City *of* Tigard
Tigard City Council Meeting Agenda
January 14, 2014

Mayor Cook called the meeting to order at 6:34 p.m.

Name	Present	Absent
Mayor Cook	✓	
Council President Henderson	✓	
Councilor Buehner		✓ (Participated by speaker phone during the business meeting.)
Councilor Snider	✓	
Councilor Woodard	✓	

Staff Present: City Manager Wine, Assistant City Manager Newton, Engineering Manager McMillan, City Recorder Wheatley, City Attorney Ramis.

- STUDY SESSION – January 14, 2014

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

Engineering Manager McMillan reviewed the staff report. The amendment is before the City Council because several projects were added to the Derry Dell Sewer Project. Additional to the initial sewer and creek realignment are the projects for the culvert, widening of the road bed, trails, boardwalk and the waterline. CWS requested the amendment to the agreement. CWS will oversee the entire project(s), and the agreement identifies the funding required and the project scope. The agreement will be before the City Council again in two weeks to authorize the amendment.

In response to a question from Council President Henderson, Engineering Manager McMillan explained the total price has not changed from what has been presented to the council previously. During discussion on the total costs, City Manager Wine noted the Derry Dell project was changed in the last budget amendment showing consolidation of project costs. Along with the cost of the projects, the city will be paying CWS to oversee the project. Engineering Manager McMillan said she could provide a breakdown showing CWS' costs to oversee the project which formerly had consisted of several different projects budgeted separately by the city but are now combined; i.e., one general contractor with subcontractors. The $900,000 figure shown in the fiscal impact on the Agenda Item Summary is the estimate.

City Manager Wine clarified that the matter being discussed is the amendment to the contract with CWS; no budgetary impact changes are before the council at this time. A profile of the project showing what has been authorized/estimated can be prepared for the council.

Engineering Manager McMillan pointed out that $1.5 million is shown in the budget for this project over the next two years. More money is budgeted than what was estimated for the original project because there are additional components. Council President Henderson pointed out the agreement will cover the work for the project that will occur this year and next. After a comment by Mayor Cook, Engineering Manager McMillan said the city will be liable for costs of the project as it bids.

Councilor Woodard advised he has observed the area has been cleaned up – trees have been cut (where the Genesis Trail begins). He noted the statement in the report that the boardwalk will provide a neighborhood connection from Johnson Street on the west side of Derry Dell Creek to the trail on Johnson Street. Engineering Manager McMillan said the Johnson/Johnson Streets are dead-end and they will now be joined by the trail and boardwalk. Councilor Woodard said he liked the idea of a boardwalk. He recalled that this was called for in the trails project list and when all the added projects are totaled, the entire cost comes closer to the discretionary funding limit. Engineering Manager McMillan acknowledged there was additional expense because of the boardwalk and was a component that required negotiation with CWS. Tigard staff contended that now is the time to make this neighborhood connection because of timing/permitting.

The boardwalk is in the scope of work. Councilor Woodard noted this will drive up the costs. He said this situation is similar to one that exists in the Dirksen Nature Park where he was advocating a boardwalk over the wetland area. Situations like this require a policy decision by the City Council – current policies do not allow the city to build a boardwalk or observation deck into a "watery area." Engineering Manager McMillan said CWS advised that placing the trail through the grass and creek (rather than a structure) is better for wildlife. Councilor Woodard reiterated the need for a council policy discussion on boardwalks into wet areas – he maintained there is a "smart way" to do this but also acknowledged the opposite stance an environmentalist would likely take because of the disturbance to the area.

In response to a question from Council President Henderson, Engineering Manager McMillan said that the consultant's designs/plans are about 90 percent complete. The hope is to bid the project in April so construction can begin July 1.

City Manager Wine said she did not envision the policy discussion on building in waterways would affect this project. The city builds in waterways when we obtain the permits to do that. The policy question about whether the City of Tigard thinks building in waterways is desirable from our perspective is one the PRAB and City Council should address.

Councilor Woodard said that addressing the policy issue would make way for similar combining of projects when the timing is right; i.e., the Dirksen Nature Park improvements. Engineering Manager McMillan pointed out the added value realized when projects are combined and requested in one permit package.

