



City of Tigard
Tigard Business Meeting – Agenda

TIGARD CITY COUNCIL & LOCAL CONTRACT REVIEW BOARD

MEETING DATE AND TIME: May 27, 2014 - 6:30 p.m. Study Session; 7:30 p.m. Business Meeting

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

PUBLIC NOTICE:

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

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

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

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

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

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

SEE ATTACHED AGENDA

VIEW LIVE VIDEO STREAMING ONLINE:

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

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

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

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



City of Tigard

Tigard Business Meeting – Agenda

TIGARD CITY COUNCIL & LOCAL CONTRACT REVIEW BOARD

MEETING DATE AND TIME: May 27, 2014 - 6:30 p.m. Study Session; 7:30 p.m. Business Meeting

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

6:30 PM

- STUDY SESSION

- EXECUTIVE SESSION: The Tigard City Council will go into Executive Session to discuss litigation likely to be filed, and real property negotiations, under ORS 192.660(2) (h) and (e). 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. **6:35 pm estimated time**

1. DISCUSSION ON UPCOMING CONTRACTS **7:10 pm estimated time**

7:30 PM

2. BUSINESS MEETING

- A. Call to Order
- B. Roll Call
- C. Pledge of Allegiance
- D. Council Communications & Liaison Reports
- E. Call to Council and Staff for Non-Agenda Items

3. CITIZEN COMMUNICATION (Two Minutes or Less, Please)

- A. Follow-up to Previous Citizen Communication
- B. Citizen Communication – Sign Up Sheet

4. CONSENT AGENDA: (Tigard City Council & Local Contract Review Board) 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:

A. Approve City Council Minutes for:

- April 8, 2014
- April 15, 2014

B. AUTHORIZE THE CITY MANAGER TO EXECUTE AN AGREEMENT REGARDING THE CONSTRUCTION OF WATER PARTNERSHIP PROJECTS IN THE CITY OF GLADSTONE

• *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.*

5. 2014 WINNERS OF "IF I WERE MAYOR, I WOULD" CONTEST **7:40 pm estimated time**
6. APPROVE RESOLUTION TO CONGRATULATE TIGARD HIGH TIGERETTES ON THEIR NATIONAL CHAMPIONSHIP **7:45 pm estimated time**
7. RECEIVE UPDATE ON TIGARD TRIANGLE STRATEGIC PLAN **7:50 pm estimated time**
8. DEVELOPMENT OF A WILLAMETTE RIVER WATER SUPPLY **8:10 pm estimated time**
9. Local Contract Review Board

AWARD CONTRACT FOR POLICE MOBILE DATA COMPUTERS UPGRADE PROJECT **8:40 pm estimated time**
10. NON AGENDA ITEMS **8:45 pm estimated time**
11. COUNCIL LIAISON REPORTS
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 **8:55 pm estimated time**

AIS-1698

1.

Business Meeting

Meeting Date: 05/27/2014

Length (in minutes): 10 Minutes

Agenda Title: Discussion on Upcoming Contracts

Prepared For: Joseph Barrett

Submitted By: Joseph Barrett, Financial and Information Services

Item Type: Update, Discussion, Direct Staff **Meeting Type:** Local Contract Review Board

Public Hearing No

Newspaper Legal Ad Required?:

Public Hearing Publication

Date in Newspaper:

Information

ISSUE

Discussion on upcoming (June) contracts going before Local Contract Review Board.

STAFF RECOMMENDATION / ACTION REQUEST

Staff is asking Council to provide direction and inform staff of any additional information they would like to have presented during the contract award for upcoming contracts under the Pavement Management Program for FY 2014-2015. The Local Contract Review Board will be presented with a contract award motion for each contract at their June 10th Business Meeting.

KEY FACTS AND INFORMATION SUMMARY

Pavement Management Program - Crack Seal

Work under the city's Pavement Management Program - Crack Seal contract shall include

- Installation of crack seal on city streets
- Temporary signage, protection, and traffic control
- Performance of additional and incidental work as called for by the specifications and plans.

The city issued an Invitation to Bid on April 25, 2014 and advertised the project in both the Daily Journal of Commerce and The Tigard Times. Bids were publicly opened at 2 pm on May 8th with the following results:

Bidder's Name - Bid

CR Contracting - \$0.58/linear foot
Roger Langeliers Construction - \$0.95/linear foot.

Staff has reviewed the bids and has found CR Contracting to be a reputable company fully capable of performing the work required on this project. Therefore, staff will recommend to the Local Contract Review Board at their June 10th Business Meeting that the Board award the Fiscal Year 2014-2015 Pavement Management Program - Crack Seal contract to CR Contracting. Staff anticipates the total amount spent under this contract will not exceed \$180,000.

PMP Rehabilitation (Overlay)

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 and rehabilitation 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.

Work under the project will include:

- Construction of asphaltic concrete inlays and overlays
- Asphalt concrete removal (grinding) and repair
- Adjustment of facilities to match new pavement level
- Applying sealant along pavement edges and joints
- Temporary signage, protection, and traffic control
- Striping and pavement marking
- Construction of concrete curbs and ramps
- Performance of additional and incidental work as called for by the specifications and plans.

For fiscal year 2014-2015, the city has identified the following streets, or sections of these streets, in need of this level of repair:

- Springwood Drive - 121st to End
- 78th Avenue - Pfaffle Street to Spruce Street
- Spruce Street - 78th Avenue to 71st Avenue
- Tigard Street - 115th Avenue to Tiedeman Avenue
- 115th Avenue - Fonner Street to Gaarde Street
- Frewing Street - 99W to O'Mara Street
- Tech Center Drive - End to 72nd Avenue
- Landmark Lane - End to 72nd Avenue
- Old Gaarde Street - Gaarde Street to 99W
- 105th Avenue - McDonald Street to End
- 109th Avenue - Canterbury Lane to 400' South of Murdock

The city issued an Invitation to Bid for the project on April 25, 2014 and published notice in the Daily Journal of Commerce (April 25th and 28th) and in The Oregonian (April 25th). Bids

were due on May 13th and the city received responses from five companies (Engineer's Estimate \$1,250,000):

- Eagle-Elsner, Inc. - \$1,151,536
- S-2 Contractors, Inc. - \$1,164,562
- Brix Paving - \$1,233,030
- Knife River Corp. - 1,291,279
- Baker Rock Resources - \$1,391,875

Staff has reviewed the bids and determined that Eagle-Elsner, Inc. has submitted the lowest responsible bid. Eagle-Elsner, Inc. has no State of Oregon Contractor Construction Board violations and is not on the Bureau of Labor and Industries ineligible list.

Staff will recommend at the June 10th Business Meeting that the contract for the FY 2014-2015 Pavement Management Program – Pavement Rehabilitation (Overlay) project be awarded to Eagle-Elsner, Inc. for \$1,151,536. Staff is asking Council if there is any additional information they would like to see in determining this award.

OTHER ALTERNATIVES

Council may reject these purchases and either direct staff to reissue the Invitations to Bid or cancel the work for FY 2014-2015.

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

DATES OF PREVIOUS COUNCIL CONSIDERATION

This is the first time before the Local Contract Review Board for these contracts.

Attachments

No file(s) attached.

AIS-1789

4. A.

Business Meeting

Meeting Date: 05/27/2014

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.

OTHER ALTERNATIVES

N/A

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

N/A

DATES OF PREVIOUS COUNCIL CONSIDERATION

N/A

Attachments

[April 8, 2014 Meeting Minutes](#)

[April 15, 2014 Meeting Minutes](#)



City of Tigard

Tigard City Council Meeting Minutes

April 8, 2014



STUDY SESSION

Council Present: Mayor Cook, Councilor Woodard, Councilor Buehner, Council President Henderson and Councilor Snider.

Staff Present: City Manager Wine, Assistant City Manager Newton, Assistant to the City Manager Mills, City Attorney Ramis, Franchise Attorney Werner, Deputy City Recorder Krager

- EXECUTIVE SESSION

Mayor Cook called the Study Session to order at 6:31 pm and announced an Executive Session to discuss real property negotiations under ORS 192.660 (2) (e). The Executive Session ended at 6:52 pm.

A. Follow-up Discussion on Ballot Measure 34-210

City Manager Wine said council discussed at their March Workshop Meeting what the outcome of the election meant, what the next steps may be and identified some legal questions. Her takeaway from this discussion was threefold:

- Council requests written answers to their legal questions from the City Attorney.
- There may be a future advisory ballot measure.
- Council intends to engage the community soon and in a different format.

She noted that City Attorney Ramis provided written responses to some of council's questions and copies were available for review. A copy has been added to the packet for this meeting. In reference to a question from Councilor Snider about the "Privileged and Confidential" header on the document, City Attorney Ramis explained that the header was placed on his written response as a customary caution by his legal assistant but nothing in the document had not already been discussed in a public session. He said his office listened to a tape of the meeting to list the questions and formulate responses and the only additional information is an expanded discussion on the question of individual liability. Councilor Snider said the personal liability information was clear and helpful and City Attorney Ramis said the key point is to seek the advice of counsel. He said it was important to seek a legal opinion if "you are close to the line."

Councilor Buehner said the response to her query on right-of-way purchases did not answer her question completely and requested additional research into that issue. City Attorney Ramis said a number of terms are undefined, such as “construction,” and the first entity to interpret it (before a court does) is the city council. He said it is council’s job and responsibility to do that and while the city attorney’s office can give legal advice, council is the first arbiter of ambiguous language. Councilor Buehner requested greater clarity on what a term such as “construction” logically connotes. City Attorney Ramis said he could provide her with alternatives but could not say what the answer is because it is up to council to interpret. Councilor Buehner expressed discomfort with this and Mayor Cook asked if there was case law to help interpret definitions. City Attorney Ramis said there has never been a measure like this adopted and interpreted so Tigard will be the first.

Councilor Woodard commented that the good news is that planning is allowed and there is nothing to prevent planning for a discretionary vote. Councilor Snider asked for confirmation that planning is not prohibited and City Attorney Ramis agreed that was true and advised the importance of getting this message out into the region, based on a meeting he attended where a Metro representative said Tigard, “passed a measure that says they cannot be involved in planning.”

Councilor Woodard commented that even proponents stated that the measure did not prohibit Tigard from planning. He said it is all about perception and he had concerns initially but feels more comfortable now that the legal opinion was received. He echoed Councilor Buehner’s thoughts on definitions. City Attorney Ramis said there have been some circumstances in other jurisdictions where something similar passed and there was ambiguity. He recommended because a council is a coequal legislative branch that there be an interpretive or implementing ordinance adopted. He said council could flesh out the measure and develop certain standards and definitions. Councilor Snider asked if this could be challenged. City Attorney Ramis said it could be if something is done that is inconsistent with the measure. He offered that another solution would be to approach a court and ask them to interpret the measure. Councilor Snider said it seemed like less of a good idea to ask someone for an interpretation if council already holds that power. He said someone may choose to challenge it but then they may not, especially if it is done in a thoughtful way. City Attorney Ramis said that was his recommendation over going to circuit court, but wanted council and staff to know this was an option.

City Manager Wine said she heard from council that they desire more communication and information from citizens, whether by an advisory vote or on a project that goes to a vote. She said an approach could be designed to include multiple audiences - proponents, opponents and the general public. She suggested a simple way for council to get input from a variety of citizens. She asked council to consider holding three meetings each with at least ten people. There would be staff support to take notes but council would lead the dialogue to get input on what the next steps should be. She said staff acknowledges that there are multiple audiences and council may wish to engage the initiative proponents to find out more about what prompted them to place the measure on the ballot in the first place. Council may also want to ask the general community what it is important to them as it

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relates to high capacity transit. She said the city would seek outside help to support Tigard in a future public dialog, using staff as experts and supporters.

Councilor Woodard was in favor of taking a needs assessment approach similar to what MACC is going through right now to figure out the best way to communicate with the public. He said he enjoys walking and offered to do walking tours with citizens joining him to ask questions and give input. City Manager Wine said council could be as creative as they wanted and there are many tools and ways to get and give input including web surveys, coffees, or phone calls. Councilor Snider said he liked the idea and suggested standardized questions be used. Council President Henderson commented that the city needs to keep the communication constant and frequent, reminding people weekly that we need to know what they think.

City Manager Wine said if council wanted to go to an advisory vote in November, the deadline for sending this to Washington County Elections is August 8. The council talks are time-sensitive to allow evaluation of the input received. Councilor Woodard said he is willing to meet on Saturdays as a way to give people more options to attend. He said walking may attract a younger, more physically fit demographic that is interested in connectivity and he is interested in what they have to say. Councilor Snider suggested using elementary school meetings to gain greater geographical coverage. City Manager Wine said staff will create logistics and survey cards and forward this information to council. Councilor Buehner asked if staff could create flyers for those that want to hold coffee meetings in homes.

B. Council Calendar

Budget Committee meeting dates were discussed. Councilor Woodard said he will be absent from the May 12 Budget Committee meeting.



1. BUSINESS MEETING – APRIL 8, 2014

- A. At 7:30 pm Mayor Cook called the meeting of the Tigard City Council to order.
- B. Deputy City Recorder Krager called the roll.

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

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

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- D. Council Communications & Liaison Reports – Councilor Buehner said she had three reports and if time allows she will present them at the end of the meeting. Councilor Woodard said he had a brief report.

Council President Henderson said his great interest in sustainability led to his desire to have a sustainability program for the City of Tigard. He said he recently traveled to Vancouver, BC to attend an ICLEI (International Council for Local Environmental Initiatives) conference. They have a Livable Cities Forum called Building Resilient Communities. He learned that those concerned about global warming have changed their approach. A 1970 report by the IPCC (Intergovernmental Policy on Climate Change) predicted drastic global climate changes and consequences but created problems due to overestimating consequences. He said they were not entirely wrong, as polar ice caps are melting and the sea levels rising. CO2 emissions are up by 40 percent which causes unusual storms and wind currents.

Council President Henderson said the cost of cleanup is becoming an issue because insurance companies are refusing to insure reasonable costs. A new way of looking at sustainability is mitigation and adaptation. Mitigation refers to policies and measures designed to reduce greenhouse gases and adaptation refers to adjustment in natural and human systems to a new or changing environment. He said there were over 200 participants at the conference and the focus was not on who caused it; it is on what we can do about this. Local governments are being sued for not doing enough to prevent disasters related to changes in climate. He said he had some materials to share with council and staff.

Councilor Buehner asked if there was a mention from weather service agencies about greater variation in the jet stream. Council President Henderson said he did not hear that but commented, “Everything has a cause and effect.”

Councilor Woodard said he had the honor of presenting for Mayor Cook at the Metro Council meeting on the SW Corridor next steps in light of Tigard’s election. The two-page report is published on the website and a shortened version will appear in the May Cityscape.

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

2. CITIZEN COMMUNICATION

- A. Follow-up to Previous Citizen Communication – Mayor Cook asked City Manager Wine if there is any follow-up. City Manager Wine responded that there was follow-up regarding Ms. Jill Warren’s comments from the March 25, 2014 meeting and concerns she raised about erosion and liability for flooding. City Manager Wine said the proposal referred to by Ms. Warren is not yet in the application process and she is unsure about the natural resources conflict. She will respond to Ms. Warren by mail.
- B.  Tigard High School Student Envoy - EJ Albaugh gave a report on current activities at Tigard High School. The Tigerettes won a national competition. Spring sports are in

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full swing. The annual “Tigard’s got Talent” show is April 10. There is a school-wide sock drive for Night Strike, an organization that provides clothing and basic need items to the homeless. He said this year’s prom theme is Diamonds are Forever and the prom will be on May 10. In response to a question from Councilor Buehner, Mr. Albaugh said the baseball team is looking ahead to a good season.

- C. Tigard Area Chamber of Commerce – Chamber CEO Debi Mollahan named the winners of the Tigard Shining Stars for 2014.  The “From the Heart” Volunteer of the Year goes to Carol Herron for her work with St. Anthony’s Severe Weather Shelter. Katie Howell won Youth Volunteer of the Year for volunteering within her high school, church and community. Tigard’s First Citizen Award went to Tom Murphy for his volunteerism with the City Center Advisory Commission, Community Partners for Affordable Housing, Tigard Downtown Alliance and his recent work on the Stop Congestion Vote No political action committee. The Business of the Year is DeAngelo’s Catering and Events. The Chamber volunteer of the year is Meg DiSalvo. She announced that the Tigard Farmers’ Market is opening on May 11. She reminded viewers that all businesses are open during Main Street construction and there is plenty of parking in the new lot on Burnham Street. In response to a question from Councilor Buehner, Ms. Mollahan said the bowling event went very well and Tigard Auto won first place.
- D. Citizen Communication – No one signed up to speak.

3. CONSENT AGENDA: Mayor Cook asked if any councilor requested removal of an item from the consent agenda for separate discussion. There was no request.

- A. Receive and File:
 - 1. Official March 11, 2014, Special Election Results for Ballot 34-210
 - 2. Council Calendar
 - 3. Council Tentative Agenda for Future Meeting Topics
- B. Authorize the Mayor to Execute a Joinder Agreement Regarding Tigard’s Participation in the TVWD/Hillsboro Willamette River Water Supply Program
- C. Authorize the Mayor to Execute an Agreement with ODOT Regarding Power Costs to Operate a Streetlight at the Intersection of Pacific Highway and Durham Road
- D. Authorize the Mayor to Execute an Agreement with ODOT to include a Water Line Replacement in the Main Street Green Street Project

Councilor Snider moved for approval of the consent agenda and Councilor Buehner seconded the motion.

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

Mayor Cook announced that the consent agenda passed unanimously.

4. PROCLAIM NATIONAL COMMUNITY DEVELOPMENT WEEK

 Mayor Cook read the proclamation for National Community Development Week and mentioned that Council President Henderson serves as council liaison for the Community Development Block Grant (CDBG) program. National Community Development Week is April 21-26, 2014.

5. LEGISLATIVE PUBLIC HEARING – AMENDING TIGARD MUNICIPAL CODE TITLE 15.06 FRANCHISE UTILITY ORDINANCE

- a. Mayor Cook opened the public hearing.
- b. Hearing Procedures – City Attorney Ramis said this is a legislative public hearing in which any person shall be given the opportunity to comment.
- c.  Staff Report – Assistant to the City Manager Mills introduced Nancy Werner from the firm of Beery Elsner & Hammond, city attorney for franchise matters. Ms. Mills noted that the franchise ordinance was originally written in 2006 and this is the first major update. She said the City of Tigard had opportunities in the last 18 months to negotiate franchises with several utilities and found that language in the code is antiquated in the areas of franchising law and insurance requirements. She said staff met with council last November and discussed the proposed improvements and Council asked about financial reporting from the utility companies. The utility companies were given the opportunity to comment and where appropriate, staff made changes to the proposed language based on this input. She said staff is proposing changes in nine sections of the code and there should be no impact to the General Fund based on these changes. Staff estimates that \$5.6 million will be received this fiscal year from franchise right-of-way fees.

Attorney Werner reviewed the list of changes to the code. She noted that all of the changes are marked but she wanted to highlight two changes. The change to the right-of-way usage fee clarifies how that fee is going to apply. The new section will require utilities that serve Tigard customers to pay the greater of a percentage of their revenues, or \$10,000. Those utilities that have facilities in Tigard’s right of way but are not serving customers in the city will pay the greater of a per linear foot fee or \$10,000. This is a way to make sure they are compensating the city for use of the public right of way.

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Attorney Werner said another change is the addition of the definition of Telecommunications to prevent ambiguity in the way the term is used.

 Ms. Mills said there is a typo in the ordinance council received in their packet. On page 4, Section 15.06.090, paragraph E, third line, the term “qualified” should be changed to “authorized.”

d. Public Testimony

- Proponents  Mark Fryberg, PGE Government Affairs, commented that one measure of a city is how it handles regulations and tells businesses what they can do. He said some cities assume they already know about a business and impose regulations and others decide to take the time sit down with a business and learn about how it works. They are flexible and make changes where appropriate. Mr. Fryberg said PGE is appreciative that Tigard falls into the latter category, which is largely due to the efforts, diligence and accessibility of Assistant to the City Manager Mills. He said he realizes that Council sets the policy that directs her and PGE is very appreciative of the changes she made to the proposed amendments.
- Shana Brownstein, representing NW Natural echoed Mr. Fryberg’s comments. She said they have a great relationship with the City of Tigard and look forward to working with council and staff in the future.
- Opponents - None
- Response to testimony by staff.

e. Staff Recommendation: Staff recommends adopting the ordinance in packet and request that in the motion adding to amend section 15.06.090 substituting the word “qualified” for the word “authorized” in the third line.

f. Mayor Cook closed the public hearing.

g. Council Discussion and Consideration of Ordinance No. 14-06:

Councilor Woodard moved for adoption of Ordinance No. 14-06. Councilor Snider seconded the motion. Councilor Buehner moved that the amendment proposed by Assistant to the City Manager Mills be added and Councilor Woodard accepted the amendment. Deputy City Recorder Krager read the number and title of the ordinance:

ORDINANCE NO. 14-06 - AN ORDINANCE AMENDING TIGARD MUNICIPAL CODE CHAPTER 15.06 “FRANCHISED UTILITY ORDINANCE” TO MODIFY A PER FOOT FEE, UPDATE DEFINITIONS, CLARIFY INSURANCE REQUIREMENTS AND UPDATE OTHER SECTIONS, AS AMENDED

Deputy City Recorder conducted a roll call vote.

