



City of Tigard
Tigard Business Meeting – Agenda

TIGARD CITY COUNCIL AND LOCAL CONTRACT REVIEW BOARD

MEETING DATE AND TIME: February 11, 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

Agenda revised on February 6, 2014 - Topic moved from the Study Session and added as Agenda Item No. 9 to the business meeting agenda to "Consider Temporary Prohibition on Medical Marijuana Dispensaries."

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.



City of Tigard

Tigard Business Meeting – Agenda

TIGARD CITY COUNCIL AND LOCAL CONTRACT REVIEW BOARD

MEETING DATE AND TIME: February 11, 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

Agenda revised on February 6, 2014 - Topic moved from the Study Session and added as Agenda Item No. 9 to the business meeting agenda to "Consider Temporary Prohibition on Medical Marijuana Dispensaries."

6:30 PM

- **EXECUTIVE SESSION:** The Tigard City Council will go into Executive Session to discuss labor negotiations under ORS 192.660(2)(d). 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.

- **STUDY SESSION**

7:30 PM

1. BUSINESS MEETING - FEBRUARY 11, 2014
 - 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) - 7:35 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:
7:45 p.m. - estimated time

A. Approve City Council Meeting Minutes for:

1. November 26, 2013
2. December 17, 2013

B. Receive and File:

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

C. Adopt a Resolution Authorizing the Mayor to Execute an Intergovernmental Cooperative Agreement Regarding an Emergency Water System Intertie

• 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. PRESENTATION FROM COMMUNITY ACTION OF WASHINGTON COUNTY
7:50 p.m. - estimated time

5. LOCAL CONTRACT REVIEW BOARD: AWARD CONTRACT FOR THE MAIN STREET SEWER/FANNO CREEK CROSSING ELIMINATION TO JEFF KERSEY CONSTRUCTION
8:00 p.m. - estimated time

6. LOCAL CONTRACT REVIEW BOARD: AWARD CONTRACT FOR THE 2014 PAVEMENT MAINTENANCE PROGRAM OVERLAY DESIGN SERVICES TO MURRAY, SMITH & ASSOCIATES, INC.
8:05 p.m. - estimated time

7. UPDATE ON THE SOUTHWEST CORRIDOR PLAN TIGARD PUBLIC INVOLVEMENT OPPORTUNITIES
8:10 p.m. - estimated time

8. RENEW ANNEXATION INCENTIVES - RESOLUTION
8:30 p.m. - estimated time

9. CONSIDER TEMPORARY PROHIBITION ON MEDICAL MARIJUANA DISPENSARIES - ORDINANCE
8:45 p.m.

10. COUNCIL LIAISON REPORTS
9:25 p.m. - estimated time

11. NON AGENDA ITEMS

12. 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.

13. ADJOURNMENT
9:30 p.m. - estimated time

AIS-1591

3. A.

Business Meeting

Meeting Date: 02/11/2014

Length (in minutes): Consent Item

Agenda Title: Approve City Council Meeting Minutes

Submitted By: Carol Krager, City Management

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. (Dates of meetings are listed under "Attachments" below.)

OTHER ALTERNATIVES

N/A

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

N/A

DATES OF PREVIOUS COUNCIL CONSIDERATION

N/A

Attachments

[November 26, 2013 Minutes](#)

[December 17, 2013 Minutes](#)



City of Tigard

Tigard City Council Meeting Minutes

November 26, 2013

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

Council attendance:

<u>Name</u>	<u>Present</u>	<u>Absent</u>
Mayor Cook	✓	
Council President Henderson	✓	
Councilor Buehner		✓ (Attended by speaker phone for Executive Session and to ask question in Study Session immediately following the Exec Session.)
Councilor Snider	✓	
Councilor Woodard	✓	

Staff present: City Manager Wine, Public Works Director Koellermeier, Human Resources Director Zodrow, Redevelopment Project Manager Farrelly, City Attorney Ramis, City Recorder Wheatley

STUDY SESSION

A. Set Review Criteria and Process to Evaluate Work Performance of the City Manager

Track 2

Human Resources Director Zodrow facilitated the discussion on this agenda item. The city manager’s evaluation is scheduled for December 17, 2013. Ms. Zodrow reviewed the forms distributed to the City Council earlier and also described the process used last year.

After discussion, council consensus was to proceed this year as follows:

- Receive input from the following city staff:
 - Executive Staff, Confidential Executive Assistant and City Attorney
- Receive input from:
 - Board and committee chairs for those boards where the city manager has had opportunity for interaction this last year;
 - Other agencies will be asked for input, including the following individuals: Joel Ruben, Joel Komarek and Sherilyn Lombos.

TIGARD CITY COUNCIL MEETING MINUTES– NOVEMBER 26, 2013

After discussion and weighing the pros and cons, council consensus was to use the same form used for the city manager evaluation last year.

The next step will be to solicit public input on the city manager's evaluation criteria on December 10, 2013 and the council's review is scheduled for December 17, 2013.

(City Recorder's note: Executive Session was conducted at this point in the meeting. After the Executive Session, council reconvened into Study Session to discuss the Administrative Items.)

B. Administrative Items:

- Councilor Buehner attended the Executive Session by speaker phone and was in attendance for this portion of the Study Session also.) Councilor Buehner commented on an annexation public hearing later this evening for the Otis property. She said eventually something will need to be done about what had been a private road to the Paull property (now a park). A section of the right of way had belonged to the Otis' family. She wanted the question to be asked if improvements were going to be done on this street soon. City Manager Wine said she could follow up; however, she said it was likely that planning staff would not have the answer to this question at tonight's hearing.

Councilor Buehner ended her participation in the meeting.

- City Manager Wine advised there is an item on tonight's Consent Agenda regarding an Intergovernmental Agreement for the CET grant. After brief discussion, council consensus was it was all right to leave this item on the Consent Agenda.
- The draft Council Travel Policy was distributed to City Council. City Manager Wine said this policy is reflective of the current practice and urged the council members to contact her if they have questions.

Mileage reimbursement was discussed. The policy for local travel is "Council members' vehicle stipend will cover any travel to and from local meetings. There shall be no additional mileage reimbursement." Trips over 50 miles from Tigard are eligible for mileage reimbursement.

The Travel Policy will return to the council for formal approval.

- Council Email Box ("reply all") process was reviewed by City Manager Wine.

She reminded the council members that emails coming into the "councilmail" email box are then forwarded to all five City Council members. Clicking on "reply" does not send a return message to the sender because the email was forwarded. If a councilor selects "reply" or "reply all" to a "councilmail" message, that message will

TIGARD CITY COUNCIL MEETING MINUTES– NOVEMBER 26, 2013

bounce around to the five council members, but it will not go to the original sender of the email.

City Manager Wine asked the council to advise her how they would like the email system to work. The email system is set up the way it is, because the mayor is the representative who speaks on behalf of the city; however, when an email author wants to hear from each City Council member, the setup is not ideal. During discussion, City Manager Wine advised staff could advise or send an email address to a council member who wants to respond to an email. Also, City Manager Wine or Executive Assistant to the City Manager Bengtson could forward an email on behalf of a council member. After discussion about how the system is working, the general consensus was that the email system is acceptable as it is now set up, although there have been problems with delayed turnaround time. Marty reminded the council that either she or Assistant City Manager Newton are available for a council call for assistance at all times.

- Comcast Newsmakers Taping – Thursday December 5, 10 a.m. – 2 p.m. – Taping will be in Tigard. This will consist of one-on-one interviews by Ken Ackerman who will be asking about various city issues. Councilors should contact Executive Assistant to the City Manager Bengtson if interested and available.
- Council consensus was that the two public hearings on the annexations later this evening could be consolidated so the staff presentation would be given one time.
- Council Calendar:
December
 - 3 Tuesday City Center Development Agency – 6:30 p.m., Town Hall
 - 10* Tuesday Council Business Meeting—6:30 p.m., Town Hall
 - 17* Tuesday Council Workshop Meeting – 6:30 p.m., Town Hall
 - 24* Tuesday Council Business Meeting – Cancelled
 - 25 Wednesday Christmas Holiday – City Hall Offices Closed

Mayor Cook read the following at 7:02 p.m.:

- EXECUTIVE SESSION: The Tigard City Council will go into Executive Session under ORS 192.660 (2) (h) to consult with legal counsel concerning legal rights and duties of a public body. 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 at 7:15 p.m.

City Council reconvened into study session (See Item B above for “Administrative Items.” – Study Session concluded at 7:30 p.m.

TIGARD CITY COUNCIL MEETING MINUTES– NOVEMBER 26, 2013

1. BUSINESS MEETING – November 26, 2013

A.  Mayor Cook called the meeting to order.

B. Roll Call – City Recorder

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

C.  Pledge of Allegiance

D.  Council Communications & Liaison Reports – None.

E.  Call to Council and Staff for Non-Agenda Items – None.



2. CITIZEN COMMUNICATION

A. Follow-up to Previous Citizen Communication – None.

B. Citizen Communication – Sign Up Sheet -- None.

3. CONSENT AGENDA: (Tigard City Council)

A. Approve City Council Minutes for:

- August 20, 2013

B. Authorize the Mayor to Execute an Intergovernmental Agreement with Metro for Downtown Mixed-Use Development Projects CET Grant

C. Waive Sign Permit Fees for Tigard Little League - Resolution

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

TIGARD CITY COUNCIL MEETING MINUTES– NOVEMBER 26, 2013

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. QUASI-JUDICIAL PUBLIC HEARING - ZONE CHANGE ANNEXATION (ZCA) 2013-00003 - OTIS ANNEXATION

AND

5. QUASI-JUDICIAL PUBLIC HEARING - ZONE CHANGE ANNEXATION (ZCA) 2013-00005 - PARSONS ANNEXATION

- a. Mayor Cook opened the public hearing(s).
- b. Statement by City Attorney Regarding Procedure: City Attorney Ramis reviewed the hearing procedure.

Mayor Cook advised that staff requested combining the staff report on the two annexation hearings on this agenda. The findings for both annexations are the same. The mayor said public testimony and the votes for each annexation would be conducted separately. City Attorney Ramis confirmed this process was acceptable.

- c. Declarations or Challenges – Mayor Cook asked the following
 - Do any members of Council wish to report any ex parte contact or information gained outside the hearing, including any site visits?

Councilor Woodard, Council President Henderson and Mayor Cook advised they have walked the area or are familiar with the property (Otis property).
 - Have all members familiarized themselves with the applications? All members indicated they were familiar with the applications.
 - Are there any challenges from the audience pertaining to the Council's jurisdiction to hear these matters or is there a challenge on the participation of any member of the council? There were no challenges.

TIGARD CITY COUNCIL MEETING MINUTES– NOVEMBER 26, 2013

d.  Staff Report

Associate Planner Floyd presented the staff report. The description of the annexations proposed for this agenda item and the next were reviewed by Mr. Floyd. The details of the annexations are contained in the staff report on file with the packet materials.

The Otis annexation is for property located at 14031 SW Alpine Crest Way consisting of approximately 0.94 acres and is part of a 14-acre unincorporated island surrounded by City of Tigard property. There is an application to bring in the East Bull Mountain property, which will reduce the island to 5 acres. The Otis' are applying for annexation for purposes of hooking up to the city's sewer system for a recently constructed home on this property.

The second application is for the Parsons' property, ZCA2013-00005. The mailing address is 15315 SW Bull Mountain Road; however the physical address is more accurately described as the terminus of SW 153rd Avenue (perpendicular to Bull Mountain Road). The Parsons' annexation is approximately 3.14 acres and is surrounded on three sides by city property. (The Cach Park property is to the north.) The purpose of the annexation is to obtain city services to the property for potential future development. Approval of the annexation would rationalize the city's boundary in this area by removing this "finger" of unincorporated lands.

Mr. Floyd advised council that staff has been discussing the possible annexation of four additional parcels south of the Parsons' property.

 Both annexations (Otis/Parsons) are subject to the same approval criteria as outlined in the staff report (Exhibit D of the draft ordinance).

No city department or other agency comments indicated concerns about the proposed annexations.

Staff finds that the annexation meets all local, Metro, and state approval requirements regarding process and provision of services.

 Councilor Snider asked if either of the proposed annexation areas are in the Tigard Water District. He asked about the transfer of jurisdiction. City Manager Wine said she believes this transfer occurs automatically under state law upon annexation.

e. Public Testimony: None. (No testimony for either the Otis or Parsons annexations.)

f. Staff Recommendation:  Mr. Floyd said staff advises that the proposed annexations, ZCA2013-00003 and ZCA2013-00005, meet all the approval criteria as identified in ORS Chapter 222, Metro Code Chapter 3.09 and Community Development Code Chapters 18.320 and 18.390, and Comprehensive Plan Goals 1.1, 11.1, 11.3, 14.1 and 14.2. Staff

TIGARD CITY COUNCIL MEETING MINUTES– NOVEMBER 26, 2013

recommends approval of ZCA2013-00003 and ZCA2013-00005 by adoption of the draft ordinances.

g.  Mayor Cook closed the public hearings.

h.  Council Discussion and Consideration:

Councilor Woodard noted it is good when people want to annex into the city for services. It is also beneficial for the city.

Council President Henderson acknowledged individuals present from the Otis and Parsons families and said, “I think you’ve made the right choice.”

Mayor Cook welcomed these families into the City of Tigard and commented on the benefits of reducing the size or eliminating islands for the sake of rationalizing city boundaries.

Motion by Councilor Woodard, seconded by Councilor Snider, to adopt Ordinance Nos. 13-14 and 13-15, and called for a separate vote on each ordinance.

The City Recorder read the title and number of Ordinance No. 13-14:

ORDINANCE NO. 13-14 -- AN ORDINANCE ANNEXING ONE PARCEL OF LAND APPROXIMATELY 0.94 ACRES IN SIZE, APPROVING THE OTIS ANNEXATION (ZCA2013-00003) AND WITHDRAWING PROPERTY FROM THE TIGARD WATER DISTRICT, WASHINGTON COUNTY ENHANCED SHERIFF'S PATROL DISTRICT AND WASHINGTON COUNTY URBAN ROADS MAINTENANCE DISTRICT.

Ordinance No. 13-14 was adopted by a unanimous vote.

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

TIGARD CITY COUNCIL MEETING MINUTES– NOVEMBER 26, 2013

The City Recorder read the title and number of Ordinance No. 13-15:

ORDINANCE NO. 13-15 -- AN ORDINANCE ANNEXING ONE PARCEL OF LAND APPROXIMATELY 3.14 ACRES IN SIZE, APPROVING THE PARSONS ANNEXATION (ZCA2013-00005) AND WITHDRAWING PROPERTY FROM THE TIGARD WATER DISTRICT, WASHINGTON COUNTY ENHANCED SHERIFF'S PATROL DISTRICT AND WASHINGTON COUNTY URBAN ROADS MAINTENANCE DISTRICT.

Ordinance No. 13-15 was adopted by a unanimous vote.

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

6.  TRIMET SOUTHWEST SERVICE ENHANCEMENT PLAN PRESENTATION

Tom Mills, Senior Planner for TriMet distributed materials to the City Council. He also referred to PowerPoint slides during his presentation. Key points of his report included:

- The Southwest Service Enhancement Plan is a meaningful public engagement for creating a shared vision for making transit better.
- The first phase of the southwest corridor process ended last summer. The Steering Committee issued a shared investment strategy and one of the top priorities was for TriMet to conduct a review of transit service in the southwest portion of the region. It has been a long time since this had been done and it was time for a major review.
- TriMet's southwest service area includes Tigard, Tualatin, Sherwood, Southwest Portland, Lake Oswego, King City, Durham and West Linn.
- Other areas are also under review to produce a short- and long-term transit vision.
- The service enhancement plan process includes two parts: 1. Public Outreach and 2. Data Analyses. He reviewed elements of this two-part process to identify potential changes to transit service.
- Mr. Mills and Mayor Cook commented on the good attendance and interaction at a recent meeting held in Tigard (November 6, 2013). Common suggestions were noted.
- The vision will be translated to a map identifying transit service lines based on the results of the plan process. The community will have another opportunity to provide feedback on this map. The vision will be refined and once general consensus is reached, changes will be instituted.
- A comprehensive planning process has not been done for a very long time. Incremental changes, as needed, were made over the years.

TIGARD CITY COUNCIL MEETING MINUTES– NOVEMBER 26, 2013

- Maps showing transit service before and after the Westside Plan Vision (Beaverton to Hillsboro) were reviewed showing how this service area changed through the plan process.
- TriMet will begin implementation as soon as possible. Some of the recommendations from the Westside Enhancement Plan have been put into place. Frequent service lines, cut during the recession, will be restored in March.
- A mobile ticketing “app” was reviewed.
- TriMet funding sources were outlined:
 - 55 percent – payroll tax
 - 25 percent – fares
 - The rest – grants, advertising revenue.
- Fares will not be increased because of the enhancements.



