



City of Tigard
 Tigard City Council Meeting Minutes
 March 18, 2014

6:30 PM

1. WORKSHOP MEETING

- A. Mayor Cook called the City Council meeting to order at 6:35 p.m.
- B. City Recorder Wheatley called the roll:

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

- C. Mayor Cook led all in attendance in the Pledge of Allegiance.
- D. Mayor Cook asked Council for Communications & Liaison Reports: None.
- E. Mayor Cook asked Council and Staff for Non-Agenda Items. Mayor Cook and Councilor Buehner announced they both had non-agenda items; see Item No. 6.

2. DISCUSS PORTLAND STATE UNIVERSITY (PSU) GRADUATE STUDENT WORKSHOP PROJECT: TIGARD’S EVOLUTION INTO A WALKABLE COMMUNITY

Economic Development Manager Purdy presented the staff report. He introduced PSU students Jeremy Dalton and Mark Bernard who are members of the project team working with the City of Tigard on their capstone project.

Mr. Dalton said the title of this project is “Tigard Walks.” The PSU graduate program invites communities to submit potential projects for students to work on to complete their degrees. PSU received 36 responses to this year’s RFP; six projects were chosen by student teams. Mr. Dalton’s team selected Tigard’s proposal to develop a neighborhood pedestrian action plan. The name of his team is Step Up Studio. They are working on a walkability plan on a neighborhood scale. Tigard already has a tremendous number of assets associated with walkability. Step Up Studio’s focus area is to determine whether people can walk to key destinations; that is, can they walk to school, a

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friend's house or around the neighborhood and feel safe and comfortable. The team will identify barriers impeding walkability.

To begin, they are reviewing Tigard's entire pedestrian system, which includes sidewalk connections but evaluating safety and level of comfort (lights, signage street trees/shade, etc.). The trails, including the informal trails, in Tigard are a big part of the walkability network. The team will also inventory places of destination that are within walking distance. Solutions to offer walkable destinations vary.

Mr. Bernard said their approach is three-pronged:

1. Study the special characteristics of the project area.
2. Research "best practices" around what makes a neighborhood walkable.
3. Engage the Tigard community to hear what residents have to say about barriers they encounter or opportunities they would like to exploit.

The Step Up Studio team selected a western portion of Tigard to develop neighborhood types, which will be filtered using special information processed through a geographic information systems software package.

Mr. Bernard referred to the "best practices" research. Other communities have developed neighborhood trail networks that are used to access similar destinations that the team would like to see as opportunities in Tigard. As an example, Alexandria, VA is more densely populated than Tigard, but provides some good walkable neighborhoods. Reston, VA is known more as a suburban, low density type of community and this city has numerous trails connecting various local streets.

The team is concentrating on community engagement to obtain effective feedback. Surveys will be available online (tigardwalks.com), distributed at events and team members will intercept and offer surveys to people locations such as coffee shops. They will interview up to 30 Tigard citizens for more detailed feedback. They are offering an online mapping comment tool, which has been used in the past by consultants who have worked on behalf of the City of Tigard.

The team will host three walking tours in April and two community workshops (first one is April 1 at Fowler Middle School).

Mr. Bernard described the survey noting there will be basic questions about people's walking behavior and preferences while walking.

After collecting data from the variety of tools they plan to use, they will use the information to identify neighborhood types. After the types are characterized, the team will develop strategies for walking in the different types of neighborhoods.

Mr. Bernard referred to the deliverables of the project. The primary deliverable will be a neighborhood pedestrian plan including identification of barriers with strategies recommended to make areas more walkable.

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Another deliverable will be community engagement reports used to assess the effectiveness of the survey and how it could have been more effective. The data will give evidence as to which areas would be best to target for holding community events and activities that might resonate with Tigard citizens. They are planning to develop a geo-database model that will spatially characterize the different neighborhood types based on pre-determined factors.

Mr. Dalton noted the team's desire to get the word out about the survey and upcoming events. In response to a question from Councilor Snider, the mayor and city manager advised information about this project could be made available in the city's website, in the Cityscape, on Facebook and Twitter. Mr. Purdy noted the team has prepared a draft press release that will be shared with the local media this week to promote the survey and the walking tours. Assistant City Manager Newton said the team is responsible for the communications with regard to this project; she met with one of the team members who shared with her their communication plans and explored the communication tools the city could offer.

Councilor Buehner suggested they meet with the Summerfield Homeowners Association to reach out to this community. Councilor Snider also noted the Senior Center as another venue. Mr. Dalton said one of the walking tours is with a senior citizen group.

In response to a question from Council President Henderson, Mr. Dalton said the team has been in contact with the bicycle community. Councilor Buehner noted the team might want to contact the Bicycle/Pedestrian Subcommittee of Tigard's Transportation Committee. Mr. Dalton said the team met with them last month.

Councilor Woodard referred to the City Council goal concerning recreation. A list of programs and services is available on the city's website. He suggested that the team interact with the consultants maintaining this list to exchange information.

