Economic development – this is an area that he expects will continue to be defined.
- Railroad crossing closure/Ash Street/branding downtown – he would like to see this taken care of. He noted the area around Tiedeman and North Dakota has remained unchanged for years while everything has grown around it. He said this is a dangerous area to walk. This is also important for economic development and circulation improvements.

Council President Henderson:

- Sustainability program – this is an area that has been a priority for him since first elected. He believes the foundation for this program is in education as it is not necessarily a goal; rather, it is an action and an attitude. When looking at a strategic plan, a sustainability program often parallels the same steps. Such a program never becomes a finished product – it will always evolve.
- Burnham Street – this had been a proposed project for years and he said he was glad that the street is now done. The process has demonstrated that city officials have a lot to learn about how to implement and “get the job done.” He said he hopes to leave the City Council knowing that Tigard is a better place than when he was first elected.

Mayor Cook:

- Openness – he would like to hear people say the city is business friendly. He referred to efforts for communication with the scheduled Town Hall meetings and his monthly Fireside Chats.
- Relationship building – he would like Tigard to be known as a good partner in the region. He cited the importance of sitting at the table at organizations such as JPACT , WCCC, etc. Through these relationships other agencies appear to be more willing to talk to us. While we might not get everything we want, we are likely to receive more by being a good partner.

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City Manager Wine:

- Managing well – the public sector, while not identical to a business environment, needs to be well managed. In the next 18 months she sees her role as a bridge between the council (elected and representing the community) and the staff to assure everyone is pulling in the same direction in a way that becomes very powerful to build the local economy and provides an open and transparent environment for all.

Assistant City Manager Newton:

- Connecting people – her goal is to provide information to the citizens of Tigard so they know what is going on in their community and they feel heard. She aspires to have the organization respond to citizen requests by collaborating to find solutions to issues they might have. At the end of her career, she would like people to say that Tigard is the best place to live and do business.

Council reviewed the draft goal/milestone chart with City Manager Wine. Below is the chart which includes additional comments made throughout this goal-setting meeting with the City Council. This chart will be presented to City Council at a later date for confirmation. After that, council will receive quarterly reports on progress with Council President Henderson calling for a review in the first quarter of 2014. Mayor Cook said the council should discuss groundrules and evaluate/review these goals in January 2014 and leave open the potential to add or delete from the list. Assistant City Manager Newton suggested it would be good to have this review accomplished before the next fiscal year’s budget discussions begin. During discussion about a goal/milestone review schedule, Mayor Cook said the second review should occur in May or June.

Goal/Milestone	<u>Estimated Timeline</u>
Water	
<p>Lake Oswego-Tigard Water Partnership</p> <ul style="list-style-type: none"> • Negotiate/proceed with water purchase from Lake Oswego • Renegotiate LOTWP Intergovernmental Agreement (IGA) to reflect structure and management post-construction (evaluate future of partnership roles) • LOTWP bond sale (#2) • Monitor progress of construction and budget; LOTWP projects operational 	<p>Winter 2013 Early 2014</p> <p>Spring 2014 Through mid-2015</p>
<p>Develop Willamette River Water Sources</p> <ul style="list-style-type: none"> • Rewrite WRWC member contract • Continue to consider other sources: Sherwood, TVWD (studies) • Develop “roadmap” for Tigard’s future water decisions through 2026 	<p>Mid-2014</p>

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Goal/Milestone	Estimated Timeline
Intergovernmental Water Board	
<ul style="list-style-type: none"> Work plan for, and next governance agreements with Tigard Water District, Durham, King City (expires 2017, 2-yr notice) 	End of 2014
Communicate with Tigard residents about rate impacts/outreach regarding potential increases	2015 and beyond
River Terrace	
Park land acquisition (strategy, funding, land dedication)	Mid-2014
Complete Community Plan, zoning, adopted master plans	June 2014
Building permits issued; development begins	June 2014
Service delivery planning	2014-15 budget
Tigard Triangle	
Complete Triangle Strategic Plan	Fall 2014
Adopt zoning, street and design standards	December 2014
Begin implementing plan strategies	December 2014
Southwest Corridor	
Determine modes and alignment for study in federal EIS process	Fall 2013
Determine regional route segments	July 2014
Participate in federal EIS process (regional partner, financial)	Mid-2014
Recreation (Evaluate options and resources to create a pilot recreation program)	
Complete demand analysis for recreation opportunities	Spring 2014
Compare recreation inventory with demand analysis to identify needs/gaps	Spring 2014
Council decision on city role (direct delivery provider, contract/partnerships with others, funding source)	In time for 2014-15 budget
Implement a new recreation effort based on role	Fall 2014
Economic Development	
Develop and adopt strategic priorities, resources, design program	End of 2013
Data collection and understanding the economic base	Underway 2014
Community Engagement	
Redesign community survey effort to include regular two-way communication efforts (based on Fall, 2013 survey results)	December 2013
Continue 3-4 quarterly open forums to engage residents/neighborhood groups	During 2014
Community education efforts; develop fiscal report card (Blue Ribbon Task Force recommendation)	Ongoing in 2014
Develop Tigard's community identity	Ongoing in 2014
Downtown	
Urban renewal ballot measure: Tigard voters clarify authority/projects	November 2013

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Goal/Milestone	Estimated Timeline
Strategy for redevelopment of city-owned property	December 2013
Resolve composition of CCDA (pros and cons: CCDA, CCAC, Ec Dev Commission to make it a development agency)	December 2013
Main St./Green St. Construction	January 2014
Continue Downtown Plaza Site acquisition and design approval (contingent on site acquisition)	Spring 2014
Continue Tigard St. Trail negotiation, design and development	Through June 2014
Finalize downtown redevelopment opportunities (if issues can be addressed)	June 2014
Advance options for rail crossing “trade” for Ash Avenue at-grade crossing	Through 2014
Explore Pacific Highway Urban Renewal District options	Late 2014
Growth/Annexation	
Successfully complete River Terrace Community Plan	See above
Reconsider and agree to annexation policy: reauthorize financial incentives as needed; consider islands and remainder of Bull Mountain; incentives for voluntary annexation; timeline for Washington County	February 2014
Develop planning and timeline together with Washington County for future annexations (Bull Mountain, Metzger)	Before June 2014
Update annexation fiscal analysis (from 2004)	Begin mid-2014
Consider annexation of urban reserves for employment land	Late 2014
Finance	
Represent Tigard at the regional, state and federal level to advocate for tax reform and other funding opportunities	1 st and 2 nd Q 2014
Review city facilities strategy and develop options for repair and replacement (“good, better, best”)	Mid-2014
Seek voter-approved measure for major investment (capital, parks, etc.)	Prepare for 2015

TIGARD CITY COUNCIL SPECIAL MEETING MINUTES – SEPTEMBER 12, 2013

City Manager Wine previewed the upcoming meeting on September 17, 2013, at which time the council is scheduled to inspect the proposed draft of the strategic plan. She spoke to what the council wants to do in the next 14-16 months and how it meshes with a vision that could have a horizon of 5-25 years. Consultant Hertzberg and City Manager Wine advised that the actions the council set in motion today will be assimilated into the longer term City of Tigard vision.

Adjournment: 5 p.m.

Catherine Wheatley, City Recorder

Attest:

Mayor, City of Tigard

Date: _____



City of Tigard

Tigard City Council Workshop Meeting Minutes – September 17, 2013

1. WORKSHOP MEETING

- A.  Mayor Cook called the meeting to order at 6:33 p.m.
- B. Roll Call

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

Staff Present: City Manager Wine, Assistant City Manager Newton, Public Works Director Koellermeier, Community Development Director Asher, Assistant to the City Manager Mills, Police Chief Orr, Human Resources Director Zodrow, Streets and Transportation Senior Project Engineer McCarthy, City Engineer Stone, Senior Transportation Planner Gray, City Recorder Wheatley

- C. Mayor Cook asked everyone to join him in the Pledge of Allegiance.
- D. Council Communications & Liaison Reports defer: None.
- E. Call to Council and Staff for Non-Agenda Items: None.



2. JOINT MEETING WITH TIGARD TRANSPORTATION ADVISORY COMMITTEE (TTAC)

TTAC Members Present: Chair Steve Bass; Vice Chair Karen Hughart and Committee Members George Hetu, Mark Bogert. Also present Pedestrian/Bike Subcommittee Member Steve Boughton.

TIGARD CITY COUNCIL MINUTES – SEPTEMBER 17, 2013

Senior Transportation Planner Gray made introductory remarks followed by a report from the committee members.

 Ms. Hughart commented on the committee's activities for the last year:

- Kept up to date on the Southwest Corridor Plan. Sent a letter of support for the Phase 1 approval.
- Participated in project prioritization for the Capital Improvement Program.
- Made recommendations about the McDonald/Highway 99 project.
- Conducted a self-survey to find out how committee members felt with regard to whether they were making a difference and performing as was expected of this committee. The results of the survey were contained in the meeting packet.

 Mr. Bass said the committee conducted a review of bylaws, which were created in 2009. He summarized the results of this review, which were outlined in a September 10, 2013 memorandum from Senior Transportation Planner Gray to the Mayor and City Council.

 Council discussion followed on the proposed changes to the committee's bylaws:

-  Councilor Buehner commented on the origin of the bylaws. This committee transitioned from the Financing Strategies Task Force and she was a member of the Task Force. She noted her support for the proposed changes to the bylaws.
-  Mayor Cook confirmed with Councilor Snider that the City Council will eventually formally consider the bylaws. This topic is for discussion only at this meeting.
-  Composition of the committee was discussed with focus of the potential appointment of up to one non-resident. Senior Transportation Planner Gray noted that the business or employment representative does not have to be a resident but the business must be inside the city.
-  Council President Henderson supported the ability to appoint nonresidents to take advantage of perspectives and expertise to engage the greater community.
-  Council members spoke in support for having the ability to add nonresidents making it possible to appoint individuals with expertise or who live near the Tigard community.
 - Senior Transportation Planner Gray gave some background information on the proposed change in TTAC membership. There have been a couple of instances where candidates for the committee would have been a good addition to the committee but could not be considered because they were not Tigard residents.
 - Mayor Cook asked the TTAC members present if they had any concerns about more members being able to serve on the committee who were not Tigard residents. No concerns were expressed.
 - There was general agreement that there should be no cap on the number of alternate members.
 - Council members agreed the number of nonresident TTAC members should be increased to two or three. Councilor Snider suggested the language be expanded to

TIGARD CITY COUNCIL MINUTES – SEPTEMBER 17, 2013

allow a member to include anyone who had a strong vested interest (i.e., frequent user) of the Tigard transportation services.

-  Senior Transportation Planner Gray advised the bylaws that will be submitted to the council for review and approval will contain more changes. The more substantive changes were those that have been discussed this evening.

Washington County vehicle registration fee discussion:

-  Mr. Hetu said the committee had discussed the recommendation for the Washington County proposed vehicle registration fee. As a group they were not in favor of more fees but they saw the need for additional road maintenance. The committee recommended support of the registration fee. In response to a question from Councilor Buehner, Mr. Hetu and Chair Bass said the committee made no formal recommendation on whether this matter should be referred to the voters.
-  In response to a comment from Council President Henderson, Mr. Bogert said the committee members recognize there is a backlog of roads in Tigard that are not up to standards. If the funds came to Tigard and they were applied to the roads every year for the next ten years, then we would finally have all roads up to acceptable standards; that is, if paving costs stayed the same. The vehicle registration fee appears to be the only option that might give us a chance to bring all of our roads up to a point where they will be more economical to maintain.
-  Mayor Cook said the County will use their portion of the fee for road maintenance. It will be up to each city to decide how to use their portion of the fee.
-  Council President Henderson commented on the city's foresight to institute the street maintenance fee. Using these funds to maintain streets has saved a lot of money.

Steve Boughton presented an update on the Bike/Pedestrian Subcommittee: 

- They sponsored the "Bike to Tigard Farmers' Market" event. For a first-time event, they received a lot of good feedback.
- They gave input to ODOT and Metro concerning bike/ped safety issues.
- They participated in regional trail counts.
- They attracted several new members.
- They continue to communicate with the Beaverton Bike Advisory Committee.
- In the coming year, they want to work with the Parks Division to develop future events to encourage citizens to ride and walk in Tigard.
- They are collaborating with Metro to execute regional trail counts.

Mr. Boughton said the subcommittee asks the City Council to continue to support biking and walking events, which would include a budget of a few hundred dollars to fund some of the expenses associated with such events. He asked the council to solicit input from the subcommittee for planning; i.e., Areas 63 and 64. Councilor Snider asked about the budget

TIGARD CITY COUNCIL MINUTES – SEPTEMBER 17, 2013

request. Mr. Boughton gave examples of costs for promotional expenses such as printing costs for flyers about events or providing ice cream certificates for event participants.

In response to a question from Council President Henderson, Mr. Boughton said they have helped with a regional trail count; however, they do not have the capacity to perform an in-depth cycling traffic count. Streets and Transportation Senior Project Engineer McCarthy added that counts are made when traffic studies are done at various locations. More data would benefit developing a better idea of bike/ped trail usage. Council President Henderson said he would be interested in having the city facilitate getting this data.

Councilor Buehner commented that the city is working on a section of the Fanno Creek Trail from Main Street to Grant Street. She offered there might be a grand opening event and the biking community might want to participate.

Streets and Transportation Senior Project Engineer McCarthy thanked all of the committee members for the time they have taken to become informed on all the issues. Staff appreciates the opinions and expertise of the members. Mayor Cook also noted his appreciation for the time and effort by the members. Councilor Woodard added his thanks and urged the members to keep up the good work and cross-share information.

 Councilor Buehner suggested that someone from the committee liaison with the Planning Commission since this body does a lot of work on transportation issues.

Meeting recessed: 7:12 p.m.

Meeting reconvened: 7:23 p.m.

3. STRATEGIC PLANNING WITH CONSULTANT ALYSSA GASCA

 City Manager Wine introduced this agenda item. Also present was Strategic Planning Consultant Alyssa Gasca and Consultant Joe Hertzberg. The draft strategic plan for the city builds upon the vision the council discussed at their January 10, 2013 goal-setting meeting. In addition, the council participated in one-on-one meetings with Consultant Joe Hertzberg and in a goal-setting workshop on September 12, 2013 to establish milestones for key focus areas for the city. Council members also had one-on-one meetings with Ms. Gasca to prepare for tonight's discussion. A draft summary of milestones is on file in the record copy of the packet materials for this meeting.

 Consultant Hertzberg reviewed the format and groundrules for the discussion tonight. The council and members of the executive team will be breaking into groups to discuss the proposed vision and to determine whether there is consensus on the future direction for Tigard:

The most walkable community in the Pacific Northwest where people of all ages enjoy healthy and interconnected lives.

TIGARD CITY COUNCIL MINUTES – SEPTEMBER 17, 2013

 Community Development Director Asher spent some time talking about the foundation upon which the proposed vision statement was crafted. The vision statement characterizes:

- An ideal that is inspirational and achievable.
- A premise that is distinctively Tigard that is in sync with the times and the world we live in and the world we see coming.
- The statement is energetic and action oriented.
- The statement can drive the identity and entice people to Tigard.
- The parks and greenspaces are valued community assets evidenced by community support and the parks master plan, trail system master plan, neighborhood trails plan.
- The vision is aspirational in that there are inequities to overcome because the trail systems are less accessible to some parts of the community.
- Tigard's history as a post-war suburb reflects that mobility is achievable primarily by automobile. Now the entire country is trying to figure out how to retrofit communities such as Tigard so that cars are still an important way to get around but not to the exclusion of all other modes of travel – especially walking.
- The statement is intended to work for a diverse population.
- The statement is in keeping with the desire for people to prosper and age in place by providing connectivity among neighborhoods, schools, government and events – to make it possible for people of all ages and abilities to enjoy healthy and interconnected lives.

Ms. Gasca facilitated an in-depth discussion about the format for the meeting as well as sharing information about the development of the draft vision statement and future steps needed to prepare the strategic plan.

Several members of the executive team added comments after Community Development Director Asher's presentation on the vision statement. Council members commented on the overall direction of the draft statement. There was some concern expressed that it might not be as inclusive as desired. Police and library services were most notably not as well represented in the statement. During continued discussion, Police Chief Orr commented on how providing a safe community supports the vision statement.

 Council goals and focus areas were presented (see Page 8 of PowerPoint presentation):

1. Connections and identity.
2. Targeted development
3. Communication
4. Stabilize finances.

Members of the council and executive management staff received a list of proposed goals and associated goals and objectives to accomplish the vision. Meeting attendees divided into four table groups to review the goals and focus areas as noted above. At the end of the discussion, presentations were made and information shared is summarized below:

TIGARD CITY COUNCIL MINUTES – SEPTEMBER 17, 2013

Vision Statement
 Flip-Chart Notes
 September 17, 2013 City Council Meeting

- ❖ Add Pizazz – Excitement – Vibrancy around community
- ❖ Walkable feels exclusive accessible
- ❖ Healthy Lifestyle/Fitness active
- ❖ Not fully inclusive of all city departments (Police, Library) or facets of community safety, library
- ❖ Live/Work/Play Within 20 minutes
- ❖ Is Pacific Northwest the right baseline?

Flip-Chart Notes Goals/Focus Areas

Connections & Identity	Targeted Development
<ul style="list-style-type: none"> ❖ Goals and objectives listed were accurately articulated in the discussion draft. ❖ Perhaps trails should be designed differently; i.e., lanes/tracks. ❖ Connecting parks; activation of space. ❖ Areas where “gardens” are already in place. (community gardens objective) ❖ Encourage public involvement in sustaining the trail system. ❖ Recognition program for volunteers; i.e., benches with nameplates, monetary. ❖ Build and make trail system useable and build land uses around the trails for residents and businesses – eventually becomes recognizable as the Tigard identity. 	<ul style="list-style-type: none"> ❖ These goals enable the others to occur – business and economy focus ok. ❖ Invest in public space = plays to residents. ❖ May fit better in Connections & Identity. ❖ Need goal language = 1 & 2 <ul style="list-style-type: none"> ○ Develop...to highest and best use. ○ Move Goal 2 into other goals. ❖ Missing? Annexation, urban reserves. ❖ Work the concept of “growth” into the undeveloped/underdeveloped land objective. ❖ Break apart “focused growth” goal and move objective to other goals. Move 1st, 4th and 5th objectives into undeveloped and under developed land goal; move 2nd and 3rd objectives into market Tigard goal; and move last objective into invest in public spaces.

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Communication – that is engaging	Stabilize Finances
<ul style="list-style-type: none"> ❖ Goal 1 – A story that is engaging and tied to vision. #2 obj., #4A obj. ❖ Goal 2 – The community is engaged and feels connected. <ul style="list-style-type: none"> ○ Volunteers/employees. ○ Business. ○ Residents. #1 obj, #3 obj, #4B obj ❖ Old Goal 3 is outcome (in goals need to work on this). 	<p>Objectives:</p> <ul style="list-style-type: none"> ❖ Budget for core services using current funds. ❖ New programs require new funds. ❖ Budget for maintenance of existing infrastructure. ❖ Build reserves to the right level. ❖ Development revenues to implement Strategic Plan. ❖ Continue to implement efficiencies. ❖ Report to voters, council and staff annually.



Next steps were reviewed:

- Staff members will revise and prepare a new version of goals/objectives for council review.
- Community and staff feedback will be solicited.
- Another review of the goals/objectives will be reviewed with council later this year.

4. COUNCIL LIAISON REPORTS: None.
5. NON AGENDA ITEMS: None.
6. ADJOURNMENT: Mayor Cook adjourned the meeting at 9:43 p.m.

Catherine Wheatley, City Recorder

Attest:

Mayor, City of Tigard

Date: _____

TIGARD CITY COUNCIL MINUTES – SEPTEMBER 17, 2013



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 Buehner		✓
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.

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.

- 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 Sundleaf 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

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

TIGARD CITY COUNCIL MEETING MINUTES – SEPTEMBER 24, 2013

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

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

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

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: _____

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City of Tigard
Tigard City Council Meeting Minutes
October 8, 2013

Mayor Cook called the meeting to order at 6:30 p.m.

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

Staff present: City Manager Wine, Community Development Director Asher, Economic Development Manager Purdy, Redevelopment Project Manager Farrelly, City Attorney Guerra, and City Recorder Wheatley.

STUDY SESSION:

A. REVIEW COUNCIL ROLES AND HEARING PROCEDURES FOR QUASI-JUDICIAL MATTERS

Attorney Guerra reviewed quasi-judicial roles and hearing procedures as outlined in a September 18, 2013, memorandum from City Attorney Ramis. A copy of this memorandum is on file with the packet materials for this council meeting.

B. REVIEW ECONOMIC DEVELOPMENT WORK PLAN 2013 - 2014

Economic Development Manager Purdy reviewed the 2013-2014 Work Plan for the newly defined economic development program. Key elements of the work plan are outlined in the staff report prepared for this agenda item.

Future reporting on progress made in implementing the work plan was discussed. Councilor Snider said he would like to hear comments from business owners. Regular reporting will be provided to the council on the work plan.

On occasion, the mayor and one other City Council member might choose to accompany Mr. Purdy when he visits representatives of businesses located in Tigard.

C. REVIEW INTERGOVERNMENTAL AGREEMENT WITH METRO FOR DOWNTOWN TIGARD MIXED USE DEVELOPMENT PROJECTS CONSTRUCTION EXCISE TAX (CET) GRANT

Redevelopment Project Manager Farrelly presented the staff report. In September, 2013, Tigard was awarded a \$100,000 CET grant from Metro for Downtown Tigard Mixed Use Development Projects. Staff will return at a future date for Council’s consideration of adopting the Intergovernmental Agreement (IGA) with Metro required for the grant. Council consensus was that this item could be presented on the Consent Agenda for council approval.

D. ADMINISTRATIVE ITEMS:

The following administrative items were noted:

- Council received two pieces of public testimony for Agenda Item No. 4 – LID No. 1:
 - Jack Kearney
 - Greg Specht

• Council Calendar:

October

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., American Legion, 8635 SW Scoffins Street

- EXECUTIVE SESSION: Not held.

Study Session concluded at 7:25 p.m.



1. BUSINESS MEETING - OCTOBER 8, 2013

A. Mayor Cook called the meeting to order at: 7:30 p.m.

B. Roll Call

Name	Present	Absent
Mayor Cook	✓	
Council President Henderson	✓	
Councilor Buehner	✓	
Councilor Snider	✓	
Councilor Woodard	✓ (by speaker phone)	

TIGARD CITY COUNCIL MEETING MINUTES – OCTOBER 8, 2013

- C. Mayor Cook asked everyone to join him in the Pledge of Allegiance.
- D. Council Communications & Liaison Reports  Reports were given later in the meeting; see Agenda Item No. 8.
- E. Call to Council and Staff for Non-Agenda Items: None

2. CITIZEN COMMUNICATION

- A. Follow-up to Previous Citizen Communication: None
- B. Tigard High School Student Envoy - EJ Albaugh presented an update of activities at Tigard High School. A copy of his report is on file in the record copy of tonight's meeting packet.
- C. Tigard Area Chamber of Commerce – Chamber CEO Debi Mollahan presented an update of activities. A copy of her report is on file in the record copy of tonight's meeting packet.
- D. Citizen Communication – Sign Up Sheet:

 Michael Denton, 12604 SW 60th Court, Portland OR 97219 advised the City Council that he owns a piece of property on Pacific Highway. It is a small, vacant lot – approximately 11,000 square feet. He said he put the property up for sale and received an offer to purchase. The purchaser wanted to put a medical office on the lot. The sale was pending the outcome of the city's pre-application process. They met with Associate Planner Caines and one of the first items discussed was the traffic impact fee, which was quoted as \$76,000.

Mr. Denton explained the price of the lot was \$250,000. In addition to the traffic impact fee was \$25,000 for utility fees, which meant that even before the project could be started the fees added up to more than \$100,000. Costs for building permits were yet to be determined.

 During the pre-application meeting, items such as building placement and parking requirements were discussed. The staff explained the requirement for the 33 percent canopy for this lot. In the end, it was deemed virtually impossible to build the building with the required parking and the tree canopy (almost 4,000 square feet). The requirements coupled with the fees made this property purchase “impossible.”

 Mr. Denton said he was before the City Council tonight to help the council members understand the harmful impact on small businesses imposed by the fees and the existing policies (i.e., tree canopy requirements). The medical building (immediate care facility) would have been a good thing to have on Pacific Highway, creating jobs and revenue.

 In response to a question from Councilor Snider, Mr. Denton said the proposed building would have been two stories. The bottom level was 2,500 square feet and the second level was 2,300 square feet. The proposed building met the requirements for this particular lot; however, it was impossible to include the parking and the required tree canopy of 33 percent.

 In response to a question from Councilor Buehner, Mr. Denton acknowledged that the staff explained the canopy requirement was for fully grown tree canopy estimates. However, the space for the trees is needed at the time of development. He reiterated that on this small lot, it was impossible to meet the parking and tree canopy requirements. Mr. Denton explored the idea of sharing parking with his adjacent property, but that proved to be inadequate as well. He referred again to the \$100,000+ fees to get the project started and said it was “ridiculous.”

 Councilor Snider said he was surprised to hear the impact described by Mr. Denton and said he had no response other than he would like to have staff look into this situation to give the council insight about “what’s driving this” given that this is a 4,800 square foot building on an 11,000 square foot lot.

 In response to a question from Council President Henderson, Mr. Denton advised the property does not front Pacific Highway and would not require another driveway.

 City Manager Wine said staff will look into the details on this matter and respond to the City Council and Mr. Denton.



3. CONSENT AGENDA:

- A. Receive and File:
 - 1. Council Calendar
 - 2. Council Tentative Agenda for Future Meeting Topics

Motion by Councilor Buehner, seconded by Councilor Snider, to approve the Consent Agenda.

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

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

4. QUASI-JUDICIAL PUBLIC HEARING ON THE CONSTRUCTION, MODIFICATION, CONTINUATION OR ABANDONMENT OF TIGARD TRIANGLE LOCAL IMPROVEMENT DISTRICT (LID) NO. 1

a. Mayor Cook opened the public hearing.

b.  Mayor Cook called for the following declarations or challenges:

- Do any members of council wish to declare any:
 - Ex parte contacts or information gathered outside the hearing, and
 - Bias or conflicts of interest.
 - 
 - Councilor Buehner advised she was on the City Council when this LID was originally created.
 - Councilor Snider reminded council that this LID was discussed at a recent City Council workshop meeting. Council President Henderson, Councilor Buehner and Councilor Woodard advised they were present for this workshop meeting. Mayor Cook said he did not attend; however, he did watch the video replay of the meeting. Mayor Cook said he also spoke with Mr. Specht about this matter at a Tigard Triangle Citizen Advisory Committee meeting. Mr. Specht spoke to the mayor about this matter, basically stating the facts that will likely be reviewed at this hearing. Mr. Specht said he hoped the council would discuss this matter during the hearing. The mayor said his discussion with Mr. Specht did not create a bias for him nor does he have a conflict of interest as a result of the exchange.
- Does a member of the audience wish to challenge a councilor's qualifications to hear and decide this matter, or the jurisdiction of the council as a whole to hear and decide this case? There were no challenges.