7. RECEIVE REGIONAL TRANSPORTATION PLANNING UPDATE

Senior Transportation Planner Gray presented the staff report:

- The purpose of tonight’s report is to give the council a broad overview about coordination of activities in the planning process.
- She reviewed the coordination framework consisting of committees sponsored by Metro and Washington County.
- Highlights of last year included the Statewide Transportation Improvement Program (STIP) where Tigard is poised to receive about \$1 million for two projects: 1) Commercial Street sidewalk (will allow the city to expand on pedestrian improvements already planned for this street) and 2) Pacific Highway sidewalk infill.
- Regional Flex Funds Allocation (RFFA - federal funds allocated through Metro) for four segments of the Fanno Creek Trail, \$3.7 million for FY16-18.
- An application was recently submitted for the Tigard Street Trail. (Connect Oregon Project)
- Reviewed status of the update on the Regional Transportation Plan that is to be adopted by September 2014. It is important that all of Tigard’s projects are included in this plan to be eligible for funding.
- Participation in the regional planning activities allows Tigard officials to gain knowledge of what is occurring in other cities.
- Reviewed Metro’s Active Transportation Plan (ATP), which is an element of the RTP designed for coordination and continuity of the regional transportation system. This process was opened up to allow active participation of Metro jurisdictions. This document is intended to be used as a resource and establish design guidelines. Council discussed how such planning can serve to enhance the trails and support future planning in Tigard to retain a competitive edge and be prepared to construct/enhance trail sections when the timing aligns with funding opportunities.
- Reference to Metro’s Climate Smart Communities endeavor to reduce emissions by 20 percent by 2035. Depending on what comes from this state mandated program, it is quite

TIGARD CITY COUNCIL MEETING MINUTES– NOVEMBER 26, 2013

possible the city will need to consider modifications to the Comprehensive Plan and Transportation Plan. It is likely the findings of the program will be the foundation of a regional legislative agenda to take to the state and Washington D.C. Senior Transportation Planner Gray shared that the good news is that it does not appear that regional communities will have to do things significantly different from what is currently being done. We already have smart growth plans in the region.

- Washington County is updating its Transportation System Plan; their last update was in 2001. Senior Transportation Planner Gray is monitoring this process with Tigard's interests in mind (River Terrace area, potential roadway jurisdiction changes and county road projects/resources).
- Washington County is doing a separate study on alternative performance measures that is parallel but separate from the Transportation System Planning process. Different measures, other than traffic congestion, appear to be called for to accommodate economic development and meet the demand to provide safe modes of transportation. Congestion might have to be tolerated to make places more desirable in other ways. This study is being monitored by Tigard officials to give input regarding local experience and for potential Tigard or SW Corridor application.
- Washington County is also conducting the "Westside Transportation Study." There is a lot of concern for general transportation capacity from south to north to Hillsboro. Last year the Legislature allocated \$1.5 million to Washington County to do a study. The scope is still being developed. Tigard officials are monitoring for purposes of coordination and representing the city's interests – many Tigard residents travel to this part of the county for employment.
- The Southwest Corridor Plan status was reviewed. This Plan is being coordinated with work being done now for the Triangle planning. Elements of the Southwest Corridor plan include integration into the RTP and ATP and identification of alternative potential performance measures for Pacific Highway. Types of alternative potential performance measures were reviewed by Senior Transportation Planner Gray and discussed by the council.
- Senior Transportation Planner Gray referenced the TriMet Service Enhancement Plan and the refined high capacity transit alignments as elements of the Southwest Corridor Plan.



8. **CONSIDER AUTHORIZING THE CITY MANAGER TO EXECUTE AN EASEMENT RELATED TO THE POTSO DOG PARK PARKING LOT PROJECT**

This agenda item was set over to the City Council Business meeting of December 10, 2013.

9. **COUNCIL LIAISON REPORTS:** None.

10. **NON AGENDA ITEMS**

TIGARD CITY COUNCIL MEETING MINUTES– NOVEMBER 26, 2013

 Mayor Cook reported on the preliminary 2013 population estimate. Portland State’s certified estimate shows that Tigard’s population grew in 2013 by 400 to a total of 49,135. This is a one percent growth rate.

 City Manager Wine reported that Tualatin Valley Fire and Rescue responded to a fire earlier this evening in a detached box car filled with recycled paper. The box car is located at the end of Wall Street.

11. EXECUTIVE SESSION: Not held.

12. ADJOURNMENT – 8:55 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	Absent
Councilor Snider	Yes
Councilor Woodard	Yes

Catherine Wheatley, City Recorder

Attest:

Mayor, City of Tigard

Date: _____

TIGARD CITY COUNCIL MEETING MINUTES– NOVEMBER 26, 2013



City of Tigard
 Tigard City Council Meeting Minutes
 December 17, 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
Councilor Woodard	✓	
Mayor Cook	✓	
Councilor Buehner	✓	
Council President Henderson	✓	
Councilor Snider	✓	

- C. Mayor Cook asked everyone to stand and join him in the Pledge of Allegiance.
- D. Mayor Cook asked for Council Communications and Liaison Reports.
 Councilor Woodard said there is information in the council mail regarding MACC franchise negotiations with Comcast. City Manager Wine noted that this item is on the January 14, 2014 council meeting agenda.
- E. Mayor Cook asked Council and Staff for Non-Agenda Items - None

2. RECEIVE TIGARD TRIANGLE STRATEGIC PLAN UPDATE



Associate Planner Caines said the Planning Commission was present for an update and discussion with council on the Tigard Triangle strategic plan progress. Planning Commission members present were: John Goodhouse, Matt Muldoon, Christopher Ouellette, Tom Mooney, Calista Fitzgerald, Jason Rogers and Mike Enloe. Ms. Caines presented a PowerPoint slide show, a copy of which is in the packet for this meeting.

Associate Planner Caines said tasks include stakeholder interviews, studies on existing conditions, the city's development code, and needs and constraints. She said the team is finishing up studying opportunities and constraints and discussing potential density levels for the Triangle. She said storm water and street improvements will occur in the first quarter of 2014 and there will be

TIGARD CITY COUNCIL MINUTES – DECEMBER 17, 2013

another council update in February or March. She said the needs, opportunities, constraints and tools build upon existing conditions. Surveys and public meetings indicate the desire for developing movement, land use, community character, public spaces, parks and trails. At present there are no amenities for those who might want to live there. There needs to be a Tigard Triangle identity. Opportunities include Red Rock Creek, open space, green streets, piggybacking on sewer projects. Existing universities bring students to the area after 6:00 pm. The topography can be an asset; there are great views from 68th and Dartmouth. Constraints include improvement and land costs and strict environmental regulations.

Associate Planner Caines said key take-aways from expert interviews include location advantages such as the view from 68th Avenue and that the Triangle is a secondary office space market to Kruse Way. High capacity transit is seen as a positive and housing in the Triangle appears to be a good opportunity. They noted the unused parking space at the theater site. Constraints mentioned were finding the right balance for parking, lack of parks and few amenities for potential residents.

She gave some facts about the Triangle area. The main four job sectors are finance, insurance administration and support, retail, and professional services such as architecture and engineering. There are 7,746 jobs in the Tigard Triangle but only 7 percent of those Triangle employees reside in Tigard. There are 420 households, mostly remaining from when the Triangle was a neighborhood of single-family houses. There is at least one multi-family apartment complex.

Associate Planner Caines said the trend in offices is decreased space per employee, with more shared and flexible space. The Triangle office space vacancy rate is lower than in nearby areas but this may be due to less expensive rents than those near Washington Square and Kruse Way. The bottom line is that there needs to be little or no new office space built in the next 3-5 years. Employee amenities, such as restaurants, sidewalks, walking trails and parking, are becoming more important. She said the Tigard Triangle lacks those amenities (except for parking) and needs image branding.

Associate Planner Caines said retail responds to the demand generated by jobs and housing. She said, "We have the jobs from the 9-5 market but lack the housing to support these businesses after the employees go home." She said new construction is supportable for surface-parked apartment buildings with amenities such as common outdoor rooms, "anywhere" offices, and fitness clubs. Trends are amenities such as public spaces and restaurants and there is a move towards less square footage in homes.



Council President Henderson asked if less square footage in homes was defined as less than 1,000 square feet. Associate Planner Caines said she would check on that.

Associate Planner Caines said tools are needed to overcome financial barriers and bridge private investment gaps. Options include local improvement districts, urban renewal and specialized grants. A grant program such as Metro's Nature in Neighborhoods could be a possibility for trails and open space. She said as progress is made on the Triangle strategic plan it will become easier to identify what funds are needed and where the shortfalls are.

TIGARD CITY COUNCIL MINUTES – DECEMBER 17, 2013

 Associate Planner Caines said there will be further review and feedback from the Technical Advisory Committee, Citizen’s Advisory Committee, public meetings, surveys and the web. Council and the Planning Commission will be updated mid-February once the alternatives are identified. She invited Commissioner Fitzgerald to comment as she is also on the Citizen Advisory Committee.

 Commissioner Fitzgerald commented that what resonated with her was the comparison of the land area in the Triangle to the same sized area in downtown Portland. She said there is so much more to see and do in the same physical space in Portland. There is nothing like this in the Triangle. Businesses there have suggested food carts but there is not yet enough density. She said feedback from suburban developers is that they are ready to build apartments – now. She commented that the city is doing the right thing is getting the pieces in place.

Commissioner Fitzgerald mentioned the Triangle survey and acknowledged it will be a struggle to get outside input on the survey but said more people need to give their input. She asked everyone to encourage residents to participate. She reiterated that this large area of Tigard, so important to high-capacity transit, is not well understood by the community.

 Councilor Buehner asked if wetland buffer areas can be used for trails and pocket parks. She suggested the creation of a specialized development code section for the Triangle to address special needs of this area. She suggested the city assist with the branding issue and install “Welcome to the Tigard Triangle” signs similar to those at the entrance to downtown Tigard on Burnham Street. She said they could be situated on both Haines Street and Barbur Boulevard. She noted the large number of restaurants on the north side that are technically not in the Triangle and are across Pacific Highway. She asked if it made sense to add flyover pedestrian ramps so people do not have to cross through traffic. Associate Planner Caines said she will pass along these ideas to the consultant.

 Councilor Woodard said he went to the area and agreed with observations about the nice view from 68th Avenue. He said improved amenities and better circulation grids will attract projects. He asked if a walkway similar to the Kruse Way pedestrian path could be built between the Triangle and downtown, parallel to Pacific Highway, to join Tigard’s two “hearts.” He supported piggybacking onto other projects, such as the Rock Creek sewer line section to help meet circulation and other needs. He requested that walkability be kept in mind as the area is planned.

In response to a question from Councilor Snider on jobs and household data, Associate Planner Caines confirmed that the data reflected the “true” Triangle area and did not include the area north of Pacific Highway in the secondary (red) area of the map.

Commissioner Muldoon asked what happened to the concept of exploring what could be done in the Triangle without considering trip and parking requirements, as if it was located in downtown Portland and did not have ODOT or topographical constraints. Associate Planner Caines said when staff first asked for public input they asked for a vision without considering constraints but

TIGARD CITY COUNCIL MINUTES – DECEMBER 17, 2013

as the city moves through the formal process, “we want to consider the constraints so we have more of a realistic idea of options.”

Commissioner Muldoon suggested starting to look at what is the best use of the Triangle, unconstrained by what ODOT’s rules might be. Commissioner Fitzgerald said, “We can build anything. We can place any density there we want. But if a developer cannot pencil it out, it won’t happen.” Commissioner Muldoon said starting planning with constraints is like the “tail wagging the dog.” Commissioner Fitzgerald said they are at a higher level discussion, exploring what is best for the Triangle and the Tigard community as a whole, and have not yet gotten to the details of how much density should be in the triangle.

Council President Henderson gave a synopsis of a meeting the Planning Commission held with builders who were invited to vet problems and discuss how the city and developers can work together. He said it was well received and everyone walked away with a better understanding of the area. He commented that the Planning Commission has done a lot of good for Tigard. Planning Commission Vice President Rogers said he hopes to continue the conversation.

3. RECEIVE ECONOMIC DEVELOPMENT QUARTERLY UPDATE

Economic Development Manager Purdy gave a quarterly update on economic development activities. He said his primary focus is on gathering data needed to help the city make good decisions and understand what is happening with the economy in Tigard. His analysis of the economic picture is divided into three parts: 1) industry and manufacturing, 2) office and professional, and 3) retail, restaurants and service providers.

Economic Development Manager Purdy noted that only 31 percent of Tigard is zoned to allow economic activity, which is about 1,000 acres. In 2008 there were 2,914 businesses; this has increased to 2,972. He said there is 500,000 square feet of Class A office space with a vacancy of 101,000 square feet. Industrial space has a vacancy rate of the same amount. He said in 2008 there were 41,000 people employed by Tigard-based businesses. The most recent number is 43,186.

 He said of those Tigard-based businesses, 19 percent live in Portland, 7.7 percent live in Tigard, and 7.2 percent live in Beaverton. An examination of where Tigard residents are employed shows that 30 percent work in Portland, 14.3 percent both live and work in Tigard and 11 percent work in Beaverton.

Councilor Buehner requested statistics on the number of home-based businesses. Economic Development Manager Purdy said he will obtain that information.

 Economic Development Manager Purdy said he continues to work with partners including Business Oregon, Worksource of Oregon, Greater Portland, Inc. (GPI) and the Oregon Main Street program. He is working with Business Oregon and GPI on business recruitment. Tours give people on economic development teams an idea of what is happening in Tigard. He meets weekly with the Tigard Downtown Alliance (TDA), which is moving forward towards incorporation in early 2014.

TIGARD CITY COUNCIL MINUTES – DECEMBER 17, 2013

Business visits include providing assistance and information on exporting and overseas marketing and he has been able to pair companies with export strategists. He said he visits one business a week which takes time, but will slowly build up momentum towards working well with Tigard businesses. Mayor Cook noted that a recent familiarization tour he attended was enjoyable and the company was very appreciative about the city reaching out to them. Economic Development Manager Purdy said he follows up on leads from businesses looking for a location and he works with the city's design staff to develop compelling visuals to go along with recruitment materials

 Economic Development Manager Purdy said the city is looking into Enterprise Zones as a development tool. These encourage business investment through property tax relief in a defined area. The area must have economic hardship. In exchange for the tax relief the business has to locate inside the Enterprise Zone and be an eligible business. Ineligible businesses are retail, financial institutions, construction and motels. Property tax abatement is received for 3-5 years on new facilities and equipment and they also must create and maintain employment by at least 10 percent. Nearby cities that have this program include Beaverton, Hillsboro and Portland. He said there will be future council discussions about what might be an appropriate area for this zoning. Councilor Buehner noted that Tigard does not have much industrial land and this is another reason to examine zoning. He said a second policy issue is the Vertical Housing Zone and he is working with Senior Management Analyst Wyatt to make sure the state legislature does not do away with this program.

Economic Development Manager Purdy spoke about upcoming meetings to explore uses for the Fields industrial property. He will share results of these meetings held with consultant Group McKenzie at the February 18, 2014 council workshop meeting. He worked on a Connect Oregon 5 grant (Tigard Street Trail) and hopes to hear this month about a DLCD grant.

 He submitted a proposal to PSU for a municipal and urban studies student capstone project.

There is now an economic development webpage on the city's website to share the good news when a business locates in Tigard. Another communication tool is to mail a notice with business license renewals encouraging businesses to sign up for updates Economic Development Manager Purdy sends out covering Small Business Association information or free tax help, etc.

 Council President Henderson said it is important to make sure all the data gathered is useful information. Councilor Snider said he was very pleased with the progress in the city's economic development program.

4. RECEIVE BRIEFING ON CAPITAL IMPROVEMENT PLAN PROJECTS

 City Engineer Stone referred to the Capital Improvement Plan Project Update spreadsheet that incorporates council suggestions and comments from prior discussions on what format and type of information would be most helpful.

TIGARD CITY COUNCIL MINUTES – DECEMBER 17, 2013

He gave highlights on some larger projects:

- Exterior Permit Center/Police/City Hall building walls – damage is less than anticipated and will be bid in spring
- East Butte Heritage Park– complete
- Fanno Creek Trail (Main to Grant Streets) –open for walkers next week
- Fanno Creek House - complete
- Potso Dog Park - under design
- Dirksen Nature Park - under construction
- Jack Park - complete

Councilor Buehner asked for information about the official opening for Jack Park.

