City *of* Tigard
Tigard City Council Meeting Minutes
May 27, 2014

6:30 PM

1. STUDY SESSION

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

Staff Present: City Manager Wine, Assistant City Manager Newton, Interim Public Works Director Rager, City Engineer Stone, Parks Manager Martin, Project Engineer McCarthy, Assistant to the City Manager Mills, Public Contracts Manager Barrett, Executive Assistant/Office Manager Gaston, Deputy City Recorder Krager and City Attorney Rihala

- EXECUTIVE SESSION: Mayor Cook announced that the Tigard City Council was entering into Executive Session under ORS 192.660 (2) (e) and (h) to discuss real property transaction negotiations and litigation likely to be filed. The Executive Session ended at 7:05 p.m.

Google Fiber Update:

Assistant City Manager Newton reported on progress with Google Fiber. Tigard completed their checklist and received word from Google that they are pleased with the submission.

Assistant to the City Manager Mills said Tigard has been participating with other jurisdictions over the last few months on a uniform hut license agreement that includes the ability to put in site-specific information. Google may place one or two huts in Tigard but there also could be none if they are able to serve the city from other locations She cautioned that this is all preliminary and Google's decision whether or not to locate here will not be made until the end of the year. She summarized that Tigard's council gave direction on April 8 that staff should follow city franchise rules and not allow any special deals. Council recommended using city-owned water utility sites for huts, and she noted that revenue from the agreement would go to the water fund. Staff is developing a regional hut agreement that is narrowly focused because it sets a precedent.

City Attorney Rihala shared features of the agreement which is scheduled to come to the council for approval on June 10. It allows Google to use the city property through

a leaseholder relationship with the city. The city has access priority and no other parties can sublease any portion of the property. The agreement term is 15 years with optional two-year renewals. Google will obtain any necessary permits. The annual fee is $3 per square foot with an escalator factor of 3 percent per year. She said the resolution defines exactly what Google will provide: fiber to the home and 1 GB speed. It is their preference that this type of information be put in a resolution or ordinance rather than in the agreement. Councilor Woodard said the Metropolitan Area Communications Commission (MACC) recently developed some new definitions and he suggested making sure the specific language matches. Ms. Mills said this will be addressed by Franchise Attorney Werner.

Local Contract Review Board Discussion on Upcoming Contracts:

Public Contracts Manager Barrett led the discussion on two contracts that will be on a future council agenda. These are both for the PMP (Pavement Management Program). The pavement crack seal contract low bidder is CR Contracting at 58 cents per linear foot. Transportation Project Engineer McCarthy said the price is 10 percent higher which may be due to traffic control requirements for work on busier streets this year. In response to a question from Councilor Snider, Engineer McCarthy said the firms that do this type of work are busier than in prior years. The rising cost of oil may have also led to higher bid prices.

The PMP Overlay contract RFB was issued on April 25, 2014. Five companies submitted bids and the apparent low bidder is Eagle-Elsner, Inc. at $1,151,536. Councilor Buehner said she has a distant relative who owns Brix Paving, one of the unsuccessful bidders. Council President Henderson said he opposed construction of the curb cuts in this contract. Mayor Cook said such cuts are required if the city does an overlay. Council President Henderson said he did not think this should be paid for out of the road maintenance fund and did not want this fund jeopardized by paying for the curb cuts. Councilor Snider said he was opposed to taking the money from any other fund. City Manager Wine said a policy and funding discussion on use of the street maintenance fee will be scheduled for a future council meeting. She said the city will solicit input from the business community and this will take time. Councilor Buehner said there might be a federal law required businesses to put in curb cuts when doing sidewalk maintenance.

Administrative Items:

Upcoming Meetings -
June 3, 2014 CCDA Meeting is cancelled
June 10, 2014 Business Meeting
June 17, 2014 Workshop Meeting
June 24, 2014 Business Meeting

7:30 PM

2. BUSINESS MEETING – May 27, 2014

A. At 7:37 p.m. Mayor Cook called the meeting to order.
B. Deputy City Recorder Krager called the roll.

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

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

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

E. Call to Council and Staff for Non-Agenda Items – Mayor Cook asked council and staff for non-agenda items. Mayor Cook said he had an item and Councilor Snider asked to speak about the recent boil water alert. City Manager Wine said she also wanted to discuss the water notification system and two other citizen comment follow-up items at the end of the meeting.

3. CITIZEN COMMUNICATION

A. Follow-up to Previous Citizen Communication – This was heard during Agenda Item No. 12 – Non Agenda Items.

B. Citizen Communication – Sign-up Sheet

Tim Esau, P. O. Box 230695, Tigard, OR, inquired about the city's follow-through on the directive of Measure 34-210. He read the City Charter wording from Section 53.A, that says, "The City of Tigard, as a matter of public policy, opposes construction of new high capacity transit corridor within the city boundary unless voter approval is first obtained." He said he was appealing to the council to fulfill the will of the people, and as the Chief Petitioner of Measure 34-210, spoke with hundreds of residents and found them genuinely interested in having the city oppose high capacity transit. He said oppose is defined as to "actively resist, refuse, to comply with a person or system." He said this has been the policy in effect for two and one-half months, and asked what the city council, as city policy makers, has done to embody the spirit of this requirement.

Councilor Snider noted that Mr. Esau was in attendance at one study session discussion where council spent hours with the city attorney trying to make sure they understood what the measure meant. He said Mr. Esau stated that the policy is to oppose it, but first stated the policy is to oppose it unless there is a public vote to fund it, and that is an important distinction. He said council has begun reaching out to broad groups in the community seeking clarity about what citizens want, particularly related to planning. He said he has yet to hear a single citizen, whether in a school/parent student organization or a group of randomly invited neighbors, tell him they want the city to stop participating in the planning process. He said council is still trying to discern what the broader community wants; a 49-50 percent vote is not a mandate and does not engender confidence.

Mayor Cook said there was no time allotted in the meeting for every councilor to speak on this but requested that City Manager Wine comment specifically on the requirement for the City of Tigard to write an annual letter opposing high capacity transit. City Manager Wine said the charter is not specific as to the timing of the letter but the city is on course to draft it. She commented that following the election Mayor Cook announced at a SW Corridor Plan meeting Tigard's official position opposing high capacity transit. Mayor Cook added it was the city attorney's interpretation that the letter must be written within one year.

Mr. Esau said his concern is the interpretation of "oppose." He said planning proceeds construction every time and continuing to plan does not sound like the kind of opposition that was requested by the voters. He asked how council is living up to that charter.

Councilor Snider said, "In this very room we had a debate where the conversation from the proponents of the measure was, 'just give us a vote so we can decide in the future if we want it or not,' and that is contrary to what you just stated, and that is my concern."

Mr. Esau said, "My perception and feelings on this measure may not be 100 percent aligned with what the charter now states." Mr. Esau said he was calling council to operate within the bounds of the charter now.

Councilor Buehner said she met with 50 people and most said they did not understand the measure and thought the decision had already been made to go forward so they did not vote.

3. CONSENT AGENDA: (Tigard City Council)

   A. APPROVE CITY COUNCIL MEETING MINUTES:

      1. April 8, 2014
      2. April 15, 2014

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

There was no request to remove items for separate consideration. Councilor Buehner moved for adoption of the consent agenda. Councilor Snider seconded her motion.

A vote was taken and Mayor Cook announced that the motion to approve the consent agenda passes by a unanimous vote.

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

5. WINNERS OF "IF I WERE MAYOR, I WOULD" CONTEST

Mayor Cook announced the winners of the "If I were Mayor, I would…" contest. There are three different contest categories. More entries were received this year than previous years but there was none from the high school. Posters can be submitted by elementary school age entrants, essays by middle school contestants and high school entrants submit a video. The local winners are entered into the state contest and become eligible to win an iPad. At least 100 of Oregon's 242 cities participate in this contest. He invited Tigard's elementary school winner Karen Maddox and middle school winner Kyle Ferrero forward to receive their prizes for the winning poster and essay. They each received a City of Tigard mug, pin, pen and a $50 VISA gift card.

Mayor Cook noted that many people are confused and assume that the city runs the fire department or the schools. He said when he is choosing winners he looks for entries that reflect the reality of what the City of Tigard does and said the winning entries achieved that.

6. APPROVE RESOLUTION TO CONGRATULATE TIGARD HIGH TIGERETTES ON THEIR NATIONAL CHAMPIONSHIP

Mayor Cook announced that the Tigard High School Tigerettes won a national championship and the City Council offered congratulations. Councilor Buehner moved for adoption of Resolution 14-23. Council President Henderson seconded the motion. Mayor Cook asked Deputy City Recorder Krager to read the number and title of the resolution and a vote was taken. The motion to approve Resolution 14-23 passed unanimously.

RESOLUTION NO. 14-23 – A RESOLUTION HONORING THE TIGARD HIGH SCHOOL TIGERETTES UPON WINNING FIRST PLACE IN THE 2014 UNITED SPIRIT ASSOCIATION DANCE NATIONALS CHAMPIONSHIP

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

The coach and several of the Tigard High Tigerettes posed for a photo with the City Council. City of Tigard pins and pens were given to each member. Mayor Cook noted that the Tigerettes won second at state but placed high enough to compete in the national competition where they took the top award. He commended their talent and hard work.

7. RECEIVE UPDATE ON TIGARD TRIANGLE STRATEGIC PLAN

Associate Planner Caines presented a PowerPoint with her update on progress with the Tigard Triangle Strategic Plan. She said the committee is finishing the options development phase and looking ahead to the next phase: options evaluation. That phase examines how the options and strategies meet the goals of the Triangle Strategic Plan and focuses on four elements:

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

Two options were developed. Option 1 has lower density (existing density) with 30 housing units per acre, a 45 foot height limit for buildings and an FAR (floor area ratio) of 1:1.5.

Mayor Cook asked for clarification on the 45 feet and whether it suggests a four- or five-story building. Ms. Caines said Option 1 includes buildings on the lower end but Option 2 includes higher density which means increased building height.

Option 2 has 50 units per acre, 75 feet height limit and a floor area ratio of 1:4.

Associate Planner Caines showed a slide which outlined the primary land functions. Buffers help reduce noise for residential areas. There is a campus/education area. The area between 68th and 70th Avenues is a pedestrian district with active ground floor space.

A rendering showed one concept of what Tigard Triangle might look like when built. She explained accessibility and connections to the pedestrian district. The bike/pedestrian network builds upon the existing grid. A major change includes turning 74th Avenue near the theater into a public street

that could connect to Beveland Street. It could possibly connect to a new ramp over Highway 217 that leads into Tigard's downtown.

Open spaces and natural areas will include Red Rock Creek. She said comments from the CAC and TAC indicated a desire for places where people can gather outdoors or play Frisbee, etc. The consultant will be returning with ideas for parks in this area.

Councilor Buehner said when Metro assigned density requirements to Tigard they agreed to the city not having to accommodate massive increases citywide if a commitment was made to add 10,000 residents in the downtown and Triangle areas. She said at that time the conversation was to change the zoning to allow ten or even more stories in the Triangle. She expressed concern that this agreement does not seem to be incorporated and Option 1 could never meet this arrangement. Ms. Caines said she was unaware of this particular agreement with Metro and will find out how this impacts the planning underway.

Councilor Woodard said he is interested to see how road capacity and infrastructure are developed in the second phase. He noted the statement that a discussion was held about the passage of Measure 34-210 and that high capacity transportation discussions will be included in planning for economic development of this area. He asked Associate Planner Caines to share the discussion on this topic. Ms. Caines said the committee spent time talking about what the measure meant and how the Triangle might be affected because it is a high capacity stop. Senior Transportation Planner Gray attended that meeting. Ms. Caines said they are ensuring that whatever they plan does not inhibit high capacity transit if it is included in the future. She said there will be a traffic sensitivity analysis.

Council President Henderson asked if there is another crossing of the I-5 freeway. Ms. Caines said there is not in this particular plan. She said they are making the existing Haines Street overpass friendlier for bikes and pedestrians. Councilor Buehner said she remembered previous discussions about a second flyover ramp over I-5 so traffic can avoid Bonita and Haines. Ms. Caines said the consultants looked at a bike/pedestrian crossing that connects with Kruse Way. She said they examined another connection in the Dartmouth area and noted that it would a great impact on the residences on the Lake Oswego side. She said there are also many unimproved roads on that side of the freeway. Councilor Buehner said that question came from the Lake Oswego city council.

At Councilor Woodard's request, Ms. Caines gave an overview of the makeup of members of the Technical Advisory and Citizen Advisory Committees.

Mayor Cook discussed the placeholders for parks and natural areas. He said if someone sees a map picture of what it may look like in the future and you own a business in that area, it can be frightening to see your building with a park on top of it. He reiterated that the city was not requiring any business to move. This is to show what might happen if a business is sold in the future.

Councilor Buehner requested an offline discussion with Associate Planner Caines regarding the previous Metro discussions on density. y

8. DEVELOPMENT OF A WILLAMETTE RIVER WATER SUPPLY

Lake Oswego/Tigard Water Project Manager Koellermeier said this is an activity that council has added to their quarterly goal update. Council has been talking about the Willamette River option as far back as 2010. He said the city is heavily invested in building a supply system that clearly has an end and it needs to increase likely water sources. He said the city has access to water rights currently owned by Tigard and other partners as part of a consortium. These other partners also desire to develop a Willamette water source.

Project Manager Koellermeier said that while this is listed as a 2014 goal, the outside activities by other groups are taking a timeline that does not allow staff to make a recommendation to council by the end of 2014; it will be more likely the end of 2015. He called everyone's attention to the memo in the packet for this meeting. He said staff prepared some questions and answers and would appreciate council feedback on those because once the questions are answered, council is in a position to begin policy discussions on using Willamette River water. He said questions include when Tigard would need this additional water, the pipeline route, and how this supply would affect the current relationships with Durham and other cities.

Councilor Buehner noted that this, along with the Lake Oswego project, is a replacement strategy for the Portland water supply contract.

Mr. Koellermeier said another question is whether Tigard should divest itself of these rights if this or another Tigard council decides not to exercise them. He said the charter language is complicated and city attorneys are currently working on it. Part of the Tigard area is serviced by the Tualatin Valley Water District (TVWD). One question is whether the charter amendment affects the northern half of the city. Also, council acts as a managing partner with other cities (King City, Durham and the TVWD) that do not have the charter requirement. The city attorney's office is preparing a memo clarifying that the council is the interpreter of the charter.

Councilor Snider asked what other water rights the city has and if it does not go to the Willamette River are there any other alternatives? He said if there are no others it may be time to consider going to a vote to change the charter. The question is not, "Do you want Willamette River water?" It is, "Do you want water?"

Mr. Koellermeier responded that aside from a few irrigation rights on the Tualatin River, Tigard has no other water rights other than the WRWC (Willamette River Water Coalition) options.

Councilor Buehner asked how far in advance of the need infrastructure should be built.
Mr. Koellermeier said the answer to Councilor Buehner's question is, "You can't begin soon enough." Experience with the Lake Oswego project shows that there is about a ten-year window for the planning process. This ten-year timeframe is similar to what TVWD and Hillsboro are applying to their water project. He said the Willamette River rights have been extended to provide access through 2047. If rights are not used by that date, receiving an extension is unlikely.

Mr. Koellermeier said there are many questions for councils on the west side such as whether this should be done independently or together. Spreading the costs and risks through a shared system makes sense. He said since the TVWD is the managing partner of the WRWC expansion project, he asked their CEO Mark Knudson to attend this meeting and respond to any council questions.

Tualatin Valley Water District CEO Knudson said they have followed what he would characterize as a smart planning process because they recognize there is a lot of complexity to the work. He said they are looking at things such as governance and are currently conducting a seven-way negotiation with other partners, including current Willamette River water users Wilsonville and Sherwood, prospective users such as Tualatin, Tigard and Beaverton, and TVWD and Hillsboro, who are committed to obtaining Willamette River water. A key part is engineering for and identifying the most strategic locations for pipes. Another important component is public information and public relations. There is a team of consultants on board and two weeks ago a website went live: ourreliablewater.org

Council President Henderson asked about demand for this system. Mr. Knudson said TVWD is considering adding 55 mgd as a Portland water replacement strategy. Hillsboro is considering about 35 mgd. Depending on what Tigard, Tualatin and Beaverton want (between 5-10 mgd), they are somewhere in the 85-95 mgd capacity, added to what Wilsonville and Sherwood use. He said this is a very large project with a large capital investment. He said preliminary estimates were $800 million in 2008 dollars.

Councilor Snider asked if there was a lot of information needed before council places a charter amendment on the ballot. Mr. Koellermeier said there is not a lot of legal or engineering work that would need to be done, but we need to be able to answer the "when" question and he suggested taking a few years to study this. Councilor Snider asked if, since a vote is not required in King City to use Willamette River water, the water system is segregated so that water could be provided to them. Mr. Koellermeier said it could be done but elevation is a key factor. It would be easier in Durham or King City but more complicated going up the hill on Bull Mountain.

Mr. Koellermeier will continue to schedule council briefings. He asked council to read the list of questions and answers and let him know of any others. Councilor Buehner noted that the groundbreaking for the Bonita Pump Station is scheduled for June 5 at 3:00 p.m.

8. LOCAL CONTRACT REVIEW BOARD: AWARD CONTRACT FOR POLICE MOBILE DATA COMPUTERS UPGRADE PROJECT

Public Contacts Manager Barrett gave the staff report. He said the contract is for a capital lease for new rugged mobile data computers and is necessary due to the age of the police department's current inventory and changes to the City of Portland's data management system. He said there is a need to upgrade to provide interface with Portland's system because it will no longer support the existing software system. The purchase is time sensitive in order to get onto the manufacturing schedule. A number of other police agencies will be placing orders so Tigard's order will be initiated

in the current fiscal year with subsequent payments next fiscal year. Savings this year will pay for the first payment and the second payment is budgeted in next fiscal year's budget.

LCRB Board Member Woodard said he understands that the city is paying for a lease and the maintenance warranty on the equipment lasts four years after purchase. Police Department Business Manager Shaw said there will be an opportunity to revisit that warranty period. LCRB Board Member Snider commented that the items may not last for the fifth year due to heavy use.

Staff recommended council approve a capital lease with VAR Resources.

LCRB Board Member Snider moved to approve the contract for the police mobile data computer upgrade project. LCRB Board Member Buehner seconded the motion and all voted in favor.

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

12. NON AGENDA ITEMS

ADOPT A RESOLUTION ACKNOWLEDGING AND COMMENDING EJ ALBAUGH AS THE TIGARD HIGH SCHOOL STUDENT ENVOY TO THE CITY OF TIGARD

Resolution No. 14-21 - A RESOLUTION ACKNOWLEDGING AND COMMENDING EJ ALBAUGH FOR HIS SERVICE AS THE TIGARD HIGH SCHOOL STUDENT ENVOY TO THE CITY OF TIGARD

Councilor Buehner moved for approval of Resolution No. 14-21 and Councilor Woodard seconded the motion.

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

CITIZEN COMMUNICATION FOLLOW UP

City Manager Wine said Steve Bintliff, representing the group Tigard First came to council with concerns and a complaint about use of the gas tax fund for improvements to the 72nd Avenue/ Dartmouth Street intersection. She reported that a meeting will be held to discuss with Mr. Bintliff the budget process, gas tax use, capital improvement plan and any other concerns he has about how projects are prioritized.

City Manager Wine reported that there have been several contacts at council meetings from Dr. Eugene Davis regarding the trenching he did on his property and court costs paid. He has met with city staff to discuss appropriate permitting and concerns for the city's water line. Staff will continue to work with him on a solution towards his vision of having a trail on his property.

BOIL WATER ALERT

Mayor Cook thanked the Public Works staff for answering all the phone calls and emails. He noted that the boil water alerts always seem to happen on a holiday weekend and he thanked them for their extra effort. He suggested there be a different notification route taken next time.

City Manager Wine said citizens had questions and complaints regarding the water emergency communications. She said the city chose not to use Code Red (reverse 911 system) as the method to communicate with citizens by request from Portland. Because it was broadcast through the media and to almost 700,000 people, the city did not take additional measures.

Councilor Snider said it was confusing because he saw the media coverage but did not receive a reverse 911 call. The first notice he received was issued from the Tigard-Tualatin School District. He acknowledged that Tigard may have been asked not to take the lead in contacting their citizens but thought from a customer perspective it should have been handled in the same way it had been previously. He said he understood Portland's desire to control the message but suggested sending out their message through Tigard's notification system.

Interim Public Works Assistant Director Goodrich said comments received from customers said the city should use the reverse directory tool. From his standpoint, staff was trying to work with the state, but looking at it from a customer service level would have been helpful. Under state law the state has the authority to issue a boil water alert. He mentioned there have also been problems with the Code Red calling system problems. It is complex because parts of the city are in the city limits and parts are not.

Councilor Woodard noted that Tigard businesses were dumping soda and ice but now council is hearing the businesses may not have necessarily had to do that. Councilor Snider said citizens needed to hear that Tigard collected 24 samples that week and all were negative.

13. COUNCIL LIAISON REPORTS:

Councilor Buehner spoke about continuing discussions on Climate Smart Communities at the latest MPAC meeting. She said a joint MPAC/JPACT workshop will focus on reaching a consensus toward a proposal Metro will vote on in August.

Council President Henderson reported that Metro Councilor Dirksen noted at the Westside Economic Alliance that the City of Tigard has officially passed the 50,000 population mark. He requested a report from staff on how this affects grant eligibility and other opportunities.

Councilor Woodard reported on the Memorial Day event he attended at Crescent Grove Cemetery where he was the keynote speaker. He acknowledged the importance of this ceremony that brings many members of the community together. Mayor Cook expressed appreciation to Councilor Woodard for representing the city at this event. Councilor Buehner said the 40th anniversary of the end of the Vietnam War is next year and suggested the city plan something to commemorate this on Memorial Day because many Tigard citizens served in that war.

14. EXECUTIVE SESSION: None held.

15. ADJOURNMENT

At 9:28 p.m. Councilor Snider moved for adjournment and the motion was seconded by Councilor Buehner. All voted in favor.

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

Carol A Krager

Deputy City Recorder Carol A. Krager

Attest:

Mayor, City of Tigard

Date: July 22, 2014

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