



City of Tigard

Tigard Workshop Meeting – Agenda

TIGARD CITY COUNCIL

MEETING DATE AND TIME:

February 18, 2014 - 6:30 p.m.

MEETING LOCATION:

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

PUBLIC NOTICE:

Times noted are estimated.

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).

VIEW LIVE VIDEO STREAMING ONLINE:

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

Workshop meetings are cablecast on Tualatin Valley Community TV as follows:

Replay Schedule for Tigard City Council Workshop Meetings - Channel 28

- Every Sunday at 7 a.m.
- Every Monday at 1 p.m.
- Every Wednesday at 2 p.m.
- Every Thursday at 12 p.m.
- Every Friday at 3 p.m.

SEE ATTACHED AGENDA



City of Tigard

Tigard Workshop Meeting – Agenda

TIGARD CITY COUNCIL

MEETING DATE AND TIME: February 18, 2014 - 6:30 p.m.

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

6:30 PM

- **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.

1. WORKSHOP MEETING
 - A. Call to Order- City Council
 - B. Roll Call
 - C. Pledge of Allegiance
 - D. Council Communications & Liaison Reports
 - E. Call to Council and Staff for Non-Agenda Items
2. DISCUSS FIELDS PROPERTY CONCEPT DEVELOPMENT SCENARIOS **6:35 pm estimated time**
3. RECEIVE ANNUAL TIGARD MUNICIPAL COURT REPORT **7:00 pm estimated time**
4. RECEIVE UPDATE ON SOUTHWEST CORRIDOR PLAN PUBLIC INPUT **7:20 pm estimated time**
5. RECEIVE ENTERPRISE ZONE PRESENTATION **7:40 pm estimated time**
6. COUNCIL LIAISON REPORTS **8:10 pm estimated time**

7. NON AGENDA ITEMS

8. 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.

9. ADJOURNMENT **8:15 pm estimated time**

AIS-1567

2.

Workshop Meeting

Meeting Date: 02/18/2014

Length (in minutes): 25 Minutes

Agenda Title: Fields (Concept) Development Scenarios

Submitted By: Lloyd Purdy, Community Development

Item Type: Update, Discussion, Direct Staff

Meeting Type: Council
Workshop
Mtg.

Public Hearing: No

Publication Date:

Information

ISSUE

In January, consulting firm McKenzie worked with Community Development staff during a two-part site development exploration with participation by the Fields Trust (owners of the property) and real estate professionals from Norris Beggs and Simpson. The purpose of these meetings, discussions and deliberations was to explore development scenarios that, in concept, provide a balance of uses on a site that has sat empty and underutilized.

The intended result of the meetings was two to three development concepts that, according to the scope of work, explore "how the property might be rezoned and/or reconfigured to better align with the physical characteristics and constraints of the property; find the appropriate balance/mix of industrial, office and residential users for the site; and assist with Fields Trust's desires to increase the property's market viability." The charrette-style workshops were paid for by the Fields Trust. The goals, process and results of this collaboration will be shared with the City Council at this workshop.

STAFF RECOMMENDATION / ACTION REQUEST

No council action needed at this time.

KEY FACTS AND INFORMATION SUMMARY

The Fields property, currently owned in trust as part of the Fred Fields estate, includes four contiguous parcels encompassing just over 42 acres with a significant slope. The largest two lots are zoned Industrial Park (I-P). A third parcel is zoned Professional Commercial, and the smallest is zoned Low Density Residential. According to GIS maps, a non-jurisdictional (not controlled or regulated by the City) wetland is located on the northwest portion of the site. The property is bounded on the south by an active rail line and rail car switching yard. On the southwest side of the property runs a privately owned rail spur and a private access road (Wall Street) serving the adjacent industrial properties. On the east side, residential zoned property with an R-3.5 and an R-25 designation borders this potential development site. To the immediate north, industrial zoned property has already been developed and put to economic use.

The Fields property has a combination of development challenges including lack of infrastructure, slope, and a variety of permitted land uses. However, the size of the parcels combined, and the site's

location with close proximity to I-205 and Hwy 217, are assets that make this property marketable. The site is complex and requires a complex solution in order to arrive at a mix of activities that respond to near- and long-term market demand, as well as the needs of this community.

OTHER ALTERNATIVES

N/A

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

This work is consistent with City of Tigard Comprehensive Plan Goal 9 (Economic Development) and supported by the City's 2011 Economic Opportunities Analysis.

DATES OF PREVIOUS COUNCIL CONSIDERATION

Site details will be familiar based upon the related Department of Land Conservation and Development (DLCD) infrastructure finance plan grant proposal submitted in October. (That project is still under funding consideration by DLCD.)

Attachments

Scope of Work

MACKENZIE.