Storm Sewer Projects: City Engineer Stone discussed several storm sewer projects related to creek stabilization, slope stabilization and sewer pipeline replacement. The Barrows/Scholls Ferry Sewer Extension is a cooperative project with Washington County and Clean Water Services and will be completed by September of 2015. Tigard and Clean Water Services are also joining forces on the Derry Dell Interceptor Relocation. Work with Clean Water Services on Derry Dell Creek should be bid this spring.

City Engineer Stone said the Pavement Maintenance Program is complete. The Walnut Street project will begin in the fall and the Pacific Highway/McDonald/Gaarde project will be bid next fall with completion in the fall of 2015. Work continues as part of the Walmart improvements in the 72nd Avenue/Dartmouth area. The 92nd Avenue sidewalk near Cook Park is complete. Main Street Green Street will begin construction in early 2014.

Water projects include the Lake Oswego Tigard Water Partnership and the River Terrace/Scholls line. In response to a schedule question from Councilor Buehner, City Engineer Stone said construction of aquifer storage well No. 3 will begin in late 2014.

Council expressed approval for the schedule and report layout and City Engineer Stone said he will maintain this format for future reports.

5. REVIEW CITY SURVEY RESULTS

Assistant City Manager Newton introduced Tom Eiland with CFM Strategic Communications, the firm that conducted the recent Community Attitudes surveys. A copy of the PowerPoint presentation is included in the packet for this meeting. She noted that after the presentation staff would like to hear from council what areas should be pursued with upcoming focus groups.

 Consultant Eiland gave an overview and discussed survey methodology which included a telephone survey of 300 residents, and an online survey in which 606 residents participated. In addition, focus groups are planned for January and February of 2014, to assess specific issues.

TIGARD CITY COUNCIL MINUTES – DECEMBER 17, 2013

Survey objectives included finding out opinions on living in Tigard, which of several possible changes were preferred, assessing the initial strategic plan message and finding out how people receive information and would prefer to receive information from the city.

Consultant Eiland said younger people are hard to reach with telephone surveys and are underrepresented. He weighted the data based on the census for people age 18 and over. Councilor Snider asked about the margin of error and whether more surveys would be desirable to increase precision. Consultant Eiland said the results for an attitude survey in a city the size of Tigard are reasonable and customary for what they would do in other cities. He said that based on the political work their firm does, they know this is very accurate.

 Consultant Eiland said ratings for Tigard as a place to live were the highest since 2007, indicating that things are moving in the right direction. Results were consistent through all demographic groups.

One key issue was traffic congestion. Other issues were identified; they were not reading from a list. Results are consistent through the demographic groups but more young people mentioned recreation than others. This is not surprising because they have children at home or may be planning a family.

Council President Henderson requested details on responses on downtown development. He recommended picking a few of these for further study.

A list of potential changes was rated. Highest ratings went to increasing efforts to retain existing and attracting new jobs to the city. The next interests were increasing the level of street maintenance, expanding police youth service programs and development and maintenance of newly purchased parks. Improving the city's communication with citizens was more highly rated by younger people (18-44).

Questions relating to city facilities were asked and the survey showed that people are opposed to keeping the library open on Thursdays if it comes at a cost of \$460,000. Assistant City Manager Newton said there is concern about that number and it might be a question to put to a focus group. Most people preferred keeping city hall counter hours as they are now, except women want to have the counters open one night a week. Assistant City Manager Newton noted that this rated last in place of ten items.

People surveyed were opposed to building a new police station by a ratio to 2 to 1. Consultant Eiland said this project is clearly in the early stages but those numbers indicate groundwork needs to be laid explaining the need. Council President Henderson agreed that citizens need more information to see that there are problems with the existing police space.

Consultant Eiland said three options were tested regarding traffic congestion. Most thought high capacity transit would reduce congestions. 52 percent thought building a light rail line to Portland would reduce congestion. Relying on expanding walkways was not seen as something that would help with congestion. Suggestions made were more lanes, synchronized traffic lights and more

TIGARD CITY COUNCIL MINUTES – DECEMBER 17, 2013

alternative routes. Councilor Buehner noted that people were not asked what they would be willing to pay for these options.

The strategic plan vision was read and half agreed that it represents the long term vision. Younger people and those near some elementary schools were favorable. Those 55 and older and living in zip code area 97224 were divided. The Templeton Elementary neighborhood response was that it did not represent the long-term vision. Consultant Eiland said indications are that Tigard is on track with this strategic plan and it was unusual to receive such a high favorable response for something they had not seen or heard prior to the survey.

Consultant Eiland discussed communications from the city and said people 55 and over rely on the Cityscape, Tigard Times and the Oregonian. Digital information is more popular with those aged 18-44. Consultant Eiland noted that 6 out of 10 residents rely on a city-managed media source for information about local issues. He said this indicates that the city is doing a good job of communicating with its residents. Challenges include younger people wanting more communication electronically. Traditional news media is slightly more important than digital media but this flip-flops among the different age groups. He said there may be a disconnect because people prefer the cost savings of going to a digital Cityscape, yet the paper Cityscape is clearly a preferred choice on how many people receive information now.

Councilor Buehner stated concerns that online surveys are not reaching the older demographic which is growing in numbers statewide. Consultant Eiland said 47 percent of the online survey respondents were 55 and older. He said there is not much difference between younger and older respondents except with healthcare issues. He said younger people are more comfortable with dense, high capacity, urban living.

Assistant City Manager Newton asked the City Council for suggestions on focus group questions.

Councilor Snider said he was troubled by opposing thoughts – that many citizens get their information from the Cityscape and what happens to them if the city drops printing it. City Manager Wine said it would still be produced. Consultant Eiland said the Cityscape may be one of the ways the city is reaching residents age 65 and older so he does not recommend that the city do away with the printed Cityscape.

Councilor Woodard suggested focus group questions relating to how to reach the 18-44 age group.

Councilor Buehner commented on communicating by Twitter or text messaging. She said, “We can’t really explain what we do in 140 characters. Texting doesn’t allow explaining complicated concepts.” Mayor Cook said he looks at Twitter as bullet points. Councilor Snider agreed with Council Buehner about the difficulty explaining large concepts in 140 words but said, “We have to figure out how to meet their communication patterns. We’re not going to change them and buck them and we’re not going to fix them either.”

TIGARD CITY COUNCIL MINUTES – DECEMBER 17, 2013

6. DISCUSS CITY OF TIGARD STRATEGIC PLAN

City Manager Wine invited the Executive Staff and others on the leadership team who are working on the strategic plan to join council at the table. In attendance were Assistant City Manager Newton, Community Development Manager Asher, Acting Public Works Director Rager, Human Resources Director Zodrow, Assistant to the City Manager Mills, Administrative Services Manager Robinson, Information Technology Manager Sears, Assistant Community Development Director McGuire, Library Director Barnes, Finance and Information Services Director LaFrance, Police Chief Orr, Assistant Police Chief, Senior Management Analyst Wyatt and Consultant Alyssa Gasca.

 City Manager Wine said the leadership group has been meeting since the summer on developing concepts and ideas for a strategic plan. The plan describes what the Tigard community could look and feel like in 20 years. She said they want the plan to be aspirational, visionary and distinguish Tigard from everywhere else. She said concepts have been explored with council since September and the conversation tonight is to talk further about what council sees as important for testing these ideas, and a discussion on the goals. She noted that after meeting with council in September, the words “all ages and abilities” were added to the vision.

Councilor Snider suggested using the focus groups to test the strategic plan messaging.

City Manager Wine said the vision is that Tigard is the most walkable community in the Pacific Northwest where people of all ages and abilities enjoy healthy and interconnected lives. She said the leadership team wants to make sure people can see themselves in this vision. These ideas have been rolled out at all-staff meetings, including showing a short video. Staff responses included the words “exciting” and “noble.” She said staff can see how they are part of this through the work that they do. Sidewalks that need to be repaired or replaced help with connectivity. The library is already a hub where people can go and connect.

City Manager Wine showed a slide of the four goal areas and discussed each goal.

- Facilitate walking connections to develop an identity
 - There are many grants available that support the creation of connections and walking opportunities. There are implications on social, public health and educational benefits. Physical activity can lower healthcare costs, strengthen our economy and create better neighborhoods.
 - Community Development Director Asher said the real estate industry realizes that this is smart business. Having a walking network is seen as an asset.
- Ensure development advances the vision.
 - The concept is that the more Tigard is able to grow the value of the community, the more opportunities we will have to invest more broadly. This means creating

TIGARD CITY COUNCIL MINUTES – DECEMBER 17, 2013

development in our centers, marketing the city so businesses want to come and grow here, and developing relationships with our business community.

- Engage the community through dynamic communication.
 - A next step is starting tactical planning around these ideas.
 - Promote two-way communication.
 - Assistant City Manager Newton said the city is looking to be the source of accurate information for its citizens.

- Fund the vision while maintaining core services.
 - There will be steps to move the vision forward with existing resources but also the consideration of new resources.
 - Council will see results of core service definition work coming through the budget process.

Consultant Gasca said it is important to remember that this is a 20-year plan and each round of discussions will create additional questions. This is part of the process.

Community Development Director Asher said this is a work in progress and will continue for some time. He said it is already beginning to organize and congeal some work habits and relationships between departments and employees because there is a common vision.

 Assistant City Manager Newton said the group she and Administrative Services Manager Robinson supervise includes court, records and design employees and they have held discussions at monthly meetings. She said her group is very excited and engaged in the conversation about this.

Councilor Snider said this vision may create some interesting problems for departments such as the police department car-patrolled operations. Police Chief Orr said they are moving away from the car anyway because of the nature of the city and the way it is growing. Policing will change dynamically, with more bicycles and ATVs in use to keep trails and pathways safe.

City Manager Wine presented a video about the vision and asked for council feedback. She said there will be a version 2.0 and it will continue to evolve. In response to a question from Councilor Woodard, City Manager Wine said there will be a few adjustments made before it is available on the website. TVCTV filmed it and they put it out on YouTube. Councilor Woodard commented that the video activates the words of the vision for him and he thought it was well done. Councilor Snider agreed. City Manager Wine said the music may be redone and a suggestion was made that local or student musicians be used to create a new soundtrack.

City Manager Wine said the next step is tactical planning on implementing the vision and asking the community for their response to the draft concepts. The community attitudes survey was the first

TIGARD CITY COUNCIL MINUTES – DECEMBER 17, 2013

chance to test them. Council is being asked tonight for feedback and if staff is given the go ahead, they will start talking to the community. The Mayor’s Task Force Committee may be reconvened.

Mayor Cook said staff is doing a great job. He suggested that interactions in small focus groups make it easier to be engaged and freely offer input. He said he was present at all-staff meetings where the video was shown and there was a wide range of comments.

Councilor Snider commented that he had been critical in September because the words did not capture the essence of how someone feels, but his concerns are gone. When asked if that was the result of the video or the evolution of the strategic plan document, he said it was both. He said when presenting this to the community it should be more about showing it and feeling it, and less about the words. Community Development Director Asher said that is why he thought it amazing that 52 percent in the community survey were favorable after just hearing the words.

Councilor Buehner said the strategic plan work is fine but was disappointed that there is no mention of making changes to the Oregon tax system as a priority. She suggested that there be a line under the financial goal saying the city will be proactive in getting the state tax code changed because it is unsustainable for cities and counties. City Manager Wine said there was some discussion about what the city can do and influence. Councilor Snider suggested this could be a tactic related to Goal 4.

Council President Henderson said has observed the city go through the visioning process before and what is different this time is the consensus of the staff. He said there is a lot of work to do but there is synergy.

7. COUNCIL LIAISON REPORTS - None.

8. NON AGENDA ITEMS - None

- EXECUTIVE SESSION - At 9:22 pm Mayor Cook announced that the Tigard City Council would be entering into Executive Session to review and evaluate the employment-related performance of the city manager, called under ORS 192.660(2) (i). He said the Council would adjourn in Red Rock Creek after the conclusion of the executive session. Executive Session ended at 9:59 pm.

9. ADJOURNMENT - At 10:00 pm Councilor Buehner moved for adjournment. Councilor Woodard seconded the motion and all voted in favor.

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

TIGARD CITY COUNCIL MINUTES – DECEMBER 17, 2013

Carol A. Krager, Deputy City Recorder

Attest:

John L. Cook, Mayor

Date

TIGARD CITY COUNCIL MINUTES – DECEMBER 17, 2013

AIS-1657

3. B.

Business Meeting

Meeting Date: 02/11/2014

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 Calendar

Upcoming Tentative Agenda Schedule



MEMORANDUM

TO: Honorable Mayor & City Council/City Center Development Agency Board
FROM: Cathy Wheatley, City Recorder
RE: Three-Month Council/CCDA Meeting Calendar
DATE: February 4, 2014

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

April

1	Tuesday	City Center Development Agency – 6:30 p.m., Town Hall
8*	Tuesday	Council Business Meeting—6:30 p.m., Town Hall
15*	Tuesday	Council Workshop Meeting – 6:30 p.m., Town Hall
21	Monday	Budget Committee Meeting – 6:30 p.m.
22*	Tuesday	Council Business Meeting – 6:30 p.m., Town Hall
28	Monday	Budget Committee Meeting – 6:30 p.m.

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
 2/3/2014 12:11 PM - Updated

Form #	Meeting Date	Submitted By	Meeting Type	Title	Department	Inbox or Finalized
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	01/30/2014
Total Time: 75 Minutes						
February 4 CCDA Meeting						
1600	02/04/2014	Sean Farrelly	CCDA	1 15 Minutes - Proposed CCDA Calendar Topics for 2014	Community Development	01/28/2014
1595	02/04/2014	Sean Farrelly	CCDA	2 20 Minutes - Meet with CCAC Chair and Vice-chair	Community Development	01/28/2014
1601	02/04/2014	Sean Farrelly	CCDA	3 40 Minutes - Downtown Mixed Use Development Projects Presentation and Discussion	Community Development	01/28/2014
1641	02/04/2014	Carol Krager	CCDA	4 Consent Item - APPROVE CITY CENTER DEVELOPMENT AGENCY MINUTES	City Management	01/27/2014
Total Time: 75 of 180 minutes have been scheduled						
1430	02/11/2014	Cathy Wheatley	AAA	February 11, 2014 City Council Business Meeting		
1649	02/11/2014	Cathy Wheatley	AAA	15 Min – Medical Marijuana Discussion	City Mgmt	Marty W.
1648	02/11/2014	Cathy Wheatley	ACCSTUDY	30 Minutes - Exec Session - Labor Relations	Administrative Services	02/03/2014
Total Time: 45 of 45 minutes have been scheduled						

Meeting Banner	<input type="checkbox"/>	Business Meeting	<input type="checkbox"/>
Study Session	<input type="checkbox"/>	Special Meeting	<input type="checkbox"/>
Consent Agenda	<input type="checkbox"/>	Meeting is Full	<input type="checkbox"/>
Workshop Meeting	<input type="checkbox"/>	CCDA Meeting	<input type="checkbox"/>

**City Council Tentative Agenda
2/3/2014 12:11 PM - Updated**

1577	02/11/2014	Greer Gaston	ACONSENT	Consent Item - Adopt a Resolution Authorizing the Mayor to Execute an Intergovernmental Cooperative Agreement Regarding an Emergency Water System Intertie	Public Works	MartyW, City Manager
1556	02/11/2014	Cathy Wheatley	CCBSNS	1 10 Minutes - Presentation from Community Action of Washington County	Administrative Services	MartyW, City Manager
1642	02/11/2014	Joseph Barrett	CCBSNS	2 5 Minutes - Contract Award - Main Street Sewer/Fanno Creek Crossing Elimination	FIS	MartyW, City Manager
1588	02/11/2014	Judith Gray	CCBSNS	3 20 Minutes - Update on Southwest Corridor Plan Tigard Public Involvement Opportunities	Community Development	MartyW, City Manager
1592	02/11/2014	Carol Krager	CCBSNS	4 30 Minutes - Renew Annexation Incentives - Resolution	City Management	MartyW, City Manager
				Total Time: 65 of 100 minutes have been scheduled		
1431	02/18/2014	Cathy Wheatley	AAA	February 18, 2014 Workshop Meeting - City Manager Wine absent		
1566	02/18/2014	Nadine Robinson	CCWKSHOP	1 20 Minutes - Tigard Municipal Court Annual Report to Council	Administrative Services	Krager C, Deputy City Recorder
1589	02/18/2014	Judith Gray	CCWKSHOP	2 20 Minutes - Southwest Corridor Plan Public Input Update	Community Development	Gray J, Sr Transportation Planner
1567	02/18/2014	Lloyd Purdy	CCWKSHOP	3 25 Minutes - Fields (Concept) Development Scenarios	Community Development	01/14/2014
1593	02/18/2014	Lloyd Purdy	CCWKSHOP	4 30 Minutes - Enterprise Zone Presentation	Community Development	Purdy, L, Econ Development Mgr
				Total Time: 95 of 180 minutes have been scheduled		