City Manager Wine cautioned that a policy change would not necessarily mean the city would be able to always build a structure in a wetland area – permits and regulations by other agencies would prevail.

City Manager Wine said she thought the policy question being raised can be resolved, but does not need to be resolved for council approval of this IGA. In response to a comment by Council President Henderson, City Manager Wine said costs will be known when bids are received. City Manager Wine said the budgetary question will be answered between now and the time this matter comes before the City Council.

B. Administrative Items

- Council reviewed the upcoming meeting schedule:

Council Calendar:

January

14	Tuesday	Council Business Meeting, 6:30 p.m., Town Hall/RRCCR
20	Monday	Martin Luther King, Jr. Holiday – City Hall Offices Closed
21	Tuesday	Council Workshop Meeting, 6:30 p.m., Town Hall
28	Tuesday	Council Business Meeting, 6:30 p.m., Town Hall/RRCCR

- Mayor Cook referred to a potential city committee volunteer, Paul Dreschler. He was under consideration for appointment to the Parks and Recreation Advisory Board (PRAB). Mr. Dreschler has been appointed to a City of Gresham board, which conflicts with the PRAB meeting night. After discussion, City Manager Wine confirmed that staff will send Mr. Dreschler an application and encourage him to apply for appointment to the City Center Advisory Commission (CCAC).

- Councilor Snider asked City Attorney Ramis about a situation where there is a quorum of council members who recuse themselves from participation in a quasi-judicial proceeding. Can the remaining council members take action? Mr. Ramis said the standard is that the council can only act or approve an item with a majority of a quorum. However, if a situation occurs whereby a quorum cannot be achieved because a quorum of the council has declared a conflict or removed themselves from the deliberation, the "rule of necessity" could be applied. This means that even though people are otherwise disqualified, members are allowed to step in to achieve a quorum and take action. The person(s) who participate would acknowledge their conflict and that they were acting under the "rule of necessity."

  During the discussion, the mayor referred to the West Linn Council meeting of January 13 whereby the audience was asked if they had any objections to

participation of any member of the council on the subject of the public hearing. City Attorney Ramis advised it is probably not technically necessary to ask the audience this; but, the fair thing is to let people know what the rules are and guide them through it.

City Manager Wine said the city charter advises: "A majority members of the council shall constitute a quorum for its business, but a smaller number may meet and compel the attendance of absent members in a manner provided by ordinance." City Attorney Ramis went on to interpret (in response to a question from Council President Henderson) that a participation of a majority of members participating constitutes a quorum; a decision can be made based upon the majority vote of the quorum.

There was discussion on how to resolve a challenge to impartiality. City Attorney Ramis described one practice, which is to consider the challenge and then have the council deliberate and vote on whether the challenge is accepted. Mr. Ramis said there is a body of law and cases about what is considered impartiality and what is considered a conflict of interest. The standard is fairly high for demonstrating bias. Some of the cases are older and Mr. Ramis cautioned that the standards for a conflict of interest are becoming more strict. The judgment on whether there is bias in a quasi-judicial matter is assigned to the Land Use Board of Appeals (LUBA) and the Court of Appeals. Conflicts of interest are judged by the Ethics Commission.

There was discussion on state law or charter language applying to bias and impartiality. Assistant City Manager Newton commented that apparently, the City of West Linn has a process that allows people to make challenges of bias on the part of the City Council at a meeting rather than filing a charge of such bias after the meeting. The West Linn proceedings were paused to determine if the definitions were compatible (state and city) and the decision was made to adopt the state's definition of impartiality. LUBA requested that West Linn make the determination of which definition it would follow.

Mayor Cook questioned whether there is anything missing or anything that should be included in the council groundrules. Councilor Snider pointed out that West Linn decided that the council groundrules was not a good location for this definition; rather, it should in the city code. City Attorney Ramis said absent any reference in the council groundrules, there is definition regarding bias/conflict of interest in case law or in the city code. City Manager Wine said staff would review the groundrules. Councilor Snider suggested if there is such a reference in the groundrules to bias/conflict of interest, that the council take action to remove this reference.

- City Manager Wine reviewed the upcoming Legislative Reception at the Westside Economic Alliance on January 22. Council members will advise staff if they plan to attend.

- EXECUTIVE SESSION: Not held.

