City *of* Tigard
Tigard City Council Meeting Minutes
March 25, 2014

STUDY SESSION

Mayor Cook called the Study Session to order at 6:31 pm.

Council present: Mayor Cook, Councilor Woodard, Council President Henderson, Councilor Buehner. Councilor Snider participated by telephone.

Staff present: City Manager Wine, Assistant City Manager Newton, Interim Public Works Director Rager, Interim Assistant Public Works Director Goodrich, City Engineer Stone, Assistant City Engineer McMillan, Senior Project Engineer McCarthy and Deputy City Recorder Krager

Mayor Cook read the citation and at 6:32 pm Council entered into an Executive Session.

- EXECUTIVE SESSION: The Tigard City Council will go into Executive Session under ORS 192.660(2) (e) to discuss real property transaction negotiations. 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.

The Executive Session ended at 6:38 pm.

- STUDY SESSION
  - A. Briefing on a Joinder Agreement regarding Tigard's Participation in the TVWD/Hillsboro Willamette River Water Supply Program

    Assistant Public Works Director Goodrich provided council with a briefing on an agreement that will appear on the April 8 consent agenda. He referred to the materials in the packet for this meeting and asked if there were any questions. Highlights of the joinder agreement are:
    - Tigard's participation is at a minimum level of $100,000 in consideration for 5 mgd of water from the project.
    - Tigard is participating in the technical advisory committee and will have access to information on a shared website and is receiving all

technical memos on the project from the consultant and have access to preliminary design cost estimates.

- If council decides to continue on in the project after the preliminary design, there would be a true-up of project costs.

Tigard's 124th Avenue pipeline project cost portion would come due within the next two-three years. Over the next 12 years there would be cost-share allocation due as construction or other requirements occur.

Council President Henderson asked if this was coming from the water budget this year. Mr. Goodrich said council approved a $100,000 budget adjustment in October so the project is fully funded.

Councilor Buehner asked if Washington County is currently engineering the 124th Avenue extension and wanted to know when the construction would begin. Mark Knudson, TVWD Chief Executive Officer responded that the project participants are currently working with the county and construction is scheduled for July of 2015. The county is currently securing right of way. Councilor Buehner said Tigard would need to make a decision to participate at the end of the design phase of this 72-inch pipe. Mr. Goodrich said at the end of preliminary design the joinder partners will be asked to make a decision whether or not to continue. Councilor Buehner asked how many mgd would a pipe this size handle. Mr. Knudson said 90 mgd.
Mr. Goodrich said Beaverton and Tualatin are also expected to sign this joinder agreement. He said the city attorney has reviewed this agreement.

Mayor Cook said Tigard has 25 mgd of water rights but the discussion is that the city would only get 5 mgd. He asked if Tigard would be giving up rights to the other 20 mgd. Councilor Snider said, "We are not giving up our water rights, but the issue is do we have the infrastructure to ever get the water to us?" Mr. Knudson said they are at the point where they are trying to figure out how much water everyone needs and how this relates to the existing infrastructure capacity and translates to the final pipe size. Council President Henderson asked what the current need of the system is. Mr. Knudson said when it comes on line in 2026 the number is around 40 mdg, which is less than that pipe's capacity. Councilor Buehner said it is much cheaper to build for increased capacity up front.

This joinder agreement will come back for council consideration on a future consent agenda.

B. Receive Update on 116th Place Parking Issue
Police Chief Orr said Lt. Rhodes and Senior Project Engineer McCarthy will discuss the parking issues and a potential solution.

Lt. Rhodes said Officer Enzenberger has worked in this district for years attempting to address parking issues created by overflow parking on SW 116th Place from the apartment complex down the street. Violations include parking in front of driveways, in the intersection and blocking mailboxes. Police staff met with Senior Project Engineer McCarthy to explore options to address safety concerns of the residents. With cars parked on both sides of this narrow street, emergency apparatus could not get to residents on the hill.

A survey was conducted that gave residents two options:

- Establish a no-parking zone on one side of the east side of 116th Place from Beef Bend to the top of the cul-de-sac
- Do nothing

Out of 12 residents, seven responded and six agreed to a no-parking zone. A community meeting was held on January 30 with six attendees. This no-parking zone solution was offered again. Another option, that of making it a private street was taken off the table after city staff explained the ramifications. By the end of the meeting there was agreement that not allowing parking on the east side of the street was the solution.