Meeting Banner	<input type="checkbox"/>	Business Meeting	<input type="checkbox"/>
Study Session	<input type="checkbox"/>	Special Meeting	<input type="checkbox"/>
Consent Agenda	<input type="checkbox"/>	Meeting is Full	<input type="checkbox"/>
Workshop Meeting	<input type="checkbox"/>	CCDA Meeting	<input type="checkbox"/>

**City Council Tentative Agenda
2/3/2014 12:11 PM - Updated**

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	Cathy 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
1534	03/11/2014	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
1518	03/11/2014	Liz Lutz	ACCSTUDY	30 Minutes-Review 2014 Com. Event Funding Requests	FiIS	Lutz L,
Total Time: 45 of 45 minutes have been scheduled						
1515	03/11/2014	John Goodrich	CCBSNS	Consent Item - Authorize City Manager/Mayor to Execute Joinder Agreement for Willamette Water Supply Program	Public Works	Goodrich J, Utility Div Manager
1643	03/11/2014	Greer Gaston	ACONSENT	Consent Item - Authorize the Mayor/City Manager to Execute an Intergovernmental Agreement with King City Regarding Water System Ownership and Water Service	Public Works	Koellermeier D, Public Works Dir
1573	03/11/2014	Greer Gaston	CCBSNS	1 15 Minutes - Consider an Ordinance Modifying the Boundaries of Local Improvement District (LID) No.1	Public Works	Stone Mike, City Engineer
1449	03/11/2014	Loreen Mills	CCBSNS	2 20 Minutes - Public Hearing - Amending Tigard Municipal Code Title 15.06 Franchise Utility Ordinance	City Management	Mills L, Asst to City Manager
1644	03/11/2014	Joseph Barrett	CCBSNS	3 5 Minutes - Contract Award - 2014 Pavement Maintenance Program Overlay Design Services	FIS	Barrett J, Sr Mgmt Analyst - Finance
1580	03/11/2014	Loreen Mills	CCBSNS	4 15 Minutes - LCRB - Award Insurance Agent of Record Contract	City Management	Mills L, Asst to City Manager
Total Time: 55 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
2/3/2014 12:11 PM - Updated**

1435	03/18/2014	Cathy Wheatley	AAA	March 18, 2014 Workshop Meeting		
1436	03/18/2014	Lloyd Purdy	CCWKSHOP	1 15 Minutes - PSU Graduate Student Workshop Project: Tigard's Evolution into a Walkable Community	Community Development	Asher, K, Community Development Dir.
1493	03/18/2014	Lloyd Purdy	CCWKSHOP	2 15 Minutes - Update on Economic Development Activity	Community Development	Purdy, L, Econ Development Mgr
1585	03/18/2014	Greer Gaston	CCWKSHOP	3 15 Minutes - Briefing on Capital Improvement Plan (CIP) Projects	Public Works	Stone Mike, City Engineer
Total Time: 45 of 180 minutes have been scheduled						
1436	03/25/2014	Cathy Wheatley	AAA	March 25, 2014 City Council Business Meeting - Councilor Snider absent		
1514	03/25/2014	John Goodrich	ACCSTUDY	15 Minutes - Briefing on a Joinder Agreement Regarding Tigard's Participation in the TVWD/Hillsboro Willamette Water Supply Program	Public Works	Goodrich J, Utility Div Manager
Total Time: 15 of 45 minutes have been scheduled						
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
1594	03/25/2014	Lloyd Purdy	CCBSNS	10 Minutes - Enterprise Zone: Resolution	Community Development	01/13/2014
1645	03/25/2014	Preston Beck	CCBSNS	Consent Item - Approve Enterprise License Agreement with ESRI for City's GIS (geographic information system)	Financial and Information Services	01/29/2014
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
 2/3/2014 12:11 PM - Updated**

1604	04/01/2014	Cathy Wheatley	AAA	April 1, 2014 - CCDA Meeting - 6:30 p.m.		
1606	04/08/2014	Cathy Wheatley	AAA	April 8, 2014 - Business Meeting		
1524	04/08/2014	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						
1605	04/15/2014	Cathy Wheatley	AAA	April 15, 2014 - Workshop Meeting		
1569	04/21/2014	Cathy Wheatley	AAA	Budget Committee Meeting - 6:30 p.m.		
1607	04/22/2014	Cathy Wheatley	AAA	April 22, 2014 - Business Meeting - Council Snider Absent		
1570	04/28/2014	Cathy Wheatley	AAA	Budget Committee Meeting - 6:30 p.m.		

AIS-1577

3. C.

Business Meeting

Meeting Date: 02/11/2014

Length (in minutes): Consent Item

Agenda Title: Adopt a Resolution Authorizing the Mayor to Execute an Intergovernmental Cooperative Agreement Regarding an Emergency Water System Intertie

Prepared For: Dennis Koellermeier, Public Works

Submitted By: Greer Gaston, Public Works

Item Type: Resolution

Meeting Type: Consent Agenda

Public Hearing: No

Publication Date:

Information

ISSUE

Shall the council adopt a resolution authorizing the mayor to execute an intergovernmental cooperative agreement regarding an emergency water system intertie?

STAFF RECOMMENDATION / ACTION REQUEST

Adopt the resolution.

KEY FACTS AND INFORMATION SUMMARY

The council was briefed on this agreement at its January 28, 2014, study session.

Background

Lake Oswego's water system is connected to the water systems of the South Fork Water Board and West Linn via an intertie. Under a 2003 emergency water supply agreement, these three entities have supplied water to one another during emergencies.

Why Is a New Emergency Intertie Agreement Needed?

In 2008, the cities of Lake Oswego and Tigard entered into a water partnership agreement whereby the two cities would work together to develop a new water system that will meet both communities' future water needs. Under the agreement, Tigard obtained an ownership interest in the intertie used to provide emergency water. As an owner, Tigard needs to be included in the emergency water system agreement.

The 2012 Revised Agreement

In September 2012, the Lake Oswego and Tigard City Councils approved an updated version of the intertie agreement. However, that 2012 agreement was never finalized by the other parties. Under that agreement:

- Tigard becomes party to the agreement.
- Lake Oswego and Tigard will provide an emergency water supply to South Fork Water Board and West Linn.
- South Fork Water Board and West Linn will provide an emergency water supply to Lake Oswego and Tigard.
- Tigard will share in the cost to repair intertie infrastructure used to provide water to Tigard and Lake Oswego.
- Tigard will share in the cost of intertie capital improvements that benefit Tigard.
- Benefits received by West Linn—as a result of the Lake Oswego-Tigard Water Partnership—are acknowledged.

The Current Agreement

In February 2013, the West Linn City Council approved the water partnership's land use application to expand Lake Oswego's water treatment plant located in West Linn. The approval included conditions that certain terms of the agreement be modified as follows:

- Revise the agreement requiring the written mutual consent of all parties before the agreement could be terminated.
- Revise the agreement requiring the written mutual consent of all parties before paragraph 7 of the agreement related to the quantity of water to be supplied could be amended.
- Revise the 2003 agreement to include language that the intertie may be used for the benefit of all parties in perpetuity.

The agreement now before council contains the revisions from the 2012 agreement along with the required modifications listed above.

Lake Oswego, West Linn and South Fork Water Board have executed the agreement. Tigard is the last party to consider the agreement.

OTHER ALTERNATIVES

Council could choose not to authorize this agreement. However, that action would be contrary to previous decisions, jeopardize the partnership's land use approval in West Linn, and potentially expose Tigard to legal action.

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

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

Lake Oswego-Tigard Water Partnership

- *Monitor progress of construction and budget; LOTWP projects operational*

DATES OF PREVIOUS COUNCIL CONSIDERATION

The council was briefed on the current and final version of the agreement in study session on January 28, 2014.

The council authorized an earlier version of this agreement via adoption of Resolution No.12-36 at its September 25, 2012, meeting. That agreement was never finalized.

Fiscal Impact

Fiscal Information:

Any improvement costs associated with the emergency intertie are included in the most recent water partnership cost analysis and are allocated between the partners. The city has budgeted about \$68 million dollars for water partnership projects in fiscal year 2013-2014.

Attachments

Resolution and Agreement

Resolution No. 12-36 and 2012 Agreement

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

A RESOLUTION RESCINDING RESOLUTION NO. 12-36 AND AUTHORIZING THE MAYOR TO SIGN AN INTERGOVERNMENTAL COOPERATIVE AGREEMENT WITH THE SOUTH FORK WATER BOARD, CITY OF WEST LINN AND CITY OF LAKE OSWEGO FOR AN EMERGENCY WATER SYSTEM INTERTIE

WHEREAS, the cities of West Linn and Lake Oswego, and the South Fork Water Board, are parties to an intergovernmental cooperative agreement providing for the use and operation of an emergency water system intertie between the parties' respective water supply systems; and

WHEREAS, in 2008, Lake Oswego and Tigard entered into a water partnership to jointly plan, fund, construct, and operate an expanded water supply system that will provide improved water supply service to the citizens of their respective communities at the least cost relative to other available water supply options; and

WHEREAS, provided that the partnership's expanded and upgraded water supply facilities are constructed, the emergency water supply capabilities of the water system intertie will be significantly enhanced and the benefits therefrom will accrue to the parties to the intertie agreement; and

WHEREAS, on February 18, 2013, the City of West Linn approved conditional use and design review permits for an expansion of Lake Oswego's water treatment facility and construction of new raw and finished water pipelines ("Projects") in furtherance of the partnership's objectives; and

WHEREAS, the City of West Linn, through its approval of the Projects, imposed conditions of approval that the existing water system intertie agreement between West Linn, South Fork Water Board, and Lake Oswego be amended and restated to include Tigard as a party and to amend certain terms relating to the quantity of water to be supplied, duration of the agreement and termination; and

WHEREAS, the intergovernmental cooperative agreement for water system intertie, attached hereto as Exhibit A, fulfills the West Linn conditions of approval; and

WHEREAS, the council authorized an earlier version of this agreement via adoption of Resolution No.12-36; and

WHEREAS, the intertie agreement associated with Resolution No.12-36 was never finalized; and

WHEREAS, to avoid confusion with the first version of the agreement, Resolution No.12-36 should be rescinded.

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

SECTION 1: The mayor is authorized to sign the Amended and Restated Intergovernmental Cooperative Agreement for Water System Intertie between the South Fork Water Board, the City of Lake Oswego, the City of Tigard and the City of West Linn, attached hereto as Exhibit A.

SECTION 2: Resolution No.12-36 is hereby rescinded.

SECTION 3: This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2014.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard

**AMENDED AND RESTATED
INTERGOVERNMENTAL COOPERATIVE AGREEMENT
FOR WATER SYSTEM INTERTIE
BETWEEN THE
SOUTH FORK WATER BOARD, THE CITY OF LAKE OSWEGO, THE CITY OF TIGARD
AND THE CITY OF WEST LINN**

This Agreement is made and entered into by and between the South Fork Water Board, an intergovernmental entity created pursuant to ORS Chapter 190, serving as a water supply agency and jointly owned and operated by the Cities of Oregon City and West Linn, hereinafter referred to as "Board," and the City of Lake Oswego, an Oregon municipal corporation, hereinafter referred to as "Lake Oswego" and the City of West Linn, an Oregon municipal corporation, hereinafter referred to as "West Linn," and the City of Tigard, an Oregon Municipal Corporation, hereinafter referred to as "Tigard," all hereinafter collectively referred to as the "Parties."

RECITALS

The Parties agree upon the following recitals:

1. The Board, West Linn and Lake Oswego entered into an intergovernmental cooperative agreement in 1984 to provide for the construction, operation and maintenance of an emergency water system intertie between the water supply system of the Board and West Linn and the water supply system of Lake Oswego.
2. The facilities as described in the 1984 agreement, which are located near the intersection of Old River Road and Kenthorpe Way in West Linn, were constructed and the intertie became operable in that same year.
3. The intertie has been utilized periodically since 1984 during emergencies and scheduled shut-downs to provide water supply between the Board, West Linn and Lake Oswego.
4. After the construction of the intertie, West Linn, Lake Oswego and the Board jointly funded, and West Linn constructed, a pump station on Old River Road near its intersection with Kenthorpe Way to provide for automatic and unattended operation of the intertie.
5. The intertie, pump station and appurtenant facilities provide benefit to all of the Parties to this agreement.
6. Lake Oswego and Tigard entered into an intergovernmental cooperative agreement that conveys an ownership interest in the existing water supply facilities that supply emergency water to West Linn and Board, and provides for construction of new water supply facilities including an expanded water treatment plant and raw and finished water pipelines to supply Lake Oswego and Tigard's long term water needs.
7. The changes in ownership and anticipated facilities expansion called for in the intergovernmental agreement between Lake Oswego and Tigard necessitate amending the existing water system intertie agreement and adding Tigard to the agreement.

8. The Parties desire that this agreement supersede and replace the 2003 agreement.
9. The Parties acknowledge that they have the authority to execute this cooperative intergovernmental agreement pursuant to the terms of their respective municipal charters and pursuant to ORS 190.010 *et seq.*

NOW THEREFORE, in consideration of the mutual covenants and agreements contained herein, it is agreed by and between the Parties hereto as follow;

1. "Water Supply Facilities" Defined. As used herein, the term "water supply facilities" means river intake, raw and finished pumping facilities, water treatment facilities, water storage facilities, and all other infrastructure used in conjunction with the appropriation, treatment, storage or transmission of the Parties' water.
2. "Emergency Condition" Defined. An "emergency condition" is an occurrence created by a failure of a Party's water supply facilities, or the occurrence of an event that jeopardizes a Party's water quality, whereby insufficient supply of water to the Party's customers could threaten the health or safety of those customers. Such failure includes failure or interruption in the operation of river intakes, raw and finished water pumping facilities, water treatment facilities, raw and finished water pipelines, reservoirs, and appurtenant facilities. "Emergency condition" does not include a situation that involves the loss of water pressure or diminution in water volume in a water distribution system during periods of high demand if the system remains in a normal operational mode or a reduction in available water resulting from regulatory action by a state or federal agency.
3. Use of Water Intertie.
 - a. *Emergency Conditions.* Use of the water intertie during an emergency condition may be accomplished by the mutual consent of the Executive Officer of each Party or the Executive Officer's designee.
 - b. *Non-Emergency Conditions Less Than Two Weeks.* Temporary use of the intertie for a period less than two weeks during scheduled maintenance and repair may be accomplished by the mutual consent of the Executive Officer of each Party or the Executive Officer's designee.
 - c. *Non-Emergency Conditions Greater Than Two Weeks.* Prolonged use of the intertie for more than two weeks during scheduled maintenance and repair must be approved by the Executive Officer of each Party.
4. Location and Description of Water System Intertie. The water system intertie and pump station facility is located at 20225 Old River Road. Supply to the pump station from Lake Oswego / Tigard is from a connection to Lake Oswego's finished water transmission main. The pipeline connection between Lake Oswego's finished water transmission main and the intertie pump station is under the exclusive ownership and control of West Linn. The pump station and related valves and control systems allow the intertie to be used on a continuous and automatically controlled basis in both directions of supply, i.e. Board/West Linn to Lake Oswego/Tigard and Lake Oswego/Tigard to West Linn/Board. The pump station includes flow, pressure control, metering and telemetry facilities, and a connection for providing emergency power supply. The pump station, along with the facilities and appurtenances associated with it,

and any modifications thereto, constitute the water system intertie that is the subject of this agreement.

5. Title to Intertie Facilities. Title to the water system intertie facilities as described above in Paragraph 4 and the obligation to insure them shall be in the name of West Linn. Title to the property occupied by the intertie pump station will be in the name of West Linn.

6. Method of Water Supply Through Intertie. Supply to Lake Oswego and Tigard from the Board and West Linn will be by gravity through the piping, metering, flow and pressure control facilities associated with the intertie pump station. Supply to West Linn and the Board from Lake Oswego and Tigard will be accomplished by pumping from Lake Oswego's water system through the intertie pump station into West Linn's system. Instrumentation, control and telemetry systems in the station are under the primary control of West Linn. Lake Oswego has installed additional instrumentations, control and telemetry systems that provide for pump station status indication and additional control functions. West Linn will prepare and update as necessary an operating plan for the intertie pump station and appurtenant facilities and provide copies of same to the Board, Lake Oswego and Tigard.

7. Quantity of Water to be Supplied. Upon agreement between the Parties to make use of the intertie pursuant to Paragraph 3 of this Agreement, the Party supplying water shall endeavor to supply the amount of water requested by the other Party, and take all reasonable actions necessary to accomplish the same, so long as such actions are not detrimental to the operation of the supplying Party's own water system. Provided that Lake Oswego's supply facilities are expanded to a treatment capacity of 38 million gallons per day (mgd), Lake Oswego and Tigard can provide West Linn and Board with up to 4 mgd through at least 2041.

8. Cost of Water to be Supplied. The Parties agree to pay for all water provided through the intertie at a rate that is the greater of:
 - a. The rate being paid by West Linn to South Fork for wholesale water; or
 - b. The cost to Lake Oswego and Tigard to produce and deliver water to the inlet side of the intertie pump station, which in the first year of operation of the expanded treatment plant is estimated to be \$0.95 per 100 cubic feet. .

The volume of water delivered shall be measured by the meter installed at the intertie pump station. The Parties have the right at any time to review rates for water supplied and make such adjustments to the cost of water provided, as they deem necessary and by mutual agreement of all Parties. In the event it is necessary for the Party supplying water through the intertie to obtain additional water from a water provider that is not a party to this agreement, the water rate charged to the Party receiving water under this agreement shall be the water rate charged to the supplying Party by the non-party water provider. The Parties further agree that water utilized for periodic testing and exercising of the facilities will be furnished between the Parties without cost. In addition to the rate charged for water, the Parties by mutual agreement reserve the right to impose wheeling charges.

City of Lake Oswego: City Manager
City of Lake Oswego
P.O. Box 369
Lake Oswego, Oregon 97034

City of Tigard City Manager
13125 SW Hall Blvd
Tigard, Oregon 97223

City of West Linn: City Manager
City of West Linn
22500 Salamo Road
West Linn, Oregon 97068

17. Dispute Resolution: If a dispute arises between the Parties regarding this Agreement, the Parties shall attempt to resolve the dispute through the following steps:

Step One (Negotiation)

The Executive Officer or other persons designated by each of the disputing Parties will negotiate on behalf of the entity they represent. The nature of the dispute shall be reduced to writing and shall be presented to each Executive Officer, who shall then meet and attempt to resolve the issue. If the dispute is resolved at this step, there shall be a written determination of such resolution, signed by each Executive Officer and ratified by their respective Board or Council, which shall then be binding upon the Parties.

Step Two (Mediation)

If the dispute cannot be resolved within thirty (30) days at Step One, the parties shall submit the matter to non-binding mediation. The Parties shall attempt to agree on a mediator. If they cannot agree, the Parties shall request a list of five (5) mediators from the Presiding Judge of the Clackamas County Circuit Court. The Parties will attempt to mutually agree on a mediator from the list provided, but if they cannot agree, the mediator will be selected by the Presiding Judge of Clackamas County Circuit Court. The cost of the mediator shall be borne equally between the Parties, but each Party shall otherwise be responsible for its own costs and fees. If the issue is resolved at this step, a written determination of such resolution shall be signed by each Executive Officer and ratified by their respective Board or Council.

Step Three (Arbitration)

If the Parties are unsuccessful at Steps One and Two, the dispute shall be resolved by binding arbitration proceedings pursuant to ORS Chapter 36. The Parties shall follow the same process as in Step Two for the selection of the arbitrator. Upon breach of this agreement, the nondefaulting Parties shall be entitled to all legal or equitable remedies available, including injunctive relief, declaratory judgment, specific performance and termination. Each party shall be responsible for its own attorney fees and costs.

CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
RESOLUTION NO. 12- 36

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN INTERGOVERNMENTAL COOPERATIVE AGREEMENT REGARDING AN EMERGENCY WATER SUPPLY (INTERTIE)

WHEREAS, Lake Oswego's water system is connected to the water systems of the South Fork Water Board and West Linn via an intertie, and under an emergency water supply agreement, these three entities have supplied water to one another during emergencies; and

WHEREAS, the cities of Lake Oswego and Tigard entered into a water partnership agreement whereby the two cities would work together to develop a new water system that will meet both communities' future water needs; and

WHEREAS, under the water partnership agreement, Tigard obtained an ownership interest in the intertie used to provide emergency water; and

WHEREAS, as an owner in the intertie, Tigard needs to be included in the emergency water supply agreement; and

WHEREAS, water partnership plans include an expansion of Lake Oswego's existing water treatment plant in West Linn, and the West Linn Planning Commission suggested the emergency water supply agreement be updated; and

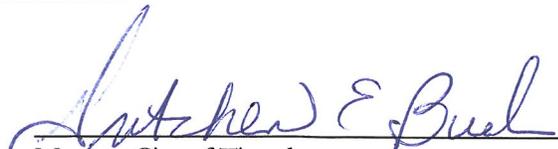
WHEREAS, an emergency water supply agreement has been developed and is attached as Exhibit A.

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

SECTION 1: On behalf of the Tigard City Council, the mayor is authorized to execute the emergency water supply agreement, entitled the *Intergovernmental Cooperative Agreement for Water System Intertie between the South Fork Water Board, the City of Lake Oswego, the City of West Linn, and the City of Tigard* (Exhibit A).

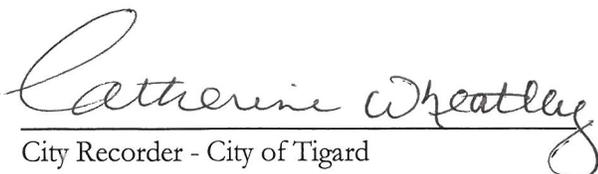
SECTION 2: This resolution is effective immediately upon passage.

PASSED: This 25th day of September 2012.



Mayor - City of Tigard
Council President

ATTEST:



City Recorder - City of Tigard

**INTERGOVERNMENTAL
COOPERATIVE AGREEMENT
FOR
WATER SYSTEM INTERTIE
BETWEEN THE
SOUTH FORK WATER BOARD, THE CITY OF LAKE OSWEGO, THE CITY OF WEST LINN,
AND THE CITY OF TIGARD**

This Agreement is made and entered into by and between the South Fork Water Board, an intergovernmental entity created pursuant to ORS Chapter 190, serving as a water supply agency and jointly owned and operated by the Cities of Oregon City and West Linn, hereinafter referred to as "Board," and the City of Lake Oswego, an Oregon municipal corporation, hereinafter referred to as "Lake Oswego," and the City of West Linn, an Oregon municipal corporation, hereinafter referred to as "West Linn," and the City of Tigard, an Oregon Municipal Corporation, hereinafter referred to as "Tigard", all hereinafter collectively referred to as the "Parties."

RECITALS

The Parties agree upon the following recitals:

1. WHEREAS, the Parties acknowledge that the Board, Lake Oswego, and West Linn entered into an intergovernmental cooperative agreement in 1984 to provide for the construction, operation and maintenance of an emergency water system intertie between the water supply system of the Board and West Linn and the water supply system of Lake Oswego; and
2. WHEREAS, the facilities as described in the 1984 agreement, which are located near the intersection of Old River Road and Kenthorpe Way in West Linn, were constructed and the intertie became operable in that same year, and
3. WHEREAS, the intertie has been utilized periodically since 1984 during emergencies to provide emergency water supply between the Board, Lake Oswego, and West Linn; and
4. WHEREAS, the planning for the 1984 intertie contemplated future construction of an intertie water pump station in the vicinity of original intertie; and
5. WHEREAS, West Linn has constructed the previously contemplated pump station on Old River Road near its intersection with Kenthorpe Way; and
6. WHEREAS, the intertie pump station and appurtenant facilities provide benefit to all of the Parties to this agreement; and
7. WHEREAS, the Board, Lake Oswego, and West Linn contributed to the cost of the pump station and appurtenant facilities; and
8. WHEREAS, Lake Oswego and Tigard have entered into an intergovernmental cooperative agreement that conveys an ownership interest in existing water supply facilities necessary to supply emergency water to West Linn and Board, and provides for construction of new water

supply facilities including an expanded water treatment plant and raw and finished water pipelines to supply their respective long term water needs; and

9. WHEREAS, the changes in ownership, anticipated facilities expansion, and water allocation formulas called for in the intergovernmental agreement between Lake Oswego and Tigard necessitate amendment of the existing water system intertie agreement; and
10. WHEREAS, through expansion of Lake Oswego's existing water supply system to its ultimate treatment capacity of 38 million gallons per day (mgd), Lake Oswego and Tigard can continue to provide West Linn and Board with redundant water supply facilities and a reliable source of emergency water supply sufficient to meet West Linn's average day demand of 4 mgd through at least 2041; and
11. WHEREAS, the Parties agree that other options for West Linn to provide its citizens with a redundant and reliable water supply system for emergency water supply needs are significantly more expensive and therefore agree it is in the best interests of their respective communities to work together in good faith to address critical, local water infrastructure needs in a coordinated and collaborative manner for mutual benefit; and
12. WHEREAS, provided that expansion of Lake Oswego's existing water supply system occurs, West Linn ratepayers will avoid \$11.6 million in water system capital construction needs, and each Party will realize other benefits including mitigating environmental impacts from duplicative infrastructure projects, flexibility in system operations for emergency and non-emergency events, and economies not otherwise achieved through individual actions; and
13. WHEREAS, the Parties acknowledge that by entering into this Agreement the public health, safety and welfare of their citizens are protected and enhanced in a fiscally responsible manner; and
14. WHEREAS, the Parties acknowledge that they have authority to execute this cooperative intergovernmental agreement pursuant to the terms of their respective municipal charters and pursuant to ORS 190.010;

NOW THEREFORE, in consideration of the mutual covenants and agreements contained herein, it is agreed by and between the Parties hereto as follows:

1. "Water Supply Facilities" Defined. As used herein, the term "water supply facilities" means river intake, raw and finished pumping facilities, water treatment facilities, water storage facilities, and all other infrastructure used in conjunction with the appropriation, treatment, storage or transmission of the Parties' water.
2. "Emergency Condition" Defined. An "emergency condition" is an occurrence created by a failure of the water supply facilities of the Board, Lake Oswego, West Linn, or Tigard, or the occurrence

of an event which jeopardizes the Parties' water quality, whereby insufficient supply to any of the water customers of the Parties could threaten the health or safety of those customers. Such failure includes failure or interruption in the operation of river intakes, raw and finished water pumping facilities, water treatment facilities, raw and finished water pipelines, reservoirs, and appurtenant facilities. Emergency conditions shall not include situations involving loss of water pressure or diminution in water volume in a water distribution system during periods of high demand if the system remains in a normal operational mode, and shall not include scheduled repairs or maintenance or reductions in water availability due to regulatory action.

3. Utilization of Water Intertie. The water system intertie may be utilized by the mutual consent of the executive officers of each of the Parties, or their designees. Decisions regarding the use of the intertie may be reviewed by the city councils of each of the Parties at the discretion of each city council.

4. Location and Description of Water System Intertie. The location of the water system intertie is in the vicinity of the intersection of Kenthorpe and Old River Road in West Linn. The intertie connection that was established and constructed in 1984 under the above-referenced prior agreement consists of an 18-inch intertie main approximately 800 feet in length and related appurtenance that are located on Old River Road between Mapleton Drive and Kenthorpe Way. This pipeline connects West Linn's 18-inch diameter transmission main located on Highway 43 to Lake Oswego's 24-inch diameter transmission main located at the intersection of Kenthorpe Way and Old River Road. In 2000, West Linn constructed an intertie booster pump station on property located on the west side of Old River Road between Kenthorpe and Mapleton Drive. The property is located between Old River Road and Highway 43. The pump station connects to, and utilizes, the 18-inch intertie main on Old River Road. The pump station allows the intertie to be used on a continuous and automatically controlled basis in both directions of supply, i.e. Board and West Linn to Lake Oswego and Lake Oswego and Tigard to West Linn and Board. The pump station includes flow, pressure control, metering and telemetry facilities, and a connection for providing emergency power supply. The pump station, along with the facilities and appurtenances associated with it, as well as the facilities previously constructed in 1984, constitute the water system intertie that is the subject of this agreement.

5. Modifications to Water System Intertie. West Linn, as the project owner, undertook and completed the water system intertie pump station project. West Linn has maintained accurate cost accounting records relating to the project. The Board agreed to contribute \$100,000.00 to the project cost, which shall be payable in accordance with a payment schedule not to exceed two years. Lake Oswego agreed to contribute to the project a sum equal to 50% of the project cost of the facilities that benefit Lake Oswego, but not to exceed \$65,000.00. These facilities are defined as the piping, valves, vaults, metering, instrumentation and control systems, and appurtenant facilities that are used to provide water supply to Lake Oswego from West Linn and the Board. The estimated project cost of these facilities which benefit Lake Oswego is \$130,000. "Project Cost" as used in this paragraph is defined as the final construction cost of the facilities plus the prorated share of the engineering costs for project which include pre-design, design, bidding and award, construction management, permits and approvals, operation and maintenance manuals, and intertie operating plan. Project costs do not include property acquisition costs, contractor claims, litigation costs or other extraordinary costs related to the project. Upon completion of the project, West Linn will provide documentation to Lake Oswego for the project costs incurred. Lake Oswego agrees to pay West Linn its contribution toward the

cost of such facilities in accordance with a payment schedule not to exceed two years from the date of this agreement.

6. Title to Intertie Facilities. The title to the water system intertie facilities as described above in Paragraph 4 and the obligation to insure them shall be in the name of West Linn. Title to the property occupied by the intertie pump station will be in the name of West Linn.

7. Method of Water Supply Through Intertie. Supply to Lake Oswego and Tigard from the Board and West Linn will be by gravity through the piping, metering, flow and pressure control facilities associated with the intertie pump station. Supply to West Linn and the Board from Lake Oswego and Tigard will be accomplished by pumping or gravity from the Lake Oswego-Tigard water system through the intertie pump station into West Linn's system. Instrumentation, control and telemetry systems will be installed in the station and the station will be under the primary control of West Linn. Lake Oswego has installed additional instrumentation, control and telemetry systems that will provide for pump station status indication and additional control functions. West Linn will prepare an operating plan for the intertie pump station and appurtenant facilities and provide copies of same to the Board and Lake Oswego.

8. Quantity of Water to be Supplied. Upon agreement between the Parties to make use of the intertie pursuant to Paragraph 3 of this Agreement, the supplying water shall endeavor to supply the maximum feasible quantity of water requested by the receiving Party, and take all reasonable actions necessary to accomplish the same, so long as such actions are not detrimental to the operation of the supplying Party's own water system. Provided that Lake Oswego's supply facilities are expanded to a treatment capacity of 38 million gallons per day, Lake Oswego and Tigard can provide West Linn and Board with redundant water supply facilities and a reliable source of emergency water supply sufficient to meet West Linn's average day demand of 4 mgd through at least 2041.

9. Cost of Water to be Supplied. The Parties agree to pay for all water provided through the intertie at a rate which is the greater of:
 - a. The cost, then being paid by West Linn to the Board for wholesale water; or
 - b. The cost to Lake Oswego and Tigard to produce and deliver water to the inlet side of the intertie pump station, which in the first year of operation of the expanded treatment plant is estimated to be \$0.95 per 100 cubic feet.

The volume of water delivered shall be measured by the meter installed at the intertie pump station. The Parties shall have the right at any time to review rates for water supplied and make such adjustments to the cost of water provided, as they deem necessary and by mutual agreement of all Parties. In the event it is necessary for a Party supplying water through the intertie to obtain additional water from a water provider not party to this agreement, the water rate charged to the Party receiving water under this agreement shall be the water rate charged to the supplying Party by the non-party water provider. The Parties further agree that water utilized for periodic testing and exercising of the facilities will be furnished between the Parties

without cost. In addition to the rate charged for water, the Parties by mutual agreement reserve the right to impose wheeling charges.

10. Operation and Maintenance Costs. The Parties agree that West Linn, as the owner of the intertie facilities, will be responsible for and will pay for the normal day-to-day operation and maintenance costs of the facilities.
11. Repairs, Renewals, Replacements, Upgrading and Modifications. The Parties agree that West Linn, as the owner of the intertie facilities, will be responsible for scheduling, contracting for and implementing any repairs, renewals, replacements, upgrading and modifications that may be required in the future to maintain or increase the function of the facilities.
 - a. Cost of Repairs: West Linn shall be responsible for the cost of all repairs, except that Lake Oswego and Tigard agrees to pay 50% of the cost of any repairs necessary to those facilities which benefit Lake Oswego and Tigard. Those facilities are defined as the piping, valves, vaults, metering, instrumentation and control systems, and appurtenant facilities that are used to provide water to Lake Oswego and Tigard from West Linn and the Board.
 - b. Cost of Capital Improvements. The cost of any capital improvements or improvements which increase the function of the facilities will be shared in an equitable manner, based upon the benefit to be derived from each Party from each particular period.
12. Access to Water System Intertie Facilities. The Parties and their employees shall have access to the water system intertie facilities.
13. Agreement Not to Resell Water Without Consent. Except for existing wholesale customers or existing mutual aid agreements, the Parties agree that they will not resell water supplied under the terms of this agreement without prior written consent of all Parties.
14. Supersedes Prior Agreement. The Parties agree that this is agreement supersedes and replaces the prior agreement executed in October and November, 2003.
15. Amendment Provisions. The terms of this agreement may be amended by mutual agreement of the Parties. Any amendments shall be in writing, shall refer specifically to this agreement, and shall be executed by the Parties.
16. Termination of Agreement. This agreement shall continue in effect until terminated by any Party with written notice of such intent to terminate provided to the other Parties. Notice to terminate must be provided at least 36 months prior to the effective date of termination. Termination of this agreement shall not affect ownership status of the water system intertie facilities hereinabove described.
17. Written Notices Addresses. All written notices required under this agreement shall be sent to:

South Fork Water Board:

General Manager
South Fork Water Board

15962 S. Hunter Avenue
Oregon City, Oregon 97045

City of Lake Oswego: City Manager
City of Lake Oswego
P.O. Box 369
Lake Oswego, Oregon 97034

City of West Linn: City Manager
City of West Linn
22500 Salamo Road
West Linn, Oregon 97068

City of Tigard City Manager
City of Tigard
13125 SW Hall Blvd
Tigard, Oregon 97223

18. Dispute Resolution: If a dispute arises between the parties regarding this Agreement, the Parties shall attempt to resolve the dispute through the following steps:

Step One (Negotiation)

The Manager or other persons designated by each of the disputing Parties will negotiate on behalf of the entity they represent. The nature of the dispute shall be reduced to writing and shall be presented to each Manager, who shall then meet and attempt to resolve the issue. If the dispute is resolved at this step, there shall be a written determination of such resolution, signed by each Manager and ratified by their respective Board or Council, which shall then be binding upon the Parties.

Step Two (Mediation)

If the dispute cannot be resolved within thirty (30) days at Step One, the parties shall submit the matter to non-binding mediation. The Parties shall attempt to agree on a mediator. If they cannot agree, the Parties shall request a list of five (5) mediators from the Presiding Judge of the Clackamas County Circuit Court. The Parties will attempt to mutually agree on a mediator from the list provided, but if they cannot agree, the mediator will be selected by the Presiding Judge of Clackamas County Circuit Court. The cost of mediator shall be borne equally between the Parties, but each Party shall otherwise be responsible for its own costs and fees therefore. If the issue is resolved at this step, a written determination of such resolution shall be signed by each Manager and ratified by their respective Board or Council.

Step Three (Arbitration)

If the Parties are unsuccessful at Steps One and Two, the dispute shall be resolved by binding arbitration proceedings pursuant to ORS Chapter 36. The Parties shall follow the same process

as in Step Two for the selection of the arbitrator. Upon breach of this agreement, the nondefaulting Parties shall be entitled to all legal or equitable remedies available, including injunctive relief, declaratory judgment, specific performance and termination. The prevailing Party(ies) in Step Three shall be entitled to reasonable attorney fees and costs which have been incurred during the Step Three process, as may be awarded by the arbitrator.

SIGNATURE PAGE FOLLOWS

IN WITNESS WHEREOF, the Parties have set their hands and affixed their seals as of the date and year hereinabove written.

Board has acted in this matter pursuant to Resolution No. _____ adopted on the _____ day of _____, 2012.

Lake Oswego has acted in this matter pursuant to Resolution No. _____ adopted on the _____ day of _____, 2012.

West Linn has acted in this matter pursuant to Resolution No. _____ adopted on the _____ day of _____, 2012.

Tigard has acted in this matter pursuant to Resolution No. _____ adopted on the _____ day of _____, 2012.

South Fork Water Board,
by and through its officials

APPROVED AS TO FORM

By: _____
Doug Neeley, Vice Chair

By: _____
Chris Crean, Attorney

City of Lake Oswego,
by and through its officials

APPROVED AS TO FORM

By: _____
Jack D. Hoffman, Mayor

By: _____
David Powell, City Attorney

Attest: _____
Catherine Schneider, City Recorder

City of West Linn,
by and through its officials

APPROVED AS TO FORM

By: _____
Jon Kovash, Mayor

By: _____
Pam Beery, City Attorney

Attest: _____
Kathy Mollusky, City Recorder

City of Tigard
by and through its officials

APPROVED AS TO FORM

by: _____
Craig Dirksen, Mayor

By: _____
Tim Ramis, Attorney

Attest: _____
Cathy Wheatley, City Recorder

AIS-1556

4.

Business Meeting

Meeting Date: 02/11/2014

Length (in minutes): 10 Minutes

Agenda Title: Presentation from Community Action of Washington County

Submitted By: Cathy Wheatley, Administrative Services

Item Type: Update, Discussion, Direct Staff

Meeting Type: Council Business Meeting - Main

Public Hearing: No

Publication Date:

Information

ISSUE

Presentation from Community Action of Washington County.

STAFF RECOMMENDATION / ACTION REQUEST

No recommendation; presentation only.

KEY FACTS AND INFORMATION SUMMARY

Community Action works to eliminate conditions of poverty for hundreds of Tigard households every year and creates opportunities for them to achieve economic security. Representative Margaret Doherty serves on their board and along with Executive Director, and former Tigard High School graduate, Jerralynn Ness, they will share information about the impact of the organization's work on the Tigard Community.

OTHER ALTERNATIVES

N/A

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

N/A

DATES OF PREVIOUS COUNCIL CONSIDERATION

N/A

Attachments

Our Promise

Community Action changes people's lives, embodies the spirit of hope, improves communities and makes America a better place to live. We care about the entire community and are dedicated to helping individuals help themselves and each other.

Our Vision

Washington County's residents are strong, resilient, involved in the community, and live with dignity and security.

Our Mission

Community Action leads the way to eliminate conditions of poverty and create opportunities for people and communities to thrive.

Community Action was formed in 1965 as a small grassroots organization committed to eliminating conditions of poverty and creating opportunities for people and communities to thrive. Today, Community Action is one of the largest private nonprofit social service organizations serving low-income families in Washington County and an essential partner in the local safety net.

Community Action...

- ...has a genuine concern and knowledge regarding the issues of poverty.
- ...is recognized, respected, and works collaboratively with funders and other service providers.
- ...is a community leader in the area of early childhood development.
- ...is a catalyst in community efforts to address issues of homelessness and affordable housing.
- ...is committed to the highest standards of fiscal stewardship.

Board of Directors

2013-2014

Chair: Ronald Sarazin, *Olympic Performance*
Vice-Chair: Richard M. Odell, *Kaiser Permanente*
Treasurer: Scott Gardner, *Portland General Electric*
Secretary: Dana Galaxy, *Community Representative*
At-Large: Tom Hughes, *Metro President*
At-Large: Ann E. Barr-Gillespie, *Pacific University*

Lynn Baker, *Virginia Garcia Memorial Health Center*
Representative Margaret Doherty, *State of Oregon*
Mayor Denny Doyle, *City of Beaverton*
Nancy M. Ford, *NW Regional Education Service District*
Marcy Gallegos, *Head Start Policy Council*
Leonor Garcia, *Head Start Policy Council*
Leda Garside, *¡Salud!*
Commissioner Greg Malinowski, *Washington County*
José Rivera, *Centro Cultural de Washington County*
Leslea S. Smith, *Oregon Law Center*
Mayor Peter Truax, *City of Tigard*
Mayor Jerry Willey, *City of Hillsboro*

Community Action's unique tripartite Board of Directors consists of elected officials, low-income representatives, and community leaders.

Leadership Staff

Jerralynn Ness, *Executive Director*
Roger Barnes, *Human Resources Director*
Jerry W. Brown, *CPA Director of Finance & Operations*
Renée Bruce, *Family & Community Resources Director*
Catherine Crooker, *Director of Advancement*
Farzana Siddiqui, *Child Development Director*



1/2014



1001 SW Baseline Street
Hillsboro, OR 97123
(503)648-6646

www.caowash.org

Jerralynn Ness, *CCAP, Executive Director*

Programs

HEAD START prepares low-income pre-school children, ages 3 to 5, for success in school and life, including children with special needs.

EARLY HEAD START promotes physical, social, emotional, cognitive, and language development of infants and toddlers and supports positive parent-child relationships.

CHILD CARE RESOURCE & REFERRAL provides access to quality, affordable child care for working families and strengthens the local child care network by providing training for providers and businesses.

FAMILY ADVOCACY provides prenatal and parenting support that connects low-income women with resources for a healthy birth and successful parenting.

HOUSING & HOMELESS SERVICES provides shelter for families experiencing homelessness, assists them in achieving housing stability and advocates for their children to ensure school success.

ENERGY & EMERGENCY RENT ASSISTANCE prevents homelessness and assures that families can remain safe and warm in their homes by providing financial assistance for those facing eviction or termination of heat and electricity services.

ENERGY CONSERVATION helps families reduce energy bills by assessing home energy use, recommending cost saving measures and connecting with resources to improve energy efficiency.

INFORMATION & REFERRAL Community Action is the Washington County partner for *211 Info* providing information and referral to critical health and human services.

Partnerships with, and funding from, the public, private and nonprofit sectors make it possible for Community Action to help families overcome challenges and achieve success.

Impact

In fiscal year 2012-2013 (July 1, 2012 to June 30, 2013) Community Action responded to more than 32,000 requests for assistance, providing hope, help and change for families throughout Washington County.

- **172** homeless children and parents had the chance to get back on their feet by staying at Community Action's Hillsboro Family Shelter.
- An additional **230** families participated in a range of services provided by Community Action to help them avoid or recover from homelessness and achieve housing stability.
- **578** families did not go hungry because they were able to access emergency food boxes from Community Action.
- **184** families received individualized housing counseling to address their housing crisis by attending a Community Resource Orientation
- **7,737** families stayed warm and safe in their homes with heat and electricity bill paying assistance from Community Action.
- **651** families facing eviction remained in their homes because of rent assistance provided by Community Action.
- **91** families were able to secure permanent housing because of short-term rent assistance provided by Community Action.
- **140** families had lower fuel costs and warmer homes because Community Action provided comprehensive weatherization services.

- **205** households reduced energy costs, improved home safety and increased energy efficiency by receiving energy education and conservation services.
- **957** Parents were able to work because they could access quality, affordable child care.
- The quality of local child care resources improved as **1,435** providers participated in **11,478** hours of training in early childhood development.
- With access to appropriate pre-natal services, **396** low-income pregnant women were better equipped for a healthy birth.
- **52** at-risk pregnant women received comprehensive services to enable a healthy birth and **96%** gave birth to healthy babies.
- **72** at-risk families received parenting support to prevent child abuse and neglect.
- By dialing 211, **15,078** callers were connected with vital health and social services because of Community Action's comprehensive data base of Washington County resources.
- **1,041** pre-school children gained a solid educational foundation by participating in Community Action's Head Start program.
- **18** families began the process of saving funds to increase their education or start a business through Community Action's Individual Development Account program.
- **58** individuals learned skills to take control of their financial future through Community Action's financial education classes.

How To Reach Us

Community Action
operates the following programs
to assist eligible residents
of Washington County

Child Care Resource & Referral

Referral & Assistance.....971.223.6100

Toll Free800.624.9516

Child Care referral line open:

Monday, Wednesday & Friday, 9am - 3pm;

Tuesday, 12pm - 3pm; Thursday - Closed

Emergency Rent Assistance 503.615.0770

Energy Assistance..... 503.615.0771

Energy Conservation..... 503-906-6550

Family Advocacy.....503.640.3263

Head Start/Early Head Start 503.693.3262

Healthy Families..... 503.517.5798

For parenting support

Housing & Homeless Services

Includes Family Shelter 503.640.3263

Rent Well Education.....503.726.0821

Information & Referral..... 2-1-1

Toll free.....866.698.6155

Opening Doors..... 503.517.3198

For prenatal support

Our Vision

Washington County's residents are strong, resilient, involved in the community, and live with dignity and security.

Our Mission

Community Action leads the way to eliminate conditions of poverty and create opportunities for people and communities to thrive.

Community Action

1001 SW Baseline Street
Hillsboro, OR 97123
503.648.6646

www.caowash.org

Community Action does not discriminate on the basis of race, sex, creed national origin, marital status, age, sexual orientation, or disability. All Community Action sites are accessible to people with disabilities. Please contact us if you require special accommodations



Our Programs & Services



Child & Family Support

- **Child Care Resource & Referral**

Helps families access affordable, quality child care and offers training for child care providers. The child care referral line is open Monday, Wednesday & Friday from 9am-3pm; Tuesdays from 12:00pm-3:00pm and closed on Thursdays.

- **Early Head Start** for Children ages 0-3

Full-Day Full-Year: Provides services to children whose parents are working and are eligible for Employment Related Day Care (ERDC) funds from the State of Oregon Operates at Hillsboro Child Development Center from 7:30am-5:30pm, five days per week year-round.

Home Based: Provides home based services in Beaverton and Hillsboro through weekly home visits to families and socialization experiences at Beaverton Child Development Center.

Combination or Part-Day Full-Year: Provides services to parents and children twice per week for three hours at Hillsboro Child Development Center & Coffee Creek Correctional Facility. Teachers conduct two 90-minute home visits per month with each family.

- **Head Start** for Children ages 3-5

Part-Day Pre-K: Provides part-day, part year services for 3.5 hours per day, 4 days per week, in classrooms located in public schools in the Beaverton, Hillsboro, and Tigard-Tualatin school districts and in our Hillsboro and Beaverton Child Development Centers.

Full-Day Full-Year: Provides services to children whose parents are working and are eligible for Employment Related Day Care (ERDC) funds from the State of Oregon. Operates at Hillsboro Child Development Center from 7:30 am - 5:30 pm, five days per week year-round.

- **Opening Doors/Healthy Families**

Provides prenatal and parenting support that connects low-income, pregnant women with health insurance, prenatal care and community resources for a healthy birth and successful parenting.



Energy Services

- **Energy Assistance Program**

Assists households with their heating and electricity costs year-round. Availability of assistance depends on funding cycles. Advocacy, information, and referral to other services are also provided at the time of intake.

- **Energy Conservation**

Helps families reduce energy bills by assessing home energy use, recommending and installing cost saving measures and connecting with resources to improve the health, safety and energy efficiency of the home.



Housing & Homeless Services

- **Emergency Rent Assistance Program**

Provides emergency rent assistance to prevent or overcome homelessness. Funds are very limited and may not be available in all areas.

- **Hillsboro Family Shelter Home**

Provides up to five weeks of emergency shelter for families experiencing homelessness and assists them in achieving housing stability.

- **McKinney-Vento Homeless Education Program**

Advocates for students experiencing homelessness and housing instability in the Hillsboro School District to remain in and succeed in school.

- **Short Term Rent Assistance** 1-6 months

Financial assistance for homeless families to obtain and maintain housing.

- **Long-Term Support Services**

Individualized assistance to help families set and reach goals to support long-term housing stability.

- **Rent Well Education Classes**

Six week tenant education program to help families overcome rental screening barriers and learn steps to take to find affordable housing.

Information & Referral

Community Action is the Washington County partner for 211 Info, providing information and referral to critical health and human services. Dial 2-1-1 for help.

**Community Action
Service Statistics
July 1, 2012 - June 30, 2013**

Tigard

PROGRAMS	NUMBER SERVED
Child Care Resource & Referral: Connecting families with child care and enhancing the quality of care	
Training for Child Care Providers and Teachers	<u>Participants</u> 101
	Training Hours 808
Intel Family Child Care Network	<u>Providers</u> 0
	<u>Direct</u> \$0
Child Care Referrals	Referral Calls 129
	<u>Households Assisted</u> 129
Energy & Emergency Rent Assistance: Helping families stay warm and housed	
Energy Assistance	Individuals 2,458
	<u>Households</u> 780
	Direct \$407,528
Emergency Rent Assistance	Individuals 289
	<u>Households</u> 87
	Direct \$43,075
Head Start: Comprehensive early childhood programs preparing children for educational success	
Head Start	Children 105
	<u>Households</u> 104
Housing & Homeless Services: Promoting housing stability and sheltering families in times of crisis	
Support Services	Individuals 75
	<u>Households</u> 27
Housing Placement & Short Term Rent Assistance	Individuals 22
	<u>Households</u> 8
	Direct \$31,915
Rent Well Tenant Education	Individuals 28
Homeless Children's Services	Children 11
Emergency Shelter	Individuals 76
	<u>Households</u> 8
	Bednights 834
Food Assistance	<u>Food boxes</u> 6
Information & Referral	
Calls to 211 Info	<u>Individuals</u> 2,126
Opening Doors: Helping women to have healthy babies and strengthening parenting skills	
Referrals and Linkages	<u>Individuals</u> 70
Comprehensive Prenatal Support	<u>Individuals</u> 10
Comprehensive Parenting Support	<u>Households</u> 3
Weatherization: Keeping families safe and warm, and reducing energy costs	
Electricity Conservation	Housing Units 28
	Individuals 55
	<u>Households</u> 28
	Direct \$9,357
Comprehensive Weatherization	Housing Units 7
	Individuals 13
	<u>Households</u> 7
	Direct \$55,735
Energy Education	<u>Individuals</u> 102
	<u>Households</u> 35
Community Involvement	
Volunteerism	Individuals 139
	Hours 1,733

- * Responded to 1,296 requests for service
- * Served 3,418 individuals
- * Provided \$541,610 in direct benefits to clients
- * Provided 2,255 referrals for other assistance needed

AIS-1642

5.

Business Meeting

Meeting Date: 02/11/2014

Length (in minutes): 5 Minutes

Agenda Title: Contract Award - Main Street Sewer/Fanno Creek Crossing Elimination

Prepared For: Joseph Barrett

Submitted By: Joseph Barrett, Financial and Information Services

Item Type: Motion Requested **Meeting Type:** Local Contract Review Board

Public Hearing No

Newspaper Legal Ad Required?:

Public Hearing Publication

Date in Newspaper:

Information

ISSUE

Shall the Local Contract Review Board award a contractor for construction services on the city's Main Street Sewer/Fanno Creek Crossing Elimination project to Jeff Kersey Construction?

STAFF RECOMMENDATION / ACTION REQUEST

Staff recommends the Local Contract Review Board award the contract for construction services on the city's Main Street Sewer/Fanno Creek Crossing Elimination project to Jeff Kersey Construction in the amount of \$243,297 and authorize the City Manager to take the steps necessary to execute the contract.

KEY FACTS AND INFORMATION SUMMARY

The existing sewer crossing over Fanno Creek at Main Street is at risk of being damaged during flooding. The pipe is currently supported on concrete piers and is located under the Main Street Bridge. The piers for the pipe itself are at risk of damage by high water, scour, and debris flowing down the creek during flooding events. This project will eliminate the crossing by rerouting the sewer along the west side of Fanno Creek. The project will eliminate the possibility of the creek taking out the pipe and/or its supports and releasing sewage directly into Fanno Creek.

This project is consistent with the Sanitary Sewer Master Plan and is designed to meet the City Public Facility Design Standards and Clean Water Services Design and Construction

Standards. The project will be build across private property and easements and property restoration are part of the overall project. The engineer's estimate for this phase is \$267,000.

Staff issued an Invitation to Bid for the work on January 8, 2014. The project was advertised in the Daily Journal of Commerce on that date and also in The Tigard Time on January 16, 2014. Bids were due at 2:00 pm on January 23, 2014, and nine bids were received:

<u>Contractor</u>	<u>Bid</u>
Jeff Kersey Construction	\$243,297
Weitman Excavation LLC	\$251,490
CG Contractors LLC	\$260,864
K&E Excavating, Inc.	\$270,490
Civilworks NW, Inc.	\$309,314
C&M Excavation	\$347,594
Kerr Contractors	\$352,954
NW Kodiak Construction LLC	\$355,121
Kodiak Pacific Contruction	\$378,941

Staff has reviewed the bids and determined that Jeff Kersey Construction has submitted the lowest responsible bid. Jeff Kersey Construction is not on the Bureau of Labor and Industries ineligible list and had the proper bonding with the State's Contractor's Construction Board (CCB) for this project. Staff recommends the contract for construction of the Main Street Sewer/Fanno Creek Crossing Elimination project be awarded to Jeff Kersey Construction for \$243,297.

OTHER ALTERNATIVES

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

This project is consistent with the Sanitary Sewer Master Plan.

DATES OF PREVIOUS COUNCIL CONSIDERATION

This project and contract were discussed with Council at the January 28, 2014 study session.

Fiscal Impact

Cost: \$243,297

Budgeted (yes or no): Yes

Where budgeted?: Sanitary Sewer Fund

Additional Fiscal Notes:

This project (#93011) is in the 2014-2018 Capital Improvement Plan. It was also part of the first quarter supplemental budget which allocated additional funds for the construction of the project. The total contract amount is \$243,297.

Attachments

No file(s) attached.

AIS-1644

6.

Business Meeting

Meeting Date: 02/11/2014

Length (in minutes): 5 Minutes

Agenda Title: Contract Award - 2014 Pavement Maintenance Program
Overlay Design Services

Prepared For: Joseph Barrett

Submitted By: Joseph Barrett, Financial and Information Services

Item Type: Motion Requested **Meeting Type:** Local
Contract
Review
Board

Public Hearing No

Newspaper Legal Ad Required?:

Public Hearing Publication

Date in Newspaper:

Information

ISSUE

Shall the Local Contract Review Board award a contract for pavement overlay design services for the city's 2014 Pavement Management Program to Murray, Smith & Associates, Inc.

STAFF RECOMMENDATION / ACTION REQUEST

Staff recommends the Local Contract Review Board award a contract for pavement overlay design services for the city's 2014 Pavement Management Program to Murray, Smith & Associates, Inc. in the amount of \$157,973 and authorize the City Manager to take the necessary steps to execute the contract.

KEY FACTS AND INFORMATION SUMMARY

The yearly Pavement Management Program (PMP) protects the city's investment in street infrastructure. The program typically includes a combination of minor maintenance projects (slurry seal applications) and major maintenance projects (pavement overlays). In a pavement overlay project, the pavement on a street has deteriorated due to traffic usage and weather, and is at the point where pavement repairs and overlays are necessary to avoid further deterioration and return the street to a good condition.

The contract before the LCRB for award is for design services related to the pavement overlay portion of the program. Work included under this contract will include:

- An evaluation of existing pavement,

- Recommendations of pavement treatments,
- A survey of existing curb ramps,
- Design of curb ramp retrofits to meet ADA requirements, and
- Design of the paving work.

Streets that have overlays planned include:

- Locust Street (Greenburg Rd to Hall Blvd)
- Walnut Street (116th Ave to 122nd Ave)
- 121st Avenue (Tippitt Pl to Ann Pl)
- 115th Avenue (Gaarde St to Fonner St)
- 78th Avenue (Pfaffle St to Spruce St)
- Spruce Street (78th Ave to 71st Ave)
- 71st Avenue (Hwy 99W to Pine St)
- Old Gaarde Street (Gaarde St to Hwy 99W)
- 105th Avenue (McDonald St to the end)
- Canterbury (109th to Hwy 99W)
- 109th Avenue (Canterbury to 600' S of Murdock)
- Tech Center Drive (72nd Ave to west end)
- Frewing Street (Hwy 99W to O'Mara)

As this work will be done by an engineering firm, it falls under the Qualification Based Solicitation (QBS) process which does not allow the city to ask for any pricing information during the solicitation. As staff estimated the work would be in the neighborhood of \$190,000 an intermediate QBS process was used. This process requires the city to issue an informal RFP to at least five engineering firms on the city's Public Works Qualified Roster. The five firms chosen to receive the RFP were:

- Murray, Smith, & Associates
- WHPacific, Inc.
- CES/NW Inc.
- Wallis Engineering, and
- Duval Engineering

Proposals were due on January 21st and were scored and the firms ranked based on:

- Firm Qualifications and Specific Experience of Key Staff (40% weight)
- Project Approach (30% weight), and
- Project Samples (30% weight)

Based on the scoring by the staff's review team, Murray, Smith & Associates, Inc. (MSA) was selected as the most qualified firm. Staff then entered into negotiations with MSA and both parties agreed to a price of \$157,973 for the work which is below the staff's estimate for the work. As such, staff recommends the Local Contract Review Board award the contract to MSA.

OTHER ALTERNATIVES

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

DATES OF PREVIOUS COUNCIL CONSIDERATION

The Council was briefed on this contract at the January 28, 2014 study session.

Fiscal Impact

Cost: \$157,973

Budgeted (yes or no): Yes

Where budgeted?: Street Maintenance Fund

Additional Fiscal Notes:

This project is included in the 2014-2018 Capital Improvement Plan with a total FY 2013-2014 external budget of \$1,430,000 which allows for adequate funds available for this work.

Attachments

No file(s) attached.

AIS-1588

7.

Business Meeting

Meeting Date: 02/11/2014

Length (in minutes): 20 Minutes

Agenda Title: Update on Southwest Corridor Plan Tigard Public Involvement Opportunities

Submitted By: Judith Gray, Community Development

Item Type: Receive and File

Meeting Type: Consent Agenda

Public Hearing: No

Publication Date:

Information

ISSUE

Council will receive an update on the Southwest Corridor Plan, including upcoming public input opportunities.

STAFF RECOMMENDATION / ACTION REQUEST

Receive information. Provide direction, if desired.

KEY FACTS AND INFORMATION SUMMARY

Phase 1 of the Southwest Corridor Plan was completed in the summer of 2013. The Phase 1 decision directed the project team to conduct additional analysis on two High Capacity Transit (HCT) modes: bus rapid transit and light rail transit. The project team is currently refining those options for further analysis and are scheduled to decide which alternatives warrant further analysis as part of the Draft Environmental Impact Statement.

Tigard will be hosting a Community Meeting on February 13. The purpose of the meeting will be to help community members understand what the project is, how we got here, and how they can participate in future decisions. This will also be an opportunity for the public to learn about the March anti-HCT ballot measure.

OTHER ALTERNATIVES

n/a

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

Council has made both participation in the Southwest Corridor Plan and effective community engagement priority goals.

DATES OF PREVIOUS COUNCIL CONSIDERATION

DATES OF PREVIOUS COUNCIL CONSIDERATION

SW Corridor Plan

November 15, 2011
November 20, 2012
February 19, 2013
March 19, 2013
May 21, 2013
June 25, 2013
October 8, 2013

Agenda items associated with High Capacity Transit Land Use Plan

January 18, 2011
April 26, 2011
July 19, 2011
November 18, 2011
May 15, 2012
August 14, 2012

Attachments

No file(s) attached.

AIS-1592

8.

Business Meeting

Meeting Date: 02/11/2014

Length (in minutes): 15 Minutes

Agenda Title: Renew Annexation Incentives - Resolution

Submitted By: Carol Krager, City
Management

Item Type: Resolution

Meeting Type: Council
Business
Meeting -
Main

Public Hearing Yes

Newspaper Legal Ad Required?:

Public Hearing Publication

Date in Newspaper:

Information

ISSUE

Consider a resolution to renew annexation incentives, which defines incentives for voluntary annexation of unincorporated lands to the municipal city limits.

STAFF RECOMMENDATION / ACTION REQUEST

Staff recommends that council consider whether or not to adopt the proposed resolution amending Resolution No. 07-13 extending voluntary annexation incentives until February 2015. Adopting the resolution would preserve the incentives for another year.

KEY FACTS AND INFORMATION SUMMARY

As stipulated in Resolution 13-08, council's annual review of its annexation policy, including annexation incentives, is to occur in February 2014.

Resolution 07-13 approved the following annexation incentives: 1) waiver of the city annexation application fee for all annexation requests, and 2) phasing in of city property taxes over a three-year period at the rate of 33%, 67%, and 100%. In July of 2007, City Council passed a second resolution (Resolution 07-47) to subsidize payment of Metro's annexation mapping fee for applicants. City staff then began the practice of assisting applicants with property descriptions, provided it does not involve field work, and to waive the pre-application conference fee. Resolutions extending the incentives were subsequently adopted annually. Last year an additional incentive allowing for phased property taxes was applied retro-actively to properties annexing by triple majority to benefit property owners in the River Terrace district.

Attachment 1 provides an updated resolution extending the current incentives to February 2015.

OTHER ALTERNATIVES

1. Not adopt the 2014 resolution, allowing the incentives to expire.
2. Amend the resolution, such as remove, add or modify incentives.

COUNCIL OR CCDA GOALS, POLICIES, MASTER PLANS

NA

DATES OF PREVIOUS CONSIDERATION

2008, 2009, 2010, 2011, 2012, and Feb 28, 2013

Fiscal Impact

Cost: TBD

Budgeted (yes or no): yes

Where Budgeted (department/program): Community Development

Additional Fiscal Notes:

The fiscal impact of maintaining these incentives is highly variable and related mostly to development activity. For example, in 2013 there were six annexations, two by the city for 8.06 acres and four by petition for 12.17 acres; the city paid \$900 in Metro fees and lost \$14,480 in application fees. In 2012 there were three annexations including River Terrace Phase II for 268 acres; the city paid \$400 in Metro fees. In 2011, there was one annexation by the city for which the resolution does not apply and one by a landowner that has been put on hold by the owner. In 2010, there was only one annexation in Metzger and the City paid \$150 in Metro mapping fees and lost approximately \$3,349 in application fees. Also a small amount of staff time was spent assisting the owner with the required property description. Over the seven-year period that the incentives have been in place the City has foregone and spent about \$46,500.

In addition to the forgone fee revenue and Metro fees, the City also did not receive the full amount of property taxes. It is estimated that, during the last seven years, the City did not receive about \$75,258 in property tax revenue because of the tax phase-in incentive generally, including \$66,628 from Areas 63 and 64.

Over time, foregone fees will be recovered by new property tax revenue from annexed properties. However, if activity increases significantly, the budget may need an adjustment to compensate for the fees and staff time.

Attachments

Proposed Resolution

CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
RESOLUTION NO. 13-

A RESOLUTION AMENDING RESOLUTION 07-13 TO EXTEND THE INCENTIVES FOR VOLUNTARY ANNEXATION OF UNINCORPORATED LANDS TO THE MUNICIPAL CITY LIMITS TO FEBRUARY 2015.

WHEREAS, Resolution 07-13 establishes policy to guide city actions pertaining to annexation of unincorporated lands to the municipal city limits, and provides incentives to annex, including waiver of the city annexation application fee until July 1, 2008 and phasing in of increased property taxes over a three-year period at the rate of 33 percent, 67 percent, and 100 percent, for properties that annex during the period of March 13, 2007, to February 2008 per Oregon Administrative Rule (OAR 150-222.111); and

WHEREAS, Resolution 07-47 amends Resolution 07-13 to expand the incentives to include city payment of the Metro mapping/filing fee until July 1, 2008; and

WHEREAS, the city's operational and administrative procedures have been to assist in the preparation of legal descriptions as long as they do not require field survey work and to waive the pre-application conference fee for individual property owners interested in voluntary annexation; and

WHEREAS, Resolution 08-12 amends Resolution 07-13 to extend the offer of incentives to annex until February, 2009; and

WHEREAS, the City Council passed Resolution 09-12 on February 24, 2009 to continue to offer incentives to property owners who voluntarily annex to the city until February 2010; and

WHEREAS, the City Council passed Resolution 10-12 on February 9, 2010 to continue to offer incentives to property owners who voluntarily annex to the city until February 2011; and

WHEREAS, the City Council passed Resolution 11-08 on February 22, 2011 to continue to offer incentives to property owners who voluntarily annex to the city until February 2012; and

WHEREAS, on December 6, 2011, City Council set goals for 2012 including Goal 4, Annexation to a) Re-evaluate the city's annexation policy, and b) Develop a philosophy and approach to consider annexations, including islands; and

WHEREAS, in furtherance of its goals the City Council passed Resolution 12-09 on February 28, 2012, continuing its policies embodied in previous resolutions and formalizing a process for annual review of its annexation policy and incentives; and

WHEREAS, the City Council passed Resolution 12-38 on October 2, 2012 establishing additional incentives of phased in property taxes for certain properties that annex pursuant to ORS 222.170(1), referred to as "triple majority" annexation.

WHEREAS, the City Council passed Resolution 13-08 on February 26, 2013 to continue to offer incentives to property owners who voluntarily annex to the city and for properties that annex pursuant to ORS 222.170(1), referred to as "triple majority" annexation until February 2014.