1. BUSINESS MEETING – January 14, 2014
   A. Mayor Cook called the meeting to order at 7:32 p.m.
   B. Roll Call

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

   C. Mayor Cook led the Pledge of Allegiance.
   D. Council Communications & Liaison Reports – None
   E. Call to Council and Staff for Non-Agenda Items – None.

2. CITIZEN COMMUNICATION
   A. Mayor Cook asked the city manager if there was any follow-up to previous citizen Communication.
   B. Tigard High School Student Envoy – Associated Student Body President EJ Albaugh presented a report on activities at the Tigard High School.
   C. Tigard Area Chamber of Commerce – CEO Debi Mollahan presented a report on activities at the Chamber of Commerce. A copy of the highlights of her report is on file with the record copy of the meeting packet.
   D. Citizen Communication – None.

3. CONSENT AGENDA: (Tigard City Council)

   A. Approve City Council Minutes for:
      - September 12, 2013
      - September 17, 2013
      - September 24, 2013
      - October 8, 2013
      - November 19, 2013

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

   C. Approve a Resolution in Support of a Nature in Neighborhoods Metro Grant Application

RESOLUTION NO. 14-01 – A RESOLUTION IN SUPPORT OF AN APPLICATION FOR A METRO NATURE IN NEIGHBORHOODS CAPITAL GRANT TO FUND DEVELOPMENT OF DIRKSEN NATURE PARK

D. Approve a Resolution to Apply for an EPA Brownfields Assessment Grant

RESOLUTION NO. 14-02 -- A RESOLUTION APPROVING SUBMITTAL OF AN EPA BROWNFIELDS ASSESSMENT GRANT APPLICATION

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

The vote was approved by a unanimous vote of council present.

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

4. APPOINT TANYA FIREMOON, KAREN HUGHHART, KAREN MOHLING, ELISE SHEARER AND KEVIN WATKINS AS VOTING MEMBERS AND MARK CARLTON AND ERIK HALSTEAD AS ALTERNATES TO THE TIGARD TRANSPORTATION ADVISORY COMMITTEE

Mayor Cook acknowledged Elise Shearer, who was in attendance at tonight's meeting. He presented her with a City of Tigard lapel pin and thanked her for volunteering to serve on this committee.

Motion by Councilor Woodard, seconded by Council President Henderson, to adopt Resolution No.14-03.

RESOLUTION NO. 14-03 - A RESOLUTION APPOINTING TANYA FIREMOON, KAREN HUGHART, KAREN MOHLING, ELISE SHEARER, AND KEVIN WATKINS AS VOTING MEMBERS OF AND MARK CARLETON AND ERIK HALSTEAD AS ALTERNATES TO THE TIGARD TRANSPORTATION ADVISORY COMMITTEE (TTAC)

The motion passed by a unanimous vote of City Council present:

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

5. QUASI-JUDICIAL PUBLIC HEARING - PROPOSED EAST BULL MOUNTAIN CITY PROPERTY/WILMINGTON LANE ANNEXATION (ZCA2013-00004) AND LOCUST STREET ANNEXATION (ZCA201300006) – ORDINANCES

PROPOSAL: A request to annex city owned properties and right-of-way into the City of Tigard.

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

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

Site A: 13950 SW Alpine Crest Way; Washington County Tax Assessor's Map (WCTM) 2S104DC, Tax Lots 5800 and 5900. Site B: No address or map and parcel number. Site C: No address; WCTM 1S135AA, Tax Lot 00701.

COUNTY ZONES: R6: Residential, 5 units/acre minimum density, 6 units/acre maximum density.

TO: 18-24 (Transit Oriented Residential District, 18-24 units per acre).

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

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

a. Mayor Cook opened the public hearing.

b. City Attorney Ramis reviewed the hearing procedures.

c. Mayor Cook reviewed the following:

Declarations or Challenges

- Do any members of Council wish to report any ex parte contact or information gained outside the hearing, including any site visits?

Councilor Buehner said she is very familiar with the site; she has walked in this vicinity in years past.

Council President Henderson said he is familiar with this property; he's attended several meetings regarding East Bull Mountain planning efforts. Property known as "5900" belonged to his wife at one time; however, she sold the property.

Councilor Snider said he participated in a formal city tour of this site.