Senior Project Engineer McCarthy said because the parking zone is over 100 feet long it must be established by council ordinance.

Councilor Snider mentioned that he has been kept abreast by a neighbor of the happenings on this street. He said the neighbors have emergency egress concerns and are frustrated by this continual issue. He applauded Officer Enzenberger's efforts. Councilor Woodard said he is familiar with this street and knows it has been a long time-struggle. Councilor Buehner suggested letting King City police know because the problem may simply relocate. Councilor Snider said King City may even wish to coordinate efforts to prevent that. Mayor Cook thanked staff for working with the neighbors to craft a solution.

C. Administrative Items

- City Manager Wine discussed the latest council meeting tentative agenda
  - The following CCDA meetings are cancelled: June 3, August 5, October 7 and November 4. If needed, CCDA Executive Session matters can be scheduled during these months when CCDA meetings are cancelled to council business meeting nights.
  - The July 15 and August 19 workshop meetings are cancelled. The study sessions for July 22 and August 26 will be lengthened to 90 minutes and the business meetings on July 22 and August 26 will be shortened to 70 minutes.
  - The November 11 council business meeting is cancelled since it is a holiday (Veterans Day)

- Mayor Cook is proposing the following dates for Town Halls:

5/29	Thursday	9/22 Monday
5/31	Saturday	10/4 Saturday
6/2	Monday	10/9 Thursday

He asked Council to pick one date in each column. City Manager Wine noted that at council's request none of the dates are fifth Tuesdays.

1. BUSINESS MEETING

A. At 7:31 pm Mayor Cook called the meeting to order.

B. Deputy City Recorder Krager called the roll.

	Present	Absent
Councilor Snider (by telephone)	x	
Councilor Woodard	x	
Mayor Cook	x	
Councilor Buehner	x	
Council President Henderson	x	

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

D. Council Communications & Liaison Reports – Councilor Buehner said she had four reports to give at the end of the meeting.

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

2. CITIZEN COMMUNICATION

A. Tigard Area Chamber of Commerce – Chamber CEO Mollahan gave a report on chamber activities. The Tigard Farmers Market will open on Mother's Day Sunday in May and features some new and unique vendors. The Shining Stars banquet is coming up on April. Tigard Downtown Alliance will hold an Art Walk in June. This three-week event is designed to bring people inside downtown businesses to view art by local artists. There will be a public vote and a juried vote to determine prize winners.

Councilor Snider asked what kinds of new things are coming to the Farmers Market. Ms. Mollahan replied that two of the new products are fudge and fine woven basketry.

Councilor Buehner asked how people can get tickets to the Shining Stars banquet. Ms. Mollahan said they can get information from the chamber's website (tigardchamber.org) by clicking on the star. In response to a question from Councilor Woodard she said outreach to local artists for the Art Walk is still in process. Councilor Buehner mentioned there are many art collectors in Tigard that may be interested in loaning their art for viewing.

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

C. Citizen Communication – Sign up Sheet --

1. Jill Warren 9280 SW 80th Avenue, Portland, OR, said she is a property owner, manager, and investor. She recently learned that the city purchased a house on Bull Mountain in an area at risk for slides and she was curious why the city would purchase property to avoid a lawsuit in one location yet allow high-density building in another area at high risk for flooding. The area is the proposed development on Oak Street which was up-zoned years ago for the Washington Square Regional Center. She said the center did not happen but the increased zoning is still in place. She said the area will flood again and the property damage will be expensive. She asked the city to consider changing the zoning from high density to R-4.5. A copy of information Ms. Warren distributed to council has been added to the packet for this meeting.

   Councilor Buehner said there have been four or five pre-application processes for this property that she is aware of but none went past the concept stage. She said one issue with the property is that it is in multiple jurisdictions. She said zoning in the City of Tigard and Washington County is not the same because calculations are done differently in each jurisdiction and this creates conflicts.

2. Phil Pasteris, 8935 SW Pinebook Drive, Tigard, OR commented on the March 11, 2014 transit vote. He read a statement which has been added to the packet for this meeting.

   He said he is a longtime transit user, taking the bus to work in Portland for many years. He said many of the people at meetings he attended have never taken public transportation. He said the process reminded him of the Wilsonville water vote in 1999, where experts were brought in from Los Angeles to say that deformed fish in the Newberg pool were the result of problems with the Willamette River. A subsequent study by OSU scientists found that this was a naturally occurring event.