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

SECTION 1: Resolution 07-13 is hereby amended to renew the offer of incentives to annex until February 2015, including:

- Waiver of the city annexation application fee;
- Phasing in of increased property taxes for properties annexed since March 13, 2007, through February, 2015, per Oregon Administrative Rule (OAR 150-222.111);
- City payment of the Metro mapping/filing fee;
- Assistance in the preparation of legal descriptions, not to include field survey work; and
- Waiver of the pre-application conference fee for individual property owners interested in voluntary annexation.

SECTION 2: Resolution 07-13 is hereby amended to establish an additional incentive for properties that annex pursuant to ORS 222.170(1), referred to as “triple majority” annexation, including:

- Phasing-in of increased property taxes for properties that annex through the triple majority process since August 1, 2011, per Oregon Administrative Rule (OAR 150-222.111), under the following terms:
 - For the assessment year of annexation of a property until July 1, 2014, 0.00 percent of the increased property taxes;
 - For the assessment year beginning July 1, 2014, 33 percent of the increased property taxes;
 - For the following assessment year beginning July 1, 2015, 67 percent of the increased property taxes;
 - For the next following and subsequent assessment years, 100 percent of the increased property taxes.

SECTION 3: The incentives recited in Section 2 of this resolution are retroactive as to any property annexed into the city limits by way of voluntary triple majority annexation approved by Council on or after August 23, 2011.

SECTION 4: The City Council shall continue to review its annexation policy and associated incentives in February of every year.

SECTION 5: This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2014.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard

AIS-1649

9.

Business Meeting

Meeting Date: 02/11/2014

Length (in minutes): 40 Minutes

Agenda Title: Consider Temporary Prohibition on Medical Marijuana Dispensaries

Prepared For: Marty Wine, City Management

Submitted By: Cathy Wheatley, Administrative Services

Item Type: Ordinance

Update, Discussion, Direct Staff

Meeting Type:

Council
Business
Meeting -
Main

Public Hearing: No

Publication Date:

Information

ISSUE

Should the City Council consider a temporary prohibition on medical marijuana dispensaries in Tigard?

STAFF RECOMMENDATION / ACTION REQUEST

Adopt an ordinance prohibiting medical marijuana dispensaries until January 1, 2015 in order for the city to initiate a policy discussion about whether, and why, and where, regulation of dispensaries in Tigard might be considered, and develop regulations as indicated. Time for research and a policy discussion with the Council and community is important.

KEY FACTS AND INFORMATION SUMMARY

The City of Tigard has received at least one inquiry from medical marijuana facility operators since late 2013 regarding 1) obtaining a city business license; and 2) due diligence for a land use application. The City's business licensing provisions offer little opportunity for regulation by type of business. The City's development code, TMC 18.210.030, **Consistency with Plan and Laws**, provides that "each development and use application and other procedures initiated under the title shall be consistent with the adopted comprehensive plan of the City of Tigard as implemented by this title and with applicable state and federal laws and regulations." TMC 18.10.040, **Use of a Development**, provides that a "development shall be used only for a lawful use. A lawful use of a development is one that is not prohibited by law and for which the development is designed, arranged and intended or which is a continuing nonconforming use." The city would classify a dispensary operation as a retail land use, and an operator would need to obtain a state license, which is not available until state rules are in place in March, 2014. Today, if a medical marijuana facility did not apply for land use or permitting, a dispensary could locate and operate in the city.

While the state has acted to allow medical marijuana facilities to operate and will create rules to guide their operations, these actions conflict with federal law which makes manufacturing, possessing, or distributing it a crime under federal statute. Further, the Obama Administration has outlined provisions for selective enforcement of the federal law. State Legislative Counsel has drafted an opinion that state law preempts a local government from restricting or prohibiting the operation of a state-registered medical marijuana facility within the jurisdiction of the local government. The League of Oregon Cities counsel holds the opposite view that cities are not preempted from such regulatory actions. Resolving these conflicts will rely on future changes to federal and/or state law, and may not be resolved for a year or more. In light of these conflicts, city staff currently responds to these inquiries by indicating that dispensary operation is a grey area of the law, and the local regulatory environment is unclear at this point.

Various regulatory changes have been drafted for the cities of Medford, Ashland, Grants Pass, and others, that make changes to business license or zoning provisions. The cities of Tualatin, Hillsboro and Sherwood have recently temporarily prohibited dispensaries in order to determine the potential for future regulation.

Similarly, if the City Council wishes to regulate the siting of dispensaries, the city's policy discussion may center around the potential reasons to allow siting of medical marijuana dispensaries. This will require time for the Council to address questions such as:

- If dispensary operation is legal and regulated at the state level, does the city have any reason to regulate further, and how?
- What does the public think about having dispensaries as part of the community? What are the potential impacts?
- What are the practical challenges with compliance of the city code provision to meet state and federal law? Practically, what is enforceable?
- Is there a public safety or risk-related basis for limiting the areas where dispensaries can be located in in the city?

OTHER ALTERNATIVES

The Council could choose to:

- Take no action.
- Amend the development code to provide for zoning for the facilities, specific to use and zone.
- Amend the Tigard Municipal Code to change business licensing provisions to specifically include or exclude dispensaries.
- Research options for other actions by the city.

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

DATES OF PREVIOUS COUNCIL CONSIDERATION

This is the first consideration of the issue by the Tigard City Council.

Attachments

MMJ staff memo

MMJ ordinance



City of Tigard Memorandum

To: Mayor John Cook and Tigard City Council

From: John Floyd, Associate Planner

Re: Temporary Prohibition on Medical Marijuana Dispensaries

Date: February 6, 2014

Request

The Community Development Department was asked to investigate a ban or temporary prohibition on medical marijuana dispensaries. The purpose of the prohibition would be to develop options for Council regarding the regulation or prohibition of such land uses within the City.

Discussion

Community Development staff and the City Attorney's office have investigated the issue, including a review of the Tigard Development Code and recent case law, and believe language already exists within the code that would support a prohibition on medical marijuana dispensaries. This language is found within the general administrative provisions which requires "each development and use application...be consistent with...all applicable state and federal laws and regulations" (18.210.030.A). As a result, all land uses within the city must be found compliant with both state AND federal law. Regardless of various state actions to partially legalize the use of marijuana for medical and/or general use, it still remains a crime to manufacture, possess, or distribute the drug under federal law under any circumstances within any state of the union. As discussed below, Tigard is not alone in trying to navigate the conflicting and overlapping requirements of state and federal law.

The League of Oregon Cities (LOC) met with the US Attorney for Oregon to discuss medical marijuana, but was unable to receive any additional clarification beyond the current opinion of the Obama Administration regarding enforcement of the federal Controlled substances Act. What is known through this opinion is that the current administration has stated that the federal government will not generally take enforcement action in medical marijuana cases except where children are being exposed to the operation, or where medical marijuana is being used as a front for illegal trafficking. However, it should be noted that this position could change at any time, especially with a new administration. A change in federal position could result in significant local costs, including the prosecution of local business owners, landlords, and residents

otherwise compliant with state law, along with requests for law enforcement assistance from the Tigard Police Department.

The issue of federal overlap is not limited to Tigard, and CD staff spoke to planning staff in Ashland, Tualatin, and Hillsboro. Of interest is the fact that unlike these cities, Tigard has explicit language in its land use regulations regarding compliance with federal laws.

The City of Ashland has a provision in their business license regulations that requires consistency with federal law, and is adopting an ordinance to remove that provision so it will not have to deny business license applications submitted by dispensaries. So long as this requirement was still in their code, Ashland officials believed it opened the city to potential Equal Protection Clause challenges for selective enforcement of this provision. As this provision is part of the municipal code pertaining to business licenses and not part of the land use code, Ashland planning staff indicated they were regulating medical marijuana dispensaries as medical land uses, and leaving the matter of dispensary control to law enforcement and the state.

Tualatin has a similar provision in their municipal code to that of Ashland, and is presently considering a temporary prohibition until December 31, 2014 in order to allow the city more time to evaluate the new state rules regarding dispensaries and perform more public outreach in developing local land use restrictions and/or prohibitions. When Tigard staff inquired about the federal overlap regarding controlled substances, Tualatin staff indicated there was a perception of greater risk of litigation at the local and state level than there was from the federal level, and were responding accordingly.

Hillsboro is also in the process of adopting locational restrictions on dispensaries. When asked about the conflict with Federal Law, Hillsboro planning staff indicated they had not yet been challenged on the issue, and pointed out that no one has appealed a dispensary denial to LUBA or the courts to their knowledge and as such the outcome was unclear. Hillsboro staff also indicated they were relying upon a November 2013 memorandum from the Oregon legislative counsel asserting that Oregon law preempts local municipal restrictions of medical marijuana facilities. This memorandum cites case law and two bills passed during the 2013 session. These bills include HB 3460 which creates a registration system for the transfer of marijuana and usable plants, and SB 863 which pre-empts local governments from taking any action to inhibit or prevent the production or use of agricultural seeds, flower seeds, nursery seeds, or vegetable seeds.

The General Counsel for the LOC disagrees with legislative counsel's opinion of HB 3460. LOC believes HB 3460 does not preempt local land use regulation; it just creates a registration system and other civil requirements to be administered by the Oregon Health Authority (OHA). LOC tried to get language within HB 3460 specifically addressing preemption, but was unsuccessful at the time given the political landscape. This is important as Oregon case law has generally taken the position that until the intent to preempt is unambiguously expressed, "local

requirements compatible with compliance with the state's standards are not preempted" *Gunderson, LLC v. City of Portland* (2012), citing *State ex rel Haley v. City of Troutdale* (1978). As HB 3460 stands, there is no direct language addressing preemption. Moreover, final Oregon Health Authority Rules to implement HB 3460 state "Registration by the Authority is not a guarantee that a facility is permitted to operate under applicable land use or other local government laws where the facility is located."

Similarly, there is a legal question regarding the applicability of SB 863 to medical marijuana dispensaries. Medical marijuana is not specifically mentioned in the bill or its legislative history, as the bill was more focused on biotech crops than cannabis and there is no specific mention of medical marijuana in the bill. In addition, as used in HB3460 the definitions of "usable marijuana" and "immature marijuana plants" do not overlap with the statutory definition of agricultural or nursery seed under ORS 571.300, in that a seed is not a plant.

Finally, in 2013 the California Supreme Court concluded that local governments were not preempted from banning facilities that distribute medical marijuana, using a similar preemption analysis and similar medical marijuana laws as Oregon. This may be indicative of how a similar challenge would play out in Oregon.

In sum, Tigard staff and legal counsel believe the City has authority to regulate or prohibit medical marijuana dispensaries under the Tigard Development Code as it presently exists. This provision in Tigard's code was not present in that of Ashland, Tualatin, or Hillsboro and appears to create a stronger case under land use law than in those cities, and as such may create more actionable options than a prohibition by ordinance. Such a move may be advantageous in the short term, as the state may adopt additional clarifying regulations and/or legal challenges may play out that will clarify the City's options.

Recommendation

If Council wishes to place temporary prohibition on dispensaries, this action would be defensible as discussed above. The prohibition could be temporary in order to allow sufficient time for the adoption of new land use regulations, or of indeterminate length and until such time as medical marijuana dispensaries can demonstrate affirmative compliance with Federal Law. The manner of the prohibition could take one of two forms.

1. The Community Development Director and City Attorney could prepare a written interpretation of the existing Tigard Development Code as it pertains to medical marijuana dispensaries and federal law, which Council could adopt or acknowledge as the City's official interpretation; and/or
2. Council could adopt a temporary prohibition by ordinance. A draft has been prepared should Council wish to consider this option. The draft establishes a temporary prohibition until the end of the year, at which time Council could allow the ordinance to sunset, or extend or revise it as necessary.

ORDINANCE NO. 14-_____

AN ORDINANCE RELATING TO MEDICAL MARIJUANA FACILITIES;
ESTABLISHING NEW TIGARD MUNICIPAL CODE CHAPTER 5.24; AND
DECLARING AN EMERGENCY.

WHEREAS, during the 2013 Special Session, the Oregon Legislature passed HB 3460, which allows for the establishment and licensing of medical marijuana facilities; and

WHEREAS, the Oregon Health Authority is charged with formulating administrative rules governing the licensing of medical marijuana facilities and will begin accepting applications for their operation in March, 2014; and

WHEREAS, the Federal Controlled Substances Act established cannabis (marijuana) as a Schedule I controlled substance, a category reserved for substances with no currently accepted medical uses in the United States, a lack of accepted safety protocols for use under medical supervision, and possessing a high potential for abuse; and

WHEREAS, Subsection 18.210.030.A of the Tigard Development Code requires each development and use application to be consistent with all applicable state and federal laws and regulations; and

WHEREAS, this conflict between state and federal law creates uncertainty about the authority of cities to regulate medical marijuana facilities within their boundaries and in compliance with both federal and state law; and

WHEREAS, City Council desires time to determine the impacts of the rules adopted by the State of Oregon; to gather public input about siting of facilities within the city; understand the potential community impacts; and to consider zoning regulations and policy options related to siting medical marijuana facilities in compliance with state and federal law; and

WHEREAS, pursuant to Article XI, section 2 of the Oregon Constitution, the City of Tigard is a “home rule” municipal corporation having the authority that the constitution, statutes, and common law of the United States and this State expressly or implicitly grant or allow over the civil affairs of its City;

NOW THEREFORE, THE CITY OF TIGARD ORDAINS AS FOLLOWS:

SECTION 1: Tigard Municipal Code Chapter 5.24 is added to Tigard Municipal Code Title 5 to read as follows:

5.24 Medical Marijuana Facilities

5.24.010. Purpose and Intent. The purpose of this Section is to temporarily prohibit medical marijuana facilities licensed by the State of Oregon from operating within the City of Tigard to allow the City Council time to consider and adopt proper zoning or other regulations for medical marijuana facilities. The State of Oregon is set to grant licenses to medical marijuana facilities in March 2014. The City Council finds that March, 2014, is too soon to provide adequate time to consider the issues related to medical marijuana facilities, seek public input, and adopt proper regulations. Therefore, the City Council is implementing this prohibition to provide time to review the State of Oregon's medical marijuana facilities licensing rules and consider the zoning issues related to the impacts of medical marijuana facilities in the City of Tigard.

5.24.020. Definitions. Except where the context specifically requires otherwise, as used in this Chapter, the following words and phrases mean:

(A) "Building" means any structure having a roof supported by columns or walls, for the housing, shelter or enclosure of persons, animals, chattels, or property of any kind.

(B) "Location" means any parcel of land, whether vacant or occupied by a building, group of buildings, or accessory buildings, and includes the buildings, structures, yards, open spaces, lot width, and lot area.

(C) "Medical marijuana facility" means a medical marijuana facility licensed by the State of Oregon under HB 3460 and/or ORS 475.300-475.346, including future amendments thereto.

(D) "Structure" means anything which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

5.24.030. Prohibited Activities. It is unlawful to establish, operate, use, or to cause or permit the establishment, operation, or use of a medical marijuana facility within the City of Tigard.

5.24.040. City Employees Have No Authority to Permit Medical Marijuana Facilities. The use of any building, structure, location, premises, or land for

a medical marijuana facility is not currently enumerated in the City of Tigard Municipal or Development Codes as a permitted use in any zoning district. Neither the City Manager nor any city employees is authorized to determine or permit the use of any building, structure, location, premises, or land as a medical marijuana facility in any zoning district.

5.24.050. Violations.

(A) A person who violates this Chapter commits a civil infraction and shall be subject to a fine of up to \$500. Each violation, and each day that a violation continues, constitutes a separate civil infraction.

(B) The civil infraction procedures in TMC 1.16 apply to the prosecution of any violation of this Chapter.

SECTION 2: Severability. Each section of this ordinance, and any part thereof, is severable. If any part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of this ordinance shall remain in full force and effect.

SECTION 3: Emergency. With the state set to issue licenses to medical marijuana facilities beginning in March 2014, this ordinance is necessary for the immediate protection of the public peace, health, safety and welfare and shall take effect immediately upon adoption.

SECTION 4: Ordinance Automatically Expires. This ordinance automatically expires and is to be deemed repealed at 11:59:59 p.m. on December 31, 2014, unless sooner repealed or extended by City Council ordinance.

PASSED: By _____ vote of all Council members present after being read by number and title only, this ____ day of _____, 2014.

Catherine Wheatley, City Recorder

APPROVED: By Tigard City Council this ____ day of _____, 2014.

John L. Cook, Mayor

Approved as to form:

City Attorney

Date