DESIGN DRIVEN | CLIENT FOCUSED

November 26, 2013

Fred Fields Trust c/o Miller Nash LLP
Attention: Kelly Hossaini
3400 U.S. Bancorp Tower | 111 S.W. Fifth Avenue
Portland, Oregon 97204

Re: **Fields Property Assistance (Wall Street Parcel)**
Development Feasibility Workshop
Project Number 2130474.00

Dear Kelly:

Mackenzie is pleased to present this proposal to work collaboratively with the Fields Trust representatives and the City of Tigard to strategize and develop a plan for how the property might be rezoned and/or reconfigured to better align with the physical characteristics and constraints of the property, find the appropriate balance/mix of industrial, office, and residential users for the site, and assist with Fields Trust's desire to increase the property's market viability.

PROJECT UNDERSTANDING

Through a series of two collaborative, charrette-style workshops, Mackenzie will facilitate structured, interactive meetings with a select group of stakeholders. Stakeholders will include City staff, trust representatives, and real estate experts familiar with the current market (estimated group of 10-15 people maximum).

SCOPE OF WORK

Preparation for Workshop 1:

Mackenzie will prepare and gather documents for Workshop 1. Documents will include a short visual (Powerpoint) presentation illustrating restraints of property, previous layouts that have been looked at, history of the property and surrounding properties, infrastructure, and any other relative information to the site. Mackenzie will also consult with industry experts for input on pros/cons of specific uses on the property (including, but not limited to, industrial, commercial, housing, and/or incubator work space) and review City-provided data and studies to assist the team with quantifying anticipated housing, industrial, and office space needs in the City of Tigard.

Workshop 1:

Goal: Review property constraints and configurations, then brainstorm on zoning options and possible uses on the site, such that two or three possible solutions can be further investigated and developed into a conceptual plan. The projected agenda is as follows.



P 503.224.9560 ■ F 503.228.1285 ■ W MCKNZE.COM ■ RiverEast Center, 1515 SE Water Avenue, #100, Portland, OR 97214
ARCHITECTURE ■ INTERIORS ■ STRUCTURAL ENGINEERING ■ CIVIL ENGINEERING ■ LAND USE PLANNING ■ TRANSPORTATION PLANNING ■ LANDSCAPE ARCHITECTURE
Portland, Oregon ■ Vancouver, Washington ■ Seattle, Washington

- Introductions (10 minutes).
- Present prepared background information on property (20 minutes).
- Prepare and facilitate a 'round table' discussion to review possible options for zoning and uses on the site through the use of wipeboards and 'markable/draw-on' site diagrams such that priorities and value items are ranked in priority-including long term planning goals of the City (30 minutes).
- As a group, review all development solutions developed, review the uses and typologies, as well as alternatives that allow for provisions to blend as specific structures (i.e., flex space), and rank according to priorities and values identified above. Intent is to determine two or three feasible solutions to be developed further (30 minutes).
- Adjourn with intent for group to meet again in 2-3 weeks.

Preparation for Workshop 2:

Mackenzie will review the conceptual diagrams generated from Workshop 1 and develop two to three conceptual bubble diagrams that take into account: accessibility, topography, compatibility, development potential approximate square footages), and through assistance with real estate experts, determine market feasibility of each scheme. Additionally, we will provide relevant examples/precedent images for each development concept chosen to be developed further.

Workshop 2:

Goal: Review the two or three possible solutions based on outcome of Workshop 1 with the intent of reviewing market viability, development costs, entitlement procedures and timing, and contribution to the City's need for jobs and housing. The group will determine the most viable, mutually agreeable product that meets the intent of all stakeholders such that city staff can roll out to planning commission/city council at regularly scheduled work sessions for review and comment. The intent at this workshop is also to outline the timing and costs associated with any legislative procedure required to accomplish required entitlement modifications. The projected outline of the meeting is as follows.

- Introductions (5 minutes).
- Present the two to three conceptual diagrams for review and discussion (25 minutes).
- Prepare and facilitate a 'round table' discussion on the pros and cons of each scheme and work together to outline timing and costs associated with any legislative procedures required to accomplish entitlement modifications (45 minutes).
- Determine a mutually-agreeable plan (or plans) that city staff can present to planning commission/council for review (15 minutes).

After completion of Workshops:

Mackenzie will generate a follow-up document (through the use of narrative and diagrams) that documents the process and outcome from the Charrette Process.

Fred Fields Trust c/o Miller Nash LLP
Fields Property Assistance (Wall Street Parcel)
Project Number 2130474.00
November 26, 2013
Page 3

Next Steps:

Assist City staff with preparation for and presentation of two work sessions (assumes one staff person for two meetings- one with Planning Commission and one with City Council).

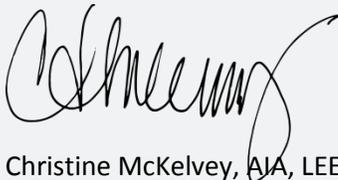
PROPOSED FEE

Preparation for Workshop 1:	\$2,500-3,500
Workshop 1:	\$2,500-3,000
Preparation for Workshop 2:	\$2,500-3,500
Workshop 2:	\$2,500-3,000
Completion:	\$2,000
Total:	\$12,000-15,000

Our fee estimate for this scope of work, as described above, is anticipated to be between \$12,000 and \$15,000, billed on an hourly basis. If this scope services and fee is acceptable, we will prepare and forward a Professional Services Agreement for your client's review and approval. Reimbursable expenses (phone, fax, copying, travel expenses, etc.) are not included in this fee and will be billed monthly at cost plus 10%.

Thank you for the opportunity to assist you and your client with this project. Please do not hesitate to contact Tom Wright, Matt Butts or me if you have any questions or need further information.

Sincerely,



Christine McKelvey, AIA, LEED AP

Enclosure: Hourly Billing Rate Schedule

c: Matt Butts, Tom Wright - Mackenzie



MACKENZIE.

P 503.224.9560 ■ F 503.228.1285 ■ W MCKNZE.COM

RiverEast Center, 1515 SE Water Avenue, #100, Portland, OR 97214

Portland, Oregon ■ Vancouver, Washington ■ Seattle, Washington

HOURLY BILLING RATE SCHEDULE*

PRINCIPALS

\$125 – \$200

ARCHITECTURE/LANDSCAPE

Project Architect II - III

\$ 95 – \$135

Project Architect I

\$ 90 – \$115

Architectural Designer IV - V

\$ 65 – \$110

Architectural Designer I -III

\$ 50 – \$ 85

Designer/Drafter

\$ 45 – \$ 70

ENGINEERING

Project Engineer II - III

\$ 90 – \$140

Project Engineer I

\$ 75 – \$105

Designer I - III

\$ 50 – \$ 95

Transportation Analyst

\$ 70 – \$ 90

Designer/Drafter

\$ 45 – \$ 80

PLANNING

Project Planner II - III

\$ 85 – \$125

Project Planner I

\$ 60 – \$ 85

Permit Coordinator

\$ 50 – \$ 65

Assistant Planner

\$ 50 – \$ 70

INTERIOR DESIGN

Interior Designer IV - V

\$ 80 – \$125

Interior Designer I - III

\$ 45 – \$115

Intern

\$ 30 – \$ 45

ADMINISTRATION

Administrator

\$ 45 – \$120

Word Processor

\$ 50 – \$ 75

Secretary/Records Clerk

\$ 30 – \$ 65

Expeditor

\$ 35 – \$ 50

*Subject to change May 1, 2014

AIS-1566

3.

Workshop Meeting

Meeting Date: 02/18/2014

Length (in minutes): 20 Minutes

Agenda Title: Tigard Municipal Court Annual Report to Council

Prepared For: Nadine Robinson, Administrative Services

Submitted By: Nadine Robinson, Administrative Services

Item Type: Update, Discussion, Direct Staff

Meeting Type: Council
Workshop
Mtg.

Public Hearing: No

Publication Date:

Information

ISSUE

Judge Michael O'Brien and Nadine Robinson, Administrative Services Manager, will provide an update on the status of the municipal court's programs and caseload during 2013.

STAFF RECOMMENDATION / ACTION REQUEST

N/A

KEY FACTS AND INFORMATION SUMMARY

Tigard Municipal Court continues to provide a local forum for the resolution of citations that are issued within the Tigard city limits. As in years past, the court's 2013 caseload was predominantly minor traffic offenses arising under the Oregon Revised Statutes. The court has established policies and procedures so that cases are adjudicated in a fair, professional and efficient manner, consistently applying relevant statutes and ordinances. Where an offense has been committed, the court strives to: 1) enter appropriate sanctions in order to deter subsequent offenses, taking into account individual circumstances to the extent allowed by law and workload constraints; and, 2) provide education about public safety, relevant statutes and the legal process.

This year's annual report contains information on Tigard's current traffic safety diversion policies, the pros and cons of traffic diversion and examples of what surrounding jurisdiction's policies are related to diversion. Typically a traffic safety diversion consists of attending a traffic safety program and paying a fee. If both elements are completed, the citation is dismissed. Approximately 7% of municipal court's 2013 caseload was resolved through diversion. Since the court's policy towards diversions is one component of the city's interactions with citizens, the court is seeking the assistance of City Council in evaluating its programs and their contribution to enhancing public safety in Tigard. Depending on the city's broad goals, Tigard's diversion programs can be expanded or left in their present limited form.

In 2013, 7,180 offenses were filed in municipal court. Of those, convictions have been entered in 83% of the cases. During this time period, the court imposed \$1,117,181 in fines and fees. The court

collected over \$1,000,000, for fines and assessments imposed over multiple years. Of that, \$358,205 in statutory assessments were remitted to state and local agencies.

The use of technology continues to play a significant role in court efficiencies. 1,866 payments were made through court's on-line vendor CitePayUSA. Those payments post in the court's case management system which results in reduced processing time. The police department has continued their use of electronic citations. 5,488 violations were received saving significant time in data entry.

The court continues to give high priority to providing information in person, in print and online about Oregon law, court operations and public safety. Approximately 80 of the judge's monthly "Rules of the Road" columns have appeared in Cityscape since 2007.

OTHER ALTERNATIVES

N/A

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

N/A

DATES OF PREVIOUS COUNCIL CONSIDERATION

The annual report for 2012 was presented February 19, 2013.

Attachments

Annual Municipal Court Report

PowerPoint



MEMORANDUM

TO: Honorable Mayor and City Council

FROM: Michael J. O'Brien, Presiding Judge
Nadine Robinson, Court Manager

RE: 15th Annual Report from Tigard Municipal Court

DATE: February 18, 2014

We appreciate the opportunity to meet with Council and the City Manager for our 15th annual review of Tigard Municipal Court (TMC) operations and policies. In addition to information about last year's caseload and court activities, this year's report will address current policies on traffic diversion programs and possible alternatives for expanding diversion options to accommodate the Distracted Driving Program proposed by the Tigard Police Department (TPD). The information on the court's caseload is based on data from calendar year (CY) 2013 and previous calendar years. As always, we welcome your questions and comments.

1. Court goals and judicial philosophy: When complaints are filed with the court by TPD or Code Enforcement officers, the court's first objective is to provide an impartial forum for adjudication in a fair, professional and efficient manner, consistently applying relevant statutes and ordinances. Where an offense has been committed, the court strives to: 1) Enter appropriate sanctions in order to deter subsequent offenses, taking into account individual circumstances to the extent allowed by law and workload constraints; and, 2) Provide education about public safety, relevant statutes and the legal process. As discussed in detail below, TMC and many other Oregon courts have traditionally maintained diversion programs to educate defendants convicted of specified traffic violations. These programs generally allow citations to be dismissed upon completion of all requirements, with no record of a conviction transmitted to DMV.

2. Overview of court operations: The court's caseload continues to focus heavily on traffic violations, primarily "moving" violations, license and insurance offenses and a variety of equipment violations arising under the Oregon Revised Statutes. The court also adjudicates a relatively small number of civil infractions cited under the Tigard Municipal Code, some adult misdemeanors and a limited number of juvenile misdemeanors and status offenses referred by the Tigard Peer Court. In 2013, 7% of all defendants in traffic cases were given the opportunity to participate in diversion programs.

3. Diversion policies: Oregon law confers broad authority on judges to resolve cases, including specific statutory authority under ORS 135.755 to dismiss a case "in furtherance of justice." The court's policy towards diversions is one component of the city's interactions with citizens, and the court is therefore seeking the assistance of Council in evaluating its programs and their contribution to enhancing public safety in Tigard. Depending on the city's broad goals, diversion programs can be expanded or left in their present limited form. If the Council would like to pursue expansion, as outlined below, the court can return with a more detailed review of the available options.

Many defendants, aware of programs in other states or other Oregon courts, request “traffic school” or “diversion” at arraignment in order to prevent a conviction from appearing on their driving records. Under current criteria (described below), however, the request is usually denied and the vast majority of TMC convictions are forwarded to DMV. A court offer of diversion is rarely declined by a defendant.

The principal policy grounds for limiting diversions are:

- Complete driving histories are useful to courts in determining future sanctions and, potentially, to auto insurance companies in setting rates.
- Diversions “mask” convictions so they become, in effect, invisible to DMV’s Driver Improvement Program (DIP) and to judges in other courts. The DIP program restricts or suspends the driving privileges of those who receive multiple violations over an 18- to 24-month period. “Masking” convictions through multiple diversions could undermine the DIP’s impact and prevent other courts from having access to a defendant’s full driving history.
- By statute, participation in traffic diversion programs is not noted on DMV driving records, unlike diversions for Driving Under the Influence of Intoxicants. Defendants, in the worst case, could have multiple “invisible” convictions that do not appear on the DMV record after participation in one or more diversion programs in various courts. This risk could be mitigated by requiring defendants to sign declarations that they have not participated in other diversion programs during the applicable eligibility period.

The primary advantages of expanding diversion programs may be summarized as follows:

- Traffic schools like Legacy’s Trauma Nurses Talk Tough are designed to educate drivers about safe driving and relevant laws that highway users are expected to obey, enhancing public safety and reducing recidivism. TPD’s proposed Distracted Driver program is intended to educate drivers who may be unaware of the effects of cellphone use and texting on their ability to concentrate on driving.
- The court’s existing diversion programs are designed to be revenue-neutral. Eligible defendants pay a fee to the court equal to the fine they would otherwise pay, along with a fee for the class they will attend. If a defendant fails to successfully complete the class, the fee will be converted into a fine and conviction is forwarded to DMV.
- Diversion fees could be restructured by resolution to enhance general-fund revenues.
- Some drivers who might otherwise plead “not guilty” may choose diversion instead, relieving pressure on the court’s trial dockets.

4. Existing diversion programs in the TMC: As noted in previous annual reports, current programs are designed for three groups of offenders: teenage drivers (18 and under), seniors over 59 and drivers cited for seatbelt violations. Classes specifically designed for teens may offset some of the effects of inexperience, while classes for seniors can increase awareness of the effects of aging. To be eligible, defendants must appear personally in court and have clear records for the last five years. The program requirements include payment of a fee equal to the minimum fine and attendance at a traffic school assigned by the court within 90 days. Once all requirements are fulfilled, the citation will be dismissed and a conviction will not appear on the DMV driving record.

When implemented, TPD’s Distracted Driver program would expand the court’s diversion options to include violations involving Mobile Communications Devices (MCD’s) and other cases in which driver distraction was a component. As proposed by TPD, eligibility standards would be relaxed to allow enrollment by drivers with a clear driving record for the previous two years.

Some neighboring jurisdictions, following criteria similar to the California courts, have adopted much more expansive diversion programs than the TMC’s. The Beaverton Municipal Court, for example, offers diversion for most minor traffic violations, with a two-year eligibility period for all adults and teens. Its new Distracted Driver program has even fewer restrictions on eligibility: defendants pay a fee equal to their fine and must complete a class within 60 days. The Sherwood and Tualatin municipal courts have a similar program, with a five-year “lookback” for a clear driving record. High percentages of eligible defendants elect to take part in these programs.

5. Fiscal considerations in diversions: Oregon courts are required by statute to pay an assessment or “replacement fine” of \$61 from all fines collected for each traffic violation. That sum apparently represents the state’s estimate of the cost of services provided to cities by state and local agencies such as DMV and the Department of Public Safety Standards and Training. Currently, the TMC remits the assessment even when defendants are referred to, and successfully complete, diversion.

Many city councils have directed, by resolution, that the \$61 assessment be retained in their general funds as a diversion fee since state and local agencies do not provide any direct services in such cases. If Council is interested in exploring this possibility, we can do additional research and provide further details upon request.

6. TMC caseload during CY 2013: After the second-busiest year in the court’s history, last year’s caseload declined by 21.1% (Table 1). The total number of filings was 8.4% below the six-year average for the 2008-13 period. Despite this reduction, TMC remains among the most active of approximately 150 municipal courts in Oregon.

Year	Caseload
2013	7,180
2012	9,105
2011	8,349
2010	7,028
2009	9,165
2008	6,229

Table 1 reflects all traffic, parking, civil infraction and misdemeanor cases filed with the court during each year. As in the recent past, our 7,135 traffic and parking violations accounted for nearly the entire 2013 caseload. Trials were scheduled in 9% of these cases. Quarterly fluctuations during the year ranged from a

high of 2,070 in the 2nd Quarter to 1,568 in the 3rd. Our monthly total for June 2013 (867 violations) was the third highest in recent years.

7. Disposition of cases: While our caseload averages about 600 per month, 97% of all filings are disposed of by judgments, acquittals or dismissals within 90 days. The cases were resolved as follows:

Guilty by judge:	2,785
Guilty by clerk:	2,354
Guilty by default:	841
Deferred/diversion:	532
Acquitted or dismissed:	482
Pending:	143
Other:	43

8. Categories of cases (Table 2): As in past years, the most common categories of traffic violations filed during 2013 were Speeding (43%) and Failure to Obey traffic control devices (12%). The court also received high numbers of citations for Mobile Communications Devices (8% of traffic caseload) and Following Too Closely (4%).

Table 2

<i>Violation types</i>	<i>2013</i>
Speeding	3,048
Traffic control	860
Cellphones	545
Following viol	307
<i>Total traffic</i>	<i>7,135</i>

In addition, 345 insurance-related citations were filed, along with 448 citations for license-related violations. Defendants who show proof of insurance prior to or at arraignment may be eligible for dismissal by the judge or the TMC Violations Bureau under state statute. Defendants who show proof of compliance with insurance or licensing requirements can benefit from substantial reductions in fines.

9. Public Information: The court continues to give very high priority to providing information in person, in print and online about Oregon law, court operations and public safety. Approximately 80 of the judge’s monthly “Rules of the Road” columns have appeared in Cityscape since 2007.

10. Budget highlights: The court imposed \$1,117,181 in fines and fees during 2013, compared to \$1,467,304 the previous year, a 23.9% decrease. The court remitted \$358,205 in statutory assessments to state and local agencies during 2013.

11. Technology enhancements: The court received 1,866 online payments last year, generating revenues of \$164,703. The number of electronic citations (5,488 in 2013) filed with the court continues to increase, facilitating data transfers and court processing. With all motorcycle officers and police vehicles now equipped with video cameras, video evidence is commonly offered during trials.

9. Other activities in 2013: The court has hired a clerk to fill a vacant position. The judge and court manager attended ODOT's annual Judicial Education Conference in March.

In closing, we wish to again express our deep appreciation of our court staff for their dedication, hard work and professionalism: Chris Snodgrass, Brenda Annis and Morgan McFadden.

Please let us know if you would like any additional information. Thank you again for your time and interest.

City
of
Tigard



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

2014 Annual Report to Council

Tigard Municipal Court

Michael J. O'Brien, Presiding Judge

Nadine Robinson, Manager

Presented to: Tigard City Council

February 18, 2014



Municipal Court Programs

1. Traffic
2. Civil infractions
3. Public information

2013 Calendar Year Highlights

- ▶ **7,180 violations filed — 21.1% decrease**
- ▶ **8.4% below 6-year average**
- ▶ **97% of cases disposed of within 90 days**
- ▶ **640 violations (9%) docketed for trial**
- ▶ **TPD Distracted Driver program development**
- ▶ **E-citations and video now standard**

Philosophy and Goals

- ▶ Provide an **impartial forum** for adjudications
- ▶ **Respectful courtroom and administrative process** for all parties and witnesses
- ▶ Full opportunity to be **heard and considered** in court
- ▶ **Fair, professional and efficient** dispositions

Sanctions philosophy

- ▶ **Proportionate sanctions** to deter subsequent offenses
- ▶ Consider **individual circumstances** as permitted by law and workloads
- ▶ **Reduce recidivism through education** about public safety, relevant laws and legal processes
- ▶ **Limited diversion programs** to reinforce legal process

Diversion Programs – 2013-14

- ▶ **7% offered diversion** in 2013
- ▶ **Teen drivers** 18 and under
- ▶ **Seniors** 60 and older
- ▶ **Safety belt** violations
- ▶ **TPD Distracted Driver** program in development for one-year trial

Diversion: disadvantages

- ▶ **Lack of accountability** via “masking:” conviction not on DMV driving record
- ▶ **DMV Driver Improvement Program:** “masking” may allow frequent offenders to avoid license restrictions, suspensions
- ▶ **Diversions** (except DUII) not noted on DMV record
- ▶ Staff time needed to **monitor compliance**

Diversion: advantages

- ▶ **Traffic schools educate to change driver behavior**
- ▶ **Enhanced public safety, reduced recidivism**
- ▶ **TPD's Distracted Driver class:** Increase awareness of cell and texting effects
- ▶ **Reduced docket pressure:** Some may prefer diversion to trial
- ▶ **Restructured fees:** Increase revenues to general fund

Diversion Requirements – 2013

- ▶ **Clear DMV record:** 5-year “lookback”
- ▶ Pay **TMC administrative fee** equal to fine
- ▶ Attend approved **safety class** within 90 days
- ▶ Case then **dismissed** – no DMV entry
- ▶ **Revenue-neutral** for TMC
- ▶ **Criteria under review** with Council