   Mr. Pasteris asked, "How will we extract the essence of the transportation system options we face from thousands of pages of technical studies and public documents and present them to voters in a way they will understand?" He suggested one approach is clearly outlining information in special transportation bulletins in Cityscape or other mailings. He said he received numerous documents describing the Dundee bypass options and said information

is a powerful tool, misinformation is a tactic of fear. He said, "We don't want to post, 'Don't bother us, go around us,' signs at both ends of Tigard.

Mr. Pastoris reminded everyone that Curtis Tigard's 105rd birthday celebration will be at 2:00 pm on Sunday, April 13, in the library Community Room. He said the Tualatin Valley Community Band will be performing.

3. ARBOR MONTH PROCLAMATION:

Mayor Cook read the proclamation and proclaimed April as Arbor Month in Tigard.

4. EARTHQUAKE AND TSUNAMI AWARENESS MONTH PROCLAMATION

Mayor Cook proclaimed March as Earthquake and Tsunami Awareness Month. He said a joint proclamation was prepared by Tigard and Lake Oswego city councils. The two cities in the Lake Oswego -Tigard Water Partnership are building the water treatment to very high earthquake standards. He asked citizens to be prepared because of the high likelihood of a major earthquake in this area. He urged citizens to gather supplies and keep them in an easily accessible spot. The city's CERT (Citizen Emergency Response Team) website has a list of suggested items. Councilor Buehner said the LOTWP treatment plant is being built to design standards to handle a 9.2 earthquake.

5. CONSENT AGENDA: Mayor Cook listed the items on the Consent Agenda and asked if any councilor wanted an item removed from the consent agenda or considered separately.

A. Approve City Council Meeting Minutes for:

1. January 21, 2014
2. January 28, 2014
3. February 11, 2014

Councilor Woodard moved for approval of the consent agenda and Councilor Buehner seconded the motion. All voted in favor.

	Yes	No
Councilor Snider (via telephone)	x	
Councilor Woodard	x	
Mayor Cook	x	
Councilor Buehner	x	
Council President Henderson	x	

Mayor Cook announced that the motion was approved by a unanimous vote of the City Council.

6. CONSIDER A RESOLUTION GRANTING EXEMPTION FROM PROPERTY TAXES UNDER TMC 3.50 FOR FIVE NON-PROFIT LOW INCOME HOUSING PROJECTS

Confidential Executive Assistant Lutz and Associate Planner Grass were present to discuss the annual resolution to grant property tax exemption for five non-profit, low income housing projects owned and operated by Community Partners for Affordable Housing (CPAH) and Hawthorne Urban Development, LLC.

Councilor Buehner commented that the city has granted this exemption for many years. Councilor Woodard mentioned that the Greenburg Oaks Community Center has a resident service program that partners with the library for book and computer access for resident kids living there. He said he highly recommends that all properties put resources into such programs. He added that the Village at Washington Square also has a community center.

Councilor Snider moved to approved Resolution 14-15 and read the resolution.

> RESOLUTION NO. 14-15 - A RESOLUTION GRANTING AN EXEMPTION FROM PROPERTY TAXES UNDER TIGARD MUNICIPAL CODE SECTION 3.50 FOR FIVE NON-PROFIT LOW-INCOME HOUSING PROJECTS OWNED AND OPERATED BY COMMUNITY PARTNERS FOR AFFORDABLE HOUSING (CPAH) AND HAWTHORNE URBAN DEVELOPMENT LLC

Councilor Buehner seconded the motion and all voted in favor.

	Yes	No
Councilor Snider (via telephone)	x	
Councilor Woodard	x	
Mayor Cook	x	
Councilor Buehner	x	
Council President Henderson	x	

7. LOCAL CONTRACT REVIEW BOARD: CONSIDER AWARD OF ENTERPRISE LICENSE AGREEMENT WITH ESRI FOR CITY'S GIS (GEOGRAPHIC INFORMATION SYSTEM)

Senior Management Analyst Barrett and GIS Coordinator Beck presented this item. He said the contract item is a renewal for an enterprise license agreement for (GIS) software with Environmental Systems Research, Inc. (ESRI.) Mr. Barrett said this contract falls under Tigard Public Contracting Rule 10.125, which allows a contract award without a formal competitive process

if it is determined that little competition exists for the required software. He said two of the criteria in determining competition are 1) integration of that software with city software and hardware; and 2) cost. ESRI provides core software for Tigard's GIS system and replacing, overhauling and integrating the entire GIS program with new or multiple systems would be extremely costly and difficult, thus leading staff to determine that the rule fits in this instance.

Senior Management Analyst Barrett said the cost is $105,000, split over three years. Staff recommends LCRB approval of this agreement.

Councilor Buehner said the program works well. Council President Henderson asked if the system is upgraded each year and GIS Coordinator Beck responded that ESRI traditionally upgrades every 18 months.

Councilor Woodard asked for clarification on the $750 a year for Artpad. GIS Coordinator Beck said it is the application used by city workers in the field, collecting location points for a manhole cover, etc. Mayor Cook asked why this is not included in the contract amount. Mr. Beck said this was how the quote was provided to the city, with the three-year enterprise license agreement and Artpad listed separately.

Councilor Buehner moved for approval of the agreement and Councilor Snider seconded the motion. All voted in favor.

	Yes	No
Councilor Snider (via telephone)	x	
Councilor Woodard	x	
Mayor Cook	x	
Councilor Buehner	x	
Council President Henderson	x	

8. BRIEFING ON A COOPERATIVE IMPROVEMENT AGREEMENT WITH OREGON DEPARTMENT OF TRANSPORTATION FOR A NEW STREETLIGHT AT THE 99W/DURHAM ROAD INTERSECTION

Senior Project Engineer McCarthy gave the background on this agreement. He said ODOT is constructing a project in the area of Fischer Road and Royal Villa Drive which will result in more drivers making U-turns on 99W at Durham Road. ODOT will need to replace a signal pole on the northeast corner of Durham Road and 99W, which gives Tigard an opportunity to add a street light. He said the city receives many complaints about the crosswalk at that location not being well lit at night. He said ODOT will design, construct and maintain the signal pole and the city will pay for the streetlight power costs along with those for the signal, which are already being paid by the city based on a 1981 agreement.

Senior Project Engineer McCarthy said staff plans to bring this agreement to council for approval on April 8. Mayor Cook said the crossing is wide and dark and any improvements to the lighting will help with safety of the intersection.

Councilor Snider asked about the ODOT project and noted that U-turns are already allowed at Durham for those travelling north and south on 99W. Mr. McCarthy agreed that U-turns are legal now but the state will be closing a median opening at Royal Villa Drive, south of Durham Road and this change will increase the need for U-turns. Councilor Snider said he hoped this has been studied because the U-turn traffic in that location is already heavy. Senior Project Engineer McCarthy said ODOT traffic analysts have examined this and determined that there will be adequate capacity for the U-turn through-put. He said he will bring back information for the discussion on April 8. Councilor Buehner said this is also an issue as development increases on the access point at Fischer Road. She said there have been several options for comment on this traffic change at public meetings over the past two years.

Councilor Buehner reported two street lights that need replacement near Greenburg Road and Highway 217. Senior Project Engineer McCarthy said he will pass this along this information.

9. BRIEFING ON AN AGREEMENT WITH ODOT TO INCLUDE WATER LINE REPLACEMENT IN THE MAIN STREET GREEN STREET PROJECT

Assistant City Engineer McMillan gave a briefing on the agreement with ODOT for the water line replacement on Main Street. This is a housekeeping item which ensures that the work will be done by the same contractor in conjunction with the Main Street Green Street project. The water line replacement was not part of the Main Street Green Street project but in order to reduce disruption to downtown businesses, it was added to the bid documents so it could be accomplished while the street is already torn up.

City Manager Wine said these contract briefings are to give council information on items that will appear on future consent agendas. Mayor Cook added that staff will forward answers to any questions council has before the items are considered.

10. COUNCIL LIAISON REPORTS

Councilor Buehner gave several liaison reports.

MPAC – A copy of the draft Regional Transportation Plan was distributed and she will share her copy with anyone interested. She said the Climate Smart Community Project is being updated and she urged staff to prepare a presentation on projects Tigard is already working on for Climate Smart Communities. Mayor Cook said Metro's website has a public engagement page that lists neighborhood meeting times and locations. Councilor Buehner also noted that MPAC meetings are

open to the public and are held at 5:00 pm on the second and fourth Wednesdays at the Metro Council chambers.