○ Staff Report 

City Engineer Stone presented the staff report. His comments included the following:

TIGARD CITY COUNCIL MEETING MINUTES – OCTOBER 8, 2013

- This hearing relates to a request for a boundary adjustment for LID No. 1, which is located in the Tigard Triangle.
- The LID was formed in 2008.
- The improvements that were scheduled to be constructed as part of the LID have not been completed. The design is done; however, no substantial work on the LID has occurred.
- In 2012, City Engineer Stone was contacted by one of the property owners to determine if the LID could be abandoned or if the boundaries could be modified. At the August 20, 2013, workshop meeting, property owners talked to the City Council about this LID.
- The hearing tonight was scheduled to take testimony on the status of the LID to determine whether the boundaries should be modified, the LID built or abandoned.

d. Public Testimony on the construction, modification, continuation or abandonment of Tigard Triangle Local Improvement District No. 1.

 Steve Pfeiffer, Perkins-Coie, 1120 NW Couch Street, Portland, Oregon 97204, advised he was appearing tonight on behalf of Specht Development that was one of the initial sponsors of the LID. His testimony included the following:

- Mr. Specht was unable to attend tonight's meeting. Mr. Pfeiffer asked that before the hearing is closed, the City Council consider leaving the record open for one of the next three City Council meetings so Mr. Specht could attend and speak on this matter.
- Mr. Pfeiffer said, in his experience, it is unusual to see an abandonment of an LID. The recession brought about a lot changes for real estate development. Despite these circumstances, he urged the City Council to remember that the purpose of an LID is to provide an unusual, unique and effective financing tool whereby the benefited properties can pick up the cost of improvements representing a disproportionate greater benefit to those properties by providing infrastructure for sewer, water and other improvements. LIDs offer an effective way to provide infrastructure to areas for small, discreet projects where the benefit is disproportionately high to the participating properties.
- This LID went through the process: It met the remonstrance requirements, which means the City Council received the support of enough people to be able to go forward with the formation of the LID. The assumptions and the findings made at the time of formation are still in effect:
 - The improvements are still needed as a precondition to development in this area.
- Another assumption made by the City Council at the time the LID's preliminary report was adopted, was that these property owners within the current boundary are directly benefited. There is a formula applied to the benefited properties and,

depending on the infrastructure improvement, Specht Development bears between 50 and 55 percent of the cost of the LID representing their percentage of ownership of the lots within the LID area. The finding at the time of LID formation is equally valid today.

- The potential for seeing development occur has not changed because it is highly unlikely that the city will be able to extend the service development infrastructure to facilitate and bring about the development as part of a city project due to the fact that this is a small, discreet area. If the city were to abandon or modify the LID, Specht representatives would argue that this effective financing tool would be lost; that is, there would be no means to stimulate development in that area unless the city sees the largesse and decides to fund the public infrastructure.
- Mr. Pfeiffer said that formation of an LID represents a good financing tool that has worked well. He referred to the staff report that states that if the LID is abandoned this would represent adverse impact on development. If the LID goes away, there is virtually no potential for development. If it remains in place, the ability to attract development increases. When and if someone comes forward with a development proposal, the mechanism would be in place to stimulate the spreading of the assessments and the completion of the LID.
- Mr. Pfeiffer said there is no down side to retaining the LID. He offered that the individuals who are proposing to terminate the LID or remove themselves from the LID, have been challenged with purchasers who fear the prospect of a future assessment or are asking for a discount in the sales price. While this may be the case, the finding that the City Council made at the time of LID formation, was that the LID would bring two things to those properties:
 - A direct benefit.
 - An increased likelihood of development and the corresponding benefits to the city in terms of fees, charges, revenues and an increased tax base.
- Mr. Pfeiffer said that in his experience developers welcome the presence of an LID when they purchase property that would otherwise be lacking infrastructure. With an LID in place there is some certainty that the infrastructure will become available and what the fixed cost will be.
- If property owners are concerned that an assessment represents a reduction or negative effect on the value, he would conclude that the purchasers who purport this argument are not looking to develop but are looking to buy property at a cheaper price to wait until the day until someone, including the city, builds infrastructure for their benefit but at no cost to them. A developer will gladly accept the assessment because it represents a clear component of their pro forma that they can factor as they decide whether or not to go forward.
- Mr. Pfeiffer urged the City Council to leave the LID in place. There is no downside that he can identify as this tool remains viable. If, as suggested in the Strategic Plan, the City Council could choose to come forward with a larger LID for the whole district and this could be done as part of the larger strategic planning exercise. He

asked that the council wait to make this decision until they have the “picture clearly before you.”

- If the decision is to modify the LID boundary to delete two property owners who were benefited as concluded by the City Council at the time this LID was formed, the council will have to come up with a contrary finding that says they are no longer benefited by those improvements at the relatively proportional rate that they would be charged when the assessments are spread. The finding will have to be reversed and replaced with the finding that for some reason, without any change in geography or facilities, the properties are no longer benefited as identified in 2008.
- Mr. Pfeiffer said he believes the City Council has been advised by its legal counsel that it is not required to make a decision. This is an unusual type of quasi-judicial/legislative situation since there is no application requiring the City Council to decide yes or no. He said the City Council does not have to make a decision tonight or, perhaps, never make a decision on the request. If the City Council decides to move forward with its consideration of this matter, he urged them to continue the hearing so Mr. Specht could attend. Mayor Cook corrected the statements made by Mr. Pfeiffer, advising it is his understanding that the council can continue the hearing; however, the City Council is required to make a decision on the matter. Mr. Specht agreed with Mayor Cook that the City Council would rely on its legal counsel’s advice to make a decision based upon the four options presented in the staff report.

Councilor Buehner advised she, as a real estate attorney, has worked with other LIDs and she has never seen one sit and not be built for this many years. She said this is major concern to her. She acknowledged that the economy has been down. Mr. Pfeiffer agreed that he has never seen an abandonment of an LID nor has he seen an LID remain inactive for as long as this LID. However, he said a lot of things have happened in the real estate market solely because of the economic conditions. The economy is coming back. He said it is unclear to him regarding what the downside would be to leave the LID in Stage 1, without completing Stage 2 (spreading the assessments). Leaving the LID in place would mean the tool would still be available the city. The city is always free to terminate the LID if and when the circumstances warrant. The city can decide to create a larger LID as the Strategic Plan moves forward. He reiterated that he did not find a downside to leaving the LID in place. The mere specter of a future assessment to a developer purchaser is not that fearful because the number is clear to identify in the preliminary assessments. While there could be a reassessment later, one could factor in the costs of construction as it has gone up or down. He agreed that this situation is unusual; however, the LID is simply a tool that is available, productive and helpful in the right situation.

 Councilor Snider noted that the properties Mr. Pfeiffer’s clients own are significantly larger than the other lots and inquired if Mr. Pfeiffer thought the same benefits would be realized by lots of all sizes. Mr. Pfeiffer explained that with the LID process each property owner would be responsible for a pro rata share. Once a determination is made that a

property is benefited, then there is a pro rata distribution of the cost based on a formula. For road improvements, sidewalks and pipes, Mr. Pfeiffer guessed that the formula was a linear frontage foot calculation. There was discretion available to the City Council in 2008 but there is a formula that is numerical, objective and based on quantified direct benefit.

Councilor Snider acknowledged he understood the pro rata application for an LID, but said that his question was more to understand the authoritative statement Mr. Pfeiffer made about the fact that if a property owner was talking to buyer about a development, that they were talking to the wrong people if they were not excited about the prospect of an LID. Mr. Pfeiffer said he thought his statement was true for every lot size because whether it is a 10,000 or 50,000 square foot parcel, a permit will not be issued until the infrastructure is in place. The options are development – or not. For a person who has a 10,000 square foot lot, there is no way he/she could afford the magnitude of the improvements absent an LID or the city stepping forward and constructing the infrastructure. In his opinion, Mr. Pfeiffer said the formula would not change with the size of the lot; in fact, he would argue the smaller lot benefits more because in this case another property owner (Specht) will bear 50-55 percent of the cost. Despite the size of the lot, a property owner in the LID area would receive a benefit proportionate to the value of their property unless it could be proven the benefit is not there. If there is no benefit, Mr. Pfeiffer said he thought modifications could be warranted.

City Manager Wine advised that if this hearing were to be continued, upcoming City Council business meeting dates are October 22, November 12, November 26 and December 10 remaining for 2013. Mr. Pfeiffer advised the City Council that if it was willing to continue the public hearing, Mr. Specht would adjust his schedule to attend.

 Kazem Ken Nadri, 1510 6th Street, West Linn, Oregon 97068 testified and his comments included the following:

- They purchased the property before the LID became an issue. When the LID was formed in 2008, they were unaware of what was occurring. He said they were not asked if they were in agreement with the LID. They learned their share of the costs, based on the size of the lot, was significant when compared to the amount for which they purchased the property. He and his wife purchased the property to provide them income should they become disabled or to assist with their retirement. The amount of the LID they would have to pay over the course of ten years would mean this property would not be an income property for them.
- He reflected that the council would be making the decision for not just those who are wealthy, but for the majority who are of moderate income for this and other issues.
- If they became a part of the LID, it would take a long time to pay back the money. In his research and based on the city's requirements, there is no direct benefit or even a long-term benefit to them because of the total high costs that would become a burden on this property.

- He supported development in the area. However, he requested that only those property owners that want the LID be required to participate. He asked that the boundary be modified.

Mayor Cook took a moment to clarify the purpose of this hearing. He said that this is a quasi-judicial hearing. The role of the City Council in this type of hearing is to hear the facts and to make its decision based upon the facts and whether or not the proposal follows the law. This is a different role from those instances where the City Council members can base their decisions on personal preferences. City Attorney Guerra noted agreement with Mayor Cook's summarization of the City Council's role for this type of hearing.

Councilor Buehner summarized her understanding of Mr. Nadri's testimony. She heard that he and his wife have one parcel in the LID and they are not ready to develop. Mr. Nadri said they would like to develop if they could do it themselves and be excluded from the LID. The costs, based on the 2008 cost estimates, are too high. In his research he found that if they did the sidewalk themselves, it would not cost as much as the LID would cost. Councilor Buehner noted the 2008 figures were estimates before the economy downturn. It has been the experience of the city that bids are now coming in lower. Were the LID were to move forward now, the construction could probably be done more cheaply than in 2008. Mr. Nadri disagreed with Councilor Buehner's expectation that the work would cost less now and gave an anecdotal account of his experience with estimates versus the actual amount that is eventually charged. In response to a question from Councilor Snider, Mr. Nadri said the estimated cost for his lot's share of the LID was more than \$70,000 – their lot has 75 feet of frontage. In addition, they would be required to change from a septic tank and hook up to the sewer.

 Ms. Marzie Salarie also residing at 1510 6th Street, West Linn, Oregon 97068 referred to and asked about the LID costs now and the statement that the estimates in 2008 would be higher than what the LID would cost today:

- She asked how much lower the costs would be. Councilor Buehner said she could not give Ms. Salarie an exact figure only that it has been the experience of the city in recent times that contractors are submitting bids lower than they were several years ago. Mayor Cook said there is no guarantee the bids would be lower. Ms. Salarie said the costs for them are much higher on a percentage basis than for the other properties. She said if they could do the work themselves, it would be faster and less expensive. Councilor Snider asked how she figures the cost is disproportionate for their lot. Ms. Salarie said she was comparing the costs for them and the cost for the Specht property. Overall the entire LID was estimated to cost more than \$2 million.
- Ms. Salarie said they want that area to be developed and they want to fix the home on the property as they bought it for an investment. They are ready now for their son to

move in; however, they are waiting for the city to make a decision to determine whether they can afford it.

 Mr. Nadri commented on the estimate for the LID. About four to five years ago, one of the items on the list for property improvement was a tree at \$800 for each tree. In response to a question from Council President Henderson, it was determined that the Lot number for the Mr. Nadri's and Ms. Salarie's property is 7601.

 Tim Roth, 22583 SW 104th Avenue, Tualatin, Oregon testified:

- He owns two parcels within LID No. 1, Lot Nos. 7001 and 6900.
- He advised he is a builder/land developer. He bought this property and several others within the Triangle as investments. His intention was to eventually develop these properties into some type of commercial use.
- He advised he was at the hearing tonight primarily to fact find. He said he has called the city a couple of times over the years asking about the status of the LID and whether the city was going to move forward with performing the improvements. In his experience, all land use decisions have an expiration date. The exceptions he has seen over the last several years that, with the crash of the economy, most jurisdictions have granted extensions to land use approvals. However, it has also been his experience that almost all jurisdictions have placed a limitation on the extensions. He added that he is unfamiliar with LIDs and whether they time out. He said he tried to investigate the matter on the website and found no information about LIDs with regard to expirations nor was he able to find any information about this particular LID.
- He received a letter dated September 26, 2012, from Tigard City Engineer Michael Stone. The letter stated that ... “the council formed an LID district for the design and construction of a certain roadway improvement in and around the area bounded by Dartmouth Street, 68th Parkway and 70th Avenue within the City of Tigard. Since the LIDs formation little, if any, work associated with the anticipated roadway work has been conducted. Recently, city staff has received a request to recommend to the City Council that the LID be formally abandoned.” Since then, Mr. Roth said he received no follow up correspondence and he is unsure what the staff has recommended. He assumes the staff presented something to the City Council in the form of a recommendation, which was why this was “on the City Council’s radar.” He said he is curious about the procedures followed to date. He said he has a vested interest and would like to know the direction the city is going to take on this LID; i.e., abandonment, going forward or allowing certain property owners to opt out.
- Mr. Roth said that when the LID was formed, the boundary lines extended to Baylor Street. During the course of a lot of argument and testimony, the city elected to allow a couple of the property owners to opt out of the LID.

- He said he is neutral on the LID other than being curious and wanting to be kept informed about the direction the city is going to take.
- In response to a question from Councilor Snider, Mr. Roth said if he was to place his property on the market with the disclosure that there is a \$200,000 assessment on the property, this would likely mean he would have to reduce the price of his property by the amount of the assessment. The existing LID assessment is not viewed by him as being an advantage to the property. The only advantage would be that it might create more interest in the market. He has found there are still a large amount of vacancies in the current market condition. Rents have not recovered to the pre-economy downturn. He has no immediate interest to sell or develop the property in Triangle since there is no interest. He said the property is a long-term investment for him and, eventually, he believes there will be value to realize as the Triangle continues to develop and grow. He said if the west side rail route goes through the Triangle, then this might enhance the value of the real estate and spark a lot more interest.

 John Kearney, 2508 NE 24th Avenue, Portland, Oregon thanked the City Council for hearing this item and advised he initiated the proceedings on this matter. His remarks included the following:

- He is one of the owners of Dartmouth Townhome LLC, which owns Tax Lots 7500 and 7600. They purchased the property in 2005 as part of a development. The people they purchased the property from transferred the development rights to a nearby property about two blocks away. They were left with a property that had residential rights only – the entire commercial FAR had been transferred.
- They applied for permits for a seven-unit condominium. In 2007, they received their site development review, which gave them conditional approval requiring some improvements. Item No. 25 in the SDR said they were to participate in any future LIDs that involved the future expansion or improvement of Dartmouth Street.
- During their approximately three-week long appeal period, they contacted Greg Berry with the City of Tigard. They asked if there were any existing or pending LIDs affecting the area. He was told “no.” So, “we wiped that one off the boards for things to consider.” Two weeks later, when their appeal period ended, they were locked in and about six days later they received a letter stating they were part of a proposed LID, which is this LID. Mr. Kearney said they were “hoodwinked” into giving up their appeal rights. He said he feels this was a gross misrepresentation – an intentional misrepresentation, or “fraud.” He said he is before the city to find a way to “get us out of what has become a complete loss and continues to be a loss to us of \$3,000 a month for bare land that is just sitting there rotting away.”
- When they purchased the property, it was finished on three sides with all of the curbs, streets, gutters, storm system and street trees. They paid \$500,000 for the property and spent \$100-125,000 on getting through the permit process, which included the

engineer, architect and planning fees. At this time, they are into the property for more than \$800,000. The property has been marketed since October 9, 2008 with an asking price of \$490,000. It is now listed at \$125,000 to accommodate the \$135,000 “ask” for the LID.

- During the SDR process, Condition No. 25 only addressed their future participation in and non-remonstrance on the LID. When they received their report, the LID was already in a proposed form. He said City of Tigard staff member Gary Pagenstecher wrote and signed the SDR for Specht Properties (processed about 35 days earlier than Mr. Kearney’s SDR). The LID is referenced a number of times within the Specht properties SDR, citing conditions that would have to be met if the LID was not approved. The only mention in Mr. Kearney’s SDR was that they would have to participate in any LIDs.
- When they received notification about the formation of the LID, they attended the meeting expecting they would have to pay a few fees. The amount they were asked to pay was \$130,000. They were shown a Group Mackenzie report that listed how all the benefits, costs and assessments were analyzed including the benefit that the LID would have to the neighborhood. The report said that the ideal benefits in the neighborhood would be a 3:1 land value to assessment ratio. Based on the 250,000 (approx.) feet, costing \$2.5 million, there would be \$10.39 per square foot of improvement added. This means the value should be \$31 per foot. The conclusion was that the properties were not at that level, nor would they be at that level in the future even with the improvements. They reported that the ratio would be 2.5 to 2.8 after all of the work was done. The requirement was not close to being met, yet the LID was pushed forward.
- In the Group Mackenzie report there was another map that included the first rendition. This map (dated January 26, 2006) included all properties between Dartmouth Street/Baylor Street and between 68th and 70th Avenue, with the exception of their two lots and one “on the bottom right corner.” This LID “was in the works for two years, so Greg Berry should have known and should have told us about it.” In 2006, the map was changed, which is the map that is now before the City Council. The original map included the entirety of three Specht properties on SW 70th Avenue and also included the properties on Baylor Street. He said, “after this was gerrymandered, we were put in, two and one-half Specht properties were removed as were other properties.”
- He said he did not want Mr. Specht to do this again in the future to unsuspecting landowners. This process has been “very costly, hurtful, damaging, and I don’t want other people to have to go through this.”
- He said he would like the city to look into the benefit that their property would receive from this. He said they bought the property fully finished on the perimeter and then they lost part of the property due to eminent domain (an 11-foot strip along Dartmouth Avenue), which was part of the SDR. Then they were asked for \$130,000 to re-improve this property when they only had 12-14 cars that would be in their

establishment. During the previous proceedings on LID No. 1, he said Councilor Buehner mentioned that because they were going to have to redevelop their property, that there should be some accommodation or consideration for this. He noted former Mayor Dirksen, who was in the audience tonight, commented at this meeting that because Mr. Kearney's property was for residential use only, this property should also have some form of accommodation or adjustment.

- They are asking for the council to review this matter to determine what the benefit to them is. They do not believe there is a benefit to them – only a cost. They had agreed to buy the property improved and were asked to re-improve it. The only thing that will benefit them is a total removal from this LID and for removal from future ones. SDR Condition 25 stated that their property was going to be subject to any future LIDs and this could happen again – e.g., when the west side train comes through. It could be never-ending and he said this needs to be adjusted.
- He referred to Mr. Pfeiffer's statement that the developers are solely looking for quality and will pay more for these LIDs. Mr. Kearney said buyers of residential lots do not want to pay fees. They want to buy things as cheaply as possible. Therefore, if there is a \$130,000 assessment, they will ask for it from the seller – “so I will have paid it either way. And, that's the reason why I am asking you to remove this and to remove us from the LID.”
- Mr. Kearney advised he had formal paperwork for the remonstrance and some back-up information. He submitted this paperwork to the city recorder.

 Councilor Snider noted Mr. Kearney raised a number of procedural questions. He asked Mr. Kearney whether Mr. Kearney took any action when he perceived he was deceived during his SDR process. Mr. Kearney said he has been writing to the city for years on this matter. He said, “Mike Stone is one of the first people that even responded in a decent way. Gus Duenas, the former engineer, rammed this down our throats and took pride in doing it.” Councilor Snider clarified that he was asking Mr. Kearney when was the first time he contracted the city after he had knowledge of the LID. Mr. Kearney said probably early 2008 and they were stuck with the non-remonstrance, so they could not “go after this.” Councilor Snider asked if Mr. Kearney discussed this with anyone in the city and, if so, approximately when was that. Mr. Kearney said he probably initially discussed this with Gary Pagenstecher and/or Greg Berry. Mr. Kearney said he called Greg Berry, but did not recall the date. He said Mr. Berry refused to talk about this matter. When Mr. Kearney asked Mr. Berry why he did not tell them about this LID, Mr. Kearney said Mr. Berry said, “We're not even going to go there.”


e. Staff Recommendation

Responding to Mayor Cook's request for a staff recommendation, City Manager Wine said staff recognizes that rather than offering the council a staff recommendation the staff

would like to know what information would be helpful to the City Council to consider the facts on this matter. Staff provided several potential options the council might want to consider:

- Leave the LID in place.
- Determine whether to move forward and construct the LID improvements.
- Modify the LID boundary.
- Dissolve the LID.

City Manager Wine said there are implications for each of the options. Staff wanted the City Council to be able to have a full discussion and, if needed, consider the full record including the historical documents.

Council President Henderson addressed the city manager and said he would like to have a recording of tonight's proceedings for review. In addition, he would like more time to read the information presented. He also wants to reserve the ability to ask questions in the future.

City Manager Wine noted council received additional testimony by email today from Mr. Kearney and Mr. Specht's representative. These shall be entered into the record so the council has this additional information. The 2012 Correspondence from City Engineer Stone to the property owners will also be forwarded to the City Council. City Manager Wine said the entire record will be provided to the council.

Mayor Cook said it would be helpful to have information showing how the benefit calculations were derived at the time the LID was formed.

Councilor Woodard said the staff report now before the council is brief; however, he suspects there are volumes of information. He would like to know why the LID was declared an emergency in 2008; that is, he would like to see documentation regarding the emergency declaration.

Councilor Snider said he would like a report from staff whether the methodology used five years ago to determine the relative benefits and assessments is still appropriate given the dramatic changes in market conditions and situations. Councilor Snider would like to know everything about the contact with affected property owners concerning the land use decisions that went along with this matter. He would like to know what, if any, liability the city might have for the situation. He agreed with Councilor Woodard's request to have information on why this LID came about and why was it declared an emergency when it has not moved forward in five years.

Council President Henderson asked for legal counsel to review this issue to respond to whether there is some kind of time limit for this type of procedure.

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Councilor Buehner said she would like to have access to the audio recordings – all the documentation from the original hearing. City Manager Wine noted there is a record of the council proceedings that will either be in the form of minutes or the recordings.

In response to a question from Councilor Snider, City Manager Wine said that given the requests received during tonight’s testimony, questions asked by council and the request to provide the whole record, the staff recommendation would be for the hearing to be continued to a future date. This would give staff time to assemble the record and give the council time to review the information.

 Councilor Buehner requested that the record be left open to give an opportunity for additional testimony.

 Mayor Cook requested council acknowledgement to continue this hearing and to name a specific date (aka, “date certain”). After discussion, council consensus was to continue this hearing to November 12, 2013. Councilor Buehner will be absent on November 12 and said she might try to participate in the hearing via telephone.

Motion by Council President Henderson, seconded Councilor Buehner, to continue the hearing to November 12, 2013.

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

Mayor Cook	Yes
Council President Henderson	Yes
Councilor Buehner	Yes
Councilor Snider	Yes
Councilor Woodard	Yes (speaker phone)

Mayor Cook advised the record will be kept open.

Motion by Councilor Snider, seconded by Council President Henderson, to accept the written testimony into the record.

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

Mayor Cook	Yes
Council President Henderson	Yes
Councilor Buehner	Yes
Councilor Snider	Yes
Councilor Woodard	Yes (speaker phone)

In response to a question from Mayor Cook, City Attorney Guerra said the City Council can impose a deadline for receipt of additional written testimony; however, at this point the attorney said he would not recommend setting a deadline. This would allow additional information to be submitted that might be triggered by events that occur at the continued hearing date. The determination whether to close the record can be made at the hearing on November 12, 2013.



5. UPDATE DISCUSSION WITH METRO COUNCILOR CRAIG DIRKSEN

Metro Councilor Dirksen updated the City Council on current Metro activities. An outline and key points of his presentation are contained in slides on file in the record copy of the packet materials for this meeting.



6. CONSIDER A RESOLUTION ENDORSING THE SOUTHWEST CORRIDOR PLAN AND SHARED INVESTMENT STRATEGY

Senior Transportation Planner Gray presented the staff report on this agenda item. The purpose of the resolution before the City Council tonight is to endorse the Southwest Corridor Plan and the shared investment strategy. It directs staff to continue working on the regional project and pertains to work being done for planning in the Tigard Triangle. The proposed resolution does not change any city policies, Comprehensive Plan, commit any funds or identify any specific transit projects.

Mayor Cook said he received a telephone call earlier today where the person was wondering about the high capacity transit initiative petition and the pending March ballot measure. He said he advised the caller that the proposed resolution would approve a plan that has already been vetted through a process. He re-stated Ms. Gray's earlier comment that this resolution does not commit any funds.

Ms. Gray said that most of the cities (Sherwood, King City, Beaverton, and Durham) and both of the counties (Washington County and Multnomah County) involved in the Plan have already adopted similar resolutions. The City of Portland, Tualatin, Lake Oswego, the Oregon Department of Transportation and TriMet will all be considering endorsement of the Plan and strategy. The Plan is on track to go before JPACT and MPAC.

Councilor Snider pointed out the initiative is on the March ballot regarding future decisions and does not bind what the city is doing now.

Ms. Gray reviewed the elements of the Plan, which are to continue evaluation of high capacity transit options and to begin identifying near-term bus service enhancements. There is a list of roadway and active transportation projects and most of these projects have already been adopted in local or regional Transportation System Plans. A large list of about 400 projects have been narrowed to approximately 81 projects that would be most supportive of the objective of the Southwest Corridor Plan.

Ms. Gray advised there is an inventory of natural resources, parks and trails. The plan is to have the inventory ready so opportunities are utilized when making other investments in projects that would tie in to those listed in the inventory.

Ms. Gray said the Plan is an information resource for planning and will be helpful as the city moves forward with the Tigard Triangle Planning.

Motion by Councilor Buehner seconded by Councilor Snider to adopt Resolution No. 13-43.

RESOLUTION NO. 13-43 – A RESOLUTION ENDORSING THE SOUTHWEST CORRIDOR PLAN AND SHARED INVESTMENT STRATEGY AND PROVIDING DIRECTION FOR FUTURE PARTICIPATION IN THE SOUTHWEST CORRIDOR PLAN

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

Mayor Cook	Yes
Council President Henderson	Yes
Councilor Buehner	Yes
Councilor Snider	Yes
Councilor Woodard	Yes (speaker phone)

7. LEGISLATIVE PUBLIC HEARING ON THE PROPOSED FIRST QUARTER SUPPLEMENTAL AMENDMENT TO THE FY 2014 ADOPTED BUDGET

This agenda item was set over to the October 22, 2013, council meeting.

8. COUNCIL LIAISON REPORTS: None.

9. NON AGENDA ITEMS

10. EXECUTIVE SESSION: Not held.

11. ADJOURNMENT  9:40 p.m.

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

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

Mayor Cook	Yes
Council President Henderson	Yes
Councilor Buehner	Yes
Councilor Snider	Yes
Councilor Woodard	Yes (speaker phone)

Catherine Wheatley, City Recorder

Attest:

Mayor, City of Tigard

Date: _____

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City of Tigard

Tigard City Council Meeting Minutes

November 19, 2013



1. WORKSHOP MEETING

- A. At 6:34 pm Mayor Cook called the City Council meeting to order.
- B. Deputy City Recorder Krager called the roll.

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

- C. Mayor Cook led everyone in the Pledge of Allegiance.
- D. Mayor Cook asked Council and Staff for Non-Agenda Items: Council President Henderson led the audience in singing Happy Birthday to Councilor Buehner.
- E. Mayor Cook asked for any Council Communications & Liaison Reports: Councilor Buehner and Councilor Snider will discuss the Lake Oswego/Tigard Water Partnership.