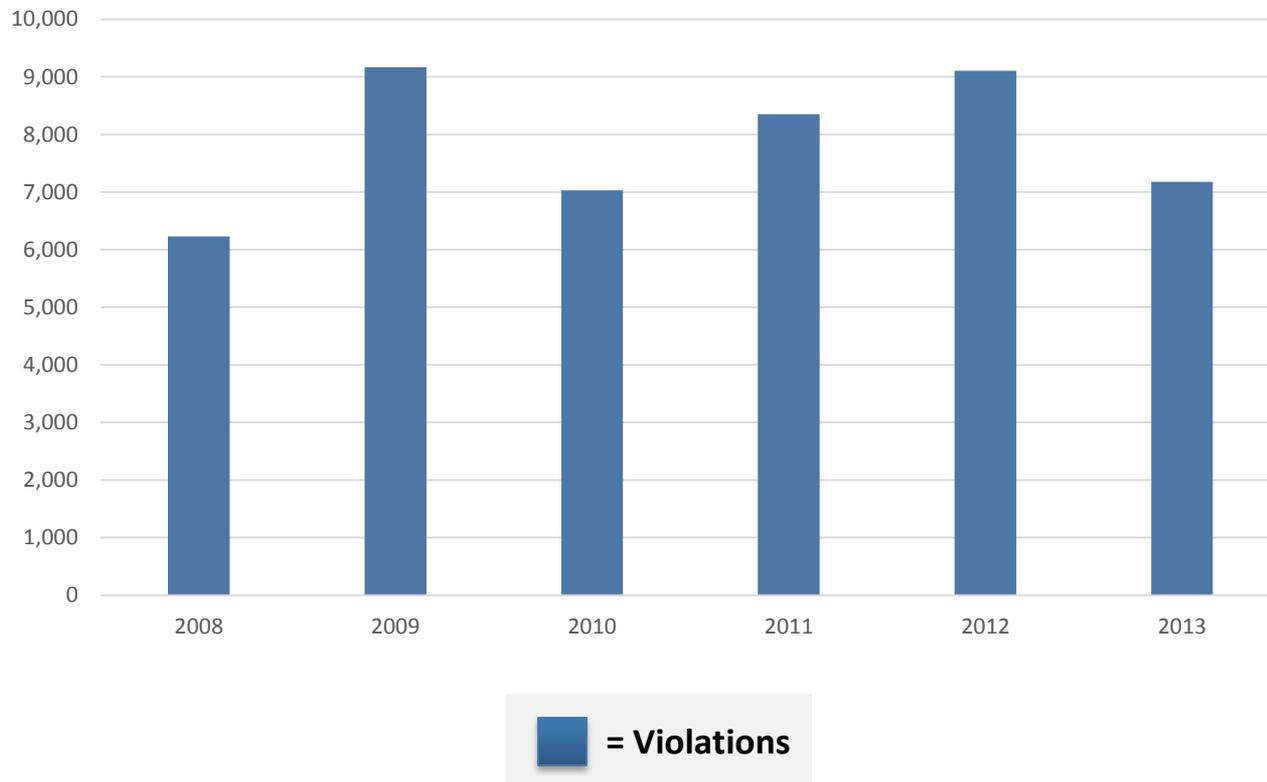
Diversion options

- ▶ **Less stringent criteria – examples:**
 - ▶ **Beaverton MC:** “Lookback” 2 years, most defendants eligible
 - ▶ **Sherwood and Tualatin MC’s:** 5 years, most defendants eligible
- ▶ **Signed declarations:** Reduce risk of “masking” prior diversions in other courts
- ▶ **Restructured diversion fees** (by resolution)

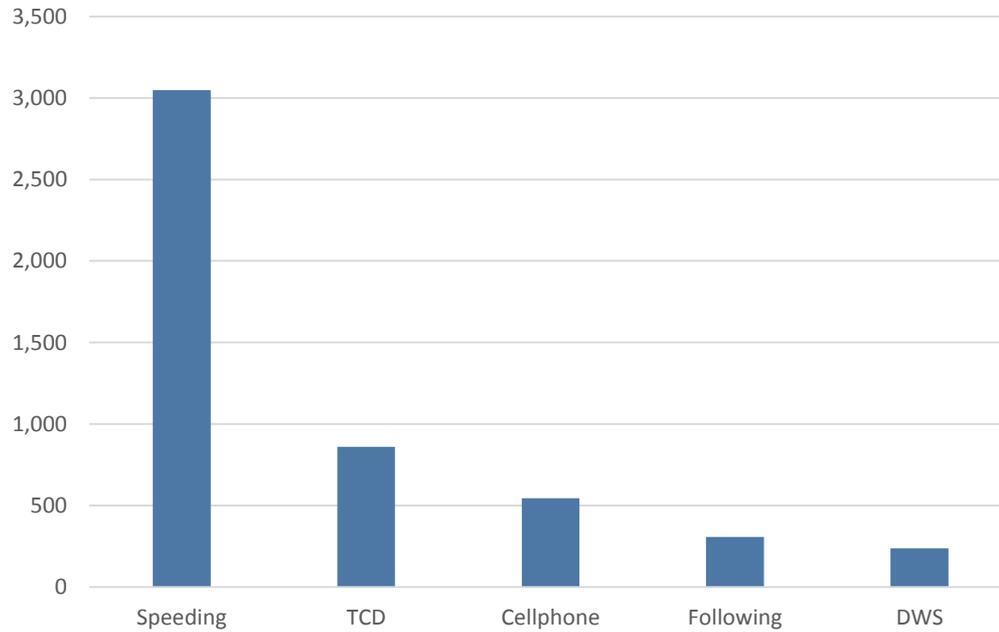
Compliance Program - 2013

- ▶ **About 800** license and insurance violations filed
- ▶ **Insurance violations** dismissed under ORS if valid at stop
- ▶ **Fines reduced** upon proof of compliance after stop
- ▶ **Fix-It program** for equipment violations – \$40 fee

Violations Filed 2008 – 2013



Top 5 Violations – 2013



Public Information Program

- ▶ **Information** provided in the courtroom, at the counter and online
- ▶ **Safety education** promoted through diversions
- ▶ **Trial brochure** for “not guilty” pleas
- ▶ **Online court rules** for attorneys, general public
- ▶ **“Rules of the Road:”** about 80 columns since 2007

Technology Advances

- ▶ **Video evidence** commonplace during trials
- ▶ **5,488 e-citations** in 2013: facilitate data transfers
- ▶ **1,866 online payments** via CitePay USA – \$164,703 in revenues

Budget Highlights — 2013

- ▶ **\$1,117,181 in fines and fees** imposed
- ▶ **23.9% decrease** – comparable to lower caseload
- ▶ **Remitted \$358,205** in statutory assessments to state and local agencies

Other Court Activities

- ▶ **Court clerk** hired to fill vacant position
- ▶ Judge and Court Manager attended ODOT's annual **Judicial Education Conference** in March

Tigard Municipal Court

13125 SW Hall Blvd.

Tigard, Oregon 97223

Court staff:

Chris Snodgrass

Brenda Annis

Morgan McFadden

www.tigard-or.gov/court

AIS-1589

4.

Workshop Meeting

Meeting Date: 02/18/2014

Length (in minutes): 20 Minutes

Agenda Title: Southwest Corridor Plan Public Input Update

Submitted By: Judith Gray, Community Development

Item Type: Update, Discussion, Direct Staff

Meeting Type: Council
Workshop
Mtg.

Public Hearing: No

Publication Date:

Information

ISSUE

Council will hear a report of public comment received at the February 13 Community Meeting.

STAFF RECOMMENDATION / ACTION REQUEST

Receive information. No action recommended.

KEY FACTS AND INFORMATION SUMMARY

Phase 1 of the Southwest Corridor Plan was completed in the summer of 2013. The project team is currently refining High Capacity Transit (HCT) options connecting Portland to Tualatin, via Tigard. The Steering Committee is scheduled to decide which alternatives warrant further analysis as part of the Draft Environmental Impact Statement at their meeting in June 2014.

Tigard is hosting a Community Meeting on February 13. The purpose of this meeting will be to help community members understand what the project is, how we got here, and what the timeline is for future milestones. The Community Meeting will also be an opportunity for the public to learn about the March ballot measure 34-210.

An important outcome of the February 13 Community Meeting is to hear comments from citizens about this issue. Citizens will be given an opportunity to write a "note to council"; staff will provide a complete report on the citizen input at this February 18 Council Workshop.

OTHER ALTERNATIVES

not applicable

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

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

DATES OF PREVIOUS COUNCIL CONSIDERATION

DATES OF PREVIOUS COUNCIL CONSIDERATION

SW Corridor Plan

November 15, 2011
November 20, 2012
February 19, 2013
March 19, 2013
May 21, 2013
June 25, 2013
October 8, 2013
February 11, 2014

Agenda items associated with High Capacity Transit Land Use Plan

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

Attachments

No file(s) attached.

AIS-1593

5.

Workshop Meeting

Meeting Date: 02/18/2014

Length (in minutes): 30 Minutes

Agenda Title: Enterprise Zone Presentation

Submitted By: Lloyd Purdy, Community Development

Item Type: Update, Discussion, Direct Staff

Meeting Type: Council
Workshop
Mtg.

Public Hearing: No

Publication Date:

Information

ISSUE

The State of Oregon is accepting applications in a competitive round for up to four new enterprise zones. Tigard may compete for one of these spots. Applications are due in early April. An enterprise zone is a geographically targeted 3-5 year local property tax abatement program that encourages investment and increased employment for traded sector companies.

STAFF RECOMMENDATION / ACTION REQUEST

Briefing to council on the State of Oregon's enterprise zone program as it applies to the City of Tigard. Presentation will include a question and answer session. This is an opportunity for council to provide input on the geographic area of the zone and seek clarifications regarding the creation of a Tigard based zone. Should the city decide to move forward with an enterprise zone, the council will need to pass a formal resolution defining the zone at the March 25th council meeting - in order to meet the state mandated process and deadline.

KEY FACTS AND INFORMATION SUMMARY

Inside a geographically targeted enterprise zone, qualified businesses may be exempted from the local property tax liability on new capital investments for at least three years, and up to five years. An enterprise zone terminates 10–11 years after its original designation, or sooner if decided by the city.

According to state law, not all business may benefit from an enterprise zone. Ineligible businesses include: tourism, retail food service, entertainment, childcare, financial services, property management, housing or construction, retail sales or goods or services, health care, and professional services. The program was created by the state to support traded-sector businesses that produce goods and services locally, but compete in the marketplace outside the locality.

Within an enterprise zone, a 3-5 year tax abatement can only be applied to a new building/structure, structural modifications or additions, or newly installed machinery and equipment. Land, previously used property, and miscellaneous personal items do not qualify. All property needs to be new, meaning it was not used or occupied in the zone more than one year before exemption begins. Land, vehicles, motorized/self-propelled devices, rolling stock, non-inventory supplies, and idle or ineligibly used property do not qualify.

Since 1986, municipalities, counties and ports have used a 3-5 year abatement on local property taxes on new plants and equipment to help encourage the growth of existing businesses through new investment and increased employment in targeted areas. To be eligible for a tax exemption on new facilities and equipment, a company is required to increase employment by at least 10 percent (or one job if fewer than 10 employees) for the duration of the property exemption.

An enterprise zone does not alter land use zoning. An enterprise zone works with current zoning to influence long-term industrial and some forms of commercial development. For Tigard to qualify to have an enterprise zone, an area defined by the city must meet minimum thresholds of economic need. Within an area defined as a potential zone, households must have incomes below 80 percent of the median income of this region, and/or the unemployment rate must be at least 2 percentage points greater than the comparable unemployment rate. Other economic hardship factors for consideration include poverty incidence and population decline.

Besides a tax abatement that encourages private investment and increased employment in targeted parts of the city, an enterprise zone lends visibility and focus to local economic development efforts. Only 8 zones currently exist in the Portland Metro region. The State of Oregon presently contains 64 enterprise zones in urban and rural settings.

OTHER ALTERNATIVES

One alternative is to operate without an enterprise zone - as the status quo. A second variation is to partner with a community that has an existing enterprise zone (like Beaverton) and is willing to expand to include a district in Tigard. The second alternative affects zone administration. It would also follow a different path and time line to completion.

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

Comprehensive Plan Goal 9 supported by 2011 Tigard Economic Opportunity Analysis.

DATES OF PREVIOUS COUNCIL CONSIDERATION

N/A

Attachments

No file(s) attached.