Regional Water Consortium Board Meeting – The budget was discussed. Tigard's dues will be reduced as the consortium is not doing as much advertising, mostly because the conservation message has been received and the public is doing a better job of conserving water. The Oregon Resilience Plan was discussed, which is a group meeting to discuss disaster preparation, infrastructure vulnerabilities and timelines for replacement in the case of an earthquake or other disaster interrupting delivery of water and other public services. A presentation was received on municipal bonds. The representative warned that bond rates, currently at 3.75 average will become more volatile in the next year and he encouraged cities to bond sooner than later. Councilor Buehner said the Regional Water Consortium is a group formed of one representative from almost every city and water service district in the region. She said Portland is updating their alert advisory program. Mayor Cook suggested they test water earlier in the week, because if a test is done on a Friday, the alert goes out but they cannot fix anything over the weekend.

Lake Oswego/Tigard Water Partnership Oversight Committee – Councilor Buehner reported on the main issues occurring at the intake construction site. The unused railroad trestle fell into the Clackamas River during the recent heavy rains and while close to the intake site, the trestle was actually upstream from it. This stopped construction for a few days. The coffer dam around the construction site had been leaking. Councilor Snider noted that LO/TWP Project Director Komarek asked the contractors to stop working at the request of the owners of the bridge and the emergency managers, and the project may be financially liable.

Councilor Buehner said a report was received on an issue at the treatment plant construction site in February. On the day of a big snowstorm, when many of West Linn neighbors were unable to drive to work and were at home, construction workers were pounding pilings, creating much noise and vibration. Councilor Snider said all four elected officials on the oversight committee felt there needs to be better communication and mitigation so it is not a surprise to everyone if the contractor has to do this again. Councilor Buehner said the partnership has asked for a report on at the May meeting on options for ameliorating this in the future. There may be a need in late summer or fall to do this type of construction activity again. She noted that the water partnership oversight committee meetings are public and the next one is at the West End Building in Lake Oswego at 5:30 pm on the second Monday of May. Anyone interested may go to the project website for more information.

League of Oregon Cities Finance and Taxation Policy Committee – Councilor Buehner said most of the meeting was spent bringing new members up to speed on the Oregon tax system and the hotel/motel tax allocation. She said the hotel/motel tax allocation is not a big issue in Tigard but how that money is allocated is very important for cities that depend heavily on tourism, such as small cities on Oregon's coast. Current state law limits how this money can be spent and does now allow it to be spent even on safety. This committee will again ask the League of Oregon Cities to lobby the legislature to expand the allowable uses for this tax.

There was discussion about polling efforts regarding making changes to the property tax system. Polling done in 2012-13 was not very positive but it became obvious that the majority of those

polled did not understand the tax system in Oregon and how it works. Mayor Cook said The Oregonian recently ran some informative articles about the inequality of the tax system and the need for citizens to understand it.

Councilor Buehner said the committee will focus on the hotel/motel tax, marijuana proposals, property taxes and development of an education program that can be presented at each jurisdiction to teach elected officials and the public about the property tax challenges in Oregon. She said there is also a desire to develop a joint policy and strategy with the county organization. Councilor Snider asked how many marijuana measures will be on the ballot. Councilor Buehner said she has heard of five but none have been approved yet. Council President Henderson asked if reset at sale was considered. Councilor Buehner said that will be included as part of the property tax reform discussion. She said she is a member of the LOC's Transportation Committee which will meet for the first time next week. She stressed the importance of jurisdictions participating on these committees because they become the basis of the lobbying effort that the League does on behalf of the cities.

Councilor Snider added information on the Lake Oswego-Tigard Water Partnership. He said it appears that the pipeline construction bids came in under budget. Council has been sent information on the bids.

9. NON AGENDA ITEMS – None.

10. EXECUTIVE SESSION – None.

11. ADJOURNMENT

At 8:32 pm Councilor Buehner moved to adjourn the meeting and her motion was seconded by Councilor Woodard. All voted in favor.

	Yes	No
Councilor Snider (via telephone)	x	
Councilor Woodard	x	
Mayor Cook	x	
Councilor Buehner	x	
Council President Henderson	x	

Carol A. Krager, Deputy City Recorder

Attest:

John L. Cook, Mayor

5/13/2014

Date