Councilor Woodard advised he has walked the site's trails numerous times.

Mayor Cook said he has had no ex parte contact relating to this site; but, he has taken site visits, walked the trail and was on the site during Eagle Scout projects.

City Attorney Ramis said if any hearing participants wanted to ask the council about the facts the councilors know about the property, they were free to do so.

- Have all members familiarized themselves with the application? All council members indicated they were familiar with the application.

- Are there any challenges from the audience pertaining to the Council's jurisdiction to hear this matter or is there a challenge on the participation of any member of the Council? There were no challenges.

d. Associate Planner Caines presented the staff report. This proposal involves three separate sites that are city-owned properties within different locations in Washington County. She pointed out the locations of the properties on a map.

A detailed description of the properties' locations and a short outline of status are contained in the written staff report. Ms. Caines also reviewed the zoning designations to be assigned to the sites upon annexation. Services to the proposed annexations are readily available and there is capacity should any development occur. Staff recommended approval of the proposed ordinances.

e. Public Testimony - None

f. Council discussion:

In response to a question from Mayor Cook, Associate Planner Caines explained the zoning designations. Site A is currently zoned R-6 and Site B has no zoning designation because it is public right of way. Site C is city-owned property that will be dedicated for public-right-of way purposes once annexed.

Councilor Buehner asked if right of way is being annexed immediately in front of two parcels that have chosen not to annex. Associate Planner Caines advised that currently there is no adjacent right of way for those two parcels because they are accessed from Alpine Crest Way through an easement. Associate Planner Caines understands that vehicular access to the park would come from the north from the public streets.

g. Mayor Cook closed the public hearing.

h. Council Discussion and Consideration:

Councilor Woodard, Councilor Snider and Mayor Cook expressed their support for approval of the proposed annexations.

Motion by Councilor Buehner for approval of Ordinance Nos. 14-01 and 14-02.

City Recorder Wheatley read title and number of Ordinance No. 14-01:

ORDINANCE NO. 14-01 -- AN ORDINANCE ANNEXING TWO (2) PARCELS OF LAND AND A PORTION OF RIGHT OF WAY TOTALLING APPROXIMATELY 8.07 ACRES, APPROVING THE EAST BULL MOUNTAIN CITY PROPERTY AND WILMINGTON LANE ANNEXATION (ZCA2013-00004) AND WITHDRAWING PROPERTY FROM THE TIGARD WATER DISTRICT, WASHINGTON COUNTY ENHANCED SHERIFF'S PATROL DISTRICT AND WASHINGTON COUNTY URBAN ROADS MAINTENANCE DISTRICT.

Council roll call vote on Ordinance No. 14-01:

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

City Recorder Wheatley read the title and number of Ordinance No. 14-02:

ORDINANCE NO. 14-02 -- AN ORDINANCE ANNEXING ONE (1) PARCEL OF LAND TOTALLING APPROXIMATELY 1,986 SQUARE FEET, APPROVING THE LOCUST STREET ANNEXATION (ZCA2013-00006) AND WITHDRAWING PROPERTY FROM THE WASHINGTON COUNTY ENHANCED SHERIFF'S PATROL DISTRICT AND WASHINGTON COUNTY URBAN ROADS MAINTENANCE DISTRICT.

Council roll call vote Ordinance No. 14-02:

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

6. APPROVE AN EXTENSION OF THE EXISTING METRO AREA COMMUNICATIONS COMMISSION (MACC) FRANCHISE AGREEMENT WITH COMCAST THROUGH DECEMBER 31, 2014 TO ALLOW FOR THE "FORMAL" FEDERAL NEGOTIATION PROCESS BETWEEN MACC AND COMCAST

IT Manager Lou Sears introduced this agenda item. Mr. Sears advised that Councilor Woodard is the current City of Tigard MACC Commissioner and Councilor Woodard also serves as the Vice-Chair on the commission. Council President Henderson and Councilor Buehner formerly served on the MACC Commission. Mr. Sears introduced Fred Christ, MACC's Regulatory Affairs Manager and Bruce Crest, MACC's Administrator.

A representative of Comcast, Tim Goodman, came forward to speak to the City Council at the invitation of Mayor Cook:

- Tim Goodman advised he represented Comcast's Government Affairs Office. Comcast is located on Nimbus Drive in Beaverton.