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

Mayor Cook announced that Ordinance No. 14-06 passed unanimously.

6. PRESENTATION FROM TVF&R CHIEF DUYCK – STATE OF THE DISTRICT

Chief Duyck introduced Al Kennedy, TVF&R Division Chief at Central Operations, Stephan Meyers, Public Affairs Officer and said local heroes, the Heavy Rescue Team from Station 51 were in the audience. He gave an annual update and PowerPoint presentation.

- Over 5,000 calls were responded to within Tigard’s city limits.
- 80 percent were medical calls.
- Steps were taken to flatten out call response statistics (fire alarms and calls to assisted living centers for the elderly)
- Most fire alarm calls are false alarms. They work closely with commercial businesses and in some cases residential fire alarm owners to reduce them.
- Assisted Living Center calls led to working with facilities to make them safer by removing fall hazards and increase staffing to mitigate lower acuity issues.
- The increase in calls is closely aligned with population growth and an aging community.
- They responded to nearly 500 traffic accident calls in Tigard, which does not include all accidents. Tigard Police Department responds to more than 500 traffic accidents a year.
- An award-winning apartment manager program has reduced the number of apartment fires in the district. The program is free and once a manager goes through the one-day training, the incidence of significant fire in their apartment complex is near zero.

Chief Duyck said TVF&R offers several specialty rescue services including water, hazardous materials and technical rescue. The technical rescue team is housed across Burnham Street at Fire Station 51. Some members of the technical rescue team that performed an extremely complex trench rescue in Beaverton recently are present. The victim is alive and recovering at home, thanks to them.

Chief Duyck said there are 21 fire stations across the district. They have a variety of apparatus, including single-person units, which are unusual for a fire district but allow them to handle lower acuity calls with one person. The heavier assets are then available for higher acuity calls such as cardiac arrests, traffic crashes, and structure fires.

The TVF&R Board of Directors has placed a measure on the May 20, 2014 ballot that will replace the 2000 local option levy. This will add 44 new fire fighters and three new station sites. Their problem is not that they need more fire fighters in existing stations, but more sites to cut down on response time.

He said TVF&R is promoting Pulse Point, a smartphone application that can help save lives. The program knows the user's location and the location of a cardiac arrest call that TVF&R is being dispatched. If you are in one-quarter mile of the incident and you know hand-CPR you will be notified and you can start live saving chest compression until the emergency response team arrives. 7,000 people in this service area have signed up but they need more participation. He commented that Tigard Police carry automatic external defibrillators (AEDs) in their vehicles and are great partners with TVF&R.



Councilor Buehner stressed the importance of the CPR program and said she was privileged to be able to use this in two rescues. She wanted the public to be aware of the TVF&R's ride-along program and mentioned the grass fire program.



Council President Henderson asked about home inspections and what the process is if they find something. Chief Duyck clarified that they have more authority in commercial buildings and can only enter private homes by invitation. They check work sites, offices, churches, apartment complex laundry and recreation rooms.

Council President Henderson asked what the response time is on Pacific Highway and Chief Duyck said it depends on the time of day. He said they can get there quickly but can only move as fast as the traffic. He said their goal is a 5-minute, 12-second response time 90 percent of the time. Congestion is a big issue. He has spoken to Mayor Cook about the transportation system and how to keep traffic moving.

Councilor Snider asked for an update on motorcycle response concept. Chief Duyck said it is still a concept but TVF&R is motivated to continue looking at this. He said it would not replace larger apparatus but would make sense in congested rush hour traffic for certain types of calls. Councilor Snider said it is common in Europe.

Councilor Snider asked what data they were basing their need to add stations and what zones are being considered. Chief Duyck said the zones are across the district and are places where heavy development has or will occur. Adding a few sites allows stations to stay in their local areas for a longer period and cuts response time. Chief Duyck said they have seven specific sites in the district that are under discussion. It depends on the ease of land purchasing and zoning restrictions.

Councilor Buehner asked about previous discussions on closing or relocating the 175th Avenue fire station. Chief Duyck said that was certainly considered but when they looked at the data, it was determined to keep it and add a new facility near West Bull Mountain.

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7. LEGISLATIVE PUBLIC HEARING – AMENDING TIGARD MUNICIPAL CODE
CHAPTER 10.28.130 PROHIBITING PARKING ON ONE SIDE OF SW 116TH PLACE
NORTH OF SW BEEF BEND ROAD

Purpose of hearing is to consider an amendment to TMC 10.28 Parking.

- a. Open Public Hearing - Mayor Cook opened the public hearing at 8:40 pm.
 - b. Hearing Procedures – Mayor Cook announced that this is a legislative public hearing in which any person shall be given the opportunity to comment
 - c.  Staff Report: Police Department Lieutenant Rhodes and Senior Project Engineer McCarthy presented the staff report. Lieutenant Rhodes said Officer Enzenberger was in the audience. He said the Tigard Police Department has embraced the concept of using a district officer who takes ownership of an area and seeks opportunities for solutions to problems. He said Officer Enzenberger responded to repeated calls for seven years on parking issues on 116th Place. He held meetings and talked to neighbors. It seemed that nothing could be done. He met with Lieutenant Rhodes who noticed the narrowness of the 116th Place and potential problems for fire or other emergency vehicles. He approached the city's engineering department for potential solutions. A survey was sent to all residents on the 116th Place and listed two options – parking allowed only on one side of the street, or doing nothing. Six of the twelve residents favored one-side parking. A public meeting was held on January 30, 2014. Seven residents attended and discussed options. The group decided that one-side parking was the best solution.
 - c.  Project Engineer McCarthy said from an engineering standpoint the grade is steep a street has a 15 percent grade and at 28 feet is narrow. The normal standard is 32 feet. He said Tigard's code does have skinny street language but the engineering recommendation is to limit parking to one side. He said it made more sense to prohibit parking on the east side because it is the inside of a curve and because of the group mailbox and fire hydrant locations.
- Councilor Snider asked if it would be painted. Engineer McCarthy said the curb will be painted yellow and signage would also be needed to reinforce no parking.
- Councilor Buehner commended Officer Enzenberger for reaching out to the community and practicing proactive community-based policing. Councilor Woodard said this has been a long time issue and the noted that the majority of neighbors are favorable to this solution.
- d. Public Testimony - No one signed up
 - e. Staff Recommendation – Staff recommends creation of the no parking zone.
 - f. Mayor Cook closed the public hearing.

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- g. Council Discussion and Consideration of Ordinance No. 14-07. Mayor Cook asked if there was a motion to approve the ordinance.

Councilor Buehner moved for adoption of Ordinance No. 14-07. Councilor Snider seconded the motion. Deputy City Recorder read the number and title of the ordinance.

ORDINANCE NO. 14-07 - AN ORDINANCE AMENDING TIGARD MUNICIPAL CODE CHAPTER 10.28.130 PROHIBITING PARKING ON ONE SIDE OF SW 116TH PLACE NORTH OF SW BEEF BEND ROAD

A roll call vote was conducted:

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

Mayor Cook announced that Ordinance No. 14-07 was adopted by a unanimous vote of Council.

8. CONSIDER A MOTION TO AUTHORIZE THE CITY MANAGER TO COMPLETE THE ACQUISITION OF THE MILTON COURT PROPERTY FOR THE BONITA PUMP STATION

 Public Works Director Koellermeier gave the staff report and said negotiations have been successfully completed with the owner of the Milton Court property which allows the city to avoid going to a condemnation trial. There is an outstanding issue of coverage for attorney and witness fees for the property owner. He recommended council amend the \$115,000 legal fee reimbursement amount to \$122,000 and noted that the actual number is still under negotiation and this is the upper limit.

Councilor Woodard moved to authorize the City Manager to complete the acquisition of the Milton Court Property for the Bonita Road Pump Station as amended, with an additional amount of \$122,000, and a total amount of \$557,000. Council President Henderson seconded the motion. The motion passed unanimously.

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

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9. CONSIDER A MOTION TO AUTHORIZE THE CITY MANAGER TO ENTER INTO LEASE AGREEMENT FOR OREGON DEPARTMENT OF TRANSPORTATION AND PORTLAND & WESTERN RAILROAD PROPERTY

 City Manager Wine said she was pleased to report that ODOT and Pacific Western Railroad have agreed to allow the city to develop the old railroad bed property that runs along Tigard Street and have dedicated it to public space. The lease period is 99 years with terms that allow the railroad to take back the railroad bed if they need it in the future. Councilor Snider commented that would not be a real risk since all the tracks have been removed.

Councilor Woodard said there is a possibility of installing exercise stations, including equipment specially designed for physically disabled citizens.

Council President Henderson asked about limitations on placing structures on the site. City Manager Wine read the section and said there is a height limitation so the sightlines of train operators are not disrupted. She said a trail with plantings is envisioned and other installations are subject to agreement with the railroad. Councilor Woodard said public restrooms may be installed at some point.

Councilor Buehner said this news is very gratifying for those who attended the dedication of this trail in the summer of 2010. Council President Henderson suggested that Tom Brian and others who helped with this project in the beginning be notified and City Manager Wine agreed.

Council President Henderson moved to authorize the City Manager to enter into a lease agreement for Oregon Department of Transportation and Portland & Western Railroad property. Councilor Buehner seconded the motion and all voted in favor.

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

Mayor Cook convened the City Center Development Agency.

10. CONSIDER A RESOLUTION TO AUTHORIZE THE EXECUTIVE DIRECTOR OF THE CITY CENTER DEVELOPMENT AGENCY TO NEGOTIATE VOLUNTARY PROPERTY ACQUISITIONS

Executive Director Wine gave the staff presentation. She said a previous CCDA discussion clarified that the Executive Director has the authority to enter into acquisition and disposition agreements to allow the agency to acquire property. The City's practice is to inform the CCDA Board in executive

sessions about the status of negotiations, key terms and conditions. Permission will still be requested prior to entering into negotiations and the purchase would be brought back to the CCDA Board for approval. The process is what is already in place but an official authorization from the Board is requested. Director Woodard said the urban renewal plan authorizes property acquisition and disposition from willing sellers within the district and he had no problem with this because it is efficient - the Board receives the information they need and ultimately makes the decision.

 Director Snider said alternatives are problematic from a process standpoint because it puts information in the public purview that is not appropriate time wise and from a negotiation standpoint. Director Buehner commented that due diligence such as investigating wetland or hazardous waste conditions should be done prior to a purchase and without the Executive Director having this authority, everyone’s job is more difficult. She expressed support for this resolution.

Director Buehner moved for adoption of CCDA Resolution No. 14-01 and Director Woodard seconded the motion. The motion passed unanimously.

CCDA RESOLUTION NO. 14-01 - A RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR OF THE CITY CENTER DEVELOPMENT AGENCY TO NEGOTIATE VOLUNTARY PROPERTY ACQUISITIONS SUBJECT TO CCDA BOARD OVERSIGHT AND CONDITIONS

	Yes	No
Director Henderson	x	
Director Snider	x	
Director Woodard	x	
Chair Cook	x	
Director Buehner	x	

Mayor Cook adjourned the City Center Development Agency and reconvened the City Council.

11. COUNCIL LIAISON REPORTS

 Councilor Buehner reported on the MPAC meeting where a preliminary draft of the Transportation Plan was issued. She gave a copy of the PowerPoint presentation to staff and requested that it be forwarded to council in the Thursday’s packet. She noted that the plan is in the public comment period and anyone interested can view the presentation on the city’s website and contact Metro directly. She said Climate Smart Communities were also discussed and this plan will be reviewed in May, with a vote held in June and adoption planned for September.

12. NON AGENDA ITEMS - None

13. EXECUTIVE SESSION - None

14. ADJOURNMENT – At 9:12 pm Councilor Woodard moved for adjournment. Councilor Buehner seconded the motion and all voted in favor.

Carol A. Krager, Deputy City Recorder

Attest:

John L. Cook, Mayor

Date



City of Tigard
Tigard City Council Meeting Minutes
April 15, 2014

1. WORKSHOP MEETING

- A.  Mayor Cook called the City Council meeting to order at 6:32 p.m.
- B. City Recorder Wheatley called roll:

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

- C. Mayor Cook asked those attending to stand with him for the Pledge of Allegiance.
- D. Mayor Cook asked council for any Communications & Liaison Reports to be heard as Agenda Item 8. None
- E. Mayor Cook asked council and staff for any Non-Agenda Items to be heard as Agenda Item 9. None.



2. JOINT MEETING WITH THE LIBRARY BOARD

- Library Director Barnes introduced this topic and Chair Hancock introduced the Library Board members present:
 - Scott Hancock – Board Chair
 - Katie Harris
 - Linda Monahan
 - Dan Snyder
 - John Storhm – Vice-Chair
 - Nikki Walker

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Summary of report to the City Council from the Library Board members:

- Chair Hancock said tonight is the anniversary of the tenth year of the new library building. He said the board will present ten items comparing and contrasting the differences and changes over the last ten years. An outline of the presentation is on file in the record copy of the council meeting packet, highlighting the following

Programs	Total Visitors
Most Popular Programs	Total Circulation
Total Volunteer Hours	Collection Size
Monetary Value of Volunteer Hours	Public Computer Hours
Overall Satisfaction	Wireless Internet Use (# Patrons)

-  Council President Henderson asked if being open one more day a week would change the numbers cited in the board's report. Library Director Barnes said with more hours there would likely be more people coming to the library. Activities have compressed into the open hours, which sometimes makes parking availability a problem. With another open day, it would probably alleviate the parking problems. More hours would also mean more convenience to patrons' schedules. Chair Hancock noted agreement with Library Barnes' response to Council President Henderson's question.
- Council discussion with the board members followed:
 - Mayor Cook commented on the impressive statistics shared by the board members in this year's update on library activities and satisfaction ratings. Among the most notable statistic was the evidence that the high rating of patron satisfaction remained constant with the significant increase in usage, which was accompanied by fewer open hours. Councilor Snider agreed with Mayor Cook's remarks.
 - Councilor Snider said he was the City Council Liaison to the Library Board. He has been unable to attend a meeting so far this year and he intends to try to attend a meeting. If the board has a need for him to attend a certain meeting, he said he would make it a point to be there to listen or participate if requested.
 - Councilor Woodard said he is also impressed by the ratings and statistics presented tonight. He acknowledged the need for additional parking during peak usage times. He reacted favorably to the e-reader check-out opportunities offered. Library Director Barnes advised the library has the following e-readers available for patron check-out: 10 Kindles and 10 Nooks that are preloaded with 20 to 25 books for children, young adult and adults. Titles are refreshed periodically. Ms. Barnes noted this is also an opportunity

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for patrons to try out a device to determine whether they want to purchase their own. Reference Librarians are available to help patrons learn how to download items onto their personal e-readers. Library Director Barnes said the library provides access to thousands of books, which is their main function; the program offering e-reader check-out is to expose people to this technology and will remain a small program. Councilor Woodard said that next year, he would like to have some statistics on this program and the electronic check-out of library materials onto personal devices.

- In response to a question from Councilor Snider, Library Director Barnes said that statistics from the Library-2-Go platform have been made available for this past year from the Cooperative. She said reliable statistical information will be available for next year's report to the City Council. Ms. Barnes noted that patrons are less willing to be placed on waiting lists for electronic materials than for print copies.
- Library Director Barnes responded to a question from Councilor Snider and shared that e-books come from five major publishers. Book availability depends on the deal they have negotiated with the major digital providers. The Cooperative is considering adding a vendor to provide a broader platform of titles. Discussion followed on whether there is likely to be an increase toward digital books over time. Library Director Barnes said costs associated with digital and print materials vary among publishers. Board Member Storhm commented that publishers are attempting to keep print and digital books at about the same cost.
- Council President Henderson asked if money was a non-issue, what one thing would the board desire for the library. Consensus was for the library to be open on Thursdays. Library Director Barnes said additional parking would also be appreciated.
- Assistant City Manager Newton responded to a question about staff discussions on library parking. She said she is unsure about whether this has a ranking on the CIP list. There was brief discussion about the need for a parking site. Library Director Barnes said staff and the board recognizes that while parking is an issue the impetus to add parking must be balanced within the larger vision and goals of the city.



3. BRIEFING ON THE WESTSIDE TRAIL MASTER PLAN

- Parks Facilities Manager Martin presented the staff report. He introduced Robert Spurlock and Mark Davison from Metro. Mr. Martin advised the planning of this trail began at about the same time the Greenway Trails Master was started, which is one of the reasons why the Westside Trail was not included in that plan. Mr. Spurlock coordinated the Westside Trail Master Plan among six jurisdictions from the Willamette River to the Tualatin River.

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- Mr. Spurlock advised the master plan is scheduled to come before the City Council at next week's Council meeting for approval of a resolution of support.
 - This is a planning effort begun two years ago. The goal is to connect from the Tualatin River in King City/Tualatin north to the Willamette River (Forest Park in the City of Portland). Tualatin Hills Park and Recreation District has built about six and one-half miles of the trail, which has been extremely popular.
 - Six public open houses have been held over the last two years, including three at Deer Creek Elementary School in King City. About 1,000 stakeholders have participated.
 - The Westside Trail Master Plan lays out the framework for how much the trail will cost and where the trail will go.
 - He referred to Bull Mountain in the Tigard vicinity, which is very steep. The typical 10-foot wide asphalt trail over this area would not work well so an alternative was identified to use Mistletoe Street and then go through Hillshire Woods with a hiking trail that mountain bikes could use.
 - During the open houses, they learned there was a public interest in including the River Terrace community. The trail plan in this area would provide an alternative to the trail provided over Bull Mountain.
- Council President Henderson asked if the Master Plan was presented to Tigard's Parks and Recreation Advisory Board. Mr. Spurlock said they have not made a direct presentation to PRAB; however, they have been included in the public involvement process. The City of Tigard has been represented by a neighborhood trail advocate, Doug Vorwaller.
- Councilor Snider asked what action the council would be considering. Parks Facilities Manager Martin advised that at next week's meeting, the council will be asked to approve the Westside Trail Master Plan or to suggest amendments in Tigard's portion. In addition, the Tigard portion would be added to the Greenway Trails Master Plan.
- Mayor Cook said he has heard that the power line corridor was owned by the Bonneville Power Administration (BPA); however, in Bull Mountain this corridor is privately owned with access easements. He asked if issues have been worked out. Mr. Spurlock said the power line corridor is a great opportunity for the trail because it is owned by BPA. There's one place in Beaverton where BPA does not own the land, but they do have an easement. All sections in Tigard and Bull Mountain in this corridor are owned by BPA. In cases where access is needed, access would be acquired from willing sellers. THPRD has done this with hundreds of properties. BPA supports the Plan. Once the trail is designed and there are construction drawings, BPA will review and grant Metro a permit to build the trail on their land. In parts of Tigard there are two power lines resulting in a 220-foot corridor (one-half BPA, one-half PGE). The trail is planned almost entirely on the BPA property. If property is needed on the PGE side of the corridor, property would only be acquired from willing sellers; eminent domain will not be used.
 - There was discussion about the trail in the River Terrace area. Originally this segment was called the 300-Foot Trail, but is now referred to as the River Terrace Trail. The elevation over Bull Mountain was discussed. Mr. Spurlock advised one of the strong recommendations for the Plan is to comply with the Americans with Disabilities Act, which calls for the trail to be at a no-greater-than five-to eight percent grade. The biking trail through

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Hillshire Woods would be steeper but that is all right because of the intended users (mountain bikers).



4. BRIEFING ON CAPITAL IMPROVEMENT PLAN (CIP) PROJECTS

City Engineer Stone presented the staff report on the third quarter status of the CIP program:

- City Facilities – replacing some of the damaged exterior on the Permit Center, City Hall and Police buildings. The design is in process. Staff has encountered some issues with finding consultants who were able to make solid recommendations on what was needed.
- The East Butte Heritage Park project is complete.
- Fanno Creek House project is complete.
- Dirksen Nature Park – the design phase is nearing completion. With the upcoming five-year CIP, staff will be making some recommendations for construction funding.
- Potso Dog Park – this project was placed on hold pending another review of the remaining fund balance of the parks bond.
- Jack Park – this project is complete.
- Fanno Creek Trail (Main to Grant) – this project is complete.
- Bull Mountain Park (Concept Master Plan) – this project was placed on hold pending evaluation of available funding.
- Tigard Street Trail (Railroad Path) – the City Manager has been successful in obtaining a lease agreement among the Railroad, the City and ODOT Rail for the city to commence design work. The Level 1 analysis is underway and a survey of the area is complete.
- Senn Park – this project is on hold pending review of available funding.
- Fanno Creek Trail (Metro Grant RFFA Project) – Federal funding will not be available until FY 15/16.
- Summer Lake Restroom Improvements – the design is complete; the restroom has been ordered. This project should be complete by the end of May.
- Slope Stabilization Projects: Arthur Court, Krueger, Copper Creek – the design of all of these projects is complete. Staff is waiting for permits. Before a contract award recommendation is presented to the LCRB, staff will be assessing the entire problem with the storm drain issues on Bull Mountain.
- East Tigard Sewer Replacement – the RFP phase is complete. Design will commence soon.
- Barrows/Scholls Ferry Water and Sewer Lines – Phase 1 of both projects is complete. Funding for the second phase will be included in the upcoming CIP.
- Derry Dell Creek Slope Stabilization – This project will be done in two phases. One phase is to replace some of the slope and the other is to replace some of the culverts and rearranging the sewer lines. Both parts of this project are in the RFP stage.
- Copper Creek Bank Stabilization – Design is complete.
- Pavement Maintenance Program – Bids will be advertised in about two weeks.

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- Walnut Street Improvements (116th to Tiedeman) – this project will go out for bid in the fall (Washington County is administering).
- Citywide Pedestrian and Cyclist Improvements – some of the funding for this project was transferred to the Fanno Creek Trail (Main to Grant).
- Pacific Highway/Gaarde/McDonald – Intersection Improvements – This project is moving along. An additional \$400,000 must be identified; City Engineer Stone said there is money remaining in a TDT balance allotted to the City of Tigard. Staff is talking with WCCC officials to determine if TDT funds can be used.
- 72nd Avenue/Dartmouth – Intersection Improvements – This project will be out for bid in about two weeks. This project will be constructed at the same time Walmart is constructing its improvements.
- Upper Boones Ferry Road/Durham – Adaptive Signal Coordination – Agreements have been signed and the design is underway. It is possible that, as part of this project, there will be electronic flashing “school zone” signs.
- Main Street/Green Street (Phase 1) – This project is under construction. The contractor is ahead of schedule and could be completed by November.
- Aquifer Storage and Recovery – This project is underway.
- Lake Oswego/Tigard Water Partnership – Various contract construction projects are underway.
-  Main Street Waterline Replacement – This project is complete.
- Pipeline Connecting 550-530 Zones – This project has been placed on hold.
- Water – System Wide Improvements – These projects are in the analysis stage to determine how to bring water from the new treatment plant into the city’s distribution system.

Council discussion:

- Councilor Snider referred to the Upper Boones Ferry Road (signal coordination) and asked what would be achieved with this project. He noted the intersection at Durham is a “disaster” at peak travel times because of the WES train. City Engineer Stone said when signals operate “by themselves” it can cause major traffic back-ups. This project will install an interconnect system among 13 traffic signals (from Highway 99 to the signal by the railroad tracks at Carman Drive). The adaptive system will modify traffic signal timing based on actual traffic demand.
- Mayor Cook asked about the timeline for those park projects that are on hold until remaining park bond funding is determined. City Engineer Stone said has not talked with Finance and Information Services Department Director LaFrance about the status of the park bond – he thinks this information will be available in the next couple of weeks.
- Mayor Cook commented on the format of the tables showing the CIP project status that was included in the council’s meeting packet. He said he liked the format and it was easy to follow. Council President Henderson said he would like to see the completion date on projects.

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5. UPDATE ON MEDICAL MARIJUANA LEGISLATION

Associate Planner Floyd presented the staff report. City Attorney Rihala was present to answer questions. Attached to the staff report was a copy of Senate Bill (SB) 1531 and an April 7, 2014 memorandum from Associate Planner Floyd to the Mayor and City Council regarding the impact of SB1531: Medical Marijuana Facilities and Options for Moving Forward.

- Since the council last discussed this subject, the State Legislature adopted SB1531. This legislation has created some legal certainties for cities in the state with two “safe harbor” approaches:
 - Authorizes cities to create reasonable restrictions in terms of time, place and manner.
 - Authorizes cities to adopt a temporary moratorium.
- SB1531 did not answer the more difficult legal questions in that it did not specifically pre-empt local governments from banning such facilities.
- To preserve the safest option to move forward, Associate Planner Floyd advised the city attorney has recommended that the city extend its current prohibition (Ordinance No. 14-04) from December 31, 2014 to May 1, 2015. The council can rescind this ordinance at any time. Moratoriums must be filed with the state by May 1, 2014. A draft amendment to Ordinance No. 14-04 will be before the City Council at its business meeting on April 22.
- Council discussion followed regarding whether it would be advisable to consider the draft amendment next week because of state legislation or citizen initiatives that might occur in the time period between now and May 2015.
- In response to a question from Mayor Cook, City Attorney Rihala explained that the Oregon Health Authority’s Rules are specifically written that if a moratorium ordinance does not state that it ends on or before May 1, 2015, then the ordinance would not be considered to be valid. If the city decides it wants to extend the moratorium, this would need to come back to the City Council for a decision.
- Mayor Cook said he thinks the council needs to hold discussions over the next few months about time, place and manner for such facilities including taking this out to the public to find out how they feel about this issue. Councilor Snider said “we need to start working the land use side of this.”
- In response to a question from Councilor Snider, Associate Planner Floyd confirmed that Community Development Department staff is prepared to present information to council to help members make a decision on whether and how to regulate dispensaries. He referred to the additional tasks and tools presented in his April 7 memorandum. Many areas of the city would be off limits because of limitations for not placing these facilities near schools or because of zoning. Associate Planner Floyd estimated that there would be a maximum of 10-12 facilities in the city.

- In response to a question from Councilor Woodard about agricultural and retail uses, Associate Planner Floyd advised the dispensary aspect of such uses is straightforward and would be similar to a pharmacy (a retail operation). There are state-licensed “grow” facilities in the City of Tigard; Associate Planner Floyd said he is researching the agricultural aspect. He said he believes this is more of an industrial type of use since the activity is indoors and is not a retail operation. Researching how other states are handling is on the staff work plan.
- Associate Planner Floyd confirmed that he understands the council wants to be ready with regulations once the state has passed its final legislation on this issue. The land use issues need to be sorted by the council in the interim before final state legislation is enacted. Assistant City Manager Newton said in her discussions with Associate Planner Floyd, she understood he would like to keep informed about how the legislation appears to be headed and, at the same time, get some feedback from the community.
-  Councilor Snider said if we already have lawful growing operations in the city, this seems to present another level of complexity as he would assume they are already complying with the city’s land use regulations.
-  Councilor Woodard commented there are a lot of unanswered questions and before November, we need to do some outreach.
-  Mayor Cook, Associate Planner Floyd and Police Public Information Officer Wolf are planning to attend a League of Oregon Cities May 1st conference on the medical marijuana issues.
-  Associate Planner Floyd said he thinks the city will be at a point at this time next year to make a good decision on how to regulate. He acknowledged the importance of community outreach and referred to options for this outreach outlined in his memorandum to the City Council. The complicated issue is to balance the legal risk for the city because of the state and federal laws that need to be considered.
- Council discussed including this as a topic at a future Town Hall meeting. Also mentioned was the upcoming meetings individual council members are conducting to get feedback on several topics.
- Councilor Snider will not be attending next week’s council meeting when an ordinance extending the moratorium will be considered by the council. He said he would support the extension with the understanding that staff and council will be planning to be prepared for the land use matters before the end of the moratorium.
- Mayor Cook confirmed with Associate Planner Floyd that the work plan presented in his memorandum was good. A decision is needed soon on when to pick up this topic for a Town Hall meeting or small group meetings.
- In response to a question from Councilor Snider, City Attorney Rihala advised that at this time the federal government appears to be reluctant to state that they will not be enforcing federal law. The concern is that when the federal administration change, priorities might shift and the DEA’s reluctance to enforce federal law might become more aggressive. This could affect grant programs sponsored by the federal government for which the city now receives funding.

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6. UPCOMING LOCAL CONTRACT REVIEW BOARD ACTION ITEMS

Public Contracting Manager Barrett presented the staff report.

Two contracts (Intermediate Qualification Based Solicitations - IQBS) will be before the Local Contract Review Board at the May 13 meeting:

- Construction Management Services – 72nd Avenue/Dartmouth Street Intersection Improvements – Public Contracting Manager Barrett reviewed the scope of this project as outlined in the Agenda Item Summary. W&H Pacific has been selected as the most qualified. Staff is currently negotiating with W&H Pacific. The staff estimate for the work is \$160,000. The construction phase of this project, which will not be IQBS, will be before the LCRB in the coming weeks.
- Planning, Design and Construction Management Services for the East Tigard Sewer Improvement Project – Public Contracting Manager Barrett reviewed the scope of this project as outlined in the Agenda Item Summary. CESNW has been selected by staff as the most qualified and negotiations are underway. The estimated price for the work is \$130,000.

Mayor Cook asked about the IQBS process and the number of firms selected to receive invitations to submit applications for performing the work. He noted that for both of the projects, five firms received notices; however, only two firms responded. Public Contracting Manager Barrett explained the selection process. Staff selects firms that have done similar work and have shown interest in working in Tigard before. Usually, it's a timing issue as to whether firms feel they are able to bid on projects based on how busy they are. He confirmed for Councilor Snider that more than five firms could be asked to bid on the work. Councilor Snider urged efforts be made to have more firms respond to work on projects.

There was brief discussion on the QBS process. Smaller projects are not much work for bidders to meet requirements; the larger projects can be expensive and more time-intensive for responders.



7. UPDATE ON STRATEGIC PLAN ROLL-OUT

Assistant City Manager Newton introduced this agenda item. The Strategic Plan vision is: “The most walkable community in the Pacific Northwest where people of all ages enjoy healthy and interconnected lives.”

Team leaders reviewed the status of the four goal areas:

1. Facilitate walking connections to develop an identity.

Human Resources Director Bennett presented the following information:

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- Implementation is currently in the analysis phase, Phase 1, which will be ongoing for the next several months.
- A gap analysis is underway – determining placement of sidewalks and trails and where there are gaps. Small projects will be identified so areas can be connected.
- Staff is assessing costs and developing target area lists.
- Community outreach is part of this phase to discover the interests and needs of the community. Staff is talking to businesses about how to connect with them. Discussions include asking businesses to consider changing focal points for their entrances to connect with future walkways and plazas.
- Crime analysis is part of this phase to determine safety and crime factors for certain areas. Police staff is offering suggestions about how to make things safer; i.e., lighting and changes in police patrol.
- The design phase is next.

2. Ensure development advances the vision.

Community Development Director Asher presented the following information:

- Most of what is built is not built by the City of Tigard; the city is the regulatory body and can provide incentives towards advancing the vision.
- Identify things the city could be doing with the Community Development Code to create more connections and promote walkability, such as:
 - When easements are created or when streets are vacated, these spaces are often not utilized for multi-purpose uses, including connectivity. When these types of activities occur, staff can consider whether the change would help or hinder the overall connectivity patterns.
 - When considering natural resource protection regulations, consider whether these regulations are prohibiting people to use space.
 - Consider whether the city is allowing the “right kinds” of densities and destinations in the “right places” to facilitate a walkable community.
- The review of the Development Code cannot be done immediately. Research needs to be done first. Status report on this research:
 - A team of about ten people has been assembled to work in five areas to research best practices – locally, nationally and globally.
 - Examination of the city by walking around to understand what parts of Tigard are walkable and connected.
 - Reviewing city businesses and business practices to determine the connection between the vision and commercial activity. For example, determining the walk score of businesses so the employees of the business can walk to lunch or patronize nearby shops and services.
 - Survey of best practices of other communities.
 - Review of the Development Code to identify policy gaps to address.
 - Identify measurements to determine progress/success.

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- This phase will take about two months.
- A new team will be assembled for the next phase (along with outside consultant assistance), which will be to rework/rewrite the Community Development Code: Design Standards, Development Standards, Plan District Standards, Annexation Decisions and Parking Requirements.
 - Scoping this work will take six months.
 - In the longer term (a year or more out) – a revised code will be presented to ensure future development activity is helping the city move toward the vision.

3. Engage the community through dynamic communication.

Assistant City Manager Newton presented the following information:

- A team has been assembled for this goal area.
- Two areas are being worked on:
 - Efforts to communicate about the overall Strategic Plan.
 - Acknowledge the connections already in place; i.e., the recent connection of Main Street to Grant, which was noted in a Cityscape article.
 - Solicit emails from citizens about connections they would like to see.
 - A hotline has been established.
 - Presentations to city boards and committees.
 - Identify new methods of communications to citizens. A request is included in the next fiscal year's budget request to hire a communications strategist.
 - Update the city's social media policy.
 - Revise the city's website.
 - Neighborhood Network – the program framework is established; however, additional funding has not been identified.
 - The city will host a Chamber of Commerce event in May.

4. Fund the vision while maintaining core services.

 Finance and Information Services Department Director LaFrance presented the following information:

- Part of the budget training with the citizen budget committee members included a discussion about how budgets are a reflection of policy. If a program is unfunded, then it is not a policy of the organization. The budget exists to enable the city to do things. What can be done is represented by the amount of funding.
- The task is to find a way to fund the Strategic Plan.
- The management group has been meeting to form tactical plans for the four goal areas of the Strategic Plan. As work is completed on the first three goals, Finance and

Information Services Department Director LaFrance says he reviews the finance tactical plan to determine how the other three goals can be enabled.

- The finance tactical plan will be developed by groups who will first make sure core services are funded.
 - Ways to advance the Strategic Plan visions within the core services.
 - Identify activities and projects that cannot be funded through existing services and come up with potential funding for the council to consider.
- Metrics will be developed to measure success for this goal area. The Strategic Plan implementation should increase the value of residential and commercial areas, which will contribute toward a healthier economy that in turn will contribute to the city's revenue streams.

Community Development Director Asher reported on his recent meeting at an Urban Land Institute event.  His report included:

- There was emphasis in various sessions about building for wellness – the importance of health to the community.
- Trends are indicating large sections of the population are “health obsessed”; that is, they are interested in moving around in different modes.
- Examples of projects were offered with the express goal of building around wellness; i.e., indoor air quality or pedestrian connections.
- Cities of all sizes and locations throughout the world have examples of where there are waiting lists for people who want to live in projects that sell a healthier lifestyle. Key to this lifestyle is the deliberate effort to create general physical or pedestrian activities through the design of the project (bicycling, natural lighting, social interaction and community gardens).

Mayor Cook noted it appears that the city is on the right track with the Strategic Plan and suggested that the move toward a healthier lifestyle is more than a trend – it is a true change.

Assistant City Manager Newton commented on the developing synergy through staff and community involvement.

Councilor Woodard shared his observations on the cross-fit activities (space activation) that people are participating in at various locations/venues, including those offered on trail systems. A component, in addition to economic development and sustainability, is the increasing need to administer recreation aspects for the community. Councilor Snider endorsed Councilor Woodard's statement and observed that if the city follows the vision the goals will be achieved over time and will provide the plan to “get there faster.” Council President Henderson referred to the example of Port Moody, B.C. as a community that achieved its vision based on livability, walkability and density (building up). Tigard City Council members toured this city five years ago. Council President Henderson recently revisited Port Moody – growth in the last five years has been tremendous. He said, “when

TIGARD CITY COUNCIL MEETING MINUTES – APRIL 15, 2014

you go into this community, you feel it – you feel the energy...” The key is finding how to fund the start-up.

- 8. COUNCIL LIAISON REPORTS: None.
- 9. NON AGENDA ITEMS: None.
- 10. EXECUTIVE SESSION: Not held.
- 11. ADJOURNMENT:  8:35 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 – APRIL 15, 2014

AIS-1750

4. B.

Business Meeting

Meeting Date: 05/27/2014

Length (in minutes): Consent Item

Agenda Title: Authorize the City Manager to Execute an Agreement Regarding the Construction of Water Partnership Projects in the City of Gladstone

Prepared For: Dennis Koellermeier, Public Works

Submitted By: Greer Gaston, Public Works

Item Type: Motion Requested

Meeting Type: Consent
Agenda

Public Hearing: No

Publication Date:

Information

ISSUE

Shall the council authorize the city manager to execute a cooperative agreement regarding the construction of water partnership projects in the City of Gladstone?

STAFF RECOMMENDATION / ACTION REQUEST

Authorize the city manager to execute the agreement.

KEY FACTS AND INFORMATION SUMMARY

The council was briefed on this agreement at its May 13, 2014, study session.

This cooperative agreement was developed to define the roles and responsibilities of the Lake Oswego Tigard Water Partnership ("partnership") and the City of Gladstone as the partnership constructs water improvements through that city. Due to the location and nature of partnership projects—like the construction of a large diameter pipeline within several of Gladstone's roadways—the partnership will need to restore those roadways. Restoration will involve substantial resurfacing, curb replacements and other similar work. In addition, the City of Gladstone asked the partnership to include some water main replacements for its system, at Gladstone's expense, prior to the roadwork.

Lastly, issues such as indemnification, inspection, notice and permitting exist between the parties. This cooperative agreement addresses those issues. Even though the existing contractual relationship between Lake Oswego and Tigard clearly assigns construction responsibility to Lake Oswego, this agreement was designed to capture the spirit of the cooperation between all three cities. Both the City of Gladstone and the City of Lake Oswego have already approved this agreement.

OTHER ALTERNATIVES

The council could propose changes to the agreement or could decide not to approve the agreement. Should the council not approve the agreement, that decision would jeopardize partnership plans to construct projects in the City of Gladstone and would delay the completion of Tigard's new water system. This system is scheduled to come online in 2016.

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

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

Lake Oswego-Tigard Water Partnership (LOTWP)

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

DATES OF PREVIOUS COUNCIL CONSIDERATION

The council was briefed on this agreement at it May 13, 2014, study session.

Fiscal Impact

Fiscal Information:

Tigard's share of the costs arising from this agreement are included in the city's \$70-million water partnership budget for fiscal year 2014-2015.

Attachments

Agreement

**COOPERATIVE AGREEMENT
FOR
JOINT FUNDING OF ROADWAY AND WATER SYSTEM IMPROVEMENTS**

This Inter governmental Cooperative Agreement, hereinafter "Agreement," is entered into by and between the following parties: The City of Lake Oswego, a municipal corporation of the State of Oregon, and the City of Tigard, a municipal corporation of the State of Oregon, hereinafter collectively called "Partnership," and the City of Gladstone, a municipal corporation of the State of Oregon, hereinafter called "City."

RECITALS

WHEREAS, the Partnership is planning construction of new underground water transmission pipelines within portions of Portland Avenue, Clackamas Blvd., Bellevue Avenue, Exeter Street, Jensen Road and Meldrum Bar Park Road, and these roads are public roads under the roadway authority of City; and

WHEREAS, construction of the Partnership's water transmission pipelines will damage the City's public roads and the City finds and declares that these impacts must be mitigated through a combination of restoration and enhancement of its public roads in furtherance of a functional and safe, roadway system; and

WHEREAS, City owns, operates and maintains water distribution mains that are located within the construction area of the Partnership's planned water transmission line improvements described above; and

WHEREAS, City's water distribution mains provide water supply for public health, sanitation, fire protection, recreation, and economic development, and the City finds and declares that coordinating improvements to its water distribution system with the Partnerships water system improvements will reduce costs to its citizens relative to making these improvements alone at another time; and

WHEREAS, the Partnership and City recognize that by entering into this Agreement their respective citizens will benefit from cooperative and coordinated planning, funding, and construction of roadway and water system improvements; and

WHEREAS, the Parties enter into this Agreement pursuant to ORS 190.003 to 190.110, which authorize units of local government to enter into such agreements.

NOW, THEREFORE, the Parties agree as follows:

ARTICLE 1. DESCRIPTION OF PROJECTS

Replacement of the Partnership's existing water transmission main and related improvements and extensions to City's distribution mains are more particularly described in Article 1A. Roadway improvements are more particularly described in Article 1B.

A. Water Pipelines

The Partnership owns, operates, and maintains an existing 27-inch diameter steel water transmission main ("existing main") located within the public rights of way of City. The existing main will be abandoned in place and filled with grout (see attached Exhibit A). A new 42-inch diameter steel water transmission main ("new main") will be constructed within the rights of way of City (see attached Exhibit B). Construction of the new main will create opportunities for the Partnership to make certain improvements to City's water distribution mains. The improvements desired by the City are more particularly described as follows:

1. Construct approximately 224 feet of new six (6)-inch diameter ductile iron water main including valves, fittings, and appurtenances along East Clackamas Blvd. to the intersection of Portland Avenue. Abandon approximately 350 feet of existing 1-inch diameter water line in East Clackamas Blvd (see Exhibit C).
2. Construct approximately 206 feet of new six (6)-inch diameter ductile iron water main including valves, fittings, and appurtenances along Portland Avenue from East Clackamas Blvd. to the intersection of Arlington Street (see Exhibit D).
3. Construct approximately ⁴³³⁸762 feet of new six (6)-inch diameter ductile iron water main including valves, fittings, and appurtenances along Meldrum Bar Park Road ~~ending near the intersection with Dahl Road~~ (see Exhibit E). 

B. Roadway, Pathway and Parking Area Reconstruction and Restoration

Portland Avenue, Clackamas Blvd., Bellevue Avenue, Exeter Street, Jensen Avenue, and Meldrum Bark Park Road will be impacted by construction of the Partnership's new main. City is requiring the Partnership to restore and reconstruct these roads as follows:

1. Clackamas Blvd.—Between approximately 201 West Clackamas Blvd. and the intersection of Clackamas Blvd. and Portland Avenue, the Partnership will restore the roadway in the following manner:
 - a. Mill and overlay the street for its full width with three (3)-inches of new asphaltic cement ("AC") pavement, and
 - b. Match existing slope and grade.
2. Bellevue Avenue—Between Clackamas Blvd. and Exeter Street, the Partnership will reconstruct the street and make other improvements as follows:

- a. Construct a new pavement section for the full width of the existing street consisting of Geotextile fabric, under nine (9) inches of aggregate base, under four (4) inches of new asphaltic concrete pavement;
 - b. Install new curbs, and curb cuts for driveways on both sides of Bellevue Avenue to match with and connect to existing curbs where they exist;
 - c. Modify the slopes and grades of the existing street to promote drainage to existing storm drainage systems, and
 - d. Construct new storm drainage facilities where needed to collect and convey storm water off the street, all in accordance with Clackamas County Standards relating to design and construction of local streets.
3. Exeter Street–The Partnership will improve the roadway of this street as follows:
- a. Between Bellevue Avenue and the intersection with Beatrice Avenue, the Partnership will construct a half-street improvement consisting of resurfacing an eighteen (18) foot-wide section of pavement from the centerline of the street south to the existing curb line with four (4) inches of new asphaltic concrete pavement over new aggregate leveling course as needed;
 - b. Between Beatrice Avenue and approximately 470 Exeter Street, the Partnership will construct a half-street improvement consisting of resurfacing an eighteen (18) foot-wide section of pavement from the centerline of the street north to the existing curb line with four (4) inches of new asphaltic concrete pavement over new aggregate leveling course as needed;
 - c. At changes in alignment of the pipeline that occurs at Beatrice Avenue and at the dead end of Exeter Street, a full width resurfacing with four (4) inches of new asphaltic concrete pavement over new aggregate leveling course as needed will occur at these locations, and
 - d. The restored street sections will:
 - i. Match existing slope and grade; and
 - ii. Replace pavement markings as necessary.
4. Jensen Road–Between its northeasterly terminus with SE River Road and extending approximately one thousand (1,000) feet southwest, the Partnership will reconstruct Jensen Road with three (3)-inches of asphaltic concrete over eight (8)-inches of aggregate base for its full nine (9)-foot width. The completed overlay will:
- a. Match existing slope and grade; and
 - b. Match the existing average width of edge to edge of pavement.
5. Jensen Road to Meldrum Bar Park Road–Between these two roads, the Partnership will replace existing pedestrian pathways and parking areas disturbed by construction of the new main. Restoration will include parking stall re-striping as necessary. The contract documents for construction will require the contractor to restore temporary

construction easement areas impacted by construction to a condition equal to or better than pre-construction conditions.

6. Meldrum Bar Park Road—Where construction of the Partnership’s new main and construction of the City’s new water main (see Article 1A.3, above) occurs within the paved portion of this road, the Partnership will mill and overlay the Meldrum Bar Park Road with four (4)-inches of AC over nine (9)-inches of aggregate rock base. Where construction of the City’s new water main (see Article 1A.3, above) occurs within the paved portion of this road, the Partnership will restore the trench section with four (4) inches of new asphaltic concrete pavement over nine (9) inches of new aggregate base. The completed overlay and trench restoration will:
 - a. Match existing slope and grade; and
 - b. Match the existing average width of edge to edge of pavement (overlay portion only).
7. Roadway Restoration (Collateral Damage) – Where construction of the Partnership’s new main or construction of the City’s new water main results in damage to roadways beyond the limits described in Articles 1B.3 and 1B.6., above, the Partnership will restore the damaged areas in the same manner as required for those roadways and to the satisfaction of the Public Works Director.

ARTICLE 2. OBLIGATIONS OF PARTNERSHIP

The Partnership agrees to the following:

1. To provide and pay for all engineering design services relating to the Projects described in Articles 1A and 1B, above and to cause its design engineer to design the Projects in accordance with the generally accepted design standards for public water systems and public roads and those currently in effect by the City.
2. To exercise the same standard of care in engineering design it provides on the Projects constructed for City’s benefit, as it provides to itself for water transmission lines and improvements constructed for its benefit.
3. To cause construction, through its construction contractors, of the Projects described in Articles 1A and 1B in accordance with the City’s adopted Public Works Standards.
4. To furnish and pay for all preliminary design drawings and specifications to City at the 90% and 100% design development stage of the Projects in Articles 1A and 1B for review and approval by City. City shall have 10 days to complete its review at each stage and provide comment on the design drawings and specifications. The Partnership will incorporate City’s comments if consistent with relevant design standards generally accepted in the location of the work, and City standards, into the final construction contract documents for the Projects. The Partnership shall provide a copy of the final design drawings and specifications to the City following acceptance by the City.
5. To furnish and pay for a copy of the “as built” plans at the time ownership of any of the Projects transfers to the City under Article 6.

6. To solicit competitive bids at its sole cost and expense in accordance with the public contracting rules of the City of Lake Oswego. The City of Lake Oswego, on behalf of the Partnership, shall award the contract to the Contractor submitting the lowest, responsive, responsible bid in accordance with state public contracting laws. The bid shall require the Contractor to segregate, in its bid, the component bid amounts for the construction costs of the Projects listed in Article 1A.
7. To provide not less than 72-hours notice to City of the need to interrupt normal water supply service of City's water system in order to construct the Projects. Partnership agrees to minimize the frequency and duration of interruptions to normal water service through advance planning and coordination with the City Public Works Director.
8. To provide access to the Projects by authorized operating or inspection personnel of the City for purposes of observing the contractor's work prior to acceptance by City.
9. To provide at its sole cost and expense to City, copies of all reports of tests and inspections required by the construction contract documents and related to construction of the Projects.
10. To furnish and install at locations and in quantities deemed appropriate by City, informational signage at its sole cost and expense, identifying the Projects and that it is a public works project constructed and funded in part by the Partnership in cooperation with City.
11. To the extent any lawsuit, claim or other action filed by a third party relates to any aspect of the Projects or related activities described in this Agreement, the Partnership will timely notify the City and seek to resolve the claim in the most efficient and economical manner possible, consistent with the rights of the parties. The Partnership agrees to indemnify and hold the City, its elected officials, officers, employees and agents harmless from all claims, demands, damages, expenses, loss, property damage or injuries arising out of the Projects or related activities described in this Agreement, except for any claims that arise out of the City's own intentional or negligent acts.
12. All construction contracts entered into pursuant to the Projects listed in Article 1 above, or construction work performed by Partnership shall require the contractor and Partnership to obtain, and to maintain in full force and effect for the term of the contract, a Workers Compensation insurance policy meeting statutory coverage requirements, together with comprehensive or general liability insurance policies in the amount of at least \$2 million per occurrence and \$2 million in the aggregate, and shall require certificates and additional insured endorsements designating the City of Gladstone as an additional named insured.
13. Coordinate with the Contractor in the event a need arises under the terms of the construction contract for a change order. The change order shall require the Contractor to segregate the construction costs of the change order for each of the Projects. Segregation of the change order amount(s) for each Project shall be the basis of determining the allocable share of the costs Parties for the change order pursuant to Article 5.

14. To conduct at its sole cost and expense a preconstruction assessment (video documentation) of Exeter Street and Meldrum Bar Park Road to ensure areas impacted by construction of the Partnerships new main or City's new main are restored to equal or better condition. A copy of this video will be provided to the Public Works Director.

ARTICLE 3. OBLIGATIONS OF CITY

The City agrees to the following:

1. To provide all necessary easements, sufficient for the Partnership to construct the Projects.
2. To appropriate, through its statutory budget process, sufficient funds to pay for the construction costs associated with the Projects in Article 1A that may be incurred in the fiscal year in which the Projects are constructed.
3. To timely provide review and comment on the solicitation documents, including the design drawings and construction specifications, and conduct a final review for acceptance of such drawings and specifications prior to bid solicitation for the Projects.
4. To provide advance written notice, in whatever form City determines appropriate, to its water customers whose normal water supply service will be interrupted during the course of the work and until the Projects described in Article 1A are completed and accepted by City.
5. To be the primary point of contact for and to respond to complaints or questions from City's residents' water customers that may arise in relation to the Projects described in Article 1A and 1B.
6. To provide experienced operating personnel in sufficient number to operate any and all portions of City's system to facilitate the timely and efficient construction, testing, and commissioning of the Projects.
7. To observe, at a frequency the Public Works Director deems appropriate and that is reasonable for the types of Projects, the quality of the Contractor's work as it relates to the Projects and report to the Partnership's inspection personnel any apparent defective work. Failure of the Public Works Director, or his designee to timely raise, following observation, any objections to the work, as to the Projects, shall, solely as to the Partnership, constitute a release by City to the Partnership for any claims, causes of action, or damages arising out of or relating to the Partnership's inspection of that Project, and the City shall hold the Partnership harmless from any claims arising therefrom.
8. To provide personnel and equipment necessary to take samples of water from the mains constructed as part of the Project for bacteriological testing purposes after disinfection is complete, and prior to connection of the new pipelines to the City's public water system.
- 9.

ARTICLE 4. MUTUAL AGREEMENTS OF THE PARTIES

The Parties to this Agreement covenant and mutually agree as follows:

1. That all design drawings, specifications, details and related work products and works in progress of the Partnership produced or in production for the Projects are under the exclusive control and ownership of the Partnership.
2. Prior to the onset of construction of any of the Projects listed in Article 1A or 1B, if the Partnership does not receive all necessary permits and approvals for its new main, the Partnership may terminate this Agreement. Upon termination of this Agreement the Partnership and the City hereby release each other from any further obligation to the other Party under this Agreement.
3. To the extent a Contractor claim related to the Projects is deemed by the Partnership to have merit, additional costs associated with the claim will be apportioned to the Parties in a fair and equitable manner considering all relevant facts and conditions giving rise to the claim.
4. In the event the City does not appropriate funds sufficient to remunerate the Partnership for its allocable share of Project costs during any fiscal year in which any Project element is planned for construction, the Partnership may terminate this Agreement or remove the unfunded portion of the Project. If this Agreement is terminated or a Project is removed, the Partnership and the City agree to hereby release each other from any further obligation to the other Party under this Agreement provided that the Partnership incurs no costs associated with deletion of any Project work from the construction contract, in which case the provisions of Article 4.6 will automatically apply.
5. The Parties shall work together in good faith during construction of the Projects to minimize the potential for Contractor claims that may arise from differing site conditions, action of the Parties, or any other reason.
6. In the event this Agreement is terminated, each party shall be responsible for those additional costs attributable to the portion of the Projects for which that party is financially responsible. In the event this Agreement is terminated due to default by the City under the terms of this Agreement, and the Partnership incurs additional costs, or is due remuneration of its expenses relating to the Projects incurred up to the termination date, the City agrees to pay the Partnership for all such extra or unreimbursed expenses if the City is provided with documentation of such costs and expenses.
7. It is understood by the Parties that in order to minimize the inconvenience to water customers, certain portions of the Projects may be completed outside normal working days and hours. When that is determined necessary by the Partnership and approved by the City, each Party agrees to provide sufficient, experienced operations staff outside normal working hours as necessary to meet the schedule established by the Partnership, to ensure timely completion of the Projects.

ARTICLE 5. ALLOCATION OF PROJECT COSTS

Project costs for Projects described in Articles 1A and 1B, above will be allocated to the Parties in the following manner:

A. Project No. 1A.1; 1A.2, and 1A.3 - Water main replacements and extensions.

- 1) City obligation. The City will pay all costs relating to the construction of approximately 1,200 feet of 6-inch diameter ductile iron water main as set forth in Article 1.A., including valves, hydrants, services, appurtenances, connections and modifications to the City's public water system. City will pay all costs relating to pavement restoration for the Projects listed in Article 1A.2 and 1A.3, above., but excluding pavement restoration costs for collateral damage noted in Article 1B.7, above. At the completion of the work and acceptance by City, the City of Lake Oswego shall invoice City for construction costs associated with the Projects. The City shall make payment to the City of Lake Oswego within 30 days of the date of the invoice. In the event the City contests certain charges, the City shall make payment for the uncontested amount. Payments shall be made to City of Lake Oswego at PO Box 369, Lake Oswego, Oregon 97034.
- 2) Partnership Obligation. The Partnership will pay all costs relating to design, bid phase services, and construction inspection and testing through completion of the construction contract.

B. Project No. 1B.1 through 1B.6 – Roadway reconstruction and restoration.

- 1) Partnership obligation. The Partnership will pay all costs relating to the Projects listed in Article 1B and all costs relating to the pavement restoration costs associated with Project 1A.1 above.

Contested Charges

- 1) With respect to any contested charges, the City and the Partnership shall meet within 45 days of the date of the invoice to discuss the charges. The City and Partnership agree to make staff available to meet as necessary to negotiate the contested charges, including but not limited to administration, engineering and legal staff. In the event the parties are not able to resolve the disputed amounts, the parties retain all legal claims and remedies. Any such claims shall be resolved using Alternative Dispute Resolution methods that may include, but are not limited to, mediation, non-binding arbitration, and/or binding arbitration. In such instance where the dispute cannot be resolved through these methods, the Parties retain their rights to bring suit in Clackamas County Circuit Court and are subject to Oregon law.

ARTICLE 6. OWNERSHIP OF CONSTRUCTED WORK

Upon completion of Projects 1A.1 through 1A.3 and acceptance of the Projects by City, ownership of the new distribution systems and all appurtenances will pass to the City and all such piping, valving, fire hydrants, and appurtenances shall be operated and maintained exclusively by and for the benefit of City.

Upon completion of the respective Projects 1B.1 through 1B.6, and acceptance of the Projects by City, the road improvements shall become the property of the City, to maintain as the City deems appropriate.

ARTICLE 7. CONTRACTOR'S WARRANTY

Upon acceptance of the Projects by the City, City shall take possession of the Projects. Upon taking possession of a Project, Contractor's warranty of title and general warranty and guarantee against defective work shall pass to the City as to that Project which is a part of the construction contract. City shall have all of the Partnership's rights under the construction contract related to enforcement of the contract requirements insofar as they are applicable to that Project. Any Contract for the Construction of the Partnership's new main in the City of Gladstone will require that the City be named as a co-obligee on the Contractor's performance bond.

ARTICLE 8. BINDING OBLIGATION

The parties respectively warrant to the other that this Agreement has been duly approved and executed by an authorized official of the party, and that by the execution hereof by the official and the party's attorney, this Agreement is a binding and enforceable obligation upon the party under applicable laws, including the party's charter and ordinances.

IN WITNESS WHEREOF, the Parties have executed this Cooperative Agreement as set forth opposite their names below.

CITY OF LAKE OSWEGO

CITY OF TIGARD

By:

Scott Lazenby

By:

Date:

3/5/14

Date:

APPROVED AS TO FORM

APPROVED AS TO FORM

David D. Powell, City Attorney

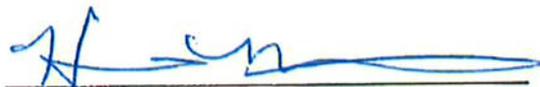
Tim Ramls, Legal Counsel

CITY OF GLADSTONE

By: 

Date: 2.18.14

APPROVED AS TO FORM



Heather Martin, Legal Counsel

Exhibits:

- A – Existing 27-inch raw water line to be abandoned
- B – Proposed new 42-inch raw water line to be constructed within Gladstone
- C – Proposed new 6-inch main in Clackamas Blvd.
- D – Proposed new 6-inch main in Portland Avenue.
- E – Proposed new 6-inch main in Meldrum Bar Park Road.

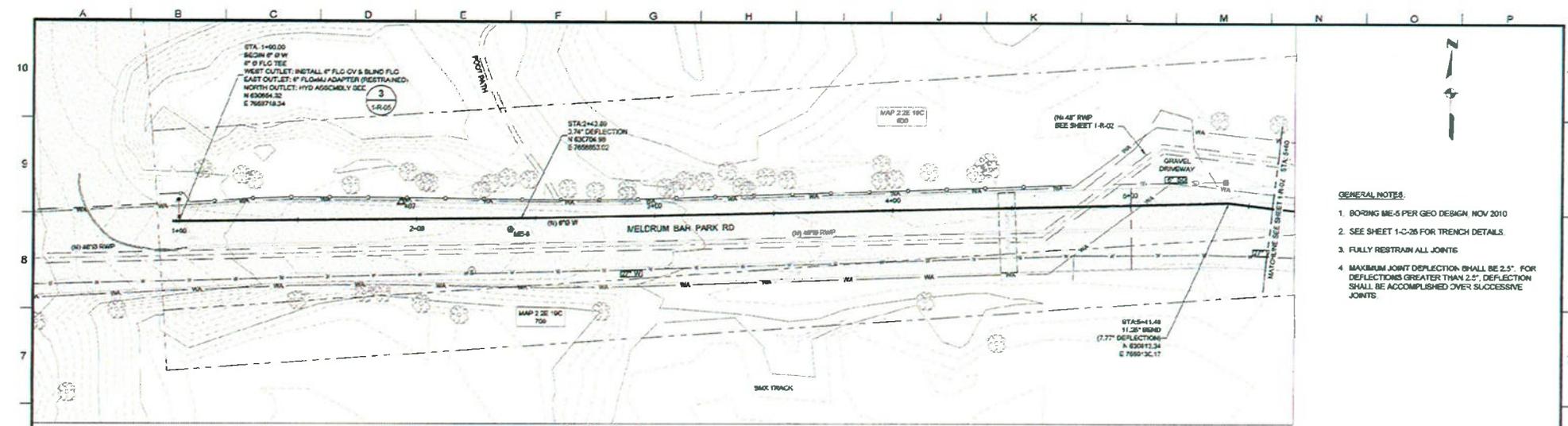




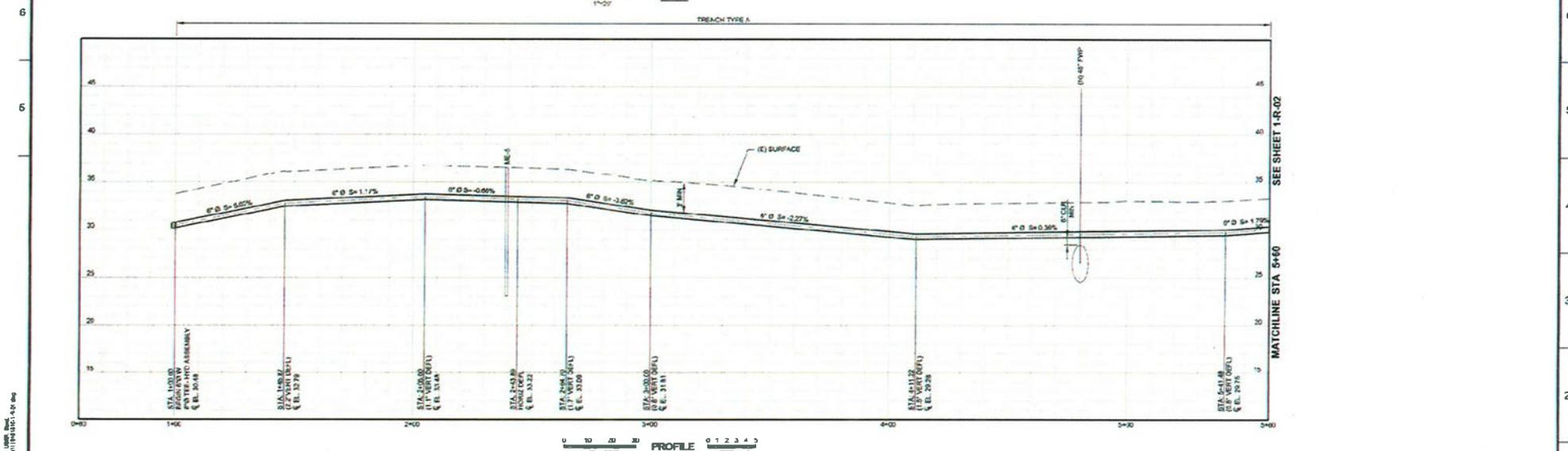
— New Raw Water Pipeline Alignment
 City of Lake Oswego Property
— Streams