2. RECEIVE REPORT AND DISCUSS POLICY REVIEW ON STREET MAINTENANCE FEE



Finance and Information Services Director LaFrance was joined by Acting Public Works Director Rager, Assistant Finance Director Smith-Wagar, and Streets and Transportation Senior Project Engineer McCarthy. Questions were given to staff previously and Acting Public Works Director Rager asked Streets and Transportation Senior Project Engineer McCarthy to provide brief highlights of staff responses.



Question: Number of parking spaces is the basis for calculating the fee for nonresidential properties. Is this the right approach/methodology to calculate the fee?

Streets and Transportation Senior Project Engineer McCarthy gave the history of this methodology, saying that every methodology creates issues. The business community objected to trip generation as the methodology and proposed parking spaces as a proxy for how many trips a business generates that create more wear and tear on the roads.

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 Councilor Snider asked about the cap on parking spaces used in the methodology. Streets and Transportation Senior Project Engineer McCarthy said the cap is 250 per property. In response to a question from Councilor Snider he replied that the basis is per water meter, not per parcel. Large stores are assessed individually and their total square footage is figured. The rate is 3 per 1,000 square feet. Assistant Finance Director Smith-Wagar said Washington Square has six water meters (except large stores such as JC Penney and Sears who have their own) but only one is at the capped rate. Councilor Snider asked about the impact of capping and said it appears larger businesses do not have to pay their fair share. Mr. McCarthy said the main meter at Washington Square would be at 1,000 spaces if it was not capped. He said an examination of the data indicates that the cap makes a difference of \$60,000 citywide per year.

 Councilor Buehner said when council last looked at this, the cap was raised from 200 parking spaces to 250 which she remembered as an agreement with the grocers' association. Councilor Snider commented that grocery stores create more trips per parking space than most other businesses and found it ironic that a prior council was receptive to this argument. He said he would not support any kind of cap.

Mayor Cook said one reason businesses are capped is that they have large highways near them and many of those drivers are not going to the business but are passing by on their way to Portland or Beaverton. Tigard's street maintenance fee money is not used for those roads. Councilor Woodard said collector roads carry people from outside the city to shop here and this traffic takes a toll on Tigard's roads. Mayor Cook said most grocery stores are on county and state roads, such as Highway 99W.

 Council President Henderson Comcast is capped at 250 but he estimates they are over the cap by 75 spaces. He said recent news articles say Comcast has 350 employees and they also have work trucks and customer vehicles.

Finance and Information Services Director LaFrance said staff can return with additional information on which business are at the cap and what they would be charged if the cap did not exist. Streets and Transportation Senior Project Engineer McCarthy said there are 30 businesses currently over the cap, ranging from 5 spaces to one at 1,365 over the cap. He said most were less than 200 over the cap. He refigured the amount not captured by the city and said it was closer to \$75,000 than \$60,000.

City Manager Wine asked council if they wanted to consider moving away from the number of parking spaces as the basis for the fee and explore trip generation instead. Councilor Snider said he thought using parking spots or square footage as a proxy for trip generation is accurate, but the policy of not assessing the full impact to some businesses is problematic.

Question: How are roof eaves and internal hallways factored into the fee calculation and is it fair to property owners?

Streets and Transportation Senior Project Engineer McCarthy said square footage is based on interior floor area and overhangs are not included in the calculation. It was originally based on

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aerial photos so overhangs were included but this was changed in 2010. He said internal hallways in multi-tenant buildings are apportioned by size of business, unless the building owner tells the city otherwise. He asked if council hears of anyone being charged incorrectly that they alert staff. The city checked every commercial property in 2010 and tried up the calculations.

Question: Washington County will place a vehicle registration fee before voters in November 2014 intended to address street maintenance. There is a share of this local revenue that may be allocated to cities. Should Tigard consider changing its fee level in anticipation of this potential revenue?

Acting Public Works Director Rager reiterated that Tigard's street maintenance fee is only used for preventive maintenance. It does not address long-term reconstruction and there is still a backlog of streets with a rating under 50.

Question: What is the reserve policy of the Street Maintenance Fund? Are we collecting more revenue than we are using?

Councilor Buehner said her concern is whether there is enough in the reserve fund. Assistant Finance Director Smith-Wagar said her understanding is that the city wanted to avoid the events of 2011, when it had to borrow from the gas tax fund to meet cash flow problems in the street maintenance fee fund. She said council's goal was to have enough to get through the months of July, August and September and has a month-to-month comparison illustrating its use during construction season and replenishment throughout the remainder of the fiscal year. She said alternatives include borrowing from other funds or building up more reserves. She said staff could also cut back on annual maintenance for a few years to allow the reserve fund to build up further. Councilor Buehner suggested a floor be set below which the fund could not go. She said as the economy improves, construction costs may go up and she did not want the reserves decimated.

Councilor Woodard asked if Council's PCI goal is still 72-75 percent and if so, he suggested staff compute a cost for that over and above the preventive maintenance on backlogged residential deterioration to help determine the floor.

Council President Henderson asked about the transfer of \$108,000 into the central services fund. Finance and Information Services Director LaFrance said a good portion of central services is used for collection through the utility billing section staff and a smaller portion is for basic fund and policy management. Acting Public Works Director Rager said \$100,000 is transferred from the street maintenance fee fund to the street operations division, which is paid for by the gas tax fund. The gas tax is not paying for right-of-way maintenance, (the street maintenance fee does), but the money has to be placed into the streets fund so the street supervisor can use the money to do that work. Streets and Transportation Senior Project Engineer McCarthy confirmed right-of-way maintenance is paid from the street maintenance fee on residential not commercial, property.

 Finance and Information Services Director LaFrance said this fund can only be used for dedicated purposes. Council President Henderson asked about the contingency and Mr. LaFrance said using the appropriation moves funds out of contingency into the "actual," category, where it can be spent. He noted that the city has not had to use the street maintenance fee contingency.

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He noted that if the contingency is not used, it is shown as zero and the \$200,000 increases the ending fund balance. Councilor Buehner reiterated that there should be a review of the reserves in this fund.

Question: How are we doing catching up on our paving needs?

Councilor Snider asked about the balance between residential and non-residential street users and said it was difficult for him to justify residents paying 100 percent for residential and also a significant portion of the commercial street maintenance. He said commercial business owners are driving their vehicles on residential streets every day. He suggested ratios of 60/40 or 70/30. He said the commercial ratio may even need adjustment downward on some commercial/residential streets.

 Councilor Woodard said the commercial and residential percentages seemed true and the methodology is long-standing. He encouraged a closer look at the collector streets that are at a 50/50 split and suggested businesses might own a little more of that share. Councilor Snider discussed all the pizza delivery, Comcast, UPS and Fedex delivery, utility and repair trucks driving on residential streets every day. He did not understand how this factor could be ignored. Mayor Cook agreed that there are many business vehicles driving on residential streets but said several companies would not be paying anyway because they do not have business locations in Tigard. These would also include TriMet and both garbage haulers. Councilor Snider brought up the idea of a different business license fee for driving-based businesses.

Councilor Buehner said she remembered that arterial rate percentages shifted towards residential customers in 2010 due to the economic downturn and the potential for business failures. Councilor Snider was favorable towards shifting the percentage back and noted that residents also suffered financially during the recession.

Councilor Buehner said there may be a reason to retain the cap but perhaps raise it. Councilor Snider said the cap means that certain groups do not have to pay their fair share and this differs from the city policy as explained during the solid waste franchise discussions. He said staff stated in council meetings that the city policy is to charge all groups exactly what it costs to deliver services. Councilor Buehner said the realities of businesses also need to be recognized. She said council was inundated by small business owners who felt the cost was unreasonable. Councilor Snider said if businesses want to bring in audited profit and loss reports proving that the cost is so high it may keep a marginal business from surviving, he would consider this.

Councilor Woodard said we need to determine first what our standard is. We have the allocations and if we determine what we need, then we will know the annual total. He added that many Tigard business owners also live here so they are being charged twice. He suggested a break be given to those residents that have businesses in Tigard. Councilor Snider said that would not be fair as the two things – owning a house and owning a business – are independent and generate two different kinds of trips.

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Finance and Information Services Director LaFrance summarized that council has interest in looking at the residential/commercial split. He noted a general consensus to examine the split on arterial roads. Councilor Snider asked for expansion of the analysis to include all street classes and Mr. LaFrance replied that staff can give council a gauge to see what would happen to a typical fee if the percentage is changed (raised or lowered) by five percent. Councilor Buehner mentioned that there is consensus to reconsider the cap.

 Acting Public Works Director Rager asked for feedback on right-of-way maintenance. He said that based on previous council direction the city is working with ODOT to “green up” Highway 99W. He said this would be a way to get it done because there is no funding source. Councilor Buehner asked what the cost would be and Mr. Rager said they do not have a number yet but it may be close to \$100,000. Councilor Snider said he would like that done but would rather have better roads. Mayor Cook agreed that more greenways or trees would be desirable on 99W and “everyone wants it but we need to figure out how to pay for it.” Mr. Rager said staff will hold the line and keep up the existing list of streets that receive right-of-way maintenance. Councilor Woodard asked staff to explore the use of urban forestry code funds to plant and maintain the trees. City Manager Wine said council has the flexibility to change the Tigard Municipal Code to expand the definition of the street maintenance fee and other fund uses.

Council President Henderson said his concern is making sure the dollars are being used wisely. He commented that from the perspective of a business owner, increases to commercial fees are often passed along to customers.

Streets and Transportation Senior Project Engineer McCarthy led a discussion on the Pavement Condition Index (PCI). He said the current six-year paving plan is based on current funding levels. Overlays are done by traffic volume and busy streets are taken care of first because they deteriorate faster. He had a map showing which streets will receive overlays in the next six years, most of which are arterials, collectors, busier commercial and busier neighborhood streets. The PCI drops by 1.7 percent each year if nothing is done.

He addressed the backlog and said if the city tries to cut the 22-mile backlog by 50 percent over five years, with the idea of eliminating the backlog entirely in ten years, it would require \$1 million annually. Councilor Woodard asked if this included maintenance on Bull Mountain Road. Councilor Buehner noted that Washington County completed an overlay on Bull Mountain Road just prior to turning it over to the city. Mr. McCarthy said that road is included in this scenario. He said there are significant streets in neighborhoods that are in bad shape and staff would like to find a way to get them done.

Councilor Snider asked staff what the annual maintenance costs would be if the city spent \$1 million for ten years to reach a PCI of 80 percent. Streets and Transportation Senior Project Engineer McCarthy said he would need to run those numbers. Mayor Cook asked what the PCI would be if there was not the current backlog, which includes some streets with a PCI below 50. Mr. McCarthy said the PCI would reach the low 80s.

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Councilor Snider said council will also need to know how much that scenario would increase the average residential and commercial bill. Councilor Woodard said if voters pass the county vehicle registration fee it could bring in an estimated \$600,000 to Tigard. Councilor Buehner asked about the scenario with an additional \$400,000 and Mr. McCarthy responded that it would give proportionally smaller backlog reduction but there would be progress.

 Councilor Buehner asked if curbs must be redone every time the city does a street overlay. McCarthy said that is a federal requirement but Tigard's code needs to be changed to reflect that. Councilor Woodard asked if ADA curb cuts are included in the paving estimates. Mr. McCarthy said he included his best estimates. He said the agencies he spoke with suggested ADA curb cuts and ramps are 15 to 20 percent of paving costs.

Question: Sensitivity Analysis – how much improvement do we get for each additional dollar?

 Finance and Information Services Director LaFrance said staff will prepare information on the number of spaces that have been capped and what revenue could be generated without the caps. They will bring information on fund balance and reserves and a sensitivity analysis on what would happen to the fee if each road class of roads changes by five percent. They will look at the impact of an additional \$100,000 for right-of-way maintenance. There will also be information on impacts of improving the PCI by 1 per year, or taking the 5-, 10-, 20-year approach to take care of the backlog. Staff will also explore what would happen with the fees if the PCI is raised to 80.

Councilor Buehner said there are a lot of new Tigard residents and businesses that don't know about the street maintenance program. Finance and Information Services Director LaFrance said information can be added to the city's website to address keeping new residents informed about city programs. Councilor Snider commended that staff was very prepared for this discussion.

3. **RECEIVE BRIEFING ON UPCOMING CHANGES TO THE CITY'S LAND USE PERMIT INTAKE PROCESS**

 Assistant Community Development Director McGuire briefed council on new land use permit process at the front counter in the permit center. The current process requires the applicant to provide two sets of plans. One is for planners and urban forestry review and the other goes to the permit coordinator. An issue is that sometimes the two sets of plans vary and the fact that there are two sets makes revisions troublesome. The process can take a lot of time.

Community Development staff propose a change to an over-the-counter plan review. One set of plans is all that is required and it will start with the planning counter. The planner-on-duty will check for planning and urban forestry requirements and then pass the plans along to the building permit staff. Commercial plans may not get completed at the counter but most could be handled at that time.

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Assistant Community Development Director McGuire said council may hear complaints from developers who do not like the change in procedure. He said this process is more front-loaded and processing should be faster. It does require that customers have finished plans and complete information.

Councilor Woodard said it sounded like a good system and he hoped it reduces bottlenecks at the permit counter.

Council President Henderson asked if this affects the fast-track process used for downtown design review. Assistant Community Development Director McGuire said that is different process and has more to do with design. He said staff will be running test cases for the next 6-8 weeks. An Open House is planned for December 2, 2013 to brief contractors and the program is expected to go live on January 6, 2014.

 Council President Henderson commented that he hears from people wanting a process roadmap at the building counter that explains the steps they need to take and what they must have ready. Assistant Community Development Director McGuire said he will provide handouts and information on the city's website explaining the process. Mayor Cook said shortening the time is a great idea.

At 8:05 pm Mayor Cook requested a short break. Council reconvened at 8:12 pm.

4. DISCUSS POLICY QUESTIONS RELATED TO A DRAFT INTERGOVERNMENTAL AGREEMENT TO PROVIDE WATER SERVICE TO KING CITY AND OTHER ENTITIES

Public Works Director Koellermeier introduced this item. He said Tigard has provided water services to the cities of King City, Durham and the Tigard Water District since 1994 through agreements with each jurisdiction. These agreements expire in 2018. Intergovernmental Water Board (IWB) representatives from Tigard, King City, Durham, the Tigard Water District and one at-large member have attempted to develop a replacement agreement for several years. Council was given a document in their agenda packet listing issues with the current agreements. He said the first policy question for council is whether they want to continue to be a water service provider beyond the year 2018.

 Public Works Director Koellermeier said representatives from Tigard and King City developed a new agreement (KC Agreement). He said the KC Agreement will change slightly before it becomes an action item for the council as King City may want to adjust it. He asked if the service provider model in the KC Agreement is the best approach.

Public Works Director Koellermeier said the city has a good business model and is sized and in position to remain a provider to King City, Durham and the Tigard Water District. Staff recommends changing the agreement to a service provider model. Councilor Snider said he favors the KC Agreement approach and rationale.

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Council President Henderson questioned the ownership aspect of the agreement. Public Works Director Koellermeier said the current agreements end in 2018 and the parties have to agree to something. He said what could happen if an agreement is not reached, is the parties could “divvy up our parts and go home,” but it would be difficult to divide assets or make a cash settlement. He said there are two classes of assets - systems and other. Reservoirs and buildings are system assets. Distribution systems and hydrants are examples of other assets and these are used only in certain neighborhoods. These asset terms were put together for the 1994 agreement and are now contrary to state law.

 Mayor Cook asked for more information about why an agreement was created that differed from state law. Public Works Director Koellermeier said, “we tried to find middle ground. State law says when a city takes over a special district, it takes over everything. It was a little different for the four cities.” Councilor Buehner gave some history and said it was a short-term agreement because it was assumed that the unincorporated land would eventually become part of one of the cities.

Mayor Cook asked why there needed to be separate agreements instead of one. Public Works Director Koellermeier said four separate agencies may have four different objectives. He stated that it was impossible in 2010 to find the perfect language and none of the agreements proposed were what he would recommend. He guessed that the individual agreements will be reasonably close to each other, but some things that work in cities do not work in districts.

Public Works Director Koellermeier said his recommendation to go in a different direction from one master intergovernmental agreement is that Tigard has now taken on all of the responsibility. The city is responsible for the debt, manages and operates the system, and is the contact for the State of Oregon or anyone else regarding the system. Currently, Tigard is responsible for the system but there are aspects it cannot control. He gave an example of the city wanting to surplus property and right now, the other entities have veto power. Additionally, Tigard has formed an agreement with the City of Lake Oswego. They did not want to sign an agreement with four parties; they wanted to enter into an agreement with one party. He said the main reason he did not want to go the route of agreement version six or seven was, as we started talking about assets, the IWB said they appreciated Tigard stepping up to finance this multi-million dollar investment, but they wanted their name on the asset. He said he understood the logic but it did not work with the partners that Tigard is involved with building the asset.

Public Works Director Koellermeier said the KC Agreement model appears to address the main concern of the entities which is certainty that they will have water in the future. He said previous city councils requested that there be off-ramps built into the agreements so those were included.

 Mayor Cook said the City of Durham looks at itself as a partner in our agreement vs. a customer. He said they brought assets into this agreement and the other entities did not. Going from a partner model to a customer model is difficult. Public Works Director Koellermeier clarified that Durham, Tigard and King City were given their assets by state law the day they were taken away from the Tigard Water District in the first merger. He said, “Their customers have not invested at a different rate than our customers.” Councilor Snider said he did not follow the logic behind wanting to own a percentage of new assets when they are not taking any of the risk; it seems like wanting something for nothing. Public Works Director Koellermeier said a perspective from

TIGARD CITY COUNCIL MINUTES – NOVEMBER 19, 2013

citizens may be that they are paying for the new system through their water rates. But the city has not written any checks, just the customers. He said, “I can understand this from a customer-level, but not at a government-level.”

 Councilor Woodard asked about figuring the value of assets, less depreciation, especially those of Tigard Water District, and applying that to the rate increases. He said it may be more fair to the customers to offset rates for a period of time and receive a credit until the asset is paid for. Public Works Director Koellermeier said the slow absorption of TWD by Tigard, especially with the recent annexations of Areas 63 and 64, is even more inevitable than envisioned before.

Councilor Woodard asked who could provide water to the Tigard Water District if they do not sign an agreement with Tigard. Public Works Director Koellermeier said the Tualatin Valley Water District or City of Beaverton could.

Mayor Cook said there is a representative from TWD present and asked if he would like to speak.

 Ken Henschel, Chairman of the Board of Commissioners of the Tigard Water District, thanked council for asking him to speak.

Councilor Snider asked him if the Tigard Water District wants City of Tigard water beyond 2018 and if not, where they would go for water. Mr. Henschel said TWD would like to continue to get their water from Tigard and Tigard has done an exceptionally good job of providing water. He said they have had very few problems and the professionalism and water quality are outstanding. He said there is no compelling reason to leave this arrangement, but having said that, they also have an obligation to their constituents. When discussions started four years ago on changing the agreements, TWD and the other partners in the IWB worked on them every month for two years. They arrived at something they thought would work but it did not, and never got a clear explanation why. He said they are still willing to work towards a common agreement for all parties because they think that would be better for all parties.

Mr. Henschel referred to Public Works Director Koellermeier’s statement that Tigard has assumed all the risk. He said Tigard has assumed all the risk regarding the bond, but rate payers in the other three municipal entities are helping to fund this at the same rate per home as those in Tigard. He said they did not wish to take over the asset at this point because Tigard has the risk, but once the bond has played itself out in thirty years, there is the question whether the rate payers of the other entities should receive some portion of the assets Tigard has because they funded it as much as the water customers of Tigard.

In response to Councilor Woodard’s question about where TWD would go for water if they chose not to stay with Tigard, he said Mr. Koellermeier answered the question. It would be unwieldy to go to other options for water. He said there is a compelling reason for the cities of Tigard, Durham, King City and the Tigard Water District to work together on a common agreement and they should remain together.

Councilor Woodard asked what the TWD brings to the table on a daily basis and how he justifies wanting a percentage of the new partnership assets. He said their system is aging and he thought it

TIGARD CITY COUNCIL MINUTES – NOVEMBER 19, 2013

would be a good deal for TWD customers to get a prorated deduction in their rate until the salvage value of their existing assets is paid for and then receive back some interest.

 Councilor Woodard asked if TWD Chair Henschel saw the TWD staying unincorporated in the next twenty years. Mr. Henschel said his personal opinion on that is irrelevant and he must assume as a government, that they will exist. He said as long as there is one person in the TWD they will exist. In response to a question from Councilor Woodard about district governance, Mr. Henschel said they are elected officials. The one service they provide is water. He said that for every dollar rate payers pay for water, ninety-nine cents goes to Tigard and one cent goes to the other entities. Councilor Woodard asked what TWD would do if they received more revenue. Mr. Henschel replied that the answer depends on whether or not they stay with Tigard. If they did not, they would need to develop a water system and they have taxing authority they could use if their rate payers agreed to build their own system.

 Councilor Snider referred to the issue of asset ownership. He said that under the same thinking, Tigard should own a part of Portland's water system. He mentioned that Tigard water users pay more per gallon for Portland water than citizens of Portland do.

TWD Chair Henschel said the ownership of the Tigard/Lake Oswego agreement was not an issue in draft six of the agreement as everything was open for negotiation. Councilor Buehner said the ownership of assets out of our service area, such as facilities in Gladstone, West Linn and Lake Oswego, were an issue

Mayor Cook referred to TWD Chair Henschel's comment that as long as there is one person left, the district will exist but there is a scale of economics and asked Public Works Director Koellermeier if they could exist with one person. Mr. Koellermeier said his perception was that they would not be economically viable unless they can provide service in more than one way.

Mayor Cook said there is consensus for Tigard to remain a water provider and a majority of council agrees on proceeding with the KC Agreement.

Councilor Buehner added that former King City Councilor Winn was very supportive of this agreement. King City's infrastructure is old and Tigard is slowly replacing it. Council President Henderson asked if there is a margin on top of water prices to cover this. Public Works Director Koellermeier said rates do include repair and replacement.

City Manager Wine said the KC Agreement will come forward to council and King City will schedule it on their council agenda. Public Works Director Koellermeier recommended that if King City approves the agreement, Tigard staff will suggest this model to each of the other members.

5. ~~RECEIVE REGIONAL TRANSPORTATION PLANNING UPDATE~~

This agenda item was moved to the November 26, 2013 meeting.

TIGARD CITY COUNCIL MINUTES – NOVEMBER 19, 2013

6. COUNCIL LIAISON REPORTS

 At 9:04 pm Councilor Buehner requested that Councilor Snider brief council on the Lake Oswego/Tigard Water Partnership as she had to leave the meeting early.

Councilor Snider discussed issues with the bidding process for the horizontal-direction drilling (HDD) under the Willamette River. It had to be bid twice and is higher than expected. Digging a trench or putting the pipe in the air were other options to cross the Willamette but neither were likely to be approved. There are not many firms that can do this particular HDD work. Councilor Snider said due to the oil boom, Canadian provinces have created a huge demand for these services. There may be savings in going around the Lake Oswego rather than using HDD but there is still a \$20 million project-wide increase. Public Works Director Koellermeier said Tigard and Lake Oswego are still discussing adding the 4MGD and what each partner’s share of this would be.

City Manager Wine said the project team discussed steps moving forward with the bidders and will keep council informed. She said they will be reinitiating a rate study soon to size the next bond issue which will occur in 2014.

Council President Henderson announced that the Tigard Downtown Alliance is having a downtown dialog about Main Street revitalization on November 20, 2013 at the Chamber of Commerce Building. Social time is at 4:30 pm and the presentation begins at 5:00 pm.

7. NON AGENDA ITEMS - None.

8. EXECUTIVE SESSION – Mayor Cook announced that there was no executive session.

9. ADJOURNMENT

At 9:18 pm Councilor Woodard motioned for adjournment. His motion was seconded by Councilor Snider and it passed unanimously by all council present.

	Yes	No
Council President Henderson	✓	
Councilor Snider	✓	
Councilor Woodard	✓	
Mayor Cook	✓	
Councilor Buehner		(Left the meeting at 9:04 pm)

TIGARD CITY COUNCIL MINUTES – NOVEMBER 19, 2013

Carol A. Krager, Deputy City Recorder

Attest:

John L. Cook, Mayor

Date

TIGARD CITY COUNCIL MINUTES – NOVEMBER 19, 2013

AIS-1587

3. B.

Business Meeting

Meeting Date: 01/14/2014

Length (in minutes): Consent Item

Agenda Title: Receive and File: Council Calendar and Council Tentative Agenda

Submitted By: Cathy Wheatley, Administrative Services

Item Type: Receive and File

Meeting Type: Consent - Receive and File

Public Hearing: No

Publication Date:

Information

ISSUE

Receive and file the Council Calendar and the Tentative Agenda for future Council meetings.

STAFF RECOMMENDATION / ACTION REQUEST

No action requested; this is a receive and file summary for information purposes.

KEY FACTS AND INFORMATION SUMMARY

Attached are the Council Calendar and the Tentative Agenda for future council meetings.

OTHER ALTERNATIVES

N/A

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

N/A

DATES OF PREVIOUS COUNCIL CONSIDERATION

N/A - Receive and File Items

Attachments

Three-Month Council Meeting Calendar

Tentative Agenda - Upcoming Council Meeting Agenda Items



MEMORANDUM

TO: Honorable Mayor & City Council/City Center Development Agency Board

FROM: Cathy Wheatley, City Recorder

RE: Three-Month Council/CCDA Meeting Calendar

DATE: January 7, 2014

January

1	Wednesday	New Year's Day Holiday – City Hall Offices Closed
7	Tuesday	City Center Development Agency – 6:30 p.m., Town Hall
14*	Tuesday	Council Business Meeting—6:30 p.m., Town Hall
20	Monday	Martin Luther King, Jr. Holiday – City Hall Offices Closed
21*	Tuesday	Council Workshop Meeting – 6:30 p.m., Town Hall
28*	Tuesday	Council Business Meeting – 6:30 p.m., Town Hall

February

4	Tuesday	City Center Development Agency – 6:30 p.m., Town Hall
11*	Tuesday	Council Business Meeting—6:30 p.m., Town Hall
17	Monday	Presidents Day Observed – City Hall Offices Closed
18*	Tuesday	Council Workshop Meeting—6:30 p.m., Town Hall
24*	Tuesday	Council Business Meeting—6:30 p.m., Town Hall

March

4	Tuesday	City Center Development Agency – 6:30 p.m., Town Hall
11*	Tuesday	Council Business Meeting -- 6:30 p.m., Town Hall
18*	Tuesday	Council Workshop Meeting – 6:30 p.m., Town Hall
25*	Tuesday	Council Business Meeting – 6:30 p.m., Town Hall

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

Meeting Banner Business Meeting
 Study Session Special Meeting
 Consent Agenda Meeting is Full
 Workshop Meeting CCDA Meeting

**City Council Tentative Agenda
1/6/2014 1:25 PM - Updated**

Form #	Meeting Date	Submitted By	Meeting Type	-----Title-----	Department	Inbox or Finalized
1426	01/14/2014	Cathy Wheatley	AAA	January 14, 2014 City Council Business Meeting - Councilor Buehner absent but present via speaker phone during bsns mtg		
1530	01/14/2014	Greer Gaston	ACCSTUDY	15 Minutes - Briefing on the First Amendment to an Agreement with Clean Water Services (CWS) Regarding the Derry Dell Sewer Project	Public Works	01/06/2014
Total Time: 15 of 45 minutes have been scheduled						
1553	01/14/2014	Renee Ferguson	ACONSENT	Consider a Resolution in Support of a Nature in Neighborhoods Metro Grant Application	Public Works	01/02/2014
1562	01/14/2014	Sean Farrelly	ACONSENT	Consent Item - Consider a Resolution Approving an Application for an EPA Brownfields Assessment Grant.	Community Development	Wine, Marty
1578	01/14/2014	C Wheatley	ACONSENT	Consent Item - Approve City Council Meeting Minutes	AS	12/18/2013
1582	01/14/2014	Judith Gray	CCBSNS	1 5 Minutes - Appoint Five Voting Members and Two Alternates - Tigard Transportation Advisory Committee	Community Development	01/06/2014
1540	01/14/2014	Cheryl Caines	CCBSNS	2 20 Minutes - Annexation of City Property (E Bull Mtn.) & portions of right-of-way (Wilmington Ln and Locust St)	Community Development	01/06/2014
1512	01/14/2014	Louis Sears	CCBSNS	3 25 Minutes - Comcast cable franchise extension and discussion	FIS	01/06/2014
1568	01/14/2014	C Wheatley	CCBSNS	4 10 Minutes - Adopt 2014 City Council Goals	City Management	01/06/2014
1545	01/14/2014	Carol Krager	CCBSNS	5 20 Minutes - Adopt the City's 2014 State and Federal Legislative Agenda	City Management	Newton L,
1542	01/14/2014	C Wheatley	CCBSNS	6 10 Minutes - Council Travel Policy	AS	12/23/2013
1584	01/14/2014	Sandy Zodrow	CCBSNS	7 10 Minutes - Amend City Manager Employment Agreement	City Management	01/06/2014
Total Time: 100 of 100 minutes have been scheduled						

Meeting Banner Business Meeting
 Study Session Special Meeting
 Consent Agenda Meeting is Full
 Workshop Meeting CCDA Meeting

**City Council Tentative Agenda
 1/6/2014 1:25 PM - Updated**

1427	01/21/2014	Cathy Wheatley	AAA	January 21, 2013 Workshop Meeting - Mayor Cook Absent		
1506	01/21/2014	Liz Lutz	CCWKSHOP	75 Minutes - Second Quarter Budget Committee meeting	FIS	Krager C, Deputy City Recorder
1547	01/21/2014	Liz Lutz	CCWKSHOP	45 Minutes - River Terrace Finance Progress and Discussion	FIS	MartyW, City Manager
Total Time: 120 of 180 minutes have been scheduled						
1428	01/28/2014	Cathy Wheatley	AAA	January 28, 2014 City Council Business Meeting - Mayor Cook and City Manager Wine absent.		
1543	01/28/2014	C Wheatley	ACCSTUDY	20 Minutes - Discuss the Tree Board	AS	McGuire, T, Asst CD Director
1576	01/28/2014	Greer Gaston	ACCSTUDY	15 Minutes - Briefing on an Intergovernmental Agreement Regarding a Water Supply Intertie	Public Works	Koellermeier D, Public Works Dir
Total Time: 35 of 45 minutes have been scheduled						
1533	01/28/2014	Renee Ferguson	ACONSENT	Authorize the City Manager to Execute the First Amendment to an Agreement with Clean Water Services Regarding the Derry Dell Sewer Project	Public Works	McMillan K, Engineering Manager
1534	01/28/2014	Debbie Smith-Wagar	ACONSENT	Consent Item - Authorize the Mayor to Execute an Intergovernmental Agreement with Metro Regarding a CET Grant for the River Terrace Community Plan	Financial and Information Services	Smith-Wagar D, Asst Finance Director
1548	01/28/2014	John Floyd	CCBSNS	1 50 Minutes - Tigard Parks Zone Project DCA2013-00003	Community Development	Floyd J, Associate Planner
1486	01/28/2014	Carissa Collins	CCBSNS	2 20 Minutes - FY 2014 Second Quarter Supplemental Budget Amendment	FIS	MartyW, City Manager
Total Time: 70 of 100 minutes have been scheduled						

Meeting Banner Business Meeting
 Study Session Special Meeting
 Consent Agenda Meeting is Full
 Workshop Meeting CCDA Meeting

**City Council Tentative Agenda
1/6/2014 1:25 PM - Updated**

1520	02/04/2014	Cathy Wheatley	CCSPEC	75 Minutes - Appreciation to Boards & Committees Reception and Mayor Cook's State of the City Address – 4:30-6:15 p.m.	Administrative Services	Wheatley C, City Recorder
Total Time: 75 of 180 minutes have been scheduled						
1429	02/04/2014	Cathy Wheatley	AAA	February 4, 2014 City Center Development Agency Meeting		
1430	02/11/2014	Cathy Wheatley	AAA	February 11, 2014 City Council Business Meeting		
1524	02/11/2014	Greer Gaston	ACCSTUDY	30 Minutes - Briefing and Discussion on the Development of a Willamette River Water Supply in Conjunction with the City of Sherwood	Public Works	Koellermeier D, Public Works Dir
Total Time: 30 of 45 minutes have been scheduled						
1577	02/11/2014	Greer Gaston	ACONSENT	Consent Item - Authorize the Mayor to Execute an Intergovernmental Agreement Regarding a Water Supply Intertie	Public Works	Gaston G, Conf Executive Asst
1556	02/11/2014	Cathy Wheatley	CCBSNS	1 10 Minutes - Presentation from Community Action of Washington County	Administrative Services	Wheatley C, City Recorder
1573	02/11/2014	Greer Gaston	CCBSNS	2 15 Minutes - Consider an Ordinance Modifying the Boundaries of Local Improvement District (LID) No.1	Public Works	Stone Mike, City Engineer
1274	02/11/2014	Kristie Peerman	CCBSNS	3 20 Minutes - Consider a Resolution to Adopt the Westside Trail Master Plan	Public Works	Martin S, Parks Manager
Total Time: 45 of 100 minutes have been scheduled						

Meeting Banner Business Meeting
 Study Session Special Meeting
 Consent Agenda Meeting is Full
 Workshop Meeting CCDA Meeting

**City Council Tentative Agenda
1/6/2014 1:25 PM - Updated**

1431	02/18/2014	Cathy Wheatley	AAA	February 18, 2014 Workshop Meeting - City Manager Wine absent		
Total Time: 60 of 180 minutes have been scheduled						
1514	02/18/2014	John Goodrich	CCWKSHOP	15 Minutes - Briefing on a Joinder Agreement for Willamette Water Supply Program	Public Works	Goodrich J, Utility Div Manager
1566	02/18/2014	Nadine Robinson	CCWKSHOP	20 Minutes - Tigard Municipal Court Annual Report to Council	Administrative Services	Robinson N, Admin. Svcs. Manager
1567	02/18/2014	Lloyd Purdy	CCWKSHOP	25 Minutes - Fields (Concept) Development Scenarios	Community Development	Krager C, Deputy City Recorder
Total Time: 60 of 180 minutes have been scheduled						
1432	02/25/2014	Cathy Wheatley	AAA	February 25, 2014 City Council Joint Meeting with City of Beaverton - 4755 SW Griffith Dr (6:30 p.m.)		
1433	03/04/2014	C Wheatley	AAA	March 4, 2014 City Center Development Agency Meeting		
1434	03/11/2014	C Wheatley	AAA	March 11, 2014 City Council Business Meeting		
1507	03/11/2014	Greer Gaston	ACCSTUDY	15 Minutes - Executive Session on Real Property Negotiations	Public Works	11/04/2013
1518	03/11/2014	Liz Lutz	ACCSTUDY	30 Minutes - Review of 2014 Community Event Funding Requests	Financial and Information Services	Lutz L, Conf Exec Asst
Total Time: 45 of 45 minutes have been scheduled						
1515	03/11/2014	John Goodrich	ACONSENT	Consent Item - Authorize the City Manager/Mayor to Execute a Joinder Agreement for Willamette Water Supply Program	Public Works	Goodrich J, Utility Div Manager
1580	03/11/2014	Loreen Mills	ACONSENT	Consent Item - LCRB - Award Insurance Agent of Record Contract	City Management	Mills L, Asst to City Manager
1449	03/11/2014	Loreen Mills	CCBSNS	20 Minutes - Public Hearing - Amending Tigard Municipal Code Title 15.06 Franchise Utility Ordinance	City Management	Mills L, Asst to City Manager
Total Time: 20 of 100 minutes have been scheduled						

Meeting Banner Business Meeting
 Study Session Special Meeting
 Consent Agenda Meeting is Full
 Workshop Meeting CCDA Meeting

**City Council Tentative Agenda
 1/6/2014 1:25 PM - Updated**

1435	03/18/2014	Cathy Wheatley	AAA	March 18, 2014 Workshop Meeting		
1493	03/18/2014	Lloyd Purdy	CCWKSHOP	15 Minutes - Update on Economic Development Activity	Community Development	Purdy, L, Econ Development Mgr
				Total Time: 15 of 180 minutes have been scheduled		
1436	03/25/2014	Cathy Wheatley	AAA	March 25, 2014 City Council Business Meeting - Councilor Snider absent		
1517	03/25/2014	Liz Lutz	CCBSNS	10 Minutes - Consider a Resolution Granting Exemption from Property Taxes under TMC 3.50 for xx Non-Profit Low Income Housing Projects	Financial and Information Services	Lutz L, Conf Exec Asst
				Total Time: 10 of 100 minutes have been scheduled		
1569	04/21/2014	Cathy Wheatley	AAA	Budget Committee Meeting - 6:30 p.m.		
1570	04/28/2014	Cathy Wheatley	AAA	Budget Committee Meeting - 6:30 p.m.		

Phases 3 and 4	Construction of additional trail segments and boardwalks, and two nature play areas. Restoration of the oak savanna at the northern section of the park.	Unfunded.
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The Park and Recreation Advisory Board (PRAB) oversees park development funded through the bond measure. The PRAB has identified approximately \$700,000 in bond funds to design, plan and develop Dirksen Nature Park. These bond funds, in conjunction with other funding sources, will cover the cost of phase 1 and 2 projects.

In November 2013, staff submitted a letter of interest to Metro inquiring whether phase 3 and 4 projects were eligible for Nature in Neighborhoods (NIN) grant funding. Metro subsequently invited Tigard to submit a grant application by January 24, 2014.

Staff is now seeking the council's support to submit the grant application. If the grant is awarded, further council action will be required before the grant is accepted by the city.

OTHER ALTERNATIVES

The council could choose not to support the grant application.

COUNCIL OR CCDA GOALS, POLICIES, MASTER PLANS

Dirksen Nature Park was a priority for acquisition for at least two decades and was identified as a future community park in the 2009 Park System Master Plan.

DATES OF PREVIOUS CONSIDERATION

This is the first time this grant application has come before the council.

Fiscal Impact

Cost: Estimated \$390,000 *

Budgeted (yes or no): No

Where Budgeted (department/program): Not applicable

Additional Fiscal Notes:

Staff plans to apply for a \$390,000 grant. The grant requires a 200-percent, or \$780,000, match. The match can include funding and in-kind work performed by the city. Any work the city performs at the park—after receiving the letter of invitation from Metro—could count towards the city's matching funds. This would include funding to construct phase 1 and 2.

* Estimate for phase 3 and 4 projects.

Attachments

Resolution

CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
RESOLUTION NO. 14-

A RESOLUTION IN SUPPORT OF AN APPLICATION FOR A METRO NATURE IN NEIGHBORHOODS CAPITAL GRANT TO FUND DEVELOPMENT OF DIRKSEN NATURE PARK

WHEREAS, the 2009 Park System Master Plan identified the properties—now known as Dirksen Nature Park—as a future community park; and

WHEREAS, the citizens of Tigard supported the acquisition and development of parks through passage of the \$17 million park and open space bond measure in 2010; and

WHEREAS, the city, using funds from the 2010 park and open space bond measure, was able to purchase the properties that now form Dirksen Nature Park; and

WHEREAS, the development of the park is planned in four phases; and

WHEREAS, the city has not identified funding for phases 3 and 4 which includes construction of two nature play areas, trails and boardwalks, and restoration of the oak savanna at the northern section of the park; and

WHEREAS, the Park and Recreation Advisory Board and City Council have asked staff to seek additional funding to augment the park bond funds; and

WHEREAS, Metro has invited Tigard to submit a Nature in Neighborhoods grant application for phases 3 and 4 of the park development; and

WHEREAS, if the grant is awarded, the city would be able to complete the development of Dirksen Nature Park.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: The Tigard City Council supports the submission of an application for a Nature in Neighborhoods Capital Grant to partially fund the development of Dirksen Nature Park.

SECTION 2: This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2014.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard

RESOLUTION NO. 14-

Page 1

AIS-1562

3. D.

Business Meeting

Meeting Date: 01/14/2014

Length (in minutes): Consent Item

Agenda Title: Consider a Resolution Approving an Application for an EPA Brownfields Assessment Grant.

Submitted By: Sean Farrelly,
Community
Development

Item Type: Resolution

Meeting Type: Consent
Agenda

Public Hearing No

Newspaper Legal Ad Required?:

Public Hearing Publication

Date in Newspaper:

Information

ISSUE

Shall the Council adopt a resolution approving the submission of a grant application for an EPA Brownfields Assessment grant?

STAFF RECOMMENDATION / ACTION REQUEST

Staff recommends the Council adopt the resolution.

KEY FACTS AND INFORMATION SUMMARY

Potential environmental contamination in downtown Tigard is a barrier to the redevelopment envisioned in the Tigard Downtown Improvement Plan. The city/ City Center Development Agency has started a Brownfields Initiative to address the issue.

The city received a \$25,000 grant from Business Oregon as seed money for the program. The grant funds allowed the city to hold two public Brownfields workshops and offer three Phase I environmental site assessments for property owners. It also funded an inventory of potential brownfield sites, which indicates there are approximately sixty properties in the downtown vicinity that are contaminated, or potentially contaminated, from previous uses. The city supports the cleanup and revitalization of these properties, and plans to provide incentives to property owners to address brownfield challenges.

The next step to advance the Brownfields Initiative is to apply for \$400,000 in Brownfields Assessment grants from the U.S. Environmental Protection Agency (EPA). If awarded, the funds will be used to support community engagement, Phase I and Phase II site investigations,

cleanup and reuse planning for downtown and other priority sites, and project management. \$200,000 would be available for assessing petroleum contamination, \$200,000 for other hazardous materials. Tigard will engage with stakeholders on its Brownfields Initiative. Participants will help the city decide how and where to focus EPA resources and help determine reuse options at the sites.

A copy of the grant application is available upon request.

OTHER ALTERNATIVES

Should the Council choose not to adopt this resolution, the grant application would not be submitted.

COUNCIL OR CCDA GOALS, POLICIES, MASTER PLANS

City Center Urban Renewal Plan

DATES OF PREVIOUS CONSIDERATION

December 3, 2013

June 4, 2013

Fiscal Impact

Cost: TBD

Budgeted (yes or no): no

Where Budgeted (department/program): CCDA

Additional Fiscal Notes:

If successful, the grant would provide \$400,000 in revenue. No match is required, however staff time will be allocated to project management.

Attachments

Resolution Approving Grant Application

CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
RESOLUTION NO. 14-

A RESOLUTION APPROVING SUBMITTAL OF AN EPA BROWNFIELDS ASSESSMENT GRANT APPLICATION

WHEREAS, the U.S. Environmental Protection Agency Brownfields program has funds available for communities to assess and plan for the productive reuse of potentially contaminated sites; and

WHEREAS, environmental contamination is a barrier to the redevelopment envisioned in the Tigard Downtown Improvement Plan; and

WHEREAS, the grant will enable the city to expanded its Brownfields Infnitive to address the issue. .

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: The Tigard City Council approves submittal of an application for an EPA Brownfields Assessment Grant.

SECTION : This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2014.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard

AIS-1582

4.

Business Meeting

Meeting Date: 01/14/2014

Length (in minutes): 5 Minutes

Agenda Title: Appoint Five Voting Members and Two Alternates to the Tigard Transportation Advisory Committee

Submitted By: Judith Gray, Community Development

Item Type: Resolution

Meeting Type: Council Business Meeting - Main

Public Hearing: No

Publication Date:

Information

ISSUE

Should Council appoint Tanya Firemoon, Karen Hughart, Karen Mohling, Elise Shearer, and Kevin Watkins as voting members and Mark Carlton and Erik Halstead as alternates to the Tigard Transportation Advisory Committee?

STAFF RECOMMENDATION / ACTION REQUEST

Approve a resolution appointing Tanya Firemoon, Karen Hughart, Karen Mohling, Elise Shearer, and Kevin Watkins as voting members and Mark Carlton and Erik Halstead as alternates to the Tigard Transportation Advisory Committee.

KEY FACTS AND INFORMATION SUMMARY

The Tigard Transportation Advisory Committee (TTAC) is comprised of 11 voting positions, including citizen and business representatives.

As of December 31, 2013 there are six vacancies including two full-term citizen representative positions; two full term business positions; one partial term (one-year) citizen position; and one partial term (one-year) business position.

The Mayor's appointment advisory committee interviewed seven applicants on November 25, 2013. One applicant, Karen Mohling, applied as a business/employer representative of Tualatin Valley Fire and Rescue. No other business or employer representatives applied. One incumbent, Karen Hughart, has applied for a second term as a citizen representative.

The Mayor's Appointment Advisory Committee recommends the following appointments:

- Karen Hughart for her second term, with a term expiring December 31, 2016;

- Elise Shearer, Karen Mohling, and Kevin Watkins for full terms, expiring December 31, 2016;
- Tanya Firemoon, to complete a partial term expiring December 31, 2014;
- Mark Carlton and Kevin Halstead as alternates with terms expiring December 31, 2014.

An appointing resolution and bios of the recommended appointees are attached.

OTHER ALTERNATIVES

n/a

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

City Council Long Range Objectives: Tigard citizens are involved in the community and participate effectively.

DATES OF PREVIOUS COUNCIL CONSIDERATION

n/a

Attachments

Bios

Resolution

Tigard Transportation Advisory Committee Biographies of Recommended Appointees

On January 14, 2014 the Tigard City Council will consider a resolution appointing voting members to the Tigard Transportation Advisory Committee (TTAC). Following are brief biographies for the individuals recommended for appointment.

Recommended for voting positions:

Tanya Firemoon has been a resident of Tigard for 7 years. She has taken coursework at PSU and University of Phoenix and has professional experience as an office manager and program manager. Her previous community activities include nonprofit organizations in social services. She is interested TTAC as an opportunity to provide input and insights into ways to shape and improve city services.

Karen Hughart is an incumbent on TTAC and served as the board Vice Chair in 2012 and 2013. Karen has lived in Tigard since she was 18 months old, with the exception of her years at Western Oregon University in Monmouth. She has a BS in Education and an MAT from Lewis & Clark College. She has been a teacher in the Tigard Tualatin School District since 2000.

Karen Mohling is a Deputy Fire Marshall with TVF&R located in the Tigard Triangle and would serve as a “business” representative on TTAC. Karen has served on numerous advisory committees, including the SW Corridor Plan and the Tigard TSP. TVF&R provides valuable input to the design of new transportation projects and improvements to the existing system.

Elise Shearer has lived in Tigard for 27 years. She recently completed her second full term on the Tigard CCAC; in the most recent year she was the committee chair and the liaison to TTAC. She also volunteers with the TDA, Tigard Chamber for Tigard Street Festival, St. Vincent de Paul Food Bank and Severe Weather Shelter at St Anthony Church.

Kevin Watkins has lived in Tigard for 29 years. He is a retired electrical engineer with many years working with power systems. He has served on advisory committees for the Oregon Department of Energy and for the NW Power Planning Council. He has also been an officer for the Tigard High School Booster Club.

Recommended as alternates:

Erik Halstead has lived in the area for much of the last 30 years, including Beaverton, Tualatin, and SW Portland. He has an interest in transportation, including transit, bicycling, and a special interest in railroad history.

Mark Carleton has lived in Tigard for 10 years. He has a BS from University of Portland and an MBA from George Fox. He is active in church and school as a parent, serving on the Parish Council and the Parent club president. He works as a photographer at A-dec in McMinnville.

CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
RESOLUTION NO. 14 - _____

A RESOLUTION APPOINTING TANYA FIREMOON, KAREN HUGHART, KAREN MOHLING, ELISE SHEARER, AND KEVIN WATKINS AS VOTING MEMBERS OF AND MARK CARLETON AND ERIK HALSTEAD AS ALTERNATES TO THE TIGARD TRANSPORTATION ADVISORY COMMITTEE (TTAC)

WHEREAS, The Tigard Transportation Advisory Committee (TTAC) is comprised of 11 voting positions, including citizen and business representatives; and

WHEREAS, as of December 31, 2013 there are six vacancies on TTAC including four full-term positions and two partial term positions; and

WHEREAS, the Mayor's Appointment Advisory Committee interviewed seven individuals on November 25, 2013 and recommends appointing Tanya Firemoon, Karen Hughart, Karen Mohling, Elise Shearer and Kevin Watkins as voting members and Mark Carleton and Erik Halstead as alternates;

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

- SECTION 1: Karen Hughart, Karen Mohling, Elise Shearer and Kevin Watkins are appointed as voting members of the Tigard Transportation Advisory Committee (TTAC) with terms expiring December 31, 2016.
- SECTION 2: Tanya Firemoon is appointed as a voting member of the Transportation Advisory Committee with a term expiring December 31, 2014.
- SECTION 3: Mark Carleton and Erik Halstead are appointed as alternate members of the Transportation Advisory Committee with terms expiring December 31, 2014.
- SECTION 4: This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2014.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard

AIS-1540

5.

Business Meeting

Meeting Date: 01/14/2014

Length (in minutes): 20 Minutes

Agenda Title: Annexation of City Property (E Bull Mtn.) and portions of right-of-way (Wilmington Ln and Locust St)

Submitted By: Cheryl Caines, Community Development

Item Type: Public Hearing - Quasi-Judicial **Meeting Type:** Council Business Meeting - Main

Public Hearing Yes

Newspaper Legal Ad Required?:

Public Hearing Publication 01/03/2014

Date in Newspaper:

Information

ISSUE

Proposed annexation of three unrelated parcels and right-of-way: E Bull Mountain city property, a portion of SW Wilmington Lane right-of-way, and a city owned parcel along SW Locust Street that will be dedicated as right-of-way following annexation.

STAFF RECOMMENDATION / ACTION REQUEST

Staff recommends the City Council approve the proposed E Bull Mountain City Property/Wilmington Lane Annexation (ZCA2013-00004) and Locust Street Annexation (ZCA2013-00006) by adoption of the attached ordinances.

KEY FACTS AND INFORMATION SUMMARY

Key Facts:

The request is to annex city owned properties and right-of-way into the City of Tigard. The areas to be annexed are reference as sites A, B, and C within the staff report. The sites are located within two different areas of Washington County. Sites A & B are located on the east side of Bull Mountain within a small unincorporated island of Washington County. The Locust Street property is within Metzger and lies between SW 87th and 90th Avenues.

Site A consists of two parcels (tax lots 5800 and 5900) totaling 8 acres. These parcels, along with an adjoining parcel to the west (already within the city), were purchased in 2012 for a future park and open space. Approval for park development will be requested once the properties are within the city. Park development is not proposed with this application. Tax lot

5800 is developed with a vacant, single-family home served by a septic tank and city water from SW Alpine Crest Way. Tax lot 5900 is undeveloped. Both parcels are heavily wooded with the exception of the house location.

Site B (3, 166 square feet) is a portion of the Wilmington Lane right-of-way that was deeded to the City of Tigard by the adjoining property owner to the north (Rippey) during construction of the Highland Hills subdivision located on the south side of Wilmington Lane.

Sites A & B are located within a small island of unincorporated Washington County properties on the east side of Bull Mountain. The island consists of five parcels. Annexation of one other parcel within the island was recently approved (ZCA2013-00003 Otis Annexation) and will be effective at the time of this public hearing. The owner of the remaining two parcels is not interested in annexing at this time.

Site C:

Site C is a small parcel (1,986 square feet) on the north side of Locust Street west of the Hall Boulevard intersection. This property was purchased by the city to improve SW Locust Street and will be dedicated as right-of-way following annexation.

Zoning:

Site A is currently zoned R-6 (Washington County). This zone is intended for residential development at no more than 6 units per acre and no less than 5 units per acre. Table 18.320.1 in the Tigard Community Development Code (TCDC) summarizes the conversion of the county's plan and zoning designations to city designations which are most similar. According to this table, the city designation most similar to R-6 is R-7 zoning. Site B is right-of-way and has no zoning, but zoning of adjacent parcels within city boundaries is R-7. Site C is currently zoned TO: 18-24 (Transit Oriented, 18-24 units per acre). Table 18.320.1 does not designate an equivalent city zone. The site will be dedicated as city right-of-way following annexation; therefore R-4.5 (Low Density Residential) is proposed to match zoning of area properties located on the south side of Locust Street. Once the parcel is dedicated to city right-of-way, zoning will no longer be applicable.

OTHER ALTERNATIVES

Adopt findings to deny the request.

COUNCIL OR CCDA GOALS, POLICIES, MASTER PLANS

Annexation will allow the E Bull Mountain site to be developed with a city park, which fulfills goals outlined in the City of Tigard Park System Master Plan. Annexation of the Wilmington Lane and Locust Street sites will bring city improvements into the city boundary.

DATES OF PREVIOUS CONSIDERATION

n/a

Cost: n/a

Budgeted (yes or no): n/a

Where Budgeted (department/program): n/a

Additional Fiscal Notes:

Typically annexations have fiscal impact due to phasing in of city taxes. Because all of the properties are city owned or right-of-way, taxes will not be impacted.

Attachments

Bull Mtn ord

Locust Ord

Staff Report

CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
ORDINANCE NO. 2013- _____

AN ORDINANCE ANNEXING TWO (2) PARCELS OF LAND AND A PORTION OF RIGHT OF WAY TOTALLING APPROXIMATELY 8.07 ACRES, APPROVING THE EAST BULL MOUNTAIN CITY PROPERTY AND WILMINGTON LANE ANNEXATION (ZCA2013-00004) AND WITHDRAWING PROPERTY FROM THE TIGARD WATER DISTRICT, WASHINGTON COUNTY ENHANCED SHERIFF'S PATROL DISTRICT AND WASHINGTON COUNTY URBAN ROADS MAINTENANCE DISTRICT.

WHEREAS, the City of Tigard is authorized by ORS 222.120(4)(b), ORS 222.125, and ORS 222.170(1) to annex contiguous territory upon receiving written consent from owners of land in the territory proposed to be annexed; and

WHEREAS, the City of Tigard is authorized by ORS 222.120(5) and 222.520 to withdraw property which currently lies within the boundary of the Tigard Water District, Washington County Enhanced Sheriff's Patrol District and Washington County Urban Roads Maintenance District upon completion of the annexation; and

WHEREAS, the Tigard City Council held a public hearing on January 14, 2014, to consider the annexation of two (2) parcels (Washington County Tax Map (WCTM) 2S104DC, Tax Lots 5800 & 5900) of land located on SW Alpine Crest Way and a portion of right-of-way along SW Wilmington Lane, and withdrawal of said parcel from the Tigard Water District, Washington County Enhanced Sheriff's Patrol District and Washington County Urban Roads Maintenance District; and

WHEREAS, pursuant to Metro 3.09, ORS 222.120 and 222.524, notice was given and the City held a public hearing on the issue of the annexation into the City and on January 14, 2014; and

WHEREAS, pursuant to ORS 222.524, the City must declare the withdrawal of the annexed property from the Tigard Water District, Washington County Enhanced Sheriff's Patrol District and Washington County Urban Roads Maintenance District; and

WHEREAS, the Tigard Development Code states that upon annexation, the zone is automatically changed to the City zoning which most closely implements the City's comprehensive plan map designation or to the City designations which are the most similar; and

WHEREAS, the annexation has been processed in accordance with the requirements of Metro 3.09 and has been reviewed for compliance with the Tigard Community Development Code and the Comprehensive Plan and the annexation substantially addresses the standards in Metro 3.09 regulating annexations; and

WHEREAS, the Tigard City Council has carefully considered the testimony at the public hearing and determined that withdrawal of the annexed property from the applicable service districts is in the best interest of the City of Tigard.

NOW, THEREFORE, THE CITY OF TIGARD ORDAINS AS FOLLOWS:

SECTION 1: The Tigard City Council hereby annexes the subject parcel and right of way as described and shown in the attached **Exhibits "A", "B", "C" & "D"**, and withdraws said parcels from the Tigard Water District, Washington County Enhanced Sheriff's Patrol District and Washington County Urban Roads Maintenance District.

SECTION 2: The Tigard City Council adopts the "Staff Report to the City Council" (ZCA20013-00004) as findings in support of this decision; a copy of the staff report is attached hereto as **Exhibit "E"** and incorporated herein by this reference.

SECTION 3: This ordinance shall be effective 30 days after its passage by the Council, signature by the Mayor and posting by the City Recorder.

SECTION 4: City staff is directed to take all necessary measures to implement the annexation, including filing certified copies of the Ordinance with Metro for administrative processing, filing with state and county agencies as required by law, and providing notice to utilities.

SECTION 5: Pursuant to ORS 222.120(5), the effective date of the withdrawal of the property from the Tigard Water District, Washington County Enhanced Sheriff's Patrol District and Washington County Urban Roads Maintenance District shall be the effective date of this annexation.

SECTION 6: In accordance with ORS 222.180, the annexation shall be effective upon filing with the Secretary of State.

PASSED: By _____ vote of all Council members present after being read by number and title only, this _____ day of _____, 2013.

Catherine Wheatley, City Recorder

APPROVED: By Tigard City Council this _____ day of _____, 2013.

Approved as to form:

John L. Cook, Mayor

City Attorney

Date

CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
ORDINANCE NO. 2013- _____

AN ORDINANCE ANNEXING ONE (1) PARCEL OF LAND TOTALLING APPROXIMATELY 1,986 SQUARE FEET, APPROVING THE LOCUST STREET ANNEXATION (ZCA2013-00006) AND WITHDRAWING PROPERTY FROM THE WASHINGTON COUNTY ENHANCED SHERIFF'S PATROL DISTRICT AND WASHINGTON COUNTY URBAN ROADS MAINTENANCE DISTRICT.

WHEREAS, the City of Tigard is authorized by ORS 222.120(4)(b), ORS 222.125, and ORS 222.170(1) to annex contiguous territory upon receiving written consent from owners of land in the territory proposed to be annexed; and

WHEREAS, the City of Tigard is authorized by ORS 222.120(5) and 222.520 to withdraw property which currently lies within the boundary of the Washington County Enhanced Sheriff's Patrol District and Washington County Urban Roads Maintenance District upon completion of the annexation; and

WHEREAS, the Tigard City Council held a public hearing on January 14, 2014, to consider the annexation of one (1) parcel (Washington County Tax Map 1S135AA, Tax Lot 701) of land located on SW Locust Street, and withdrawal of said parcel from the Washington County Enhanced Sheriff's Patrol District and Washington County Urban Roads Maintenance District; and

WHEREAS, pursuant to Metro 3.09, ORS 222.120 and 222.524, notice was given and the City held a public hearing on the issue of the annexation into the City and on January 14, 2014; and

WHEREAS, pursuant to ORS 222.524, the City must declare the withdrawal of the annexed property from the Washington County Enhanced Sheriff's Patrol District and Washington County Urban Roads Maintenance District; and

WHEREAS, the Tigard Development Code states that upon annexation, the zone is automatically changed to the City zoning which most closely implements the City's comprehensive plan map designation or to the City designations which are the most similar; and

WHEREAS, the annexation has been processed in accordance with the requirements of Metro 3.09 and has been reviewed for compliance with the Tigard Community Development Code and the Comprehensive Plan and the annexation substantially addresses the standards in Metro 3.09 regulating annexations; and

WHEREAS, the Tigard City Council has carefully considered the testimony at the public hearing and determined that withdrawal of the annexed property from the applicable service districts is in the best interest of the City of Tigard.

NOW, THEREFORE, THE CITY OF TIGARD ORDAINS AS FOLLOWS:

SECTION 1: The Tigard City Council hereby annexes the subject parcel and right of way as described and shown in the attached **Exhibits “A” and “B”**, and withdraws said parcels from the Washington County Enhanced Sheriff's Patrol District and Washington County Urban Roads Maintenance District.

SECTION 2: The Tigard City Council adopts the “Staff Report to the City Council” (ZCA2013-00006) as findings in support of this decision; a copy of the staff report is attached hereto as **Exhibit “C”** and incorporated herein by this reference.

SECTION 3: This ordinance shall be effective 30 days after its passage by the Council, signature by the Mayor and posting by the City Recorder.

SECTION 4: City staff is directed to take all necessary measures to implement the annexation, including filing certified copies of the Ordinance with Metro for administrative processing, filing with state and county agencies as required by law, and providing notice to utilities.

SECTION 5: Pursuant to ORS 222.120(5), the effective date of the withdrawal of the property from the Washington County Enhanced Sheriff's Patrol District and Washington County Urban Roads Maintenance District shall be the effective date of this annexation.

SECTION 6: In accordance with ORS 222.180, the annexation shall be effective upon filing with the Secretary of State.

PASSED: By _____ vote of all Council members present after being read by number and title only, this _____ day of _____, 2013.

Catherine Wheatley, City Recorder

APPROVED: By Tigard City Council this _____ day of _____, 2013.

Approved as to form:

John L. Cook, Mayor

City Attorney

Date

**STAFF REPORT TO THE
CITY COUNCIL
FOR THE CITY OF TIGARD, OREGON**



120 DAYS = N/A

SECTION I. APPLICATION SUMMARY

FILE NAMES

AND NUMBERS:

ZONE CHANGE ANNEXATION (ZCA)

ZCA2013-00004: East Bull Mountain – City Property/Wilmington Lane Annexation

ZCA2013-00006: Locust Street Annexation

APPLICANT:

City of Tigard
Kim McMillan
13125 SW Hall Blvd.
Tigard, OR

OWNER:

City of Tigard
13125 SW Hall Blvd.
Tigard, OR 97223

PROPOSAL:

A request to annex city owned properties and right-of-way into the City of Tigard. The areas to be annexed are known as sites A, B, and C. Site A is made up of two parcels totaling 8 acres. Site B is a portion of SW Wilmington Lane right-of-way (3,166 square feet). Site C is a city owned property on Locust Street (1,986 square feet) that will be dedicated as right-of-way.

LOCATION:

The properties to be annexed are found within two different areas of Washington County. Sites A & B are located on the east side of Bull Mountain within a small unincorporated island of Washington County. The Locust Street property is within Metzger and lies between SW 87th and 90th Avenues.

Site A: 13950 SW Alpine Crest Way; Washington County Tax Assessor's Map (WCTM) 2S104DC, Tax Lots 5800 and 5900.

Site B: No address or map and parcel number.

Site C: No address; WCTM 1S135AA, Tax Lot 00701.

COUNTY ZONES:

R6: Residential, 5 units/acre minimum density, 6 units/acre maximum density.
TO: 18-24 (Transit Oriented Residential District, 18-24 units per acre).

CITY ZONES:

R-7: Medium Density Residential District.
R-4.5: Low Density Residential District

**APPLICABLE
REVIEW
CRITERIA:**

The approval standards for annexations are described in Community Development Code Chapters 18.320 and 18.390, Comprehensive Plan Goal 1, Goal 11, Goal 12, and Goal 14; ORS Chapter 222; Metro Code Chapter 3.09.

SECTION II. STAFF RECOMMENDATION

Staff recommends that the Council find that the proposed annexations (ZCA2013-00004 and ZCA2013-00006) meet all the approval criteria as identified in ORS Chapter 222, Metro Code Chapter 3.09, Community Development Code Chapters 18.320 and 18.390, and the following Comprehensive Plan Goals and Policies: Goal 1.1; Goal 11.1, Policy 4; Goal 11.3, Policy 6; and Goal 14.2, Policy 1-4. Therefore, staff recommends APPROVAL of ZCA2013-00004 and ZCA2013-00006 by adoption of the attached ordinances.

SECTION III. BACKGROUND INFORMATION

Site A:

Site A consists of two parcels (tax lots 5800 and 5900) totaling 8 acres that are located within a small island of unincorporated Washington County properties on the east side of Bull Mountain. The island consists of five parcels. Annexation of one of the other parcels within the island was recently approved (ZCA2013-00003 Otis Annexation) but was not effective at the writing of this report. The owner of the remaining two parcels is not interested in annexing at this time.

Tax lot 5800 is developed with a vacant, single-family home served by a septic tank and city water from SW Alpine Crest Way. Tax lot 5900 is undeveloped. Both parcels are heavily wooded with the exception of the house location.

In 2012 the city purchased the two parcels for a future park along with an adjoining parcel to the west. The adjoining parcel is already within the city boundary and will be maintained as open space. Approval for park development will be requested once the properties are within the city. Park development is not proposed with this application. Preliminary park plans include removal of the existing single family home, and construction of a shelter, utility shed, and sport court. Picnic tables, play structures, and accessible pathways are also anticipated.

Site B:

Site B is a portion of Wilmington Lane right-of-way that was deeded to the City of Tigard by the adjoining property owner to the north (Rippey). The Highland Hills subdivision, south of Wilmington Lane, was approved by Washington County in 2008 and subsequently annexed into Tigard. One of the conditions of the subdivision was to extend Wilmington Lane to the westerly boundary of the subdivision. Constructing the street within the confines of the subdivision would have resulted in a substandard street. Conveyance of the property by the adjoining owner allowed construction of the full street but happened after annexation of the subdivision. This request is to annex a small portion of Wilmington Lane (3,166 square feet), which is a city street.

Site C:

Site C is a small parcel (1,986 square feet) on the north side of Locust Street west of the Hall Boulevard intersection. In 1989 and 1990 the City of Tigard performed street improvements to SW Locust Street. These improvements included installations of utilities as well as widening and realignment of the roadway. It was necessary for the city to purchase property in unincorporated Washington County to avoid improvements being constructed on private property. Following annexation, the city will dedicate the property as public right-of-way within the city's boundary.

SECTION IV. APPLICABLE CRITERIA, FINDINGS AND CONCLUSIONS

City: Community Development Code Chapters 18.320 and 18.390; Comprehensive Plan Goal 1.1; Goal 11.1 (Policy 4), and Goal 11.3 (Policy 6), Goal 14.2 (Policies 1-4).

State: ORS Chapter 222

Regional: Metro Code Chapter 3.09

A. CITY OF TIGARD COMMUNITY DEVELOPMENT CODE (TITLE 18)

Staff has determined that the proposal is consistent with the relevant portions of the Community Development Code based on the following findings:

Chapter 18.320.020.B: Approval Process and Standards.

Approval Criteria. The decision to approve, approve with modification, or deny an application to annex property to the City shall be based on the following criteria:

1. All services and facilities are available to the area and have sufficient capacity to provide service for the proposed annexation area;

The City of Tigard Comprehensive Plan's Public Facilities and Services Chapter states that for the purposes of the Comprehensive Plan, public facilities and services refer to stormwater management, water supply and distribution, wastewater management, community facilities, and private utilities. In addition the Comprehensive Plan Glossary includes public safety, parks, and transportation. All services are available to the proposed annexation sites and have adequate capacity to serve future development. Site B is existing right-of-way for SW Wilmington Lane, and Site C will be dedicated as right-of-way for SW Locust Street. All services are available in the area for these two sites, but services are not needed. Individual services or facilities serving Site A are discussed in further detail below.

Water – City of Tigard/Tigard Water District. Sites A lies within the Tigard Water Service Area and the existing house is already served by city water through a 4-inch line from SW Alpine Crest Way. In addition, there are 6 and 8-inch lines in adjacent streets (SW Ridgefield Lane and SW Fernridge Terrace). There is capacity to serve future park improvements.

Sewer – City of Tigard/Clean Water Services. The vacant home on Site A is served by septic. Existing sanitary lines are available at the north and east property lines. Clean Water Services is the sewer provider in the surrounding area. There is adequate capacity to serve the existing home or future park uses.

Stormwater – Clean Water Services. Clean Water Services is the current provider of stormwater services in this area. Storm drainage can be directed to existing stormwater facilities to the east. Capacity is adequate to serve the existing single-family home or future park improvements on Site A.

Streets – City of Tigard Engineering Division. Site A is currently served by a private access easement from SW Alpine Crest Way; however three public streets stub to the site (SW Alpine Crest Way and SW Fernridge Terrace to the north and SW Ridgefield Lane to the east). The proposed annexation will not impact the current private access and street extension will be addressed with future park development. The property is within the Washington County Urban Road Maintenance District and will be removed from the district upon annexation.

Police – City of Tigard Police Department. Police services are currently provided by the Washington County Sheriff. If approved, the property will be withdrawn from the Enhanced Sheriff's Patrol District. The City of Tigard Police Department was contacted by city staff regarding the annexation. Tigard Police expressed no objections to the proposal.

Fire – Tualatin Valley Fire and Rescue (TVF&R). The subject property is in Tualatin Valley Fire and Rescue's (TVF&R's) service area. The TVF&R District currently provides services to Site A, which will not change following annexation. The Fire District has personnel and equipment in the area that can respond to an emergency incident and implement such actions as may be necessary for fire and/or rescue operations.

Parks–City of Tigard. Site A is planned for a future neighborhood park, which will add to the city's park capacity.

CONCLUSION: Based upon this review, staff finds that all public services and facilities (as defined by the Comprehensive Plan) are available to the proposed annexation territory and have sufficient capacity to provide service; however these services are not needed for sites B and C because they are now or will be dedicated right-of-way. The proposed annexation will not reduce the level of services within the City of Tigard. This criterion is met.

2. The applicable Comprehensive Plan policies and implementing ordinance provisions have been satisfied.

FINDINGS: The following Comprehensive Plan goals and policies apply to the proposed annexation: Goal 1.1; Goal 11.1, Policy 4; Goal 11.3, Policy 6; and Goal 14, Policy 1- 4. Staff has determined that the

proposal has satisfied the applicable Comprehensive Plan policies based on the following findings:

Goal 1.1: Citizen Involvement. The City shall provide citizens, affected agencies and other jurisdictions the opportunity to participate in all phases of the planning process.

The City maintains an ongoing citizen involvement program. To assure citizens will be provided an opportunity to be involved in all phases of the planning process, the City provides notice for Type IV land-use applications. The City posted, mailed and published notice of the public hearing as follows. The City posted the hearing notice at four public places on December 20, 2013: Tigard Library, Tigard City Hall, Tigard Permit Center, and near the proposed annexation areas. The City published notice of the hearing in *The Tigard Times* for two successive weeks (January 2 and January 9, 2014) prior to the January 14, 2014 public hearing. The City also mailed notice to all interested parties and surrounding property owners within 500 feet on December 24, 2013.

Goal 11.1: Public Facilities and Services.

Policy 4. The City shall require the property to be located within the city limits prior to receiving City stormwater services.

Stormwater service near Sites A and B is provided by Clean Water Services. Annexation is not necessary to receive stormwater service. A city stormwater line runs through Site C; however service is not needed for this site.

Policy 6. The City shall require the property to be located within the city limits prior to receiving City wastewater services.

Sites B and C (existing and future rights-of-way) will not require wastewater service. The existing, vacant home on Site A will be demolished. Future park development will likely include portable restrooms, meaning sanitary service will not be needed. However, annexation of this area will ensure that city sanitary service will not be extended outside city limits if needed for future development. The applicant will not receive City services prior to annexation.

Goal: 14.2. Implement the Tigard Urban Services Agreement through all reasonable and necessary steps, including the appropriate annexation of unincorporated properties.

Policy 1. The City shall assign a Tigard zoning district designation to annexed property that most closely conforms to the existing Washington County zoning designation for that property.

The applicable Tigard zoning district designations are addressed below in the findings for Section 18.320.020.C.

Policy 2. The City shall ensure that capacity exists, or can be developed, to provide needed urban level services to an area when approving annexation.

Capacity has been addressed above, consistent with this policy.

Policy 3. The City shall approve proposed annexations based on findings that the request:

A. can be accommodated by the City's public facilities and services; and

The availability of the City's public facilities and services has been addressed above, consistent with this policy.

B. is consistent with applicable state statute.

As reviewed in this report, staff finds that the provisions of ORS 222 have been met, consistent with this policy.

Policy 4. The City shall evaluate and may require that parcels adjacent to proposed annexations be included to: A) avoid creating unincorporated islands within the City; B) enable public services to be efficiently and effectively extended to the entire area; or C) implement a concept plan or sub-area master plan that has been approved by the Planning Commission or City Council.

Sites A and B lie within an island of unincorporated Washington County. There are five parcels with three owners within this island. Two of the parcels owned by the city are included in this proposed annexation. An additional parcel was recently approved for annexation into the city (ZCA2013-00003). The property owner of the remaining two parcels was approached by city staff for annexation; however the owner has indicated no interest in annexing at this time. The proposed annexation will result in a smaller island.

Site A was purchased by the city in 2012 for park development to implement the City of Tigard Park System Master Plan. The plan outlines the need to acquire park property and construct park improvements, to preserve open spaces, enhance water quality and provide recreational opportunities. Annexation will allow the city to pursue development of park facilities on this property. Annexation will allow public services to be more efficiently and effectively provided because city improvements will be located within the boundary.

CONCLUSION: Annexation of additional parcels is not possible at this time. The city has coordinated with all jurisdictions and agencies within/near the annexation sites. The City of Tigard has the services/facilities available and at adequate capacity to serve the sites. The proposed annexation is consistent with applicable Comprehensive Plan policies. This criterion is met.

Chapter 18.320.020.C

Assignment of comprehensive plan and zoning designations.

The comprehensive plan designation and the zoning designation placed on the property shall be the city's zoning district which most closely implements the city's or county's comprehensive plan map designation. The assignment of these designations shall occur automatically and concurrently with the annexation. In the case of land which carries county designations, the city shall convert the county's comprehensive plan map and zoning designations to the city designations which are the most similar.

FINDINGS: Site A is currently zoned R-6 (Washington County). This zone is intended for residential development at no more than 6 units per acre and no less than 5 units per acre. Table 18.320.1 in the Tigard Community Development Code (TCDC) summarizes the conversion of the county's plan and zoning designations to city designations which are most similar. According to this table, the city designation most similar to county R-6 is city R-7 zoning. Site B is right-of-way and has no zoning, but zoning of adjacent parcels within city boundaries is R-7. Site C is currently zoned county TO: 18-24 (Transit Oriented, 18-24 units per acre). Table 18.320.1 does not designate an equivalent city zone. The site will be dedicated as city right-of-way following annexation; therefore city R-4.5 (Low Density Residential) is proposed to match the zoning of adjacent properties within Tigard that are located on the south side of Locust Street. Once the parcel is dedicated to city right-of-way, zoning will no longer be applicable.

CONCLUSION: Upon annexation Site A will be zoned city R-7, which most closely implements Washington County's comprehensive plan and zoning designations (R-6). Site C will be zoned city R-4.5 to match nearby properties within the city boundary. This criterion is met.

Chapter 18.390.060: Type IV Procedure

Annexations are processed by means of a Type IV procedure, as governed by Chapter 18.390 of the Community Development Code (Title 18) using standards of approval contained in 18.390.020.B, which were addressed in the previous section. Chapter 18.390 requires City Council to hold a hearing on an annexation. It also requires the City to provide notice at least 20 days prior to the hearing by mail and to publish notice at least 10 business days prior to the hearing. City staff mailed notices to other agencies and utilities on December 9, 2013 and property owners within 500 feet on December 24, 2013. A notice was published in *The Tigard Times* for two successive weeks (January 2, 2014 & January 9, 2014) prior to the January 14, 2014 public hearing.

Additionally, Chapter 18.390.060 sets forth five factors for consideration when making a Type IV decision:

1. The Statewide Planning Goals and Guidelines adopted under Oregon Revised Statutes Chapter 197;

FINDINGS: The city's Comprehensive Plan has been acknowledged by the Land Conservation and Development Commission to be in compliance with state planning goals and as reviewed above, the

annexation proposal is consistent with Tigard Comprehensive Plan goals and policies.

CONCLUSION: The proposal is consistent with the city's acknowledged Comprehensive Plan. Therefore, the proposal complies with statewide planning goals, including citizen involvement, public facilities, transportation, and urbanization.

2. Any federal or state statutes or regulations found applicable;

FINDINGS:

ORS 222:

State law (ORS 222.120(4)(b), ORS 222.125 and ORS 222.170(1)) allows for a city to annex contiguous territory when owners of land in the proposed annexation territory submit a petition to the legislative body of the city. In addition, ORS 222.111(2) allows for a city to act on its own motion to annex contiguous territory. A city is not required to hold an election for such an annexation if it follows the noticing procedures for a public hearing per ORS 222.120.

ORS 222.120 requires the city to hold a public hearing before its legislative body (City Council) and provide public notice to be published once each week for two successive weeks prior to the day of the hearing, in a newspaper of general circulation in the city, and shall cause notices of the hearing to be posted in four public places in the city for the same two week period.

The owner of the subject parcels has submitted petitions for annexation to the City. The subject parcel is contiguous to the City's boundary. City staff mailed notice on December 24, 2013, and published public notice in *The Tigard Times* for two successive weeks (January 2 and January 9, 2014) prior to the January 14, 2014 public hearing and posted the hearing notice for public view on December 20, 2013 in the Tigard Library, Tigard City Hall, Tigard Permit Center, and near the proposed annexation sites.

CONCLUSION: Staff finds that the provisions of ORS 222 have been met.

3. Any applicable METRO regulations;

Chapter 3.09 of the Metro Code (Local Government Boundary Changes) includes standards to be addressed in annexation decisions, in addition to local and state review standards. Staff has reviewed the Metro regulations for Local Government Boundary Changes and addressed the applicable regulations (Metro Code 3.09.045(d) & (e) and 3.09.050) below:

FINDINGS:

Metro 3.09.045 (d) and (e)

The proposed annexation is not being reviewed through an expedited process, but subsections (d) of Metro Code 3.09.050 requires that the standards of 3.09.045 (d) & (e) be addressed.

(d) To approve a boundary change through an expedited process, the city shall:

(1) Find that the change is consistent with expressly applicable provisions in:

(A) Any applicable urban service agreement adopted pursuant to ORS 195.065;

The Tigard Urban Service Agreement (TUSA) is between the City, County, Metro, and the service Districts for water, sewer, transportation, parks and public safety. The agreement outlines the role, provision, area, and planning/coordination responsibilities for service providers operating in the Tigard Urban Services Area. These services are addressed above at the beginning of this report.

The Urban Planning Area Agreement (UPAA) between the City and the County provides coordination of comprehensive planning and development, defines the area of interest, and includes policies with respect to the active planning area and annexation. The agreement states that "so that all properties within the Tigard Urban Service Area will be served by the City, the County and City will be supportive of annexations to the City."

The applicable annexation policies include the assignment of comprehensive plan and zoning designations

addressed earlier in this report and acknowledgements that the City is the ultimate service provider of urban services within the Tigard Urban Service Area. The City has adhered to the Comprehensive Planning and Development Policies outlined in the UPAA, and provided notice to/requested comments from Washington County prior to the public hearing.

(B) Any applicable annexation plan adopted pursuant to ORS 195.205;

These statutes outline the process for annexations initiated by a city or district, including public hearings and voting procedures. This statute is not applicable since the annexation was initiated by the property owner. The property owner (City of Tigard) has submitted a petition to annex. There are no registered voters at the sites.

(C) Any applicable cooperative planning agreement adopted pursuant to ORS 195.020(2) between the affected entity and a necessary party;

ORS195.020(2) speaks to cooperative agreements between counties or Metro with each special district that provides an urban service within the boundaries of the county or the Metropolitan Service District. Special districts would include fire, water, school, and sewer districts. These districts are the same within the county and city with the exception of the sewer district, which will be the City of Tigard following development of the subdivision. Planning for these areas will still be considered by the same special districts upon annexation due to existing agreements with the City.

(D) Any applicable public facility plan adopted pursuant to a statewide planning goal on public facilities and services; and

The City of Tigard Public Facility Plan was adopted in 1991 in compliance with statewide planning goals and Oregon Administrative Rule 660-11. A revised plan is currently being developed as part of periodic review and the River Terrace Community Plan. New Comprehensive Plan goals and policies for public facilities were adopted in 2008 (Goal 11), and the applicable goals and policies were addressed previously in this report. The proposed annexation is consistent with the Tigard Public Facility Plan.

(E) Any applicable comprehensive plan; and

The Tigard Comprehensive Plan applies in this case. Applicable policies are satisfied as addressed previously in this report.

(2) Consider whether the boundary change would: (A) Promote the timely, orderly and economic provision of public facilities and services; (B) Affect the quality and quantity of urban services; and (C) Eliminate or avoid unnecessary duplication of facilities or services.

The proposed annexation will allow urban services to be provided for any future development of the sites, which are currently planned for a city park and rights-of-way. Site A is currently developed with a vacant, single-family home on septic, already served by city water, and served by Washington County and Tualatin Valley Fire and Rescue (TVF&R). Upon annexation sanitary sewer and storm can be extended to serve future development. In addition, Tigard Police will serve the site instead of Washington County Sherriff. TVF&R will continue to provide service as it is a county-wide provider.

(e) A city may not annex territory that lies outside the UGB, except it may annex a lot or parcel that lies partially within and outside the UGB. Neither a city nor a district may extend water or sewer services from inside a UGB to territory that lies outside the UGB.

The property to be annexed is not outside the UGB. This criterion is not applicable.

Metro 3.09.050 (b)

(b) Not later than 15 days prior to the date set for a change decision, the approving entity shall

make available to the public a report that addresses the criteria in subsection (d) below, and that includes at a minimum the following:

The staff report was available December 30, 2013, fifteen days prior to the public hearing.

(1) The extent to which urban services presently are available to serve the affected territory including any extra territorial extensions of service;

As addressed previously in this report, urban services are available and can be extended if necessary to the affected territory.

(2) Whether the proposed boundary change will result in the withdrawal of the affected territory from the legal boundary of any necessary party; and

The proposed territory will remain within Washington County but will be required to be withdrawn from the Washington County Enhanced Sheriff's Patrol District and Urban Road Service District upon completion of the annexation. This withdrawal is incorporated into the proposed ordinance.

(3) The proposed effective date of the boundary change.

The public hearing will take place January 14, 2014. If the Council adopts findings to approve ZCA2013-00004 and ZCA2013-00006, the effective date of the annexations will be upon filing with the Secretary of State office per Oregon Revised Statutes (ORS 222.180) or 30 days following City Council adoption, whichever is later.

(c) The person or entity proposing the boundary change has the burden to demonstrate that the proposed boundary change meets the applicable criteria.

The proposed boundary change meets the applicable criteria as demonstrated in this staff report.

(d) To approve a boundary change, the reviewing entity shall apply the criteria and consider the factors set forth in subsections (d) and (e) of Section 3.09.045.

The criteria and factors outlined in subsections (d) and (e) of Section 3.09.045 have been previously addressed in this report.

CONCLUSION: As shown in the above findings the proposed annexation satisfies the Metro Code regulations related to Local Government Boundary Changes. This criterion is met.

(Tigard CDC 18.390.060 continued)

4. Any applicable comprehensive plan policies; and

FINDINGS: Findings addressing the applicable Comprehensive Plan policies were provided previously in this report.

CONCLUSION: As previously demonstrated, the proposed annexation is consistent with all applicable comprehensive plan policies.

5. Any applicable provisions of the City's implementing ordinances.

FINDINGS: Resolution 13-08 extended previously approved incentives for property owners that voluntary annex into the city limits through February 2014. The properties to be annexed are owned by the city and are not subject to property tax. Therefore, the provisions of Resolution 13-08 do not apply in this case.

SECTION VII. STAFF & AGENCY COMMENTS

Tigard Police reviewed the proposed annexation and have no objections.

No other comments were received.

SECTION VIII. PUBLIC COMMENTS

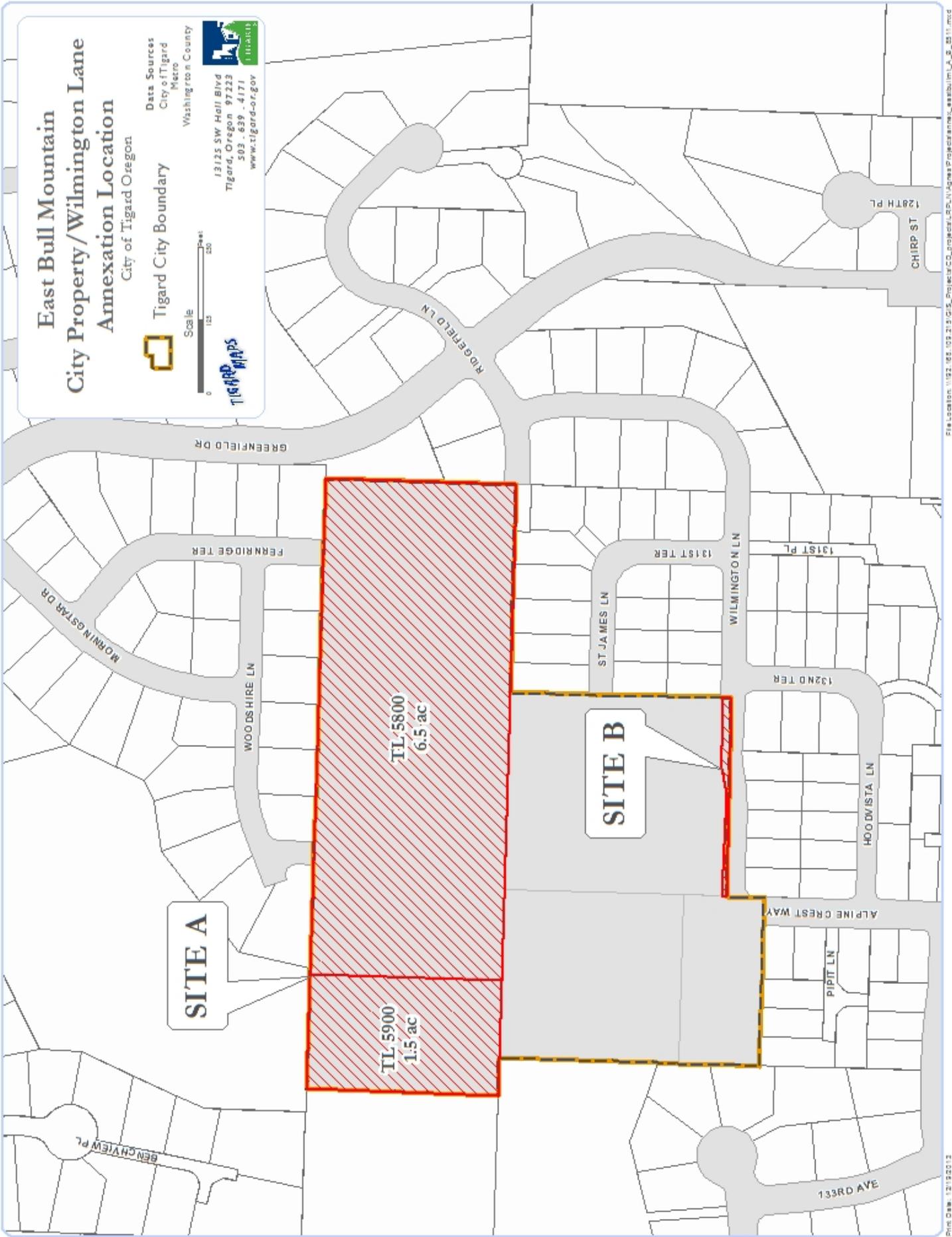
The City mailed notice to surrounding property owners within 500 feet. No written public comments were received.

PREPARED BY: Cheryl Caines
Associate Planner

December 30, 2013
DATE

REVIEWED BY: Tom McGuire
Asst. Community Development Director

December 30, 2013
DATE



File Location: \\021.002.002.215\GIS\Projects\CD\Project\CD\Map\Agree\Projection\Map_Annexation_IL_58_0011.mxd
Print Date: 12/19/2013

Locust Street Annexation Location

City of Tigard Oregon

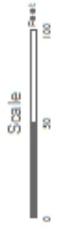
Tigard City Boundary



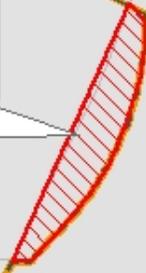
Data Sources
City of Tigard
Metro
Washington County



13125 SW Hall Blvd
Tigard, Oregon 97223
503 . 639 . 4171
www.tigard-or.gov



SITE C



LOCUST ST

JEFFERSON ST

87TH AVE

HALL BLVD

MAPLE CT

File Location: \\192.168.102.215\GIS_Projects\CO_Projects\Locust\Agendas\Project\Agendas\Locust_Locust_Site_C.mxd
Print Date: 12/19/2013

AIS-1512

6.

Business Meeting

Meeting Date: 01/14/2014

Length (in minutes): 25 Minutes

Agenda Title: Comcast Cable Franchise Extension and Discussion

Prepared For: Louis Sears, Financial and Information Services

Submitted By: Louis Sears, Financial and Information Services

Item Type: Resolution

Meeting Type: Council
Business
Meeting -
Main

Public Hearing: No

Publication Date:

Information

ISSUE

Should City Council approve an extension of the existing Metro Area Communications Commission (MACC) franchise agreement with Comcast through December 31, 2014 to allow for the “formal” federal negotiation process between MACC and Comcast.

STAFF RECOMMENDATION / ACTION REQUEST

Adopt the resolution to extend the Comcast franchise agreement through December 31, 2014 to allow for the formal review process between MACC and Comcast

KEY FACTS AND INFORMATION SUMMARY

The City of Tigard is a member of the Metro Area Communications Commission (MACC) with other regional jurisdictions which includes Washington County, Banks, Beaverton, Cornelius, Durham, Forest Grove, Gaston, King City, Lake Oswego, North Plains, Rivergrove, Hillsboro, West Linn, and Tualatin. MACC administers the cable franchise agreements for Comcast and Frontier for the MACC member jurisdictions.

The current MACC franchise agreement with Comcast signed in 1999, expires January 31, 2014. Comcast and MACC have been negotiating to renew the franchise for almost 3 years under the informal negotiation process. If MACC and Comcast cannot reach a renewal agreement, a formal process is used based on federal law.

Since February 2013 MACC and Comcast have met over 30 times to work through the details of the renewal, but there are several areas where agreement has not been reached. On December 11 the MACC Commission voted on the recommendation from the MACC Executive Committee to invoke the formal negotiation process. Each MACC member jurisdiction will need to approve the extension of the existing Comcast franchise through the

end of 2014 to allow time for the formal negotiation process.

OTHER ALTERNATIVES

N/A

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

N/A

DATES OF PREVIOUS COUNCIL CONSIDERATION

City Council approved the current MACC franchise agreement with Comcast in 1999 and the franchise agreement expires on January 31, 2014.

Fiscal Impact

Fiscal Information:

MACC began to set-aside a portion of the franchise fees allotted to its operations to pay for the costs of the community needs assessment, the actual renewal costs and, if needed, for the Formal Process. \$125,000 in funds were budgeted in FY14 for Formal Process costs, and another \$75,000 - \$100,000 may be needed in FY15.

MACC estimates that accepting the current Comcast proposal would cost member jurisdictions \$6 million over the life of the franchise agreement and may impact jurisdictional control or the public right of way (PROW).

Attachments

[Model Resolution](#)

[MACC_Report](#)

[Q&A](#)

[Comcast Extension Agreement](#)

[MACC Resolution 13-08](#)

CITY OF TIGARD, OREGON

RESOLUTION NO. _____

A RESOLUTION EXTENDING THE TERM OF THE CABLE TELEVISION SERVICES AGREEMENT WITH COMCAST OF OREGON II, INC. TO ENABLE THE METROPOLITAN AREA COMMUNICATIONS COMMISSION TO COMPLETE THE FORMAL RENEWAL PROCESS

WHEREAS, the Metropolitan Area Communications Commission, hereinafter “MACC,” is an intergovernmental cooperation commission formed by Intergovernmental Agreement (“IGA”) under ORS Chapter 190, with Washington County and the cities of Banks, Beaverton, Cornelius, Durham, Forest Grove, Gaston, Hillsboro, King City, Lake Oswego, North Plains, Rivergrove, Tigard, Tualatin and West Linn as members (“Member Jurisdictions”); and

WHEREAS, the IGA contemplates that MACC and its Member Jurisdictions may grant one or more nonexclusive cable franchise agreements to construct, operate, and maintain a cable service system within the combined boundaries of the Member Jurisdictions; and

WHEREAS, on February 1, 1999, MACC and its Member Jurisdictions at that time, granted nonexclusive cable franchise agreements (“Comcast Franchises”) which are now held by Comcast of Oregon II, Inc. (“Comcast”); and

WHEREAS, the Comcast Franchises will expire on January 31, 2014; and

WHEREAS, on March 9, 2011, Comcast requested that the Comcast Franchises be renewed; and

WHEREAS, the IGA authorizes MACC to process Comcast’s renewal request on behalf of the Member Jurisdictions, including informal negotiations as set forth in 47 U.S.C. 546 (h) and the formal renewal process set forth in 47 U.S.C. 546 (a)-(g); and

WHEREAS, in its letter of April 5, 2011, MACC properly responded to Comcast’s request for renewal of the Comcast Franchises and thereafter commenced the franchise renewal process set forth in federal law at 47 U.S.C. 546; and

WHEREAS, on January 24, 2013, MACC directed staff to begin informal franchise renewal negotiations with Comcast, as set forth in 47 U.S.C. 546 (h), which informal negotiations began in February 2013; and

WHEREAS, on June 5, 2013, the Commission authorized the MACC Executive Committee to invoke the formal renewal process set forth in 47 U.S.C. 546 (a)-(g), if informal renewal negotiations were not successful; and

WHEREAS, on November 22, 2013, the Executive Committee found that further informal renewal negotiations have no reasonable prospect of success and adopted Resolution 2013-06 directing MACC staff to begin the formal renewal process set forth in 47 U.S.C. 546 (a)-(g); and

WHEREAS, on December 11, 2013, the MACC Commission adopted Resolution 2013-08, ratifying Resolution 2013-06 and recommending that Member Jurisdictions extend the Comcast Franchises to allow MACC to complete the formal renewal process; and

WHEREAS, Comcast has agreed to execute extension agreements with each Member Jurisdiction; and

WHEREAS, the City of Tigard finds that it is in the best interest of the City and its residents to process Comcast's request for renewal of the Comcast Franchise via the formal renewal process set forth in 47 U.S.C. 546 (a)-(g), and to extend the term of the Comcast Franchise to allow MACC to complete the formal renewal process.

Now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL that:

Section 1. Comcast's request for renewal of the Comcast Franchise will be processed through the formal renewal process set forth in 47 U.S.C. 546 (a)-(g).

Section 2. The Mayor is hereby authorized to execute the extension agreement with Comcast substantially in the form attached hereto as Exhibit A to allow MACC to complete the formal renewal process set forth in 47 U.S.C. 546 (a)-(g).

Section 3. This resolution shall be effective from and after its adoption.

Introduced and adopted this 14th day of January, 2014.

Mayor

ATTEST:

City Recorder

REPORT TO MACC MEMBER JURISDICTIONS RECOMMENDATION COMCAST CABLE FRANCHISE TERM EXTENSION DECEMBER 2013

Your jurisdiction is a member of the Metropolitan Area Communications Commission (MACC), an intergovernmental agency which administers and regulates cable television franchises for fourteen cities and Washington County. MACC currently administers Comcast's cable television franchises (Comcast Franchise) on behalf of its members, as well as a Frontier Cable Franchise for eleven jurisdictions where they offer those services.

MACC Recommendation – On December 11, 2013, the MACC Board of Commissioners (Commissioners) unanimously passed a resolution (copy attached as Exhibit A) recommending its fifteen member jurisdictions extend the current Comcast Franchise terms until December 31, 2014, in order to provide time to complete the ongoing process to renew the Comcast Franchise. According to the Intergovernmental Agreement (IGA) that created MACC, in order for this extension to be effective, all 15 of member jurisdiction's governing bodies (city councils and the County Commission) must approve this extension – if any member jurisdiction fails to pass the requested extension as recommended by MACC, that would "veto" the action of the other members.

Background

Comcast was granted a 15 year renewal of its cable television franchise in 1999 (then held by TCI Cable) – that Franchise expires on January 31, 2014. On March 9, 2011 Comcast requested MACC and its member jurisdictions renew that Franchise. That request for renewal from Comcast triggered a 3-year renewal process governed by Federal Law (47 U.S.C. 546). That Law sets forth a prescribed Formal Renewal process which requires the completion of an extensive community needs assessment by the Franchising Authority (MACC) and from that assessment the development of a Request for Renewal Proposal (RFRP) which contains a proposed new cable franchise agreement based on those community needs. After development of the RFRP by MACC, it is provided to Comcast which then has a set period of time in which to respond. After receiving and evaluating that response, MACC would hold hearings to determine whether Comcast's response "adequately fulfills the needs of the MACC communities taking into consideration the costs thereof." The Formal Process does not preclude additional company/MACC discussions, but it does place the process in a time-limited structure. After Comcast's response, MACC would make a recommendation to its member jurisdictions to either grant Comcast a renewal based on its response, or deny a renewal due to Comcast's failure to meet the established needs. Either recommendation by the Commission would go back to the

jurisdictions (no different than this request to extend the franchise term) where each member would vote to accept or reject the Commission's recommendation.

The Federal Law also provides for informal negotiations that typically are used to reach agreement on a new franchise. Informal negotiations follow many of the Formal Process steps (i.e., development of a needs assessment), but are conducted in the manner like most negotiations, and with considerable more flexibility than the more structured Formal Process.

MACC/Comcast Informal Renewal Process – After completing its needs assessment and presenting it to the MACC Board of Commissioners in January 2013, the MACC staff was directed to begin negotiations with Comcast under the Informal Process. Actual negotiations between MACC staff and Comcast local government affairs staff members began in February 2013. At that time the parties agreed to a series of negotiation sessions (one about every two weeks) through July/August with the plan for the final proposed franchise agreement to be brought back to the Commission in September. This mutually-agreed upon plan expected a Commission recommendation to the jurisdictions that would be presented to each jurisdictional governing body between November and early January. This timeline would allow the new franchise to be in place by the expiration of the current agreement. MACC and Comcast also agreed to tackle the more difficult franchise issues up front, leaving the other sections of the franchise for the later part of the proposed negotiations time line.

At the Commission's June 5th meeting, staff reported delays it was experiencing in getting Comcast to provide timely "red-line" sections in advance of scheduled sessions and that more negotiation sessions had been added to handle these delays. The Commission decided to vest its Executive Committee (the Commission's 3 officers) to act on its behalf to monitor the progress of negotiations and to invoke the Formal Renewal Process if problems continued during Informal Negotiations.

In spite of the additional negotiation sessions, by the end of August many issues remained unresolved. This was reported to the MACC Executive Committee in early September and again on October 10th, where the Executive Committee unanimously directed staff to either: 1) complete informal negotiations with Comcast by the end of October, or 2) bring legislation to an Executive Committee meeting in November to move negotiations from the Informal to the Formal Process.

By October 25th, after over 30 meetings on the renewal (seven in October), it was clear to MACC staff that the negotiations would not be completed by the end of the month or in time for the jurisdictions to act before the current franchise expired at the end of January 2014. As a result, the MACC Executive Committee on November 22nd adopted a MACC Resolution which moved negotiations to the Formal Process and recommended that the full Commission request that the member jurisdictions extend the current franchise agreements to the end of 2014 to accommodate the Formal Renewal steps.

Action Requested

Today, MACC asks you to extend the term of the Comcast Cable Franchise Agreement until the end of December, 2014 in order to accommodate the time needed to complete the

Formal Renewal Process (Comcast Legal has agreed with the terms of this extension). We have worked with your staff and legal counsel to prepare a resolution or ordinance to effect this change in your jurisdiction. All 15 MACC member jurisdictions must pass similar legislation in order for this change to be effective. Extensions may be granted after the January termination date without any adverse effects.

In addition to this report and a copy of MACC's recommending resolution, we have also enclosed a "Question & Answer" memorandum that addresses expected questions about this action.

MACC staff would be happy to answer any questions you have about this recommended action.

Enclosures:

- MACC Resolution 2013-08
- MACC "Questions & Answers"

QUESTIONS & ANSWERS
ABOUT THE PROPOSED EXTENSION OF
COMCAST'S FRANCHISE TERM

The following Questions & Answers were prepared by MACC Staff to attempt to provide you answers to expected questions regarding the proposed action:

Q1: How long a term was proposed for the new franchise?

A: We agreed with Comcast on 10 years which is typical in today's market – the current franchise was granted in 1999.

Q2: What major issues in the negotiations were unresolved by the end of October?

A: As of October 31st, the following major issues remained unresolved (a number of lesser issues also remained open):

- Franchise Fee Revenue – The definition of “Gross Revenues” describes in detail the sources of cable service revenue used to compute the 5% franchise fee Comcast owes member jurisdictions for the use of their Right of Way (ROW). (MACC estimates a loss of \$2 million in revenues over 10 years if Comcast's changes are accepted).
- Police Powers – For more than thirty years MACC area cable operators have agreed that each jurisdiction could change their police powers ordinances for management of its ROW as needed – Comcast now insists that they should only be subject to ordinances in place at time of the grant of their new franchise agreement – future jurisdictional ordinances would not apply to them.
- Customer Service – Comcast wants to eliminate business subscribers from the protections of the franchise and reduce other customer service provisions. MACC had already agreed to a reduced fine schedule.
- The Public Communications Network (PCN) – For more than thirty years MACC area cable operators have provided, at cost, network services to over 240 local government, school and library sites. Comcast wants to turn the operations of the PCN over to an affiliate company – many issues remain to be resolved with this proposed transition – PCN Users are not happy with this management change which would remove some network management and responsibility out of Oregon.
- Public, Education and Government TV Channels (PEG) – MACC asked for one additional channel for local government programming and to begin upgrading channels to HDTV.

Submitted for informal renewal negotiations only (47 U.S.C. 546 (h)) - pursuant to Federal Rules of Evidence 408 or its state, local or city equivalent.

Comcast first agreed but recently suggested MACC trade that channel for other franchise concessions.

- Competitive Equity – Comcast wants to rewrite the terms that dictate how MACC and the jurisdictions will treat competitors who enter the local market. MACC prefers to use the rules set-forth by the FCC and to not reduce our rights below those standards.
- PEG/PCN Grant Fund. In the current franchise, Comcast agreed to fund the Grant Fund (which supports PEG and PCN users) in an amount equaling \$1/month/subscriber. Comcast passes that cost on to its customers, but it is their responsibility. MACC is seeking to maintain the status quo for Grant funding by using the inflation-adjusted equivalent for the next 10 years (about \$1.35), which would still not meet all the demands on that Fund. Comcast has offered 50¢ and has proposed eliminating Grant funding for PCN equipment (which would result in about \$550,000/year in costs to be shifted to the member jurisdictions) Comcast has proposed eliminating operational Grant support to a number of small PCN Users and agencies (including the Virginia Garcia Medical Clinics, Banks/Gaston Schools, the cities of North Plains, Cornelius, Banks, and King City) – this would either force these small Users to either pay this cost (about \$150,000/year) from their general funds or drop their PCN services entirely.

Q3: Why not just continue informal negotiations and extend the franchise term to accommodate those discussions?

A: MACC and Comcast have had 33 meetings, seven of those in October. Without the timeline structure of the Formal Process, negotiations could drag on even longer.

While MACC sees the Formal Process as necessary to ensure a timely renewal, concurrent informal discussions with Comcast can continue. This is not unusual during the Formal process.

Q4: Won't the Formal Process be costly to the MACC member jurisdictions?

A: No, not at all. Long before the renewal discussions began this year, MACC began to set-aside a portion of the franchise fees allotted to its operations to pay for the costs of the community needs assessment, the actual renewal costs and, if needed, for the Formal Process. Funds were budgeted in this year's MACC budget just for Formal Process costs.

However, if MACC accepts Comcast's current positions, the resulting franchise will be very costly to the jurisdictions in lost franchise fee revenues and reduced public benefits including \$6 million in Grant Funding and jurisdictional control over the PROW.

Q5: Is use of the Formal Process common and are other jurisdictions moving to this process in their negotiations with Comcast?

Although it has been uncommon in the past, recently it has been used more frequently in Comcast systems. Besides MACC (and one other jurisdiction in the Oregon market that may move to Formal), at least three jurisdictions in the West Comcast region have moved to the Formal Process. We hear others are considering it.

Q6: Aren't there significant legal risks in entering the Formal process?

A: There are legal risks to cable franchising in general. However, even when a jurisdiction is in the Informal Process they operate under many of the same rules as when under the Formal Process.

Q7: What happens if Comcast is denied a renewal of its franchise agreement?

A: In the unlikely event the MACC jurisdictions under the Formal Process eventually decide to deny Comcast a cable franchise renewal, Comcast would lose its right to use the ROW and may need to respond to a new MACC RFP in competition with other providers.

Q8: Are there other competitors to Comcast who would offer to provide services to MACC members if Comcast lost its franchise to serve this area?

A: Most definitely. Although this process is unlikely to result in a new provider, the MACC service area is very attractive to competitors as a place to offer high-end communications systems like cable and high-speed Internet services. In the unlikely possibility that Comcast would no longer have a franchise, we would expect many competitors to appear.

Q9: Are the subscriber rates for cable services negotiated during a renewal?

No, for all intents and purposes, most subscriber rate regulation at the local level ended in 1998. We cannot regulate cable rates or dictate the actual programming offered by a cable operator in a cable franchise.

Q10: Why can't MACC just force Comcast to accept the terms of a new cable franchise?

A: Federal Law dictates the process used for renewing a franchise based on a community's needs. MACC has to follow Federal Law and really does not have the ability to force a franchise on a provider.

FRANCHISE EXTENSION AGREEMENT

WHEREAS, Comcast of Oregon II, Inc. ("Comcast"), formerly TCI of the Tualatin Valley, Inc., currently holds a cable franchise with Tigard, Oregon ("City"), with an effective date of February 1, 1999, which will expire on January 31, 2014 ("Franchise"); and

WHEREAS, the City entered into an Intergovernmental Agreement, in accordance with ORS Chapter 190, with the Metropolitan Area Communications Commission ("MACC") for transfer of administration responsibilities associated with the Franchise, including renewal negotiations; and

WHEREAS, MACC, on behalf of the City, has been working to process Comcast's request for renewal of the Franchise in accordance with 47 U.S.C. 546; and

WHEREAS, the parties have agreed to extend the term of the Franchise to allow additional time for the renewal process to conclude.

NOW, THEREFORE, the City and Comcast agree as follows:

1. The Franchise shall be extended to expire on December 31, 2014, unless a renewed franchise agreement takes effect prior to that date, in which case the Franchise shall expire on the effective date of the renewed franchise.
2. All provisions of the Franchise, other than the duration of the Franchise as set forth in Section 2.3, shall remain in full force and effect through the expiration date set forth herein.
3. Neither party waives any right which it enjoys under law as a result of agreeing to this Franchise extension.

ACCEPTED this 14th day of January, 2014.

Tigard, Oregon

By: _____

Print Name: _____

Title: _____

ACCEPTED this _____ day of January, 2014.

Comcast of Oregon II, Inc.

By: _____

Print Name: _____

Title: _____

METROPOLITAN AREA COMMUNICATIONS COMMISSION

RESOLUTION 2013-08

A RESOLUTION RATIFYING THE EXECUTIVE COMMITTEE'S DIRECTION TO BEGIN THE FORMAL RENEWAL PROCESS TO RENEW COMCAST'S FRANCHISE AND RECOMMENDING THAT THE MACC MEMBER JURISDICTIONS EXTEND THE COMCAST FRANCHISE TO ENABLE THE COMMISSION TO COMPLETE THE FORMAL RENEWAL PROCESS

WHEREAS, in 1980 the Metropolitan Area Communications Commission ("MACC") was formed by Intergovernmental Agreement ("IGA") to work cooperatively and jointly on communications issues, in particular the joint franchising of cable services and the common administration and regulation of such franchise agreements; and

WHEREAS, today the member jurisdictions of MACC consist of Washington County and the cities of Banks, Beaverton, Cornelius, Durham, Forest Grove, Gaston, Hillsboro, King City, Lake Oswego, North Plains, Rivergrove, Tigard, Tualatin, and West Linn ("Member Jurisdictions"); and

WHEREAS, the IGA contemplates that MACC and its Member Jurisdictions may grant one or more nonexclusive cable franchise agreements to construct, operate, and maintain a cable service system within the combined boundaries of the Member Jurisdictions; and

WHEREAS, on February 1, 1999, MACC and its Member Jurisdictions at that time, granted nonexclusive cable franchise agreements ("Comcast Franchises") which are now held by Comcast of Oregon II, Inc. ("Comcast"); and

WHEREAS, the Comcast Franchises will expire on January 31, 2014; and

WHEREAS, on March 9, 2011, Comcast requested that the Comcast Franchises be renewed; and

WHEREAS, the IGA authorizes MACC to process Comcast's renewal request on behalf of the Member Jurisdictions, including informal negotiations as set forth in 47 U.S.C. 546 (h) and the formal renewal process set forth in 47 U.S.C. 546 (a-g); and

WHEREAS, in its letter of April 5, 2011, MACC, on behalf of its Member Jurisdictions, properly responded to Comcast's request for renewal of the Comcast Franchises and thereafter properly commenced the franchise renewal process set forth in federal law at 47 U.S.C. 546 by budgeting funds to support renewal efforts, discussing the renewal process at MACC meetings, and by developing/issuing a formal Request for Proposals ("RFP") for professional assistance to conduct a Technical Review of Comcast's operations and a Community Needs Assessment ("Needs Assessment") as provided under 47 U.S.C. 546; and

WHEREAS, on January 24, 2013 CBG Communications, Inc. ("CBG"), MACC's consultant, presented CBG's informal Technical and Needs Assessment findings, to-date, to MACC; and

WHEREAS, on January 24, 2013, the Commission directed staff to begin informal franchise renewal negotiations with Comcast, as set forth in 47 U.S.C. 546 (h); and

WHEREAS, staff began holding informal negotiations sessions with Comcast in February 2013; and

WHEREAS, on June 5, 2013, the Commission authorized the MACC Executive Committee to invoke the formal renewal process set forth in 47 U.S.C. 546 (a-g), if informal renewal negotiations were not successful; and

WHEREAS, on November 22, 2013, the Executive Committee found that further informal renewal negotiations have no reasonable prospect of success and directed MACC staff to begin the formal renewal process set forth in 47 U.S.C. 546 (a-g); and

WHEREAS, the formal renewal process cannot be completed prior to the expiration of the Comcast Franchises; and

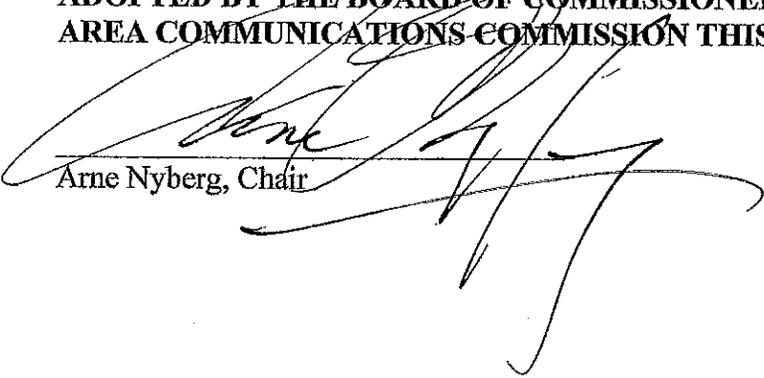
WHEREAS, MACC finds that extending the term of the Comcast Franchises is in the best interest of the Member Jurisdictions and the residents of the Member Jurisdictions; and

WHEREAS, Comcast has agreed to execute extension agreements with each Member Jurisdiction.