  Mr. Goodman said that Comcast has no issue with the extension of the franchise agreement, which is proposed in the resolution before the City Council this evening. Comcast is concerned with MACC taking the negotiations to a formal process and listed the following reasons:

  - Additional costs to Comcast and to the public.
  - Comcast does not feel formal negotiations are necessary. The best thing for the community is for both parties to return to the negotiating table and reevaluate the issues. He wants to avoid an adversarial, litigious and lengthy process.
  - Out of 6600 franchises in the U.S. there is only one other that is in a formal process. Comcast feels there is a better way to negotiate than using the formal process.

  Councilor Snider asked if Mr. Goodman understood there is a reason why a public entity would want to press forward to move to a formal process. In response to Councilor Snider, Mr. Goodman said Comcast is open to making changes in the franchise agreements. He recounted the negotiation sequences and pointed out that both sides have moved from their positions on some minor issues. Major points are still unresolved. He referred to the terms of the Public Education and Government (PEG) programming section of the agreement where there has been little movement throughout the negotiations.

  Councilor Snider said from the government entities' perspective, the current negotiation process is not working. Mr. Goodman said just because an entity requests something, does not mean they should get all that they ask for. The requests will cost their subscribers (Tigard's constituents) more money. He said he is talking about overly burdensome regulatory requirements the Comcast competitor does not have. There are things that Comcast simply will not agree to and it is in the best interest of Tigard's constituents and Comcast's customers to fight "for these things." While Comcast is a for-profit business, they understand there are certain items that need to be provided to a community. MACC wants to broadcast PEG

programming in high definition and that is expensive. If this is a priority of local jurisdictions, then Mr. Goodman said MACC needs to adjust its position somewhere else. Comcast will proceed in keeping with good business practices and to the benefit of their subscribers.

Councilor Woodard referred to the formal negotiating process and said there is still opportunity for the agreement to be resolved informally. About 33 meetings have been dedicated to negotiations so far and it is conceivable the process will go on for another year or two. This could mean loss of grants and services.

Mr. Goodman said Comcast has been committed to the negotiations. They have worked hard to meet the MACC deadlines, which they felt have been a bit unrealistic. They have successfully negotiated over 20 franchises in the Portland/SW Washington area. The issues are complex. Comcast would prefer to resolve this in an informal process.

- Fred Christ and Bruce Crest of MACC spoke to the City Council.

Mr. Crest reviewed the negotiations process and outlined the formal process.

- When Comcast sent a 2011 letter telling MACC they wanted to renew the franchise, the formal process was triggered. MACC responded to Comcast acknowledging that the formal process was initiated; however, they would agree with Comcast's request to work with them in the informal process. This is a standard practice for franchise negotiations throughout the country.
- A formal process is established through federal law, which was created to make sure that cable companies and local governments approached negotiations on a "level playing field." The formal process is very structured. The initial steps of the formal process are also used in the informal process, which is to conduct a needs assessment. MACC spent more than a year assessing the needs of the various MACC communities.
- A community needs assessment was completed by Mr. Christ and Mr. Crest about a year ago. The Commission reviewed and accepted the needs assessment and authorized staff to go forward with negotiating a franchise with Comcast in the informal process.
- The informal process is similar to any negotiation process whereby parties meet at the table and have a series of meetings to negotiate, discuss and attempt to reach a reasonably satisfactory conclusion for both parties. Once a conclusion is reached, the Commission votes on it and, if passed, the Commission will recommend to each of the member jurisdictions to accept the agreement.
- Before the first meeting with Comcast in February 2013, MACC staff did some research. They reviewed the proceedings for two other area franchise agreements, Mt. Hood and Vancouver. Both of those agreements took about two years to negotiate.
- The original 1999 franchise between MACC and Comcast is now under consideration for amendment. This 1999 agreement was created out of "whole cloth" in a five- to six-month period of time.
- Mr. Crest referenced the proceedings in Vancouver and noted there were periods of time when no negotiations occurred because the city was waiting for Comcast to get the Philadelphia office to review the franchise draft. When the review was done, there were many problems that needed to be addressed and this required an extension of the franchise.