0 600 1,200
 Feet

N



- GENERAL NOTES:**
1. BORING ME-5 PER GEO DESIGN NOV 2010
 2. SEE SHEET 1-C-25 FOR TRENCH DETAILS.
 3. FULLY RESTRAIN ALL JOINTS
 4. MAXIMUM JOINT DEFLECTION SHALL BE 2.5" FOR DEFLECTIONS GREATER THAN 2.5", DEFLECTION SHALL BE ACCOMPLISHED OVER SUCCESSIVE JOINTS



Kennedy/Jenks Consultants
 200 SW MARKET, SUITE 500, PORTLAND OREGON 97201

REVISIONS		BY	APP.
REV	DESCRIPTION		



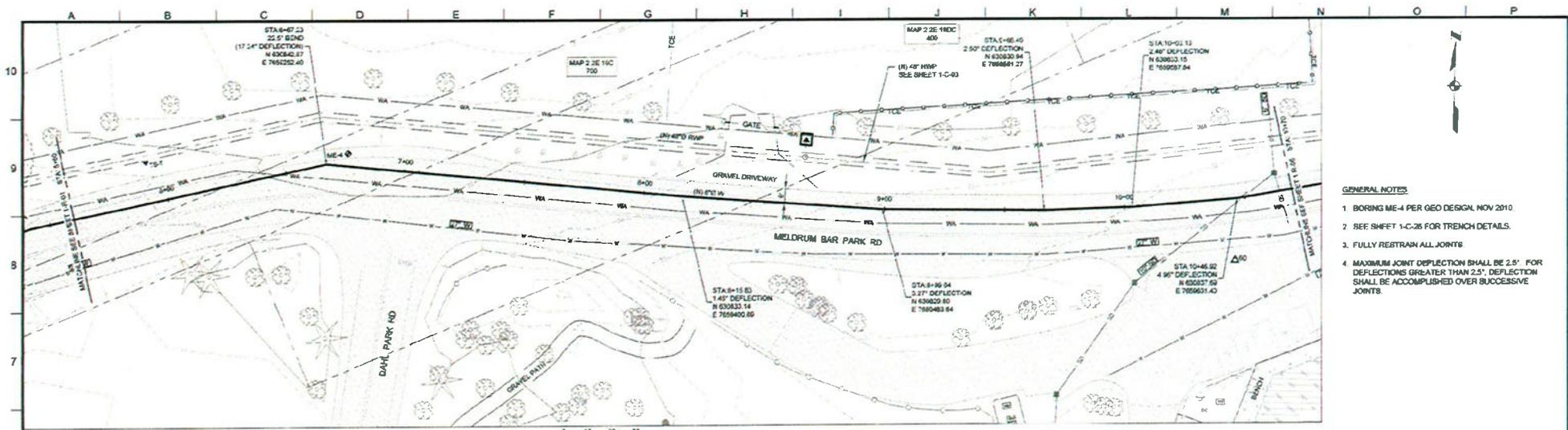
DRAWINGS Lake Oswego - Tigard Water Partnership
 Making water connecting communities.

SCHEDULE 1
 UTILITY RELOCATION
6-INCH DISTRIBUTION MAIN PLAN AND PROFILE STA 5+60 TO 10+70 MELDRUM BAR PARK RD

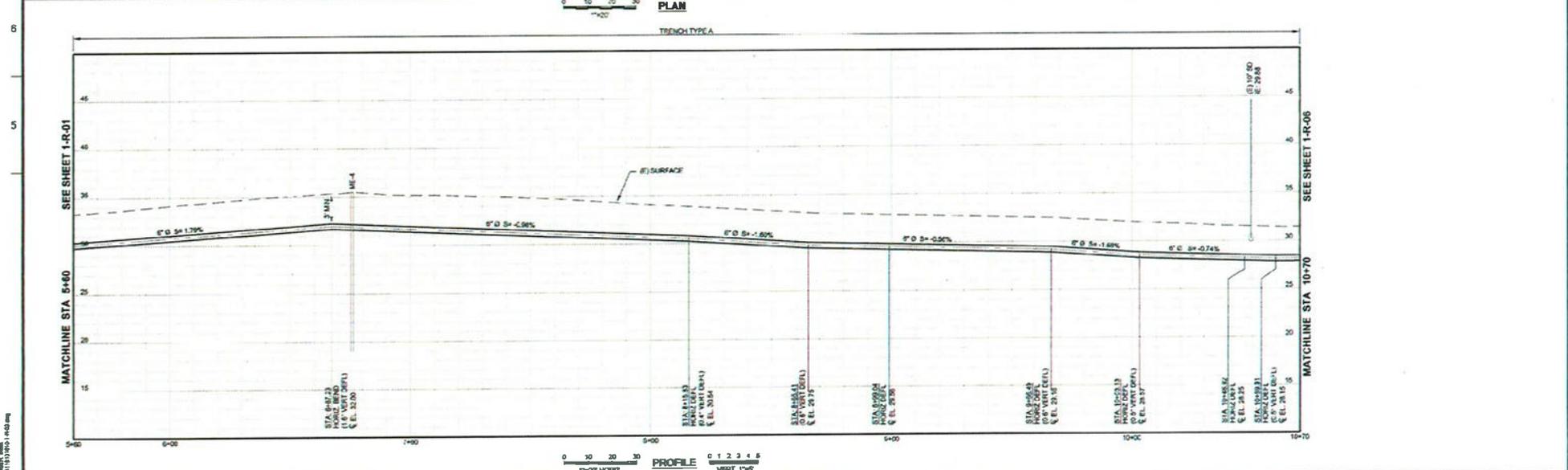
PLN/PRF 1111010512-1-R-01
 KENNEDY/JENKS PROJECT NUMBER 1111010512
 SCALE AS SHOWN
 DRAWING NUMBER **1-R-01**
 35 OF 50

EXHIBIT E(1)

PLOT DATE: 12/27/13 11:54:11 AM
 PLOT FILE: 1111010512-1-R-01.dwg



- GENERAL NOTES**
- 1 BORING ME-4 PER GEO DESIGN, NOV 2010
 - 2 SEE SHEET 1-C-26 FOR TRENCH DETAILS.
 - 3 FULLY RESTRAIN ALL JOINTS
 - 4 MAXIMUM JOINT DEFLECTION SHALL BE 2.5" FOR DEFLECTIONS GREATER THAN 2.5". DEFLECTION SHALL BE ACCOMPLISHED OVER SUCCESSIVE JOINTS.



Kennedy/Jenks Consultants 200 3RD MARKET, SUITE 200, PORTLAND OREGON 97201	LINE IS 2 INCHES AT FULL SIZE IF NOT 2" SCALE ACCORDING	<table border="1"> <thead> <tr> <th>REV</th> <th>DESCRIPTION</th> <th>BY</th> <th>APP.</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	REV	DESCRIPTION	BY	APP.						DRAWINGS 	SCHEDULE 1 UTILITY RELOCATION 6-INCH DISTRIBUTION MAIN PLAN AND PROFILE STA 5+60 TO 10+70 MELDRUM BAR PARK RD	PLUMBING 110101610-1-R-02 APPROVED PROJECT NUMBER 1791245.15 SCALE AS SHOWN DRAWING SHEET NUMBER 1-R-02 36 OF 30
	REV	DESCRIPTION	BY	APP.										
DESIGNED: <u>ELM</u> DRAWN: <u>SEL</u> CHECKED: <u>TRM</u> APPROVED: <u>AME</u>	AGENDUM NO. 5 DATE: 2/20/14 AME													

EXHIBIT
 E(2)

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AIS-1689

5.

Business Meeting

Meeting Date: 05/27/2014

Length (in minutes): 5 Minutes

Agenda Title: 2014 Winners of "If I Were Mayor, I Would" Contest

Prepared For: Joanne Bengtson, City Management

Submitted By: Joanne Bengtson, City Management

Item Type: Update, Discussion, Direct Staff

Meeting Type: Council
Business
Meeting -
Main

Public Hearing: No

Publication Date:

Information

ISSUE

Mayor Cook will announce the winning entries in the 2014 "If I Were Mayor, I Would..." contest.

* Poster winner is 5th grader Karen Maddox from Templeton Elementary

* Essay winner is 6th grader Kyle Ferrero from St. Anthony's

STAFF RECOMMENDATION / ACTION REQUEST

n/a

KEY FACTS AND INFORMATION SUMMARY

Each year the Oregon Mayors Association and local Mayors sponsor the contest, open to students from 4th - 12th grades. Students are asked to share their creative ideas about what they would do as Tigard's mayor. Local winners in each category are awarded a \$50 Visa gift card and recognition at the Tigard City Council meeting. Tigard's local winners will have their entry sent to Salem to compete in the statewide contest for a chance to win an iPad Air!

OTHER ALTERNATIVES

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

DATES OF PREVIOUS COUNCIL CONSIDERATION

Tigard has participated in this contest every year since 2007.

Fiscal Impact

Fiscal Information:

\$109.90. There were no entries submitted in the High School video/powerpoint category.
(x2) \$50 VISA gift card plus \$4.95 from the vendor to activate the card.

Attachments

If I Were Mayor Contest Rules

Poster Winner Karen Maddox

Essay Winner Kyle Ferrero



Local Prize
**\$50 Visa
Gift Card!**



Win an
iPad Air!

If I Were Mayor, I Would...

2014 Student Contest • Grades 4–12

Mayor Cook and the Oregon Mayors Association invite you to enter the 2014 “If I Were Mayor...” contest.

Share your creative ideas about what you would do as Tigard’s mayor. Local winners in each category will be awarded a \$50 Visa gift card and recognition at the Tigard City Council meeting on May 27. The winning entries will go to Salem to compete in the statewide contest for a chance to win an iPad Air!

CONTEST DEADLINE: Monday, May 12, 2014

Contest Rules:

GENERAL RULES:

- All submissions must be accompanied by a completed entry form. All forms for students under age 18 must be signed by the student’s parent or guardian. Entry forms may be photocopied.
- Only one submission per student will be accepted at the state level.
- Submissions will not be returned and will become the property of the Oregon Mayors Association (OMA).
- OMA retains the right to publish essays and posters along with the names and likenesses of each student.
- Previous statewide winners may participate but are not eligible to receive prizes.
- League of Oregon Cities (LOC) employees and dependents are not eligible to enter.

**First place statewide winners will receive an Apple iPad Air tablet, 64GB, Wi-Fi model. Visit the Apple Store to view more features.*

POSTER: (Grades 4–5)

- The poster contest is open to students enrolled in grades 4 and 5 or being home-schooled at the same grade level for the 2013-14 school year.
- Poster size must be a minimum of 17” and a maximum of 28” in height or width.
- Students are encouraged to be creative and may use any art medium (e.g., poster paints, felt pens, colored pencils, pastels, crayons, etc.). The poster may be in color or black and white.
- The student’s name and a daytime phone number or email address for their parent or guardian must appear on the back of the poster.

ESSAY: (Middle School)

- The essay contest is open to students enrolled in grades 6 through 8 or being home-schooled at the same grade level for the 2013-14 school year.
- Essays must be 500 to 1,000 words in length and typed.
- The student’s name and a daytime phone number or email address for their parent or guardian must appear at the top of the essay.

VIDEO or POWERPOINT PRESENTATION: (High School)

- The video/PowerPoint contest is open to students enrolled in grades 9 through 12 or being home-schooled at the high school level for the 2013-14 school year.
- Presentations must be one to three minutes in length and submitted on DVD or CD.
- The student’s name and a daytime phone number or email address for their parent or guardian must be written on the disk or disk sleeve.

TIGARD STUDENTS ONLY: Submit your original work with a complete entry form to:
City of Tigard • Attention: Joanne Bengtson • 13125 SW Hall Blvd. • Tigard, OR 97223

OFFICIAL ENTRY FORM

“If I Were Mayor, I Would...”

2014 Student Contest

(This form must accompany EVERY contest entry)

What Does a Mayor Do?

Oregon mayors are elected by the voters in their city to serve as the chair of the city’s governing body — the city council. They are the recognized civic leader in the eyes of the community and the person who represents their city to other governments and individuals. The mayor presides over council meetings, participates in discussions and votes. Depending on the city’s charter (the equivalent of a constitution), the mayor may also appoint committees to study public policy (in areas such as parks, transportation, community planning, libraries, traffic safety, etc.) with council approval and sign ordinances and other records approved by the council.

Judging Criteria

Judging of the local contest will be conducted by Mayor Cook. A panel of Oregon mayors will conduct the statewide judging. In selecting the winners, the judges will consider:

- ✓ **Creativity** – Does the student demonstrate curiosity and originality?
- ✓ **Clarity/Sincerity of Thought** – Is the submission well thought out and organized?
- ✓ **Proper Use of Grammar** – Does the submission contain proper spelling, grammar and punctuation?
- ✓ **Subject Relevancy** – Are the major points relevant to the role of a government leader? Does the student demonstrate an understanding of municipal government and the job of mayor?

PLEASE PRINT CLEARLY

Student name: _____ Grade: _____

Home address: _____

City/State/Zip: _____

School: _____ Sponsoring teacher: _____

Name of parent/guardian: _____

Email address: _____ Daytime phone: _____

Signature of parent/guardian: *(Required for students under age 18):* _____

Verification Statement: *I hereby verify that the student whose name appears on this entry form produced the work submitted.*

Signature of teacher or parent/guardian: _____

Print name: _____ Relationship: _____

Submissions must be accompanied by a completed entry form and be received no later than **Monday, May 12, 2014**

Student last name: _____ City Represented: _____

TIGARD STUDENTS ONLY: Submit your original work with a complete entry form to:

City of Tigard • Attention: Joanne Bengtson • 13125 SW Hall Blvd. • Tigard, OR 97223

If I were Mayor I would...

If I were Mayor I would...

- Make More Sidewalks near Schools.
- Reduce the amount of homeless pets.
- Get more playstructures in parks.
- Stop people from littering.
- Get more traffic lights



OFFICIAL ENTRY FORM

"If I Were Mayor, I Would..."

2014 Student Contest

(This form must accompany EVERY contest entry)

What Does a Mayor Do?

Oregon mayors are elected by the voters in their city to serve as the chair of the city's governing body — the city council. They are the recognized civic leader in the eyes of the community and the person who represents their city to other governments and individuals. The mayor presides over council meetings, participates in discussions and votes. Depending on the city's charter (the equivalent of a constitution), the mayor may also appoint committees to study public policy (in areas such as parks, transportation, community planning, libraries, traffic safety, etc.) with council approval and sign ordinances and other records approved by the council.

Judging Criteria

Judging of the local contest will be conducted by Mayor Cook. A panel of Oregon mayors will conduct the statewide judging. In selecting the winners, the judges will consider:

- ✓ **Creativity** – Does the student demonstrate curiosity and originality?
- ✓ **Clarity/Sincerity of Thought** – Is the submission well thought out and organized?
- ✓ **Proper Use of Grammar** – Does the submission contain proper spelling, grammar and punctuation?
- ✓ **Subject Relevancy** – Are the major points relevant to the role of a government leader? Does the student demonstrate an understanding of municipal government and the job of mayor?

PLEASE PRINT CLEARLY

Student name: Karen Maddox Grade: 5
Home address: 10783 SW Canterbury Ln Ste 102
City/State/Zip: Tigard OR 97224
School: James Templeton Elementary Sponsoring teacher: Mrs. Bailey
Name of parent/guardian: Naeko Maddox
Email address: naeko_m@hotmail.com Daytime phone: 971-227-5602
Signature of parent/guardian: (Required for students under age 18): [Signature]

Verification Statement: I hereby verify that the student whose name appears on this entry form produced the work submitted.

Signature of teacher or parent/guardian: [Signature]
Print name: Melanie Bailey Relationship: teacher

Submissions must be accompanied by a completed entry form and be received no later than Monday, May 12, 2014

Student last name: _____ City Represented: _____

TIGARD STUDENTS ONLY: Submit your original work with a complete entry form to:
City of Tigard • Attention: Joanne Bengtson • 13125 SW Hall Blvd. • Tigard, OR 97223

OFFICIAL ENTRY FORM

"If I Were Mayor, I Would..."

2014 Student Contest

(This form must accompany EVERY contest entry)

What Does a Mayor Do?

Oregon mayors are elected by the voters in their city to serve as the chair of the city's governing body — the city council. They are the recognized civic leader in the eyes of the community and the person who represents their city to other governments and individuals. The mayor presides over council meetings, participates in discussions and votes. Depending on the city's charter (the equivalent of a constitution), the mayor may also appoint committees to study public policy (in areas such as parks, transportation, community planning, libraries, traffic safety, etc.) with council approval and sign ordinances and other records approved by the council.

Judging Criteria

Judging of the local contest will be conducted by Mayor Cook. A panel of Oregon mayors will conduct the statewide judging. In selecting the winners, the judges will consider:

- ✓ **Creativity** – Does the student demonstrate curiosity and originality?
- ✓ **Clarity/Sincerity of Thought** – Is the submission well thought out and organized?
- ✓ **Proper Use of Grammar** – Does the submission contain proper spelling, grammar and punctuation?
- ✓ **Subject Relevancy** – Are the major points relevant to the role of a government leader? Does the student demonstrate an understanding of municipal government and the job of mayor?

PLEASE PRINT CLEARLY

Student name: Kyle Ferrero Grade: 6th
Home address: 7903 SW Leiser Lane
City/State/Zip: Tigard/Oregon/97224
School: St. Anthony School Sponsoring teacher: _____
Name of parent/guardian: Adriana Ferrero
Email address: ferrerosab@comcast.net Daytime phone: 503-684-0302
Signature of parent/guardian: (Required for students under age 18): A. Ferrero

Verification Statement: I hereby verify that the student whose name appears on this entry form produced the work submitted.

Signature of teacher or parent/guardian: See above

Print name: KYLE FERRERO Relationship: MOTHER

Submissions must be accompanied by a completed entry form and be received no later than **Monday, May 12, 2014**

Student last name: FERRERO City Represented: TIGARD

TIGARD STUDENTS ONLY: Submit your original work with a complete entry form to:

City of Tigard • Attention: Joanne Bengtson • 13125 SW Hall Blvd. • Tigard, OR 97223

Kyle Ferrero

5/7/14

English 6A

If I were the mayor

If I were Mayor, I would make good changes and smart decisions for the city of Tigard. I would be active in the community and listen to the people of the city. My main goal would to keep citizens happy, but also to make rules that are the right choice for the city. One way I could do this would be to take suggestions from the people and take into consideration their ideas. A poll would be held for the citizens of Tigard and they could vote for new ideas for me to consider as mayor. I believe that good schools, enough jobs, and safe, friendly neighborhoods make a great community. I would be interested in learning what other issues are important to Tigard's citizens. I would spend my time learning what are people's top priorities, and how we can go about improving these as a city.

My second priority besides keeping the people happy would be keeping them employed. I would encourage more businesses to open in Tigard so that there would be more job opportunities. I would also advertise these businesses so that people would know about them and use their services. I believe that it is important for people to support their community. They can do this by going to local restaurants, shops, and other public businesses. Hosting events, such as July 4th fireworks, right here in town would also allow people to see what a great community we live in and all that it has to offer.