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE METROPOLITAN AREA COMMUNICATIONS COMMISSION THAT:

1. Resolution 2013-06, adopted by the Executive Committee on November 22, 2013, directing MACC staff to begin the formal renewal process set forth in 47 U.S.C. 546 (a-g) is hereby ratified.
2. MACC recommends that the Member Jurisdictions extend the Comcast Franchises to the earlier of December 31, 2014, or the effective date of a renewed franchise.
3. This Resolution shall be effective from and after its adoption.

ADOPTED BY THE BOARD OF COMMISSIONERS OF THE METROPOLITAN AREA COMMUNICATIONS COMMISSION THIS 11th DAY OF DECEMBER 2013.


Arne Nyberg, Chair

AIS-1568

7.

Business Meeting

Meeting Date: 01/14/2014

Length (in minutes): 10 Minutes

Agenda Title: Adopt 2014 City Council Goals

Prepared For: Marty Wine, City Management

Submitted By: Cathy Wheatley, Administrative Services

Item Type: Motion Requested

Meeting Type: Council
Business
Meeting -
Main

Public Hearing: No

Publication Date:

Information

ISSUE

Formally adopt near-term goals/milestones (through December 2014) established by the council at its September 12, 2013 special meeting.

STAFF RECOMMENDATION / ACTION REQUEST

Review and formally adopt the attached proposed goals and milestones. This draft was prepared based on input received from individual council members followed by a review and discussion held during the September 12, 2013, council goal-setting meeting.

KEY FACTS AND INFORMATION SUMMARY

Council met in a goal-setting meeting on September 12, 2013. Prior to the meeting Joe Hertzberg of Solid Ground Consulting met with council members individually to discuss short- and long-term goals for Tigard. From these meetings he prepared a list of major headings for which there was a lot of agreement among the council members. These major headings are:

Water	River Terrace
Tigard Triangle	Southwest Corridor
Recreation	Economic Development
Community Engagement	Downtown
Annexation	Finance

During the goal setting meeting, the council further defined steps to measure progress for each of the above major headings. Attached is a draft summary of the goals/milestones and the estimated timeline for identified steps. This draft summary was distributed and utilized in the strategic planning process discussion conducted at the September 17, 2013, council workshop meeting.

OTHER ALTERNATIVES

Identify any revisions council members agree are needed to the proposed goals and milestones.

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

DATES OF PREVIOUS COUNCIL CONSIDERATION

September 12, 2013

September 17, 2013

Attachments

Council Goals and Milestones Through December 2014

Tigard City Council - Proposed Goals and Milestones
September 2013 - December 2014

Goal/Milestone	Estimated Timeline
Water	
Lake Oswego-Tigard Water Partnership <ul style="list-style-type: none"> Negotiate/proceed with water purchase from Lake Oswego Renegotiate LOTWP Intergovernmental Agreement (IGA) to reflect structure and management post-construction (evaluate future of partnership roles) LOTWP bond sale (#2) Monitor progress of construction and budget; LOTWP projects operational 	Winter 2013 Early 2014 Spring 2014 Through mid-2015
Develop Willamette River Water Sources <ul style="list-style-type: none"> Rewrite WRWC member contract Continue to consider other sources: Sherwood, TVWD (studies) Develop “roadmap” for Tigard’s future water decisions through 2026 	Mid-2014
Intergovernmental Water Board <ul style="list-style-type: none"> Work plan for, and next governance agreements with Tigard Water District, Durham, King City (expires 2017, 2-yr notice) 	End of 2014
Communicate with Tigard residents about rate impacts/outreach regarding potential increases	2015 and beyond
River Terrace	
Park land acquisition (strategy, funding, land dedication)	Mid-2014
Complete Community Plan, zoning, adopted master plans	June 2014
Building permits issued; development begins	June 2014
Service delivery planning	For 2014-15 budget
Tigard Triangle	
Complete Triangle Strategic Plan	Fall 2014
Adopt zoning, street and design standards	December 2014
Begin implementing plan strategies	December 2014
Southwest Corridor	
Determine modes and alignment for study in federal EIS process	Fall 2013
Determine regional route segments	July 2014
Participate in federal EIS process (regional partner, financial)	Mid-2014
Recreation (Evaluate options and resources to create a pilot recreation program)	
Complete demand analysis for recreation opportunities	Spring 2014
Compare recreation inventory with demand analysis to identify needs/gaps	Spring 2014
Council decision on city role (direct delivery provider, contract/partnerships with others, funding source)	In time for 2014-15 budget

Goal/Milestone	<u>Estimated Timeline</u>
Implement a new recreation effort based on role	Fall 2014
Economic Development	
Develop and adopt strategic priorities, resources, design program	End of 2013
Data collection and understanding the economic base	Underway 2014
Community Engagement	
Redesign community survey effort to include regular two-way communication efforts (based on Fall, 2013 survey results)	December 2013
Continue 3-4 quarterly open forums to engage residents/neighborhood groups	During 2014
Community education efforts; develop fiscal report card (Blue Ribbon Task Force recommendation)	Ongoing in 2014
Develop Tigard's community identity	Ongoing in 2014
Downtown	
Urban renewal ballot measure: Tigard voters clarify authority/projects	November 2013
Strategy for redevelopment of city-owned property	December 2013
Resolve composition of CCDA (pros and cons: CCDA, CCAC, Ec Dev Commission to make it a development agency)	December 2013
Main St./Green St. Construction	January 2014
Continue Downtown Plaza Site acquisition and design approval (contingent on site acquisition)	Spring 2014
Continue Tigard St. Trail negotiation, design and development	Through June 2014
Finalize downtown redevelopment opportunities (if issues can be addressed)	June 2014
Advance options for rail crossing "trade" for Ash Avenue at-grade crossing	Through 2014
Explore Pacific Highway Urban Renewal District options	Late 2014
Growth/Annexation	
Successfully complete River Terrace Community Plan	See above
Reconsider and agree to annexation policy: reauthorize financial incentives as needed; consider islands and remainder of Bull Mountain; incentives for voluntary annexation; timeline for Washington County	February 2014
Develop planning and timeline together with Washington County for future annexations (Bull Mountain, Metzger)	Before June 2014
Update annexation fiscal analysis (from 2004)	Begin mid-2014
Consider annexation of urban reserves for employment land	Late 2014
Finance	
Represent Tigard at the regional, state and federal level to advocate for tax reform and other funding opportunities	1 st and 2 nd Q 2014
Review city facilities strategy and develop options for repair and replacement ("good, better, best")	Mid-2014
Seek voter-approved measure for major investment (capital, parks, etc.)	Prepare for 2015

AIS-1545

8.

Business Meeting

Meeting Date: 01/14/2014

Length (in minutes): 20 Minutes

Agenda Title: Adopt the City's 2014 State and Federal Legislative Agenda

Prepared For: Liz Newton, City Management

Submitted By: Carol Krager, City Management

Item Type: Motion Requested

Meeting Type: Council Business Meeting - Main

Public Hearing: No

Publication Date:

Information

ISSUE

Shall the City Council adopt the 2014 State and Federal Legislative Agendas?

STAFF RECOMMENDATION / ACTION REQUEST

Adopt the attached 2014 Federal Legislative agenda and the Legislative agenda for the 2014 Oregon Legislative session.

KEY FACTS AND INFORMATION SUMMARY

On December 10, 2013 the city council discussed possible policy issues to include in the city's legislative agenda for the 2014 Oregon Legislative session.

Topics presented from the League of Oregon Cities' list of policy issues included:

- Local Improvement Districts
- 9-1-1 Tax on Prepaid Wireless
- Water Supply Development Fund Appropriations
- Labor and Supervisor Management
- Franchise Fees
- Referral regarding the legalization of marijuana

Ongoing focuses from the city's 2013 Legislative agenda included:

- Economic development/jobs
- Transportation
- Financial stability

Growth and development

The uncertainty around the Vertical Housing Program is another important issue raised by staff that warrants attention in the legislature.

Staff has been working with the city's federal lobbyist to develop the 2014 Federal Legislative agenda. A draft is attached. A partial list of grant priorities include:

Downtown Brownfield Assessment
Fields Economic Development Site
Hall Blvd. - Burnham Street to Durham Road
Farm to School Program
Police Interoperable Communications

Once council adopts the State and Federal Legislative Agendas the documents will be finalized for distribution to state and federal representatives, Washington County and neighboring cities.

OTHER ALTERNATIVES

Revise either the State or Federal Legislative Agendas

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

N/A

DATES OF PREVIOUS COUNCIL CONSIDERATION

12/10/2013

Attachments

December 10, 2013 Council Packet Items

Draft 2014 Federal Agenda

AIS-1528

11.

Business Meeting

Meeting Date: 12/10/2013

Length (in minutes): 20 Minutes

Agenda Title: Discuss Legislative Agenda for 2014 Legislative Session

Prepared For: Liz Newton, City Management

Submitted By:

Liz
Newton,
City
Management

Item Type: Update, Discussion, Direct Staff

Meeting Type:

Council
Business
Meeting -
Main

Public Hearing: No

Publication Date:

Information

ISSUE

Develop the city's legislative agenda for the 2014 Oregon Legislative Session.

STAFF RECOMMENDATION / ACTION REQUEST

Discuss the city's legislative priorities for the upcoming session and direct staff to prepare a legislative agenda for consideration and adoption on January 14, 2014.

KEY FACTS AND INFORMATION SUMMARY

The Oregon State Legislature is scheduled to convene on February 4, 2014 for a short session. This is an appropriate time for council to adopt a legislative agenda to communicate the city's legislative priorities.

Staff recommends council consider the following for inclusion in the 2014 Legislative Agenda.

From the League of Oregon Cities list of policy issues:

Referral regarding the legalization of marijuana

Local Improvement Districts

9-1-1 Tax on Prepaid Wireless

Water Supply Development Fund Appropriations

Labor and Supervisor Management

Franchise Fees

A summary of these policy issues is attached as Exhibit "A".

The scope of legislation considered in the upcoming session will likely be very limited. However there may be one or two ongoing issues of interest the council would like to include in the city's legislative agenda. The city's 2013 Legislative Agenda focused on economic development/jobs, transportation, financial stability and growth and development. A copy of the 2013 legislative agenda is attached for reference.

Another issue raised by staff relates to uncertainty around the Vertical Housing Program.

The Vertical Housing Program encourages mixed-use commercial / residential developments in areas designated by communities through a partial property tax exemption. The exemption varies in accordance with the number of residential floors on a project with a maximum property tax exemption of 80 percent over 10 years. An additional property tax exemption on the land may be given if some or all of the residential housing is for low-income persons (80 percent of area median income or below). A number of cities, including Beaverton and Hillsboro, are using vertical housing to encourage mixed-use development.

This is a potential tool for Tigard to use in partnership with housing developers; however, uncertainty exists as to whether the program will be extended beyond its 2016 sunset.

In an effort to coordinate with our regional partners, staff will obtain legislative agendas from Washington County and the cities of Beaverton, Hillsboro, Sherwood and Tualatin and provide them to council as they are available.

OTHER ALTERNATIVES

N/A

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

N/A

DATES OF PREVIOUS COUNCIL CONSIDERATION

N/A

Attachments

League of Oregon Cities Policy Issues of Interest

2013 Legislative Agenda

EXHIBIT A

2014 League of Oregon Cities' policy issues of interest:

Referral regarding the legalization of marijuana

Should the legislature decide to take up the issue of referring to voters a measure legalizing the recreational use of marijuana, the League would like to be involved in those discussions, particularly as they relate to: the governing agency responsible for oversight; public safety; local licensing, siting and zoning authority; production limits and taxation and revenue distribution.

Local Improvement Districts

Cities rely on local improvement districts to complete important upgrades to infrastructure that benefits a local area within the city's boundaries. The League is concerned that legislation will be brought that will limit the ability of cities to use this financing mechanism that insures that the beneficiaries of specific improvements bear the cost of those improvements and instead lead to the general taxpayer funding these projects from the limited general funds cities currently have available.

9-1-1 Tax on Prepaid Wireless

While the legislature extended the sunset date for the 9-1-1 tax on telecommunication services, the prepaid cell phone market remains outside this important revenue source. With prepaid phones becoming an increasing portion of the industry and such phones being used to access the emergency service system, we believe that the work of finalizing the collection mechanism for such a fee must be finished in the 2014 session and the prepaid cell phone users will thereby pay their fair share for this vital service.

Water Supply Development Fund Appropriations

The League requests a budget note to the budget reconciliation bill, or other appropriate legislation, clarifying the appropriation of lottery bonds from the Water Supply Development Fund. This fund was established in 2013 legislation, which included authorization for two specific projects – the state \$1.5 million match for a water reallocation project in the Willamette Basin and a \$750,000 fund for a comprehensive basin study for the Deschutes Basin. In 2013, \$10 million was appropriated to the development fund and the two projects now need a budget note to finalize the funding outside the loan and grant process as laid out in the authorizing bill.

Labor and Supervisor Management

The League would once again oppose changes to Oregon's collective bargaining law that would place supervisory employees into collective bargaining units and require mid-term bargaining to be subjected to binding arbitration. Similarly, the League would urge caution in regards to changing Oregon's public contracting code in a short session. Public contracting is an area fraught with complications that require robust deliberations not offered in the time available.

Franchise Fees

While the League worked on legislation in the 2013 session to address the differences in franchise fees charged to different types of telecommunication companies. While we appreciate the need for equity, the League is concerned about proposed legislation that would alter the statutory basis for franchise fees. We oppose any preemption on local authority related to franchise fees and other right-of-way management policies. We prefer that the discussions started in 2013 continue through a work group and present a solution for possible consideration in the 2015 session.



2013 Legislative Agenda

Tigard, Oregon

"She flies with her own wings."

—Judge Jessie Quinn Thornton, 1854



Sen. Ginny Burdick
SENATE DISTRICT 18
900 Court St. NE, S-213
Salem, OR 97301
sen.ginnyburdick@state.or.us



Rep. Margaret Doherty
HOUSE DISTRICT 35
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Tigard City Council

Mayor John Cook
Council President Marland Henderson
Councilor Gretchen Buehner
Councilor Marc Woodard
Councilor Jason Snider

13125 SW Hall Blvd., Tigard, OR 97223
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City of Tigard
www.tigard-or.gov

Economic Development/Jobs

Jobs/Economic Development Initiative

Endorse the League of Oregon Cities (LOC) Jobs/Economic Development Initiative to support three policy options in the Oregon Business Development Department's budget:

- The Brownfields Redevelopment Fund for gap funding to clean up industrial sites.
- Patient Capital for Industrial Lands Pilot Program for funding to cities to install infrastructure and conduct feasibility studies needed for sites to be "shovel ready."
- The Employment Site Re-Use/Redevelopment Pilot Program to assist communities with funding incentives to reuse/redevelop existing industrial lands.

Downtown Brownfield Development

In addition to supporting the LOC's Jobs/Economic Development Initiative, pursue available federal funding to clean brownfield sites.

Transportation

- **Defeat legislation that would extend or make permanent the moratorium on raising existing or levying new local gas taxes and/or any legislation that proposes to restrict or pre-empt cities' ability to charge any transportation-related fee or tax.**

In 2009, legislation was adopted that prohibited local governments from enacting or amending charter provisions, ordinances or resolutions related to the collection of local motor vehicle taxes until Jan. 2, 2014. The legislation did not apply to Tigard because our local motor vehicle tax was in place. Oppose any legislation that pre-empts the city's ability to charge any transportation-related fee or tax.

- **Seek additional funding, efficiencies and program support for multimodal transportation and rail projects.**

Pursue state and federal grants and other funding sources, and regional, state and federal support for multimodal transportation investments including high-capacity transit (HCT) and the Columbia River Crossing project.

- **Tigard Street Trail**

Work with ODOT Rail and Portland & Western Railroad to secure the property rights for the former rail bed land paralleling Tigard Street. Pursue regional, state and federal funds for construction of a trail.

Financial Stability

■ **Local Control Amendment**

This constitutional amendment would allow local voters to consider a local option levy outside of compression and extend the duration from 5–10 years. (HJR 26 in the 2011 legislative session.)

■ **Maintain and strengthen the state’s commitment to the State Shared Revenue funding formula.**

Prevent erosion of the formula for distribution of state liquor, cigarette and gas tax revenue to cities. At a minimum retain the current distribution formula.

■ **Address tax equity issues in the context of state telecommunications laws including removing existing pre-emptions that have led to declining revenues.**

The predominant system of franchising telecommunications providers has not kept pace with technology. In particular, the shift from land line telephones to wireless technologies has resulted in an erosion of telecommunications revenues in Tigard and throughout Oregon cities. Over the last three years, Tigard has seen a 45 percent decrease in telecommunications franchise revenues.

■ **Allow local governments a more flexible use of transient lodging tax to meet the increased demands placed on both essential services and infrastructure created by tourism activities.**

Current law prohibits cities from imposing new local transient lodging taxes. Cities’ share of state transient lodging taxes may fund city or county services without restriction. Retain the current distribution formula of state transient tax dollars and fund city services without restriction.

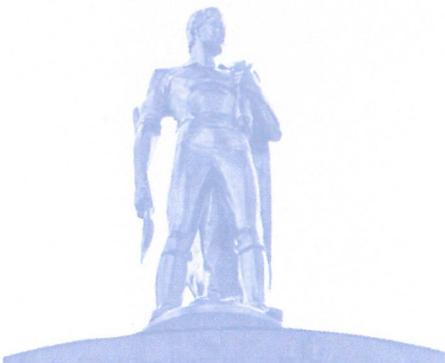
■ **9-1-1 Tax Renewal**

Renew the 9-1-1 emergency tax beyond its expiration in 2014 and extend the tax to prepaid cell phones and VoIP services. As these services become a higher share of the market, the tax revenues to 9-1-1 centers is declining which shifts the financial burden for operating 9-1-1 centers to cities even though the demand for service increases. It is estimated that extension of the 9-1-1 tax would generate \$700,000 for WCCA to pay for increased service demand.

Growth and Development

■ **Support an urban growth boundary agenda that would provide for a more efficient urban growth management system.**

Support a requirement that concept and community planning for urban growth boundary expansion areas is conducted by the jurisdiction that will ultimately govern the area, and that those final plans be adopted and annexation occur prior to development.



CITY OF TIGARD



2014 FEDERAL LEGISLATIVE AGENDA - DRAFT

GRANT PRIORITIES

Downtown Tigard Brownfield Assessment

Tigard is seeking funds to support site investigations and community planning for productive reuse of sites in the downtown, as well as any priority sites in Tigard's industrial and employment areas. For several years, the City of Tigard and community members have envisioned a more vibrant and prosperous downtown and have developed detailed improvement plans. Progress has been made on implementing these plans with several projects completed, or about to commence. A major challenge to redevelopment, however, has been the need to assess some downtown properties for potential environmental issues. Approximately sixty properties in this area have been identified as contaminated, or potentially contaminated, from previous uses; these are known as potential brownfield properties. Tigard supports the cleanup and revitalization of these properties, and plans to provide incentives to property owners to address brownfield challenges. Request Amount: \$400,000

Tigard/Metzger Farm to School Program

The city is working with the Tigard Tualatin School District and the Oregon Human Development Corporation YouthSource on securing funding for enhanced farm to school operations at Metzger Elementary. Metzger Elementary serves the highest Spanish speaking student body in Tigard and highest percentage of students receiving free and reduced price meals in the district. The Partnership will produce nutritious, local organic greens for low income populations by growing them year-round in a greenhouse at Metzger Elementary School. Request Amount: \$100,000

Fields Economic Development Site

The Fields property, located in Tigard's industrial corridor, includes four contiguous tax lots encompassing just over 42 acres of vacant land. The largest two lots are zoned Industrial Park. The property is bounded on the south by an active rail line and rail car switching yard. On the southwest side of the property runs a privately owned rail.

The Fields has a combination of development challenges including lack of infrastructure, slope, and a variety of permitted land uses. However, the size of the parcels combined and the site's location with close proximity to I-205 and Hwy 217 are assets that make this property marketable. The site is complex and requires a complex solution in order to arrive at a mix of activities that respond to near and long-term market demand as well as the needs of this community.

The City of Tigard is working with private sector partners to refine development scenarios, explore infrastructure financing and encourage development that supports employment. We are currently investigating US Department of Commerce Economic Development Administration Program funding as a relevant tool.

Promote the Farmers Market in Downtown Tigard

The Tigard Farmers Market is focused on bringing farmers, community and non-profits together in a way that benefits all. The market is seeking additional resources to promote a new location in downtown Tigard to expand producer-to-consumer opportunities in a larger space. Funds are needed for signage including permanent way-finding signs and a kick-off event to promote the new expanded market to the community. Request Amount: \$100,000

Hall Boulevard - Burnham Street to Durham Road

This project will replace, add turn lanes at key intersection, illuminate, add transit stop amenities and fill in the sidewalk gap along Hall Boulevard from Downtown Tigard to Durham Road. Request Amount: \$7,100,000

Highway 217 Interchange with 72nd Avenue

Evaluate and develop a conceptual design to address the transportation issues in the area of the interchange of Highway 217 with 72nd Avenue. This project will focus on the ramp terminals, cross street and streets intersecting 72nd Avenue. Request Amount: \$800,000

Safe Routes to Schools

The city has identified a future vision to become “The most walkable community in the Pacific Northwest where people of all ages and abilities enjoy healthy and interconnected lives.” A key aspect of that vision is to ensure that children have safe routes to walk to school. The incomplete sidewalk connection on SW Murdock from SW 103rd to a sharp curve in front of Templeton Elementary prevents children from walking to school safely. Request amount: \$2,000,000.

Police Interoperable Communications

Because of federal mandates, the regional dispatch center in Washington County will be moving from an analog communications network to 800mhz digital format. To accommodate this transition, all radios operated by first responders in the region must be replaced by 2018 in order to communicate with the dispatch center. Our current radios will be inoperable as of 2018.. Thus, Tigard Police Department would need to replace 99 portable and 56 mobile devices. While expensive, the digital format will provide some benefits, including greater capacity and flexibility for transmitting data and allow for seamless communications between the city, county and other first responders on the network. Request Amount: \$250,000

Police Automated License Plate Recognition Equipment

Automatic License Plate Recognition (ALPR) is a surveillance method that uses optical character recognition on images to read vehicle registration plates. Automated license plate recognition would be of great value to Tigard because of the major state highways intersecting the city as well as having

the state's largest shopping mall within city limits. Tigard has some of the busiest roads and highest traffic counts in the State of Oregon and could employ ALPR to track stolen vehicles, amber alert suspects and drivers operating on a suspended license. Washington Square, Oregon's largest shopping mall, is a target of frequent car theft and stolen vehicle "drops" are prevalent. The implementation of the license plate recognition technology will maximize the efficiency of a police force that has been reduced because of budget cuts. Request Amount: \$238,000

PROJECTS SUPPORTED BY THE CITY OF TIGARD

Pacific Highway (99W)/Barbur Boulevard High Capacity Transit Alternative Analysis

An alternatives analysis and preliminary engineering study to determine the best high capacity connection to provide transportation options to connect downtown Portland, Tigard, King City, Tualatin and Sherwood. Reductions in automobile trips will reduce roadway congestion and pollution, reduce accidents and set the groundwork for efficient development along the transit line.

Total Cost: \$11.4 million; Federal Request: \$1 million

Lake Oswego-Tigard Water Partnership

In August 2008, the cities of Lake Oswego and Tigard formally endorsed a partnership agreement for sharing drinking water resources and costs. Lake Oswego's water supply system is near capacity, and key facilities need expansion and upgrades. Tigard residents need a secure, dependable water source. Both cities want to keep water affordable for their customers and sharing the cost of new infrastructure to serve both communities does that. Total Cost: \$240 million

Columbia River Crossing Project

The City of Tigard strongly supports the Columbia River Crossing (CRC) Project, which is a long-term, comprehensive solution to problems on Interstate 5 near the Columbia River. The I-5 corridor is the backbone of a network of roads that provide access to the region, which is more susceptible to long-term economic losses from congestion than other areas because of its ties to trade.

POLICY ITEMS

Support Robust Transportation Reauthorization Bill

Congress should develop a comprehensive legislative effort to create jobs by providing robust funding for bridges, highways, mass transit and other local infrastructure needs.

FY 2015 Program Levels

Maintain adequate funding levels for TIGER, CDBG, HOME, BYRNE, COPS, EDA, Assistance to Firefighters Funding.

Protect Municipal Bonds

The City strongly supports protecting tax exempt municipal bonds from being eliminated or limited. Since the federal income tax was instituted in 1913, interest earned from municipal bonds issued by state and local governments have been exempt from federal taxation. These bonds are the primary

financing mechanism for state and local infrastructure projects, with three-quarters of the infrastructure projects in the U.S. built by state and local governments, and with over \$3.7 trillion in outstanding tax-exempt bonds, issued by 30,000 separate government units. Local governments save an average of 25 to 30 percent on interest costs with tax-exempt municipal bonds as compared to taxable bonds. This is true because investors are willing to accept lower interest on tax-exempt bonds in conjunction with the tax benefit. If the federal income tax exemption is eliminated or limited, states and localities will pay more to finance projects, leading to less infrastructure investment, fewer jobs, and greater burdens on citizens who will have to pay higher taxes and fees.

Secure a Tigard Zip Code

Tigard staff is investigating the process to secure a distinct Tigard mailing address, instead of the current Portland designation.

EPA Regulatory Concerns and Unfunded Mandates

The City opposes legislative or regulatory initiatives that undermine local government decision making and contributes to reduction in our workforce. The partnership with federal policy makers should recognize local government roles and not preempt city authority on issues such as land use, rights of way and other local functions.

AIS-1542

9.