- In the Portland/Mt. Hood franchise agreement process, the circumstances were similar in that there were long delays in the negotiation process and two agreement extensions were required.
- MACC, in an attempt to improve the negotiation process, sat down with Comcast representatives and proposed a series of 12-15 meetings over a period of time from March through the first part of September. The plan was to meet twice a month for about four hours per meeting on a schedule that would address the tough issues up front. Mr. Crest reviewed the character of the meetings that occurred since February. Both sides warned one another about the approvals they would be required to obtain either from other offices or from member jurisdictions.
- Early in the process, Comcast was not providing information in advance of meetings for any proposed changes to the agreement. This became a pattern and was similar to Comcast's approach to the negotiations for the Mt. Hood and Vancouver agreements.
- In June 2013, MACC staff reported to the Commission that it was likely deadlines would not be met to renegotiate the agreement since progress was not being made. The Commission authorized the Executive Committee to act on behalf of the Commission during the summer months when the Commission does not meet. The Committee was authorized to act as advisor to the staff and to invoke the formal process if needed during the summer months.
- During the summer of 2013 the negotiations began to move along a little better, but there were a lot of issues that remained outstanding. Meetings were increased so that they were meeting every week for four hours along with side meetings with attorneys – this continued throughout the summer.
- In September there was a meeting with the Executive Committee whereby doubts were expressed that this would get done by the end of the year. Staff talked the Executive Committee out of moving ahead with the formal process so they could have more time to work with Comcast.
- On October 10, the Executive Committee decided that negotiations needed to be done by the end of the month. If not, they would meet in November to move forward with the formal process.
- More meetings were added to the schedule in October. The last meeting was on October 25 and Comcast started bringing up issues previously negotiated and agreed upon.
- MACC representatives told Comcast they did not see the value of continuing to meet. But, MACC also told Comcast they would be willing to meet with them again informally prior to the November 22 Commission meeting if Comcast could bring some concrete proposals to the table. Comcast countered that MACC should bring the concrete proposals to the table.
- The Executive Committee voted unanimously to pursue the formal process. The Commission reaffirmed this decision on December 13, with all Commissioners voting to support the formal process and to request the jurisdictions to extend the franchise to allow this to happen.
- Mr. Crest said the agreement could be finished within a year since the formal process has set time periods for events to occur.

Discussion followed with the council members asking about process and whether other forms of mediation had been contemplated. Mr. Christ spoke to turning to the formal process, which would provide for setting of goals, meeting deadlines and adhering to the process.

Sentiment was expressed by the council to support the extension of the agreement as proposed. Council members acknowledged the value added to the community by the service Comcast provides. Mayor Cook said his support to agree to extend the franchise agreement is not intended to indicate he favors one side of the negotiations over another.

Motion by Councilor Woodard, seconded by Councilor Snider, to adopt Resolution No. 14-04.

RESOLUTION NO. 14-04 - A RESOLUTION EXTENDING THE TERM OF THE CABLE TELEVISION SERVICES AGREEMENT WITH COMCAST OF OREGON II, INC. TO ENABLE THE METROPOLITAN AREA COMMUNICATIONS COMMISSION TO COMPLETE THE FORMAL REVIEW PROCESS

The motion passed by a unanimous vote of City Council present:

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

7. ADOPT 2014 CITY COUNCIL GOALS

City Manager Wine presented the staff report. The draft of goals was created and shared with the City Council after its goal-setting retreat in September 2013. Council identified four major areas of focus, which were later expanded to ten areas to focus upon through the end of 2014.

This item is on tonight's agenda as a formality. Immediately after the September goal setting staff began to move forward in implementing the goal areas.

City Manager Wine referred to the attachment to the agenda item summary, which shows the ten goal areas along with milestones reflecting the expectation of the City Council in those areas. An estimated timeline was also shown on the list. City Manager Wine will be placing this information in another format for future reporting on the status of the goals.

Executive Staff was asked to comment on whether the listed goals and timelines were attainable. Particularly with the work to be done on River Terrace and the SW Corridor, staff would like to have additional discussion with the City Council regarding the timelines – no major changes are anticipated.

Council President Henderson concurred that the list presented is a good one. He said he wanted to make sure that staff feels the list is realistic and the schedule doable. He noted his appreciation for setting the dates and times and agreed with City Manager Wine the need for stating whether it is realistic to achieve.