My third priority would be keeping the people safe. One way to do this would be to have bike lanes and sidewalks so that pedestrians can get to their destination safely. Another would be

to have neighborhood watch programs so that the citizens of Tigard can be aware of dangerous activity and report it to their law enforcement. I would also ensure that there are parks and playgrounds so that kids can have a fun and safe place to play after school, as well as hold their sporting events. I am a big supporter of after school programs and youth sporting events.

Another idea I would like to look into would be the possibility of after school programs for those children who need someplace to go. If schools, libraries, or other locations were able to provide after school care and homework help to those children who need it, then Tigard would definitely be a safe and enjoyable town for children to live in.

While a mayor's job is to govern the city, it is also important to have advisors and committees to help plan policy. I think it is important to have a lot of people represented in meetings and discussions. I would like to have teachers and members of the school district, parents, police officers, and business owners on committees. I would like a variety of different people and jobs represented so that I could understand everyone's point of view on local issues. I will always be available to listen to the ideas of others.

In conclusion, it would be an honor to serve the city of Tigard. My three top priorities would be to keep the people of Tigard happy, safe, and employed. I think the citizens would like me because I would listen to their ideas. I would try to create more job opportunities because it is absolutely vital to keep the citizens employed. I understand that as a mayor, I cannot run the city by myself which is why I would appoint many members to actively discuss the local issues.

Overall I think that I would be a good mayor and that I would do a good job of keeping the citizens safe, happy, and employed.

AIS-1768

6.

Business Meeting

Meeting Date: 05/27/2014

Length (in minutes): 5 Minutes

Agenda Title: Resolution to Congratulate Tigard High Tigerettes on National Championship

Prepared For: Joanne Bengtson, City Management

Submitted By: Joanne Bengtson, City Management

Item Type: Resolution

Meeting Type: Council
Business
Meeting -
Main

Public Hearing: No

Publication Date:

Information

ISSUE

Council policy is to honor the city's high school teams when they win a state championship. The Tigard High Tigerettes dance team won a national championship from the United Spirit Association.

STAFF RECOMMENDATION / ACTION REQUEST

n/a

KEY FACTS AND INFORMATION SUMMARY

More than 40 girls from the Tigard High School Tigerette dance team competed in the United Spirit Association Dance Nationals in Anaheim, CA March 28-29, 2014 and earned the teams first national championship. The Tigerettes are the first dance team in Oregon to win a national championship, according to the school's head coach Linda Sheron who has coached the Tigerettes dance team for 35 years.

The school took home first place in the "large dance/pom" category, where dancers use pom-poms as part of their routine. The school also brought home two second-place awards in the Open Large Lyrical and Open Large Dance categories.

OTHER ALTERNATIVES

n/a

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

DATES OF PREVIOUS COUNCIL CONSIDERATION

Although the team has been to the national championship in the past, this is the first time the Tigerettes have won the title.

Attachments

Proposed Resolution

CITY OF TIGARD, OREGON

RESOLUTION NO. 14-_____

A RESOLUTION HONORING THE TIGARD HIGH SCHOOL TIGERETTES UPON WINNING FIRST PLACE IN THE 2014 UNITED SPIRIT ASSOCIATION DANCE NATIONALS CHAMPIONSHIP

WHEREAS, the Tigerettes Dance Team, expertly coached by Linda Sheron, is comprised of 40 highly motivated dancers with a commitment to excellence and elite training; and

WHEREAS, the Tigerettes Dance Team routinely excels to represent Tigard at the Oregon School Activities Association Dance/ Drill State Championship tournament in addition to providing spirit and half-time entertainment at Tigard High School pep rallies, football games, and basketball events; and

WHEREAS, on March 28-29, 2014, the Tigerettes Dance Team tested their exemplary skills by challenging teams from across the nation during the United Spirit Association's 2014 Dance Nationals in Anaheim, CA; and

WHEREAS, the Tigerettes displayed strong individual and team performances to capture their first national title for the school and for their team; and

WHEREAS, this honorable body commends the Tigerettes for giving so much of themselves to the practice and teambuilding necessary to realizing a national championship for their team and their school and we grant them our best wishes as they continue to make their school and the citizens of Tigard proud;

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

SECTION 1: The residents of Tigard hereby congratulate the Tigard High School Tigerettes Dance Team for winning the 2014 national championship. Further, we acknowledge the hard work, time and talent put forth by individuals to make their team a success, and we commend their coaches' leadership for creating an environment where these young adults could be successful in their efforts.

SECTION 2: This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2014.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard

AIS-1782

7.

Business Meeting

Meeting Date: 05/27/2014

Length (in minutes): 20 Minutes

Agenda Title: Update for Tigard Triangle Strategic Plan

Submitted By: Carol Krager, City Management

Item Type: Update, Discussion, Direct Staff **Meeting Type:** Council
Business Meeting - Main

Public Hearing: No

Publication Date:

Information

ISSUE

City Council will hear an update on the Tigard Triangle Strategic Plan.

STAFF RECOMMENDATION / ACTION REQUEST

No action necessary - update only.

KEY FACTS AND INFORMATION SUMMARY

The Triangle project team has recently completed Task 4 (Options Development). Two land use and infrastructure options were developed utilizing information gathered during previous tasks. This information included issues raised by citizen and technical committee members and the public - such as traffic congestion, lack of sidewalks, need for affordable housing options, lack of amenities (parks, open space, restaurant/service retail uses), and protection of natural resources. The draft plan options addressed these issues by showing a mix of uses – including housing at different densities, opportunities for parks and open space, and new street/pathway connections for cars, bikes and pedestrians.

A brief description of the two plan options is found below. Full descriptions can be found in the attached report and maps.

Description of Options

Option 1 proposes few changes to densities or uses. Multi-family is permitted at 30 units per acre – similar to the 25 units per acre currently allowed. Areas west of SW 72nd Avenue retain commercial uses with residential focused mostly east of SW 72nd. A few new street connections are proposed. A more complete pedestrian connection network within development is proposed in areas east of SW 72nd Avenue. Active residential or commercial ground floor uses would be limited to corners and high traffic streets such as 68th and 69th.

Option 2 proposes increased densities of 50 dwelling units per acre. Housing is focused within the center of the Triangle along both sides of SW 72nd Avenue. Building heights are increased to accommodate 5-6 story buildings. A more extensive street and pedestrian network is proposed on both sides of SW 72nd Avenue with a new north-south street (SW 74th Avenue) that connects to a new crossing of Highway 217 at Beveland Street.

Both options propose:

- a pedestrian district along SW 68th, 69th and 70th Avenues
- eliminating auto-oriented uses (such as drive-throughs, and gas stations)
- modifying design standards to improve the pedestrian experience along streets
- increasing maximum floor area ratios that currently limit the amount of building square footage within a development
- identifying opportunities for parks and open space with a trail along Red Rock Creek

Initial Feedback on Options

The options have been presented to both the citizen (CAC) and technical (TAC) advisory committees. Initial feedback from the CAC indicated a preference for Option 2. Discussion topics included parking, building heights, parks/plazas, improvements to highway connections, and impacts on existing development/property owners. The TAC did not indicate an early preference, nor did they express any concern, over increased density. Questions and comments centered on stormwater, parks, congestion at intersections and along Pacific Highway, and pedestrian/bicycle connections across highways. There was also discussion at both meetings about SW Corridor and the passage of Measure 34-210. Because the Tigard Triangle Strategic Plan is an economic development plan, it will proceed with or without high capacity transit. However, coordination between the projects is still important, and the SW Corridor plan will be informed by the Triangle plan.

Next Steps

In task 5, the project team will evaluate how well the options address the project objectives (Getting Around, Livability/Vitality, Community Character and Market Fundamentals). Analysis will be done for different development types with various densities, building heights, parking ratios, and floor area ratios to see which parameters pencil out for the Triangle. The cost of public infrastructure upgrades will be estimated. This information will then be presented to the advisory committees and public for final feedback before the Triangle Team makes a recommendation on a preferred plan.

OTHER ALTERNATIVES

Not applicable.

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

Council Goal 3: Tigard Triangle

Complete Triangle Strategic Plan

- Adopt zoning, street and design standards
- Begin implementing plan strategies

DATES OF PREVIOUS COUNCIL CONSIDERATION

Previous updates occurred on September 3, 2013 and December 17, 2013.

Fiscal Impact

Fiscal Information:

No information is available at this time. Cost estimates for public infrastructure will be developed during the next project task.

Attachments

[Options Comparison Table](#)

[Option 1 Maps](#)

[Option 2 Maps](#)

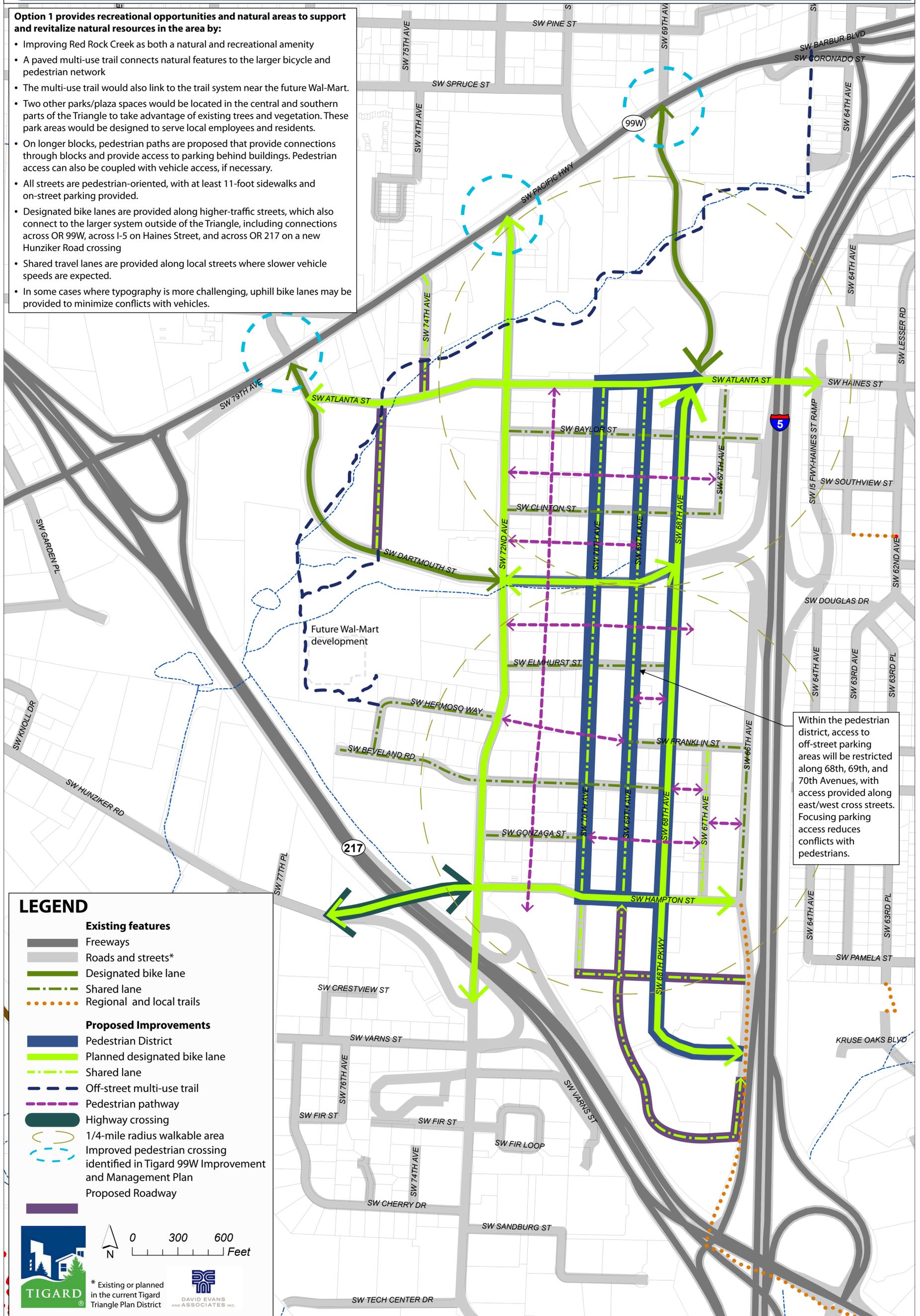
[Powerpoint - Triangle Update 5-27-14](#)

Comparison of Existing Zoning and Site Design Standards with Land Use Options

	Existing Zoning	Land Use Option 1	Land Use Option 2
Residential Density	25 du/acre	30 du/acre	50 du/acre
Maximum Building Heights	45 feet	45 feet	75 feet
Maximum Floor Area Ratio	.40:1	1.5:1	3:1
Setbacks	0-10 feet	0-10 feet	0-10 feet
Ground Floor Retail/Flex space	NA	Limited to corners within pedestrian district. Option 2 would also include ground floor retail/flex space along the new 74 th connection	
Minimum Street Frontage			
“A Streets”	Requires 50% minimum on arterials and collectors	90%	90%
“B Streets”		20%	20%
Pedestrian/Vehicle Access	Ped. Connections no more than 330 ft. Vehicle connections no more than 660 ft.	Pedestrian access spaced not closer than 200 ft., but not greater than 300 ft. Can be coupled with vehicle access.	
Parking			
Residential	1-1.75 per DU	To be determined	To be determined
General Commercial	3.0/ 1,000 sq ft		
Office	2.7 spaces/1,000 3.9 for med/dental		

Option 1 provides recreational opportunities and natural areas to support and revitalize natural resources in the area by:

- Improving Red Rock Creek as both a natural and recreational amenity
- A paved multi-use trail connects natural features to the larger bicycle and pedestrian network
- The multi-use trail would also link to the trail system near the future Wal-Mart.
- Two other parks/plaza spaces would be located in the central and southern parts of the Triangle to take advantage of existing trees and vegetation. These park areas would be designed to serve local employees and residents.
- On longer blocks, pedestrian paths are proposed that provide connections through blocks and provide access to parking behind buildings. Pedestrian access can also be coupled with vehicle access, if necessary.
- All streets are pedestrian-oriented, with at least 11-foot sidewalks and on-street parking provided.
- Designated bike lanes are provided along higher-traffic streets, which also connect to the larger system outside of the Triangle, including connections across OR 99W, across I-5 on Haines Street, and across OR 217 on a new Hunziker Road crossing
- Shared travel lanes are provided along local streets where slower vehicle speeds are expected.
- In some cases where topography is more challenging, uphill bike lanes may be provided to minimize conflicts with vehicles.



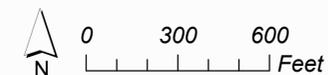
LEGEND

Existing features

- Freeways
- Roads and streets*
- Designated bike lane
- Shared lane
- Regional and local trails

Proposed Improvements

- Pedestrian District
- Planned designated bike lane
- Shared lane
- Off-street multi-use trail
- Pedestrian pathway
- Highway crossing
- 1/4-mile radius walkable area
- Improved pedestrian crossing identified in Tigard 99W Improvement and Management Plan
- Proposed Roadway

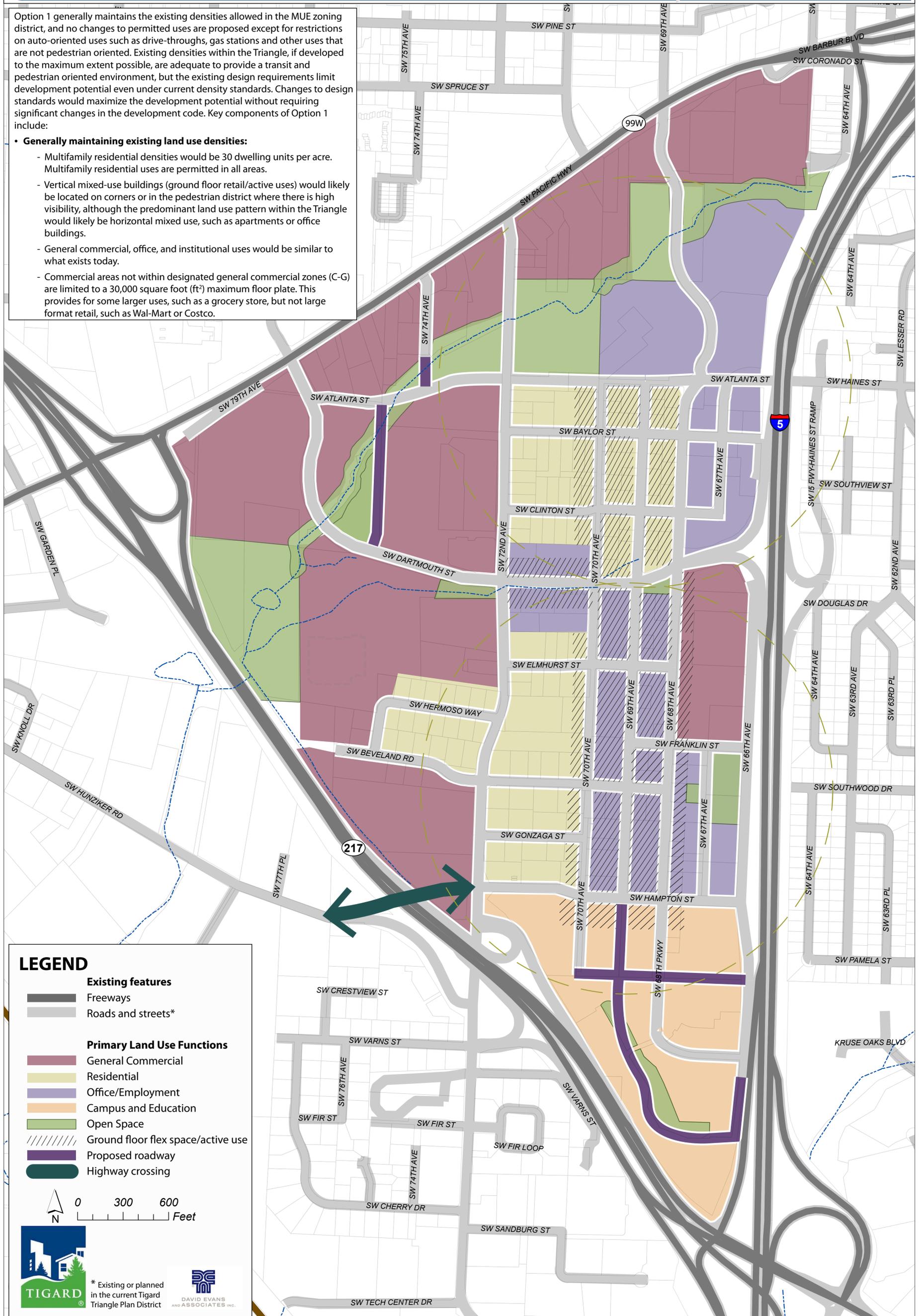


* Existing or planned in the current Tigard Triangle Plan District



Option 1 generally maintains the existing densities allowed in the MUE zoning district, and no changes to permitted uses are proposed except for restrictions on auto-oriented uses such as drive-throughs, gas stations and other uses that are not pedestrian oriented. Existing densities within the Triangle, if developed to the maximum extent possible, are adequate to provide a transit and pedestrian oriented environment, but the existing design requirements limit development potential even under current density standards. Changes to design standards would maximize the development potential without requiring significant changes in the development code. Key components of Option 1 include:

- **Generally maintaining existing land use densities:**
 - Multifamily residential densities would be 30 dwelling units per acre. Multifamily residential uses are permitted in all areas.
 - Vertical mixed-use buildings (ground floor retail/active uses) would likely be located on corners or in the pedestrian district where there is high visibility, although the predominant land use pattern within the Triangle would likely be horizontal mixed use, such as apartments or office buildings.
 - General commercial, office, and institutional uses would be similar to what exists today.
 - Commercial areas not within designated general commercial zones (C-G) are limited to a 30,000 square foot (ft²) maximum floor plate. This provides for some larger uses, such as a grocery store, but not large format retail, such as Wal-Mart or Costco.



LEGEND

Existing features

- Freeways
- Roads and streets*

Primary Land Use Functions

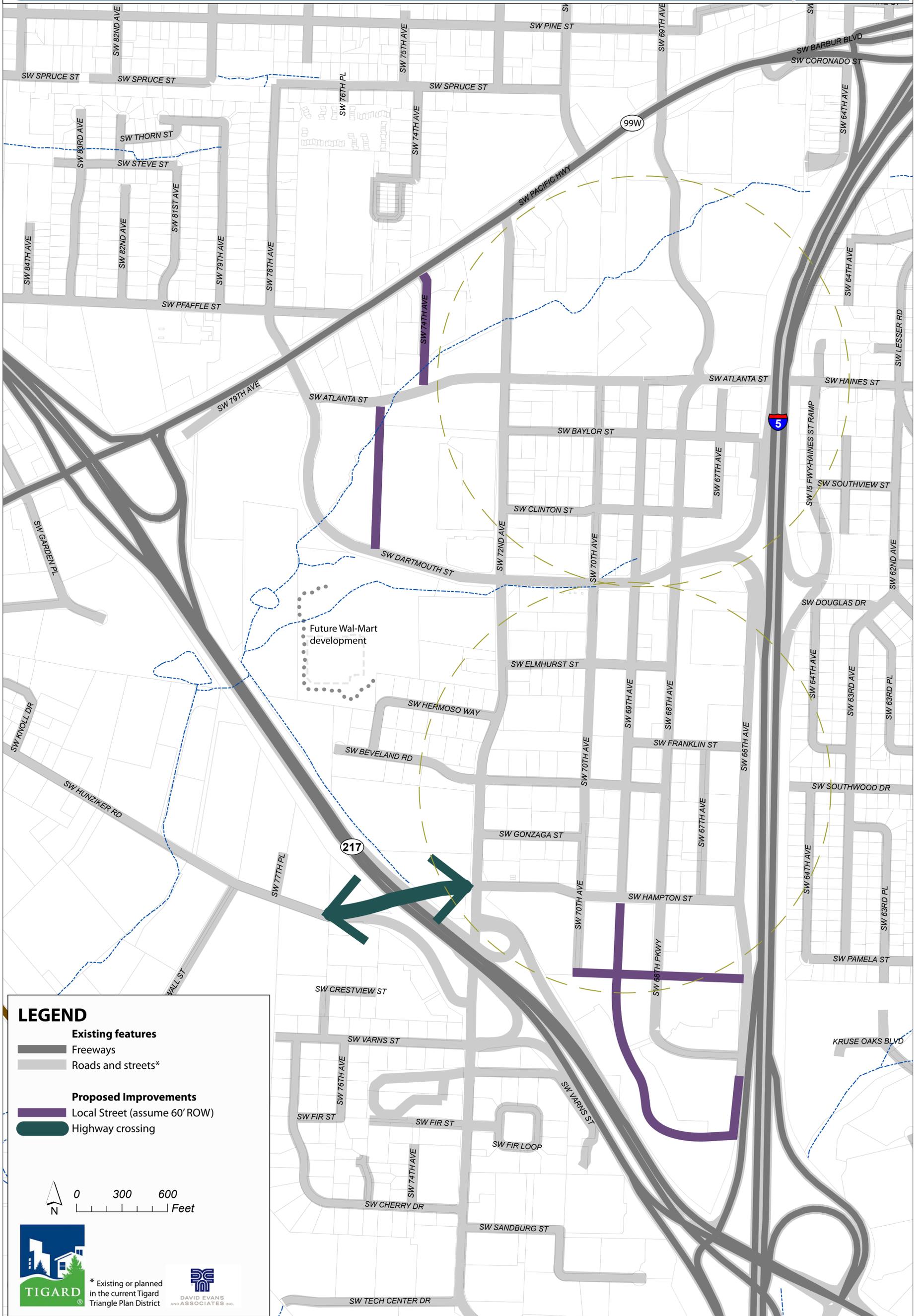
- General Commercial
- Residential
- Office/Employment
- Campus and Education
- Open Space
- Ground floor flex space/active use
- Proposed roadway
- Highway crossing



* Existing or planned in the current Tigard Triangle Plan District







LEGEND

Existing features

- Freeways
- Roads and streets*

Proposed Improvements

- Local Street (assume 60' ROW)
- Highway crossing

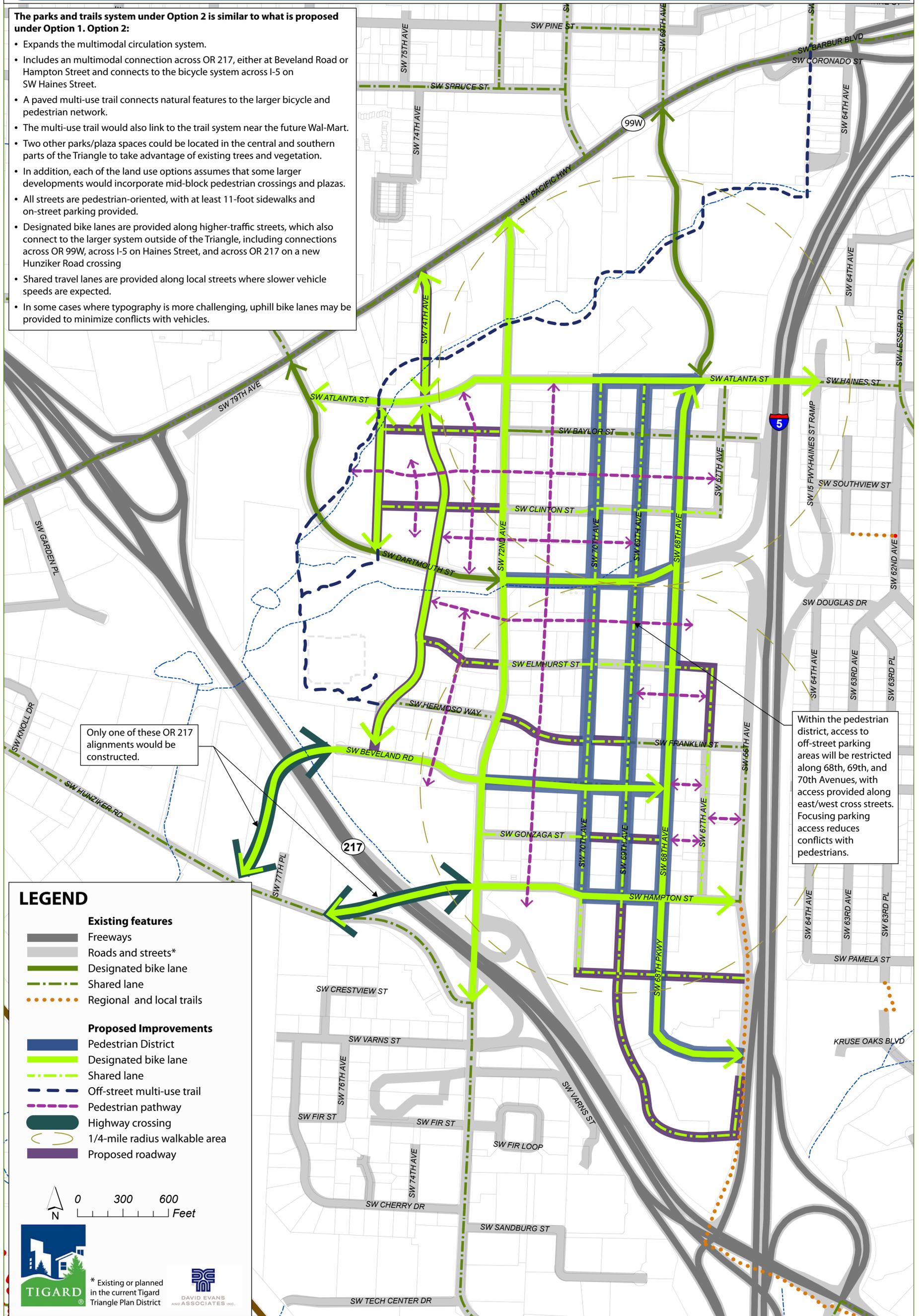


* Existing or planned in the current Tigard Triangle Plan District



The parks and trails system under Option 2 is similar to what is proposed under Option 1. Option 2:

- Expands the multimodal circulation system.
- Includes an multimodal connection across OR 217, either at Beveland Road or Hampton Street and connects to the bicycle system across I-5 on SW Haines Street.
- A paved multi-use trail connects natural features to the larger bicycle and pedestrian network.
- The multi-use trail would also link to the trail system near the future Wal-Mart.
- Two other parks/plaza spaces could be located in the central and southern parts of the Triangle to take advantage of existing trees and vegetation.
- In addition, each of the land use options assumes that some larger developments would incorporate mid-block pedestrian crossings and plazas.
- All streets are pedestrian-oriented, with at least 11-foot sidewalks and on-street parking provided.
- Designated bike lanes are provided along higher-traffic streets, which also connect to the larger system outside of the Triangle, including connections across OR 99W, across I-5 on Haines Street, and across OR 217 on a new Hunziker Road crossing.
- Shared travel lanes are provided along local streets where slower vehicle speeds are expected.
- In some cases where typography is more challenging, uphill bike lanes may be provided to minimize conflicts with vehicles.



Only one of these OR 217 alignments would be constructed.

Within the pedestrian district, access to off-street parking areas will be restricted along 68th, 69th, and 70th Avenues, with access provided along east/west cross streets. Focusing parking access reduces conflicts with pedestrians.

LEGEND

Existing features

- Freeways
- Roads and streets*
- Designated bike lane
- Shared lane
- Regional and local trails

Proposed Improvements

- Pedestrian District
- Designated bike lane
- Shared lane
- Off-street multi-use trail
- Pedestrian pathway
- Highway crossing
- 1/4-mile radius walkable area
- Proposed roadway



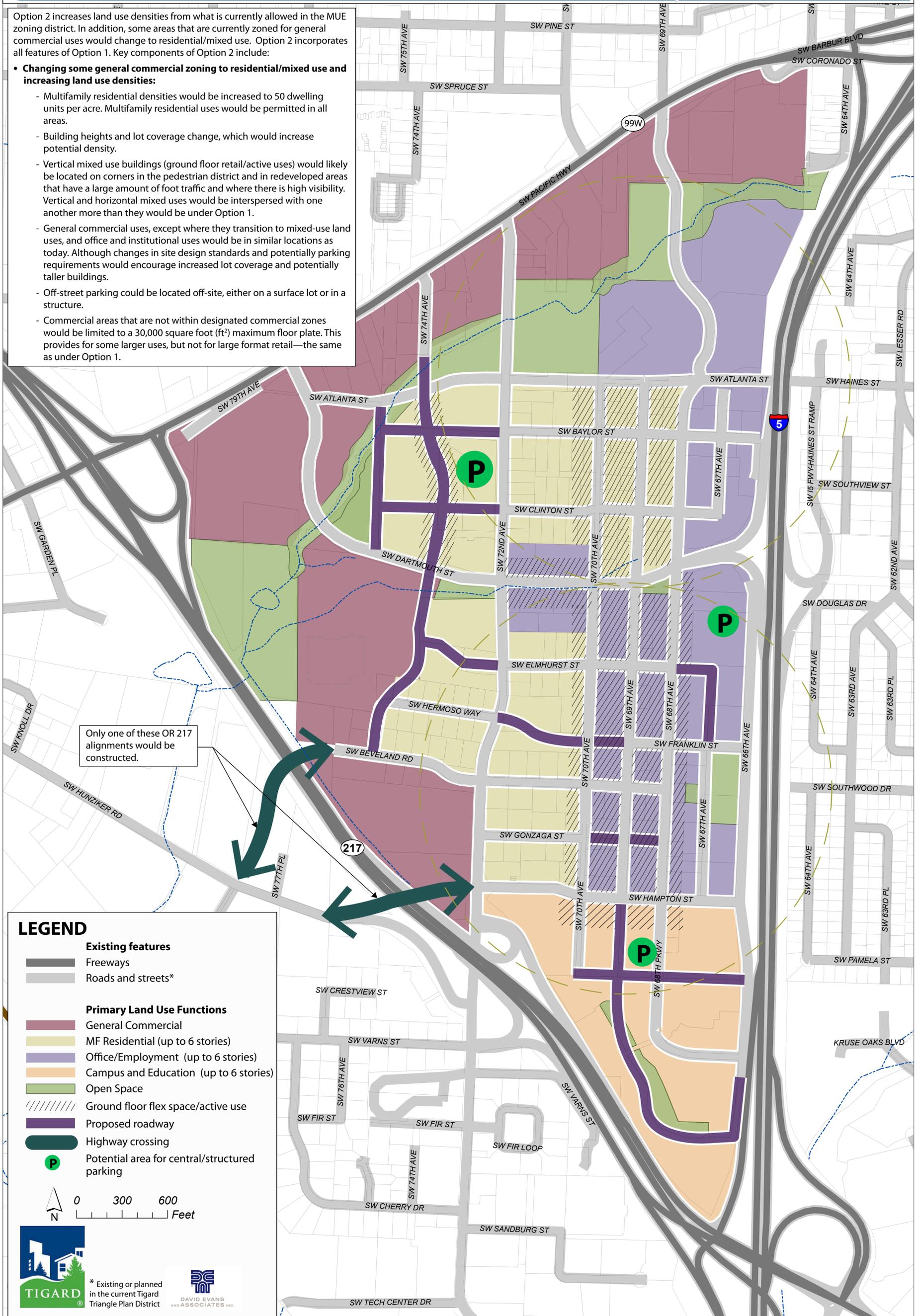
* Existing or planned in the current Tigard Triangle Plan District



Option 2 increases land use densities from what is currently allowed in the MUE zoning district. In addition, some areas that are currently zoned for general commercial uses would change to residential/mixed use. Option 2 incorporates all features of Option 1. Key components of Option 2 include:

• **Changing some general commercial zoning to residential/mixed use and increasing land use densities:**

- Multifamily residential densities would be increased to 50 dwelling units per acre. Multifamily residential uses would be permitted in all areas.
- Building heights and lot coverage change, which would increase potential density.
- Vertical mixed use buildings (ground floor retail/active uses) would likely be located on corners in the pedestrian district and in redeveloped areas that have a large amount of foot traffic and where there is high visibility. Vertical and horizontal mixed uses would be interspersed with one another more than they would be under Option 1.
- General commercial uses, except where they transition to mixed-use land uses, and office and institutional uses would be in similar locations as today. Although changes in site design standards and potentially parking requirements would encourage increased lot coverage and potentially taller buildings.
- Off-street parking could be located off-site, either on a surface lot or in a structure.
- Commercial areas that are not within designated commercial zones would be limited to a 30,000 square foot (ft²) maximum floor plate. This provides for some larger uses, but not for large format retail—the same as under Option 1.



Only one of these OR 217 alignments would be constructed.

LEGEND

- Existing features**
- Freeways
 - Roads and streets*
- Primary Land Use Functions**
- General Commercial
 - MF Residential (up to 6 stories)
 - Office/Employment (up to 6 stories)
 - Campus and Education (up to 6 stories)
 - Open Space
 - Ground floor flex space/active use
- Proposed roadway**
- Highway crossing**
- P** Potential area for central/structured parking



* Existing or planned in the current Tigard Triangle Plan District





Only one of these OR 217 alignments would be constructed.

LEGEND

Existing features

- Freeways
- Roads and streets*
- Designated bike lane
- Shared lane
- Regional and local trails

Key features

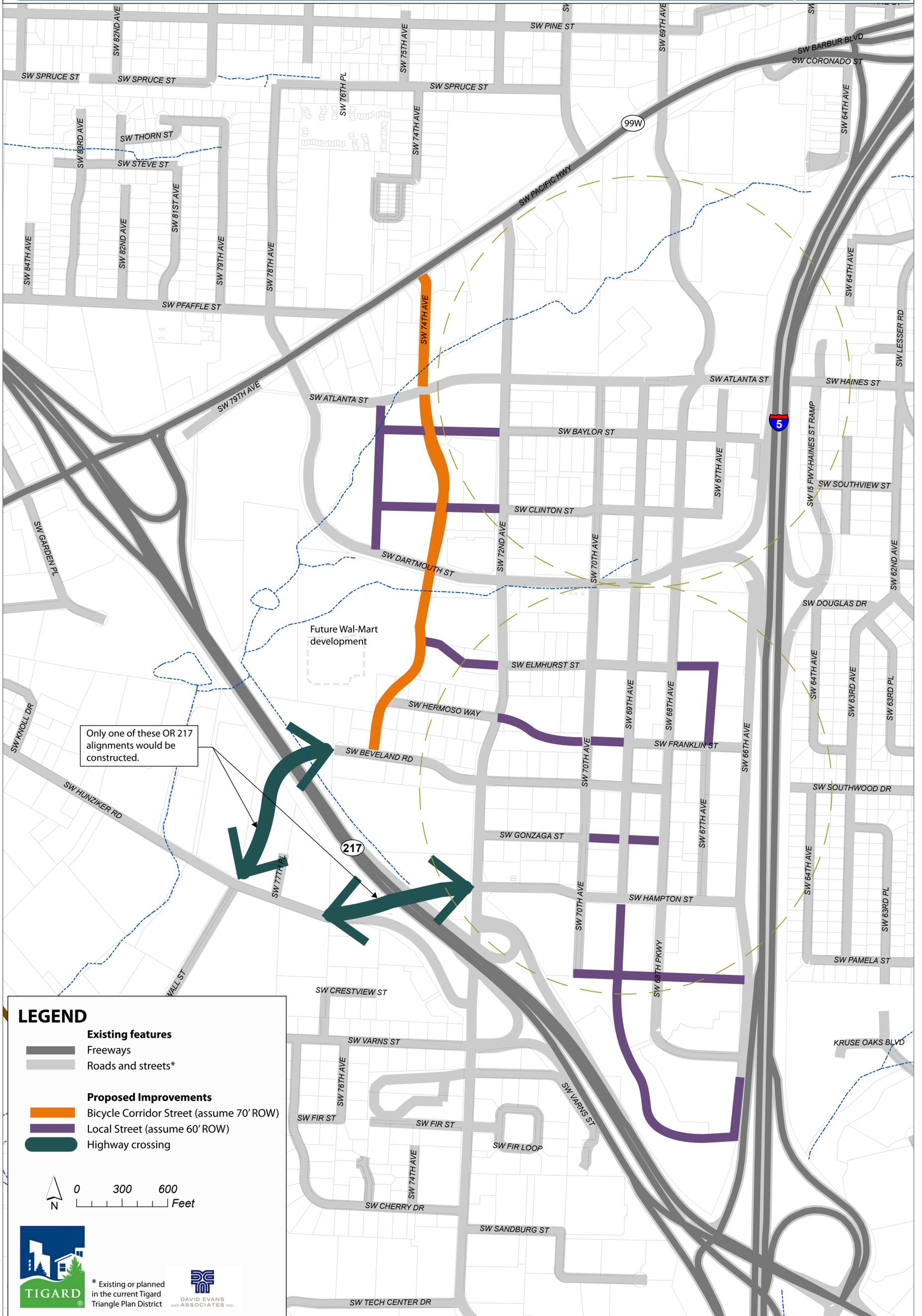
- Plaza/park
- Greenway corridor
- Regional trail connection
- Multi-use trail/Pedestrian pathway
- Proposed roadway

0 300 600 Feet

TIGARD

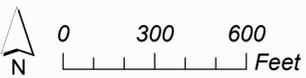
* Existing or planned in the current Tigard Triangle Plan District

DAVID EVANS AND ASSOCIATES INC.