Business Meeting

Meeting Date: 01/14/2014

Length (in minutes): 10 Minutes

Agenda Title: Council Travel Policy

Submitted By: Cathy Wheatley, Administrative Services

Item Type: Update, Discussion, Direct Staff

Meeting Type: Council Business Meeting - Main

Public Hearing:

Publication Date:

Information

ISSUE

Confirm travel policy and practice for the City Council.

STAFF RECOMMENDATION / ACTION REQUEST

Approve the updated travel policy and authorize the Mayor and City Manager to sign.

KEY FACTS AND INFORMATION SUMMARY

A draft policy regarding Council travel procedures was circulated to the Council in June and again in September, 2013. The intent of the draft policy is to implement the City Council's direction, given during 2013 budget adoption. The Council will primarily use a per-diem reimbursement for travel rather than requiring the collection of itemized receipts and purchasing card expenses for meals and incidentals during travel for city business. The Council has already implemented the following practices as of July 1:

1. When a Councilor will travel for city business, the Executive Assistant to the Mayor and City Manager will make as many travel arrangements in advance using the city purchasing card.
2. The Executive Assistant to the Mayor and City Manager will research which meal and other travel incidental costs that will be reimbursed during the trip and request a check for a per-diem allowance that will be issued in advance of the trip.
3. Councilors may use the city purchasing card during travel and itemized receipts must still be submitted as documentation.

OTHER ALTERNATIVES

Adopt prior practices to primarily use city purchasing card for travel.

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

DATES OF PREVIOUS COUNCIL CONSIDERATION

June 11, 2013

September 16, 2013

Attachments

Council Travel Policy

Staff memo



City of Tigard, Oregon

City Council Travel Policy

Effective Date: September 1, 2013

Approved:

Signature:

SUMMARY

1. General Provisions
2. Compliance and Accountability
3. Definitions

Out-of-Town Travel

4. Pre-Authorization
5. Travel Time
6. Travel Methods
7. Lodging
8. Meals
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10. Personal Expenses
11. Travel Reconciliation
12. Compliance Auditing

Local Travel

13. Local Travel Methods
14. Local Meals

1. GENERAL PROVISIONS

- 1.1. Purpose of Policy. The purpose of this policy is to provide guidelines to members of the City Council (Council) for payment of travel expenses in a cost-effective and efficient manner ensuring the best result for the City.
- 1.2. Applicability. This policy applies to Tigard's City Council and is to be adhered to by all members of Council.
- 1.3. The City's Financial and Information Services Department shall administer the travel policy and shall periodically review travel and training records to ensure policy compliance and provide any necessary training to departments on the implementation of the policy.
- 1.4. The City Council and City Manager's office shall ensure that each member of Council complies with the policy, and ensuring expenditures are appropriate and directly related to City business. Questions regarding the intent or application of this policy document shall be directed to the City's Financial and Information Services Director.

- 1.5. The City Council shall have final authority for administering, interpreting, and applying the terms of these procedures.
- 1.6. Personal Expenses. The City, with very limited exception, shall not pay for any personal expenses incurred by a member of Council during City business travel. For example, Council member will not be reimbursed for personal grooming items, parking tickets, entertainment expenses, etc.

2. COMPLIANCE AND ACCOUNTABILITY

- 2.1. All members of Council must comply with the provisions contained herein. Periodically, the City's Finance and Information Services Department may perform a review of the City's travel records to ensure compliance with this policy. The Finance and Information Services Department, working with the City Council and the City Manager's Office, may implement appropriate and progressive sanctions related to misuse. All Council members must fully comply with requests for records and documentation supporting all travel expense claims.
- 2.2. Council members may be liable for improper use of public funds. As public officials, Council members that order, authorize or cause to be made any expenditure in violation of City policies, state statutes, rules, or procedures can and will be held personally financially liable for inappropriate expenditures.

3. DEFINITIONS

The following terms may be used throughout these policies:

- 3.1. Actual. The actual meals or lodging cost supported by receipts. The City's policy is to pay actual costs for lodging up to the Federal per diem rate for the location.
- 3.2. Conference/Training Meal. Any meal provided, through the registration process, by a conference or training.
- 3.3. Contracted Travel Agency. The travel agency under contract with the City to provide travel related services. Azumano Travel is the City's current Contracted Travel Agency.
- 3.4. Council Member. An individual elected to either the office of Mayor or City Councilor for the City of Tigard.
- 3.5. Council Member Travel. Travel by Council member on official City business.
- 3.6. Frequent Flyer Miles. Credits acquired when making qualified air travel purchases. It is the City's policy that to Council member (or any employee or agent of the City) shall not earn any Frequent Flyer Miles while on City business.
- 3.7. Incidental Expense. Small costs associated with travel. Incidental Expenses include, but may not be limited to: Gratuities, taxi fare, work related mailing costs or phone charges, etc.

- 3.8. Itinerary - Airfare. Information provided by an airline or travel agency showing the traveler's name, dates of travel, class of travel, and travel route.
- 3.9. Local Travel. Travel that is not overnight and/or less than fifty (50) miles from City Hall. Both criteria must be met to be considered Overnight Travel.
- 3.10. Meals. Standard breakfast, lunch, or dinner eaten by a Council member during City business travel.
- 3.11. Mileage. The distance traveled via personal automobile by a Council member during travel. The City calculates mileage during travel from Tigard City Hall, not the Council member's home. To development the reasonable estimate of mileage, the City shall use an online travel/map site such as [Mapquest](#) or [Google Maps](#).
- 3.12. Official City Business. Business, and any travel associated with it, that directly provides a benefit to the City.
- 3.13. Overnight Travel. Any travel that requires a Council member to stay overnight. A conference or training must be at least 50 miles away from the City to justify an overnight stay.
- 3.14. Per Diem Allowance. The allowance for lodging, meals and incidental expenses established for the travel destination as established by the U.S. General Services Administration (GSA). The City's policy is to pay actual lodging expenses up to the GSA rate and a daily per diem for meals equal to the GSA rate for the destination city.
- 3.15. Pool Vehicle. A City-owned vehicle available for "check out" by any employee, elected official, or agent of the City.
- 3.16. Purchasing Card. A City-issued credit card that is the preferred means of payment for travel expenses other than meals.
- 3.17. Receipt. A document detailing an expense incurred. To be valid, a receipt must provide the name and address of the business, the date of the purchase, an itemized description of the goods or service purchased, and the amount of the purchase. For lodging expenses, the receipt must also include the name of the guest, the number of guests, the dates occupying the room, the room number, the room rate, and the lodging tax.
- 3.18. Travel Pre-Authorization Form. A Departmental form that may or may not be required prior to any travel. The City Council and City Manager shall determine the best way to document pre-authorization for City Council travel.
- 3.19. Travel Purchasing Card. A generic purchasing card that can be checked out prior to travel by a Council member who does not have a City-issued purchasing card.

- 3.20. Travel Reconciliation Statement. A City-required form that must be completed within five (5) full business days upon return from any overnight City business travel.
- 3.21. Travel Time. The amount of time that is required by a Council member to travel to and from a conference or training.
- 3.22. U.S. General Services Administration (GSA) Per Diem Rates. The estimated daily cost of lodging, meals, and incidentals for various cities that is used by the City as the maximum actual costs to cover during travel.

OUT OF TOWN TRAVEL

4. PRE-AUTHORIZATION

Pre-Authorization shall be a Departmental responsibility. The City Council shall develop a pre-authorization procedures and train their staff on these procedures. Pre-Authorization may be required by a Department for any travel but especially in the case of travel with overnight stay, travel requiring air travel, or travel where lodging exceeds the daily allowance.

- 4.1. Pre-Authorization Form. The City Council shall have a Pre-Authorization Form available for staff use. The FIS Department has created a generic form that may be used by the City Council or the Council may elect to create their own form that best meets their needs.
- 4.2. Pre-Authorization Filing. The City Council shall be responsible for retaining a file of the Department's travel pre-authorization documents. This file shall include approved and denied travel information.
- 4.3. Travel Coordinator / Point of Contact. It is the recommendation of this Policy that the City Council designate a Travel Coordinator or single point of contact for employees to refer to for guidance and questions. The FIS Department shall have a Coordinator or single point of contract for any City business travel information and guidance.

5. TRAVEL TIME

It is the policy of the City to use a reasonable estimate for allowable travel time during which any public official, employee, or agent of the City is considered "on -the-clock". Please see Citywide Personnel Policy #47 for further information about travel time and compensation.

Under FLSA, the rules for paid travel change when the travel involves an overnight stay. In these cases, time spent traveling during normal work hours are paid, while time spent traveling outside of normal work hours are not. The only exception permitting an employee to be compensated for overnight travel outside of normal work hours is when the employee is the actual driver of the vehicle or is actively engaged in doing work tasks. Passengers, regardless of the mode of travel, are compensated only for travel time during normal work hours.

Please note: This particular rule applies seven (7) days a week. So if an employee is normally scheduled 8:00 am to 5:00 pm, M-F, and travels between the hours of 12:00 pm and 4:00 pm

on a Saturday, the employee would be paid for four (4) hours of travel pay, even though the employee traveled on a Saturday: Look at the hours of travel, not the day of travel.

In further accordance with the FLSA, a public official, employee, or agent of the City shall be paid their regular hourly rate during any official training or conference hours.

5.1. To development the reasonable estimate, the City shall use an online travel/map site such as [Mapquest](#) or [Google Maps](#). A public official, employee, or agent of the City may receive additional time if appropriate justification for the needed time (i.e. delayed flight) is submitted to his/her supervisor and approved.

6. TRAVEL METHODS

The City shall require the most direct and cost effective means of travel for a Council member attending any conference or training. The costs of means of travel, both in dollars and requirements of staff, shall be weighed with the most beneficial to the City being utilized.

6.1. Auto Travel. Auto travel is the most common means of transportation used during City business travel.

6.1.1. City Pool Vehicle. Employees are strongly encouraged to use the City's Pool Vehicles during local travel. These vehicles may be reserved and checked out during the employee's travel dates.

6.1.1.1. Non-City Employee Ride-Along. Per the City's Personnel Policy:

“Family members or other non-City employees shall not be transported in city vehicles except as specifically authorized by the department director or consistent with department policy or in cases in which the city vehicle is regularly assigned to the employee as a provision of an employment contract”

As such, family member or other non-City employees may accompany an employee in a City-owned vehicle during City-related travel with the appropriate approvals.

6.1.2. Personal Vehicle. Council members may use their own vehicles for City travel. Use of a personal vehicle during City travel shall be authorized during the pre-authorization process in the Department.

6.1.2.1. Insurance. Council members that use their private vehicle for City business are required to have personal automobile liability insurance to provide the primary coverage for any accidents involving that vehicle. Documentation of said coverage must be on file with the City's Risk Management Office.

6.1.2.2. Mileage Reimbursement. When a Council member uses their personal vehicle for City travel, the City shall reimburse the Council

member for mileage up to, but not more than, the Federal per mile reimbursement rate. Total allowable mileage shall be calculated from Tigard City Hall to the lodging location and back. If required, additional mileage may be granted under certain circumstances. No other means of fuel or mileage reimbursement shall be approved by the City.

6.1.2.2.1. The City shall use an online travel/map site such as [Mapquest](#) or [Google Maps](#) to develop the total allowable mileage distance.

- 6.2. Air Travel. The City shall pay actual cost for a Council member's City business travel. All Council members shall utilize coach when traveling commercial airline. Reservations, where possible, should be made at least fourteen (14) or more days in advance to take advantage of any and all available discounts. Increased fees related to late booking may be disallowed unless documented with a sound business reason. Council members may at their own expense pay to upgrade their airline accommodations or alter their flight itinerary for personal business.
- 6.2.1. Contracted Travel Agent. Council members are strongly encouraged to utilize the City's Contracted Travel Agent for air fare during City travel.
- 6.2.1.1. Government Air Fare. The City's Contracted Travel Agent is authorized to provide the City with government air fare ("City Pairs") which are contracted, discounted, unrestricted, and one-way fares that require little advance reservation and have no cancellation or transfer penalties. Council members should seek to use these fares in order to maximize the benefits to the City.
- 6.2.1.2. Booking. This City is able to book air transportation through the Contracted Travel Agent either online or through an agent via the telephone. Council members should take every effort to use online booking to reserve air travel to maximize cost savings for the City.
- 6.2.2. Discount Travel Sites. Council members may, with documentation of the reasoning, use discount travel sites such as [Expedia](#), [Travelocity](#), [Hotwire](#), [Orbitz](#), or [Priceline](#).
- 6.2.3. Airline Direct Booking. Council members may, with documentation of the reasoning, book air transportation directly with the airline. As this tends to be the most expensive option, it should be the last option and have solid documentation of the reason for the expense.
- 6.2.4. Cancelled/Missed Flights. Should a non-refundable flight need to be cancelled for either City-related business or a medical or family emergency beyond a Council member's control, the City, in so long as documentation and approval are placed in the travel file, shall incur the cost of the air fare. If the flight is cancelled or missed due to any neglect, mistake, or other fault

of the registered Council member, the Council member shall bare the cost of the ticket and all associated costs.

6.3. Rental Cars. The City will pay actual for rental vehicles when it is found to be an economical and efficient means of transportation for an employee during travel. Authorization for a rental vehicle must be obtained during the pre-authorization process for the travel.

6.3.1. Contracted Travel Agent. Council members are strongly encouraged to utilize the City's Contracted Travel Agent for rental vehicles during City travel.

6.3.1.1. Contracted Rental Car Company. The City has a Contracted Rental Car Company and the City's Contracted Travel Agent is authorized to book against this agreement.

6.3.1.2. Booking. This City is able to book rental vehicles through the Contracted Travel Agent either online or through an agent via the telephone. Council members should take every effort to use online booking to reserve air travel to maximize cost savings for the City.

7. LODGING

The City shall pay true actual cost, up to the GSA daily per diem rate

7.1. Receipts. A detailed receipt is required for any lodging incurred during an employee's travel. For lodging expenses, the receipt must detail the following:

7.1.1. Name of the hotel

7.1.2. Address of the hotel

7.1.3. Name of the guest

7.1.4. Number of guests

7.1.5. Dates occupying the room

7.1.6. Room number

7.1.7. Total cost of the stay

7.1.8. Room rate

7.1.9. Lodging tax, and

7.1.10. Breakout of individual charges (room service, parking, etc).

7.2. Lodging Per Diem Allowance. Lodging expenses are paid by the City at actual cost up to the specific GSA daily maximum allowable rate in effect at the time of travel for the specific area or locality.

7.2.1. The GSA rates can be found at this link: [GSA Domestic Per Diem Rates](#).

7.2.2. The City Council shall have the authority to approve lodging expenses over the GSA daily maximum allowable rate when unusual conditions exist. The cost overage shall require written documentation by the traveling Council

member detailing the reason for the higher expenditure. This documentation must be included with the final travel reconciliation.

- 7.3. Conference/Training Official Hotel. If a Council member attends a conference or training and stay at the official hotel where the conference or training is being held, the City shall cover, within reason and with prior approval, all actual lodging costs if the rate exceeds the GSA lodging per diem allowance for the city. If this exception is granted, the Council member must book the cheapest available room or personally pay the difference between the room they book and the room with the lowest rate. This exception serves to save the City additional incidental costs such as a rental car or other transportation fees.
- 7.4. Alternative Lodging. The intent of this section is to reimburse Council members that use their personal travel trailer or motor home during official City travel and should result in an economic benefit to the City. The daily maximum allowable reimbursement rate for all alternative lodging shall be \$25. It is intended that the alternative lodging reimbursement rate apply for any overnight City travel.

8. MEALS

As a meal allowance during City related travel, Council members shall receive a daily per diem equal to the GSA daily rate for the destination city.

- 8.1. Multiple Locations/Single Rate. The City shall use a single per diem threshold rate for an entire day. If a Council member travels to more than one location in one day, the per diem allowance shall be for the location in which the Council member spends the night. On the final day of travel, the per diem threshold shall be for the location in which the Council member stayed the last night.
- 8.2. U.S. General Services Administration Daily Rate (GSA). The daily meal per diem shall be equal to the U.S. General Services Administration's (GSA) established daily rates for the travel destination City.
 - 8.2.1. The GSA rates can be found at this link: [GSA Domestic Per Diem Rates](#).
- 8.3. Conference/Training Provided Meals. When meals are provided by the conference/training and paid for through the Council member's registration, the daily per diem shall be reduced for that particular meal. See Section 8.4 for a breakdown of the meal percentages.
 - 8.3.1. If the meal is an optional piece of the conference or training registration process, the Council member shall have the choice to participate in the meal or, instead, to receive the meal as part of the daily per diem.
- 8.4. Meal Allowance Breakdown. The City shall use the following meal breakdown:
 - 8.4.1. Breakfast. Equals 25% of daily allowance.
 - 8.4.2. Lunch. Equals 25% of daily allowance.
 - 8.4.3. Dinner. Equals 50% of daily allowance.

- 8.5. Travel Day Meals. The City shall provide a percentage of the daily per diem on travel days according to the following schedule (per IRS rules the City cannot pay more than 75% of the maximum daily allowance during travel days):

Outbound (Leaving)

- 8.5.1. Prior to Noon – 75%. When a Council member leaves on travel between prior to Noon the Council member shall be entitled to 75% of the daily per diem.
- 8.5.2. Between Noon and 7:00 p.m. – 50%. When a Council member leaves on travel between Noon and 7:00 p.m. the Council member shall be entitled to 50% of the daily per diem.
- 8.5.3. After 7:00 p.m. – 0%. When a Council member leaves on travel after 7:00 p.m. the Council member shall not be entitled to any percentage of the daily per diem for that day.

Inbound (Returning)

- 8.5.4. Prior to Noon – 25%. When a Council member arrives home from travel between prior to Noon the Council member shall be entitled to 25% of the daily per diem.
- 8.5.5. Between Noon and 7:00 p.m. – 50%. When a Council member arrives home from travel between Noon and 7:00 p.m. the Council member shall be entitled to 50% of the daily per diem.
- 8.5.6. After 7:00 p.m. – 75%. When a Council member arrives home from travel after 7:00 p.m. the Council member shall be entitled to 75 of the daily per diem.

- 8.6. Allowance Paid to Council Member in Advance. Council member shall receive their meal allowance prior to their departure. Reimbursement shall be in accordance with the Accounts Payable check printing schedule and Council members are responsible for ensuring their meal allowance check is received before departure.
- 8.7. Alcohol. At no point or under any circumstance shall the City pay any alcohol expense incurred during a meal or travel. Any alcohol which is purchased by a Council member must be paid for at the time by the Council member and must be on a separate check.

9. PAYMENT METHODS

The City's preferred method of payment during City travel is a City Purchasing Card. Other means of payment shall remain available but every effort must be taken to use a purchasing card then at all possible.

- 9.1. Purchasing Cards. The City preferred mean of purchase during City travel. The Purchasing Card is a City-issued MasterCard that can be used nearly anywhere

MasterCard is accepted. Many employees, including Council members, have been issued an individual Purchasing Card and it is this card that should be used by the Council member during City travel. If a traveling Council member has not been issued an individual Purchasing Card, Travel Cards are available for issuance during travel. Follow the City's established procedures to utilize the Travel Cards.

- 9.2. City Check. Under a limited number of situations, a City-issued check may be used to pay for a portion of the travel costs. A traveling Council member's meal allowance per diem shall be processed in advance of travel under this method. Council members shall follow the City's established procedures, which shall include documenting the reasoning for a check rather than a Purchasing Card, to obtain a travel-related check.
- 9.3. Council Member Reimbursement. Under rare circumstances, and with detailed documentation, the City may directly reimburse a Council member for costs incurred during travel.

10. PERSONAL EXPENSES

The City, with very limited exception, shall not pay for any personal expenses incurred during City business travel.

- 10.1. Combining Personal Travel with City Business Travel. The City's policy for business travel does allow for combining personal travel with business travel with additional rules.
 - 10.1.1. Personal Portion of Trip. If a Council member combines personal travel with City business travel, the City will pay only the actual costs associated with City business, any additional cost shall be incurred by the Council member.
 - 10.1.2. Airline Costs. When a Council member combines personal travel with City business travel and airfare is required, the City shall pay no more than the lowest cost of round-trip coach airfare for the days that the City business would have required. Any additional cost due to an extended personal stay shall be borne by the Council member.
- 10.2. Alcohol. See Section 8.7.
- 10.3. Entertainment Expenses. The City shall not pay, at any time, for any entertainment expenses incurred by a Council member on official City business. Entertainment expenses shall include, but not necessary be limited to, the following:
 - 10.3.1. Movies, including in-room
 - 10.3.2. Health Club/Gym Fees
 - 10.3.3. Sporting Events
 - 10.3.4. Golf (Including Conference-related Tournaments)
 - 10.3.5. Spa Services

Refer to [Oregon Ethic Laws](#) for further details on entertainment expenses.

- 10.4. Personal Grooming Items or Services. At no time, and for no reason, shall the City pay for any personal grooming items or services during a Council member's time on City business travel.
- 10.5. Personal Phone Calls. No personal phone calls while on travel shall be paid by the City other than the following exception:
 - 10.5.1. Personal telephone calls to immediate family members or significant others to confirm the traveler's well-being while on overnight travel are allowed under this policy. The Council member shall be allowed one phone call a day while on travel for not more than ten (10) minutes. The City does encourage the traveler to use a personal cell phone in lieu of this personal call allowance when at all possible.

11. TRAVEL RECONCILIATION

Within five (5) business days of return from any City business travel a Council member must submit to the FIS Department's Accounts Payable Office a completed and authorized Travel Reconciliation Statement. The City shall develop guidelines to assist Council member through the travel reconciliation process.

12. COMPLIANCE AUDITING

The City's FIS Department shall conduct routine review of a Department's travel records to ensure compliance with all aspects of this Travel Policy. The FIS Department, working with the City Manager's Office, may implement appropriate and progressive sanctions for inappropriate use of City funds related to travel. All Council members must fully comply with requests for records and documentation supporting any and all travel expenses.

LOCAL TRAVEL

13. LOCAL TRAVEL METHODS

- 13.1 Personal Vehicle. The City may authorize Council members to use their own vehicles for City travel when it is in the benefit of the City. Use of a personal vehicle during City travel must be authorized prior to a Council member utilizing their personal vehicle for business purposes.
- 13.2 Insurance. Council members that use their private vehicle for City business are required to have personal automobile liability insurance to provide the primary coverage for any accidents involving that vehicle. Documentation of said coverage must be on file with the City's Risk Management Office.
- 13.3 Vehicle Stipend. Council members' vehicle stipend shall cover any travel to and from local meetings. There shall be no additional mileage reimbursement.
- 13.4 Non-City Employee Ride-Along. Per the City's Personnel Policy:

“Family members or other non-City employees shall not be transported in city vehicles except as specifically authorized by the department director or consistent with department policy or in cases in which the city vehicle is regularly assigned to the employee as a provision of an employment contract”

As such, family member or other non-City employees may accompany a Council member in a City-owned vehicle during City-related travel with the appropriate approvals.

14. LOCAL MEALS

Meals that do not include both overnight travel and a distance of more than fifty (50) miles from Tigard City Hall shall be considered a local meal in accordance with IRS regulations and are therefore taxable. Local meals should be part of a meeting involving outside agency personnel or be part of a local training or conference event. The City shall allow such meals for Council members with appropriate documentation and approval.

14.1 Reimbursement for Local Meal. Payment for a Local Meal shall be made through employee reimbursement only due to the meals taxable status and no other payment method shall be acceptable.

14.1.1 Receipts. A document detailing an expense incurred. To be valid, a receipt for a meal must provide the name and address of the business, the date of the purchase, an itemized description of the goods or service purchased, and the amount of the purchase. Summary receipts shall not suffice as proper documentation.

14.1.2 Local Meal Reimbursement Form. Reimbursements to Council members for taxable meals shall be processed on a Local Meal Reimbursement Form and submitted to Payroll no more frequently than monthly.

14.1.3 Alcohol. At no point or under any circumstance shall the City pay any alcohol expense incurred during a local meal.



MEMORANDUM

TO: Honorable Mayor and City Councilors
FROM: Joe Barrett, Sr. Management Analyst
RE: Travel Policy Changes – Reminders and Tips
DATE: September 3, 2013

Council recently made changes to their Travel Policy. The most notable change to the policy surround how meals are handled. Under the new policy, Council members will receive a prepaid allowance before their travel rather than use a city-issued purchasing card for meals. This allowance will equal the daily GSA allowance for the destination city with conference provided meal deducted in accordance with the policy. Receipts are not required to be submitted to the city for meals under the prepaid process and reconciliation of the prepaid is not required upon completion of the trip (neither the City nor the Council member will owe the other anything.)

The new policy also sets the Council as a whole, along with the City Manager, as the oversight officials for the policy. In previous incarnations of the policy, no oversight authority was designated which led to some confusion on the part of staff. If Council would like to identify one member as the oversight authority rather than share the role as a group, we can easily make this change.

In effort to help Council members understand the change to meals, staff has prepared the following “Do & Don’t” for Council’s review. A similar list was provided to staff a number of months back and was received well. Please review the following and notify me if you have any questions. Thank you.

OUT-OF-TOWN TRAVEL = Overnight stay AND more than fifty (50) miles from City Hall.

MEALS

DO	DON'T
Use your meal allowance (per diem) for your meals. The allowance will be prepaid before departing for travel.	Use your city-issued purchasing card for a meal.
Deduct conference provided meal from daily meal allowance unless approved by director.	Don't turn in receipts.
Familiarize yourself with the city's guidelines on combining business travel with personal travel.	Expect the city to reimburse for any meal expenses exceeding the daily meal allowance.

LODGING

DO	DON'T
Familiarize yourself with the daily lodging rate for the destination city.	Exceed the daily lodging rate without documenting need in advance.
Use your purchasing card for lodging expenses.	Use your purchasing card to pay for any room upgrades – including large rooms due to personal travel.
Keep detailed/itemized receipt.	Charge personal expenses, including room service, movies, etc., to the room.

TRAVEL

DO	DON'T
Book through Azumano for refundable fare when possible.	Book a more expensive flight to accommodate personal travel without reimbursing the city the difference.
Ensure your personal auto insurance information is on file with Risk.	

AIS-1584

10.

Business Meeting

Meeting Date: 01/14/2014

Length (in minutes): 10 Minutes

Agenda Title: Amend City Manager Employment Agreement

Submitted By: Sandy Zodrow, City Management

Item Type: Motion Requested

Meeting Type: Council
Business
Meeting -
Main

Public Hearing: No

Publication Date:

Information

ISSUE

Should the City Council amend the City Manager Employment Agreement to reflect any adjustment in compensation based on the results of their recent Annual Performance Review, and authorize the Mayor to sign the amendment? And if there are any changes to compensation, what will the effective date of those changes be?

STAFF RECOMMENDATION / ACTION REQUEST

KEY FACTS AND INFORMATION SUMMARY

On July 1, 2012, the Council amended (#1) Section 3, Compensation, of the Employment Agreement between the City Manager and the City to pay the Employee an annual base salary of \$130,000, reflecting a voluntary \$10,000 reduction in salary, due to FY 12-13 budget constraints.

Council conducted an Annual Performance Review for the City Manager during Executive Session at its December 17, 2013 meeting, as required by the Employment Agreement. At this time the Council may consider and take action regarding any compensation adjustment(s) based on job performance.

OTHER ALTERNATIVES

No change in compensation

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

As related to in the Annual Performance Review and goals

DATES OF PREVIOUS COUNCIL CONSIDERATION

Attachments

No file(s) attached.