Mayor Cook acknowledged the aggressiveness of the timelines; however, he supported this as a way to proceed with focus and to push forward. He likes working under aggressive timelines, but does not want it to be punitive.

Councilor Woodard agreed the timeline is aggressive and noted his support of the list. City Manager Wine commented that the timelines associated with the River Terrace development will likely need further analysis especially those pertaining to building permits/construction/ infrastructure. Also, goal milestones for the SW Corridor will require some timeline adjustments.

Motion by Council President Henderson, seconded by Councilor Woodard, to adopt the 2014 council goals.

The motion passed by a unanimous vote of City Council present:

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

8. ADOPT THE 2014 STATE AND FEDERAL LEGISLATIVE AGENDAS

Assistant City Manager Newton presented the staff report as presented in the written materials provided in the council meeting packet. She referred to the council discussion of the legislative agenda for the state legislature that occurred during the December 10, 2013, City Council meeting.

Ms. Newton referred to the draft federal legislative agenda for council consideration. She reviewed the list and highlighted areas of new focus. She spoke to the value of the list to match up the priorities of the city to potential funding opportunities that become more evident. Several programs are being funded for which the city might be able to obtain funding.

Discussion followed on federal and local processes for prioritizing and funding specific projects and programs. There was also clarification of the omnibus (comprehensive) federal budget package recently approved with several program areas restored to full funding.

Motion by Councilor Snider, seconded by Councilor Buehner, to adopt the 2014 Federal Legislative agenda and the Legislative agenda for the 2014 Oregon Legislative session as presented.

The motion passed by a unanimous vote of City Council present:

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

9. CONFIRM TRAVEL POLICY AND PRACTICE FOR THE CITY COUNCIL

City Manager Wine presented the staff report. The council reviewed the council policy for travel several months ago. Since then the agreed-upon changes have been put into practice. The updated policy was submitted to the City Council with the written staff report for this agenda item.

Discussion followed with some clarification provided on how per diem rates are applied.

Motion by Councilor Buehner, seconded by Councilor Woodard, to approve the updated travel policy and authorize the mayor and the city manager to sign-off on the policy.

The motion passed by a unanimous vote of City Council present:

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

10. AMEND THE CITY MANAGER EMPLOYMENT AGREEMENT

Human Resources Director Zodrow presented the staff report.

Mayor Cook noted this was Ms. Zodrow's final report to the City Council as she is retiring; he offered words of appreciation for her many years of service to the city. Ms. Zodrow responded that it has been a privilege and honor to work for the City of Tigard for almost 19 years and for cities and counties in the state of Oregon for nearly 40 years.

Human Resources Director Zodrow advised that the purpose of the agenda item before the City Council is to consider any changes of compensation to the city manager based on the performance evaluation the council conducted on December 17, 2013.

The council can, at this time, consider an adjustment to the city manager's contract as it relates to compensation and if adjustments are to be made, what the effective date would be.

Council President Henderson offered a motion to reinstate the city manager's pay to $130,000 per year effective January 1, 2014. Councilor Snider clarified the motion that the city manager's pay is to be reinstated to $130,000 per year with an increase of $10,000 thereby making the rate of pay $140,000 per year. Council President Henderson agreed with Councilor Snider's clarification. Councilor Snider seconded the motion.

The motion passed by a unanimous vote of City Council present:

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

City Council members noted their appreciation of the work performance of the city manager.

11. COUNCIL LIAISON REPORTS

Mayor Cook reported on last Thursday's JPACT meeting. Former Tigard Mayor Dirksen is currently a Metro Councilor and is also the new chair of JPACT. Mayor Cook explained that Metro's JPACT (Joint Policy Advisory Committee on Transportation) is the committee that determines how to allocate transportation dollars (state gas tax and federal allotments) within the metro region.

12. NON AGENDA ITEMS: None.

13. EXECUTIVE SESSION: Not held.

14. ADJOURNMENT: 9:17 p.m.

Motion by Councilor Buehner, seconded by Council President Henderson, to adjourn the meeting.

The motion passed by a unanimous vote of City Council present:

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

Catherine Wheatley

Catherine Wheatley, City Recorder

Attest:

John L. Cook

Mayor, City of Tigard

Date: March 11, 2014