LEGEND

- Existing features**
- Freeways
 - Roads and streets*
- Proposed Improvements**
- Bicycle Corridor Street (assume 70' ROW)
 - Local Street (assume 60' ROW)
 - Highway crossing



* Existing or planned in the current Tigard Triangle Plan District



CITY OF TIGARD

Respect and Care | Do the Right Thing | Get it Done



City of Tigard

Tigard Triangle

STRATEGIC PLAN

Tigard City Council and Planning Commission

May 27, 2014

Options Development

- Primary Land Use Functions
- Road Network
- Bike/Pedestrian Network
- Open Space/Natural Areas



City of Tigard
Tigard Triangle
STRATEGIC PLAN



Option 1

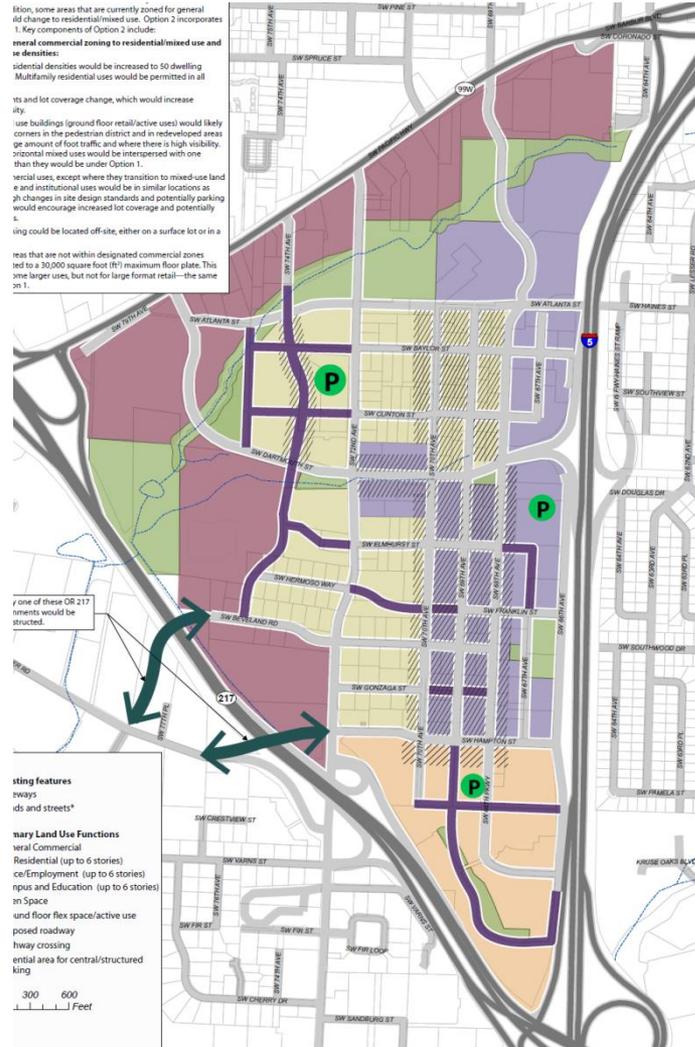
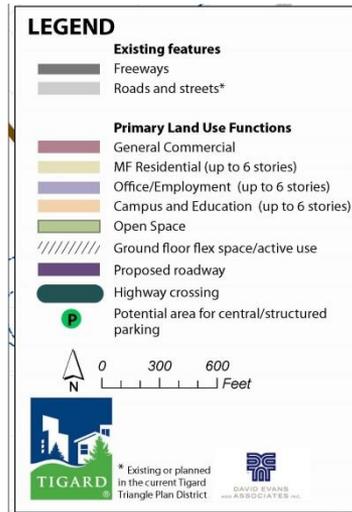
- 30 units/acre
- 45 feet height limit
- FAR 1:1.5

Option 2

- 50 units/acre
- 75 feet height limit
- FAR 1:4

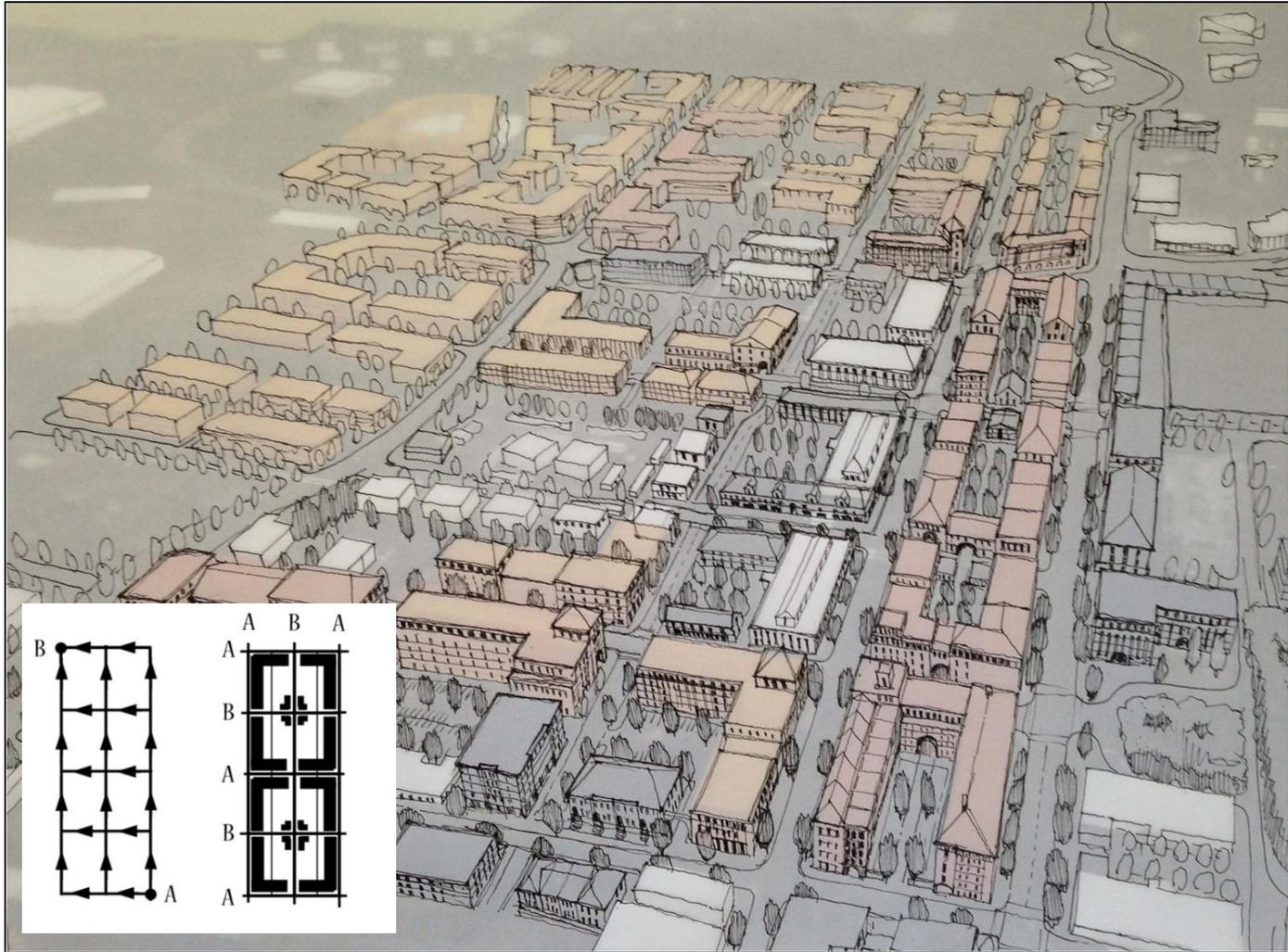


Primary Land Use Functions



Active Ground Floor Uses





Open Space & Natural Areas



Next Steps

- Land Use and Infrastructure Options Evaluation
- Feasibility Analysis
- Review and feedback – preferred plan (2nd Quarter)
 - TAC
 - CAC
 - Public Meeting
 - Web
- City Council/Planning Commission updates (July)

C I T Y O F T I G A R D



Questions ??

AIS-1524

8.

Business Meeting

Meeting Date: 05/27/2014

Length (in minutes): 30 Minutes

Agenda Title: Briefing and Discussion on the Development of a Willamette River Water Supply

Prepared For: Dennis Koellermeier **Submitted By:** Greer Gaston, Public Works

Item Type: Update, Discussion, Direct Staff **Meeting Type:** Council Business Meeting - Main

Public Hearing No

Newspaper Legal Ad Required?:

Public Hearing Publication

Date in Newspaper:

Information

ISSUE

Discuss the development of a Willamette River water supply.

STAFF RECOMMENDATION / ACTION REQUEST

No action is requested. The council is asked to listen to the staff briefing and participate in the discussion.

KEY FACTS AND INFORMATION SUMMARY

The City of Tigard is the water provider for the Tigard Water Service Area (TWSA). The TWSA includes Durham, King City, two-thirds of Tigard and unincorporated areas to the west and south of Tigard.

The City of Tigard has access to 25 million gallons per day (mgd) of water rights on the Willamette River. Those water rights are currently vested with the Willamette River Water Coalition (WRWC). Recently the WRWC completed an extension process with the State of Oregon which gives the WRWC and Tigard until the year 2047 to develop and use those water rights. It is highly unlikely that these rights could be extended further into the future. While Tigard has made the decision to partner with Lake Oswego to expand and develop water facilities from the Clackamas River, it is anticipated Tigard will need additional supply (beyond the 18 mgd from the Lake Oswego partnership) by the year 2035. Developing the

Willamette River water rights is the recommended strategy to obtain this additional water.

Tigard has two potential options by which it could obtain a Willamette supply. The first option would be with the City of Sherwood and would involve Tigard partnering in piping improvements already constructed, as well as additional piping and water treatment plant improvements. The other option is still developing, but would involve Tigard partnering with TVWD and Hillsboro for treatment plant, pumping and transmission capacity improvements in their proposed project. Complicating this issue for Tigard is the timing. The TVWD/Hillsboro option is on a much faster timeline than the Sherwood option; the latter option will likely be constructed in small increments over time.

Additional information is available in the attached memorandum, and staff invited a representative from TVWD to the briefing to share information about its program and answer questions.

OTHER ALTERNATIVES

Not applicable

COUNCIL OR CCDA GOALS, POLICIES, MASTER PLANS

Develop Willamette River Water Sources:

- Rewrite WRWC member contract
- Continue to consider other sources: Sherwood, TVWD (studies)
- Develop a "road map" for Tigard's future water decisions through 2026.

DATES OF PREVIOUS CONSIDERATION

On April 8, 2014, the council authorized a joinder agreement formalizing the city's participation in the preliminary design of the TVWD/Hillsboro Water Supply Program.

On March 25, 2014, the council was briefed on a joinder agreement formalizing the city's participation in the preliminary design of the TVWD/Hillsboro Water Supply Program.

On October 22, 2013, the council adopted the fiscal year 2014 First Quarter Supplemental Budget which included the allocation of \$100,000 to participate in the preliminary design of the TVWD/Hillsboro Water Supply Program.

On July 16, 2013, the council discussed the two potential opportunities to develop a Willamette River water supply. One such opportunity involved purchasing pipeline capacity from the City of Sherwood. The other opportunity involved participation in the preliminary design of the TVWD/Hillsboro Water Supply Program.

On June 15, 2010, the council discussed an agreement with Sherwood to develop a water supply pipeline and other improvements. This agreement was never finalized.

Memorandum

Charter Language on Voter Approval of Willamette River Drinking Water



City of Tigard Memorandum

To: Mayor Cook and City Councilors
From: Water Partnership Project Director Dennis Koellermeier
Re: The Council's Goal to Develop Willamette River Water Sources
Date: May 12, 2014

The following is one of several goals adopted by the City Council on January 14, 2014.

Goal/Milestone	Estimated Timeline
Water	
Develop Willamette River Water Sources <ul style="list-style-type: none">• Rewrite WRWC member contract• Continue to consider other sources: Sherwood, TVWD (studies)• Develop "roadmap" for Tigard's future water decisions through 2026	Mid-2014

The purpose of this memo is to update council on this goal and to advise council that the estimated timeline is not likely to be met.

- Rewrite Willamette River Water Coalition (WRWC) member contract.
Work on this activity began in January 2014 and has taken the form of a staff-level working group called the Willamette Governance Group. It is comprised of staff and/or attorneys representing all current WRWC members, as well as potential new members Hillsboro, Wilsonville and Beaverton. The group meets bi-weekly and will provide periodic briefings to the WRWC board. Ultimately, the group will produce a recommendation—regarding a new governance and membership structure—to the WRWC board in late 2014. The group is also developing a high-level briefing that will be available to the governing boards of all participating jurisdictions in the near future.
- Continue to consider other sources: Sherwood, TVWD (studies)
At the time the council crafted this goal, the Willamette Governance Group had not been formed, and the Tualatin Valley Water District (TVWD) and Hillsboro had just approached Tigard to participate in two projects: one being a pipeline design project in Tualatin and the other a regional study of a Willamette River supply. The council chose to participate in the regional study only; that work is underway and is scheduled to be completed early in 2015.

Among others, Tigard, the TVWD and Sherwood are represented in the TVWD study. Staff recommends the council hold off on any decisions on the development of Willamette River sources until the study is complete.

- Develop a “roadmap” for Tigard’s future water decisions through 2026
Based upon the timing of the two efforts described above, staff will not be able to complete this task until sometime in 2015.

Staff developed a series of questions/issues, which, when answered or resolved, will assist the council in making a decision on how to develop Willamette River water sources. These questions and some answers are listed on the following page.

Questions/Issues to Facilitate a Decision on Developing the Willamette River Water Supply

	Question/Issue	Answer/Resolution
1.	When will Tigard need the Willamette River supply?	Current projections, which are almost exclusively based on population estimates, continue to show Tigard will need additional supply around 2030.
2.	What pipeline route makes sense for Tigard?	To be determined
3.	How does the renewal of water service agreements with King City, Durham and the Tigard Water District affect the development of Willamette River source?	To be determined
4.	Willamette River Water Coalition changes: -What is the outcome of current governance discussions? -How will that outcome affect Tigard? -Will new political partnerships or divergences transpire? -What happens to our potential partnership with Sherwood while the TVWD/Hillsboro study is underway?	An earlier presentation to council suggested that Tigard's future route to the Willamette Treatment Plant would include partnering with Sherwood and investing in its oversized piping; that continues to be sound reasoning. However, at this time staff recommends waiting until the TVWD/Hillsboro study is completed and the WRWC governance work is further along before pursuing a formal agreement with Sherwood.
5.	How does the development of the Willamette River supply affect Tigard's ability to wholesale some or all of its surplus 4 million gallons per day in 2016?	To be determined
6.	What role do Tigard's aquifer storage and recovery (ASR) wells play in the development of the Willamette River supply?	Tigard's ability to meet future demand with ASR capacity will be partially based on the current water rights challenge the Lake Oswego/Tigard Water Partnership (LOTWP) faces in the Court of Appeals. If use of LOTWP water rights is further restricted by the court, then Tigard will need to reserve more of its ASR capacity for "insurance" during minimal stream flow periods. Thus, maximum ASR capacity may not be available for supply.

7.	Should Tigard divest itself now from the Willamette River supply?	To be determined
8.	The city's Charter requires voter approval to use the Willamette River supply as a drinking water source. When will a Charter vote be necessary? Does the Charter requirement apply to the TVWD since it serves the northern third of Tigard?	<p>The city attorney researched the Charter and the legal requirement to secure voter approval in order to provide the council guidance as to a policy decision. He concluded the council is the body to interpret the city's Charter. Historically the council has interpreted the Charter language quite literally, indicating that voter approval is not required until the city makes a firm decision to introduce Willamette River water into the Tigard system.</p> <p>This issue is further complicated by the fact that voter approval is only required in Tigard. It is not required by other jurisdictions served by Tigard.</p> <p>Lastly, representatives from TVWD told Tigard staff that they are not contemplating introducing Willamette River water into the northern third of Tigard. If that changes, this question will again come to the front burner for the Tigard council.</p> <p>The actual Charter language is included as a separate attachment.</p>
9.	How would Tigard fund development of the Willamette River supply?	Potential funding of capital improvements with the WRWC, Sherwood or some other Willamette River source will most likely be separate from Tigard's second bond sale for the LOTWP. Therefore, additional funding will need to be determined.

THE CITY OF TIGARD CHARTER

(1) Expenditures by the City, as distinguished from the urban renewal agency, which have been duly identified and included in a duly adopted City budget; or

(2) Issuance of Bancroft bonds (ORS 223.205 to 223.295) in connection with assessments for local improvement districts, if such issuance is otherwise authorized by law. (Measure 34-207, November 5, 2013, election)

Section 49.

As used in Sections 45, 46, 47 and 48:

(1) "City" means the City of Tigard, Washington County, Oregon.

(2) "Urban Renewal Agency" means an agency created or existing under ORS Ch. 457 as it now exists or may hereafter be amended, or a similar agency with similar powers and purposes created under any other provision of law.

(3) "Urban Renewal Plan" means a plan as defined in ORS 457.010 (11) as it now exists or may hereafter be amended, or a similar plan adopted under any other provision of law.

(4) "Tax Increment Financing" means the method of financing described and referred to in ORS 457.420 to 457.460, or a similar method of financing provided for under any other provision of law.

Section 50.

If any section or portion of this Charter amendment (Sections 45 through 49) is determined unconstitutional or unlawful, the remaining portions and sections shall be severable and shall remain in effect. (Measure 51, September 20, 1983 election).

Section 51.

The City of Tigard shall not use the Willamette River as a drinking water source for its citizens unless the question of using the Willamette River as a drinking water source has been approved by not less than fifty percent (50%) of voters voting in a City wide election. (Measure 34-8, September 21, 1999 election).

Section 52.

The City of Tigard shall not increase a current tax or fee or impose a new local tax or fee for construction costs to build or expand light rail transit line infrastructure without voter authorization. If the City desires to increase or impose a new local tax or fee for construction costs to build or expand light rail transit line infrastructure, it will first call an election and state the amount of new or additional taxes or fees that would be used for construction costs to build or expand light rail transit line infrastructure. The voters of the City of Tigard would authorize or decline to authorize the spending of the new or additional taxes or fees. This Charter Section will automatically expire ten years after its effective date. This Charter Section became effective on December 3, 2012 (date determined as specified in Resolution No. 12-33, Section 6; Measure 34-203, November 6, 2012 election).

Section 53.

A. The City of Tigard, as a matter of public policy, opposes construction of a new high-capacity transit corridor within the city boundary unless voter approval is first obtained.

B. A "new high-capacity transit corridor" includes any portion of regional transit system proposed for development within the City that reduces available road capacity in favor of light rail, rail transit or exclusive bus lanes. "Road capacity" includes any roadway within five miles

AIS-1705

9.

Business Meeting

Meeting Date: 05/27/2014

Length (in minutes): 5 Minutes

Agenda Title: Contract Award - Police Mobile Data Computers Upgrade Project

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 approve a 3 year lease with VAR Resources in the amount of \$227,919 for new police mobile data computers.

STAFF RECOMMENDATION / ACTION REQUEST

Staff recommends the Local Contract Review Board approve a 3 year lease with VAR Resources in the amount of \$227,919 for new police mobile data computers and authorize the City Manager to take the necessary steps to execute the lease.

KEY FACTS AND INFORMATION SUMMARY

Due to change at the City of Portland with their data management system and the age of our current Mobile Data Computers (MDCs) the city must upgrade our current inventory. The City of Portland will no longer support the current data management system (PPDS) with which our current MDCs interface. In order to interface with the new data management system (ReJIN) the city must upgrade its in car MDCs and software. More details on this change was detailed in October 2013, March 2014, and May 2014 memos to Council. The Council was also briefed on this upgrade and lease at their May 13th Study Session.

The city will be leasing 50 rugged MDCs for police vehicles. Four smaller units for the motorcycle officers will be ordered at a later date due in large part to the manufacturing cycle they require. The cost of each MDC includes a docking station, monitor, keyboard, and a variety of other equipment. The city will lease the equipment from VAR Resources with the

equipment coming via CDW-G through an existing contracts under which the city is eligible to make cooperative purchases (where no city-let formal process is required.)

The total quote for the equipment is \$215,140. The lease financing rate is 5.94% for 36 months. The total annual payment is \$75,973 for a lease lifetime cost of \$227,919. Total financing charges under the lease are \$12,779. The lease also contains a one dollar buyout after the 36 months which the city is expecting will occur and will leave the city owning all the equipment. The first payment will be due at the end of May in order to meet the manufacturing schedule and the ReJIN implementation schedule. The second and third payments will occur in FY 2014-15 and FY 2015-16 respectively.

Staff is under a tight time frame with this order to meet the implementation schedule for the ReJIN network. Due to this tight schedule, the city (along with other agencies) are at risk of falling in the manufacturing pecking order and missing out on training provide the City of Portland. Staff anticipate an award of the lease by the Local Contract Review Board tonight to VAR Resources should keep the timing of order on track to meet the training time frame.

OTHER ALTERNATIVES

The Local Contract Review Board could direct staff to work on the feasibility of purchasing the equipment outright saving financing charges. Staff would likely bring this as a budget adjustment between the approved and adopted budgets.

The Local Contract Review Board may reject this purchase which would leave the city unable to access the regional data management system.

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

DATES OF PREVIOUS COUNCIL CONSIDERATION

The Local Contract Review Board discussed this lease agreement at their May 13, 2014 Study Session and received memorandums on this agreement in October 2013, March 2014, and May 2014.

Fiscal Impact

Cost: \$227,919

Budgeted (yes or no): Yes/No

Where budgeted?: General Fund - Police

Additional Fiscal Notes:

The total quote for the equipment is \$215,140. The lease financing rate is 5.94% for 36 months. The total annual payment is \$75,973 for a lease lifetime cost of \$227,919. Total financing charges under the lease are \$12,779. The lease also contains a one dollar buyout after the 36 months which the city is expecting will occur and will leave the city owning all the equipment. The first payment will be due at the end of May in order to meet the manufacturing schedule and the ReJIN implementation schedule. The second and third

payments will occur in FY 2014-15 and FY 2015-16 respectively. Sufficient budget authority exists for the first lease payment in FY 2014 due to planned police expenditures that came in under budget. The second lease payment is included in the Approved FY 2015 Budget.

Attachments

No file(s) attached.