Economic Development Manager Purdy said that from the team's work, it is anticipated there will be strategies for walkability in various neighborhoods. Some of the strategies will offer ideas to residents about what they can do to encourage walkability in their own neighborhoods.

Councilor Snider thanked Mr. Dalton and Mr. Bernard for selecting this project.

3. RECEIVE UPDATE ON ECONOMIC DEVELOPMENT ACTIVITY

Economic Development Manager Purdy presented the staff report and distributed handouts pertaining to this agenda item.

Highlights of this quarterly update included the following:

- The focus of the city's economic development efforts to increase investment, employment and business growth in the City of Tigard through three areas of activity:
 - Groundwork – building relationships.
 - Business assistance – work as a partner with the private sector.

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- Innovation – supporting projects that are more complex and unusual.
- Reviewed data gathering efforts and the ability to analyze and communicate the significance of the data through graphic design as shown in the handouts distributed to the council. One example is the chart showing the level of education; Tigard has a highly educated workforce with 93 percent of the residents having graduated from high school or higher. Councilor Buehner suggested assembling more information showing the number of residents who have graduate degrees in general. Economic Development Manager Purdy said he will look to determine if he can find this information in his data sources.
- Reviewed continuing economic development programs including building relationships. On March 19, Mr. Purdy will give an update to the Small Cities Consortium regarding the Greater Portland, Inc. business recruitment strategy. Greater Portland, Inc. is a regional partner in bringing new business to the region.
- Building capacity is a focus area for Mr. Purdy and this includes working with the Tigard Downtown Alliance (TDA) leadership team. They are moving forward with the four-point approach outlined in the Main Street Program. The TDA is at the phase now where they are creating projects that focus on design/beautification, economic development, capacity building and marketing/promotion. The TDA is considering a bike rack to complement the bike rack planned with the Main Street/Green Street project. TDA is considering a June “artwalk” marketing event. The TDA is advancing communication by hosting downtown dialogues. Mr. Purdy and Tigard Chamber Chief Executive Officer Mollahan are working with a task force to try to figure out a way to get downtown business owners into skilled development programs.
- Economic Development Manager Purdy referred to a business visit profile summary on Coiltron. This business is looking forward to growing.
- Mr. Purdy shared information about business programs so Tigard businesses can take advantage of them. There are programs in place at the state level. Examples of programs:
 - Prostep Employee Assistance Training.
 - Oregon Trade Promotion
 - Grow Oregon

Mr. Purdy said he has been successful in getting Tigard businesses participating in all three of the above programs.

- Economic Development Manager Purdy referred to a future Enterprise Zone and the plans to work cooperatively with Beaverton to unite efforts. Another program being worked on is the Vertical Housing Development Zone. Mr. Purdy will be giving council/CCDA a formal presentation on the VHDZ at an upcoming meeting.
- March 19 is the deadline for responses to the Fields Industrial Site Public Infrastructure Finance Plan Proposal. Applications will be reviewed next week to find a partner to work with the city on the financial side of the Fields Industrial Site.
- Mayor Cook and Economic Development Manager Purdy advised council that the community profile graphics is now a template that can be used by other small cities in the region. This template was created for Tigard and was a pilot project supported by Greater Portland, Inc. to be shared by companies who express an interest in moving into the region.

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- Mayor Cook called upon Councilor Buehner to give a presentation:
 - Councilor Buehner attended the National League of Cities Congressional meeting last week. NLC sponsors an educational program of government-related classes offered to city officials. She congratulated Council President Henderson for earning the “Gold” level certificate and presented the certificate to him.
 - Mayor Cook congratulated Councilor Buehner who this year was awarded the “Platinum” certificate.

4. DISCUSS OUTCOME OF MARCH 11, 2014, ELECTION

Council meeting recessed at 7:13 p.m.

Council meeting reconvened at 7:18 p.m.

Mayor Cook introduced this item. Following the passage of a Charter amendment as called for by Measure 34-210, *Adopt Tigard Policy Opposing New High-Capacity Transit Corridor Projects*, Mayor Cook asked Council members to be prepared tonight to ask questions of the city attorney regarding transportation planning in Tigard.

Councilor Snider said he thinks there has been some uncertainty on what the measure prevents the city from continuing to do in the immediate or long term. He said clearly there are things that would require a future vote with the Charter amendment. He said he wants to understand, from a legal perspective, activities that are prohibited and what activities are in a “grey area,” and those activities that are allowed.

City Attorney Ramis described the difference between policy issues and the legal ramifications as prescribed in Measure 34-210. This measure imposes two affirmative requirements on the city. Anything that is not within those affirmative requirements is not addressed by the measure and, therefore, left to the council to decide the policy. The two requirements are:

1. A letter must be sent every year to certain identified public officials. The letter has to contain a statement of the policy, which is adopted by the voters of the city. The policy statement is: *The city opposes construction of a new high-capacity transit corridor within the city unless there is voter approval.*

Councilor Snider asked if the city would no longer send this letter if there was a new measure approved indicating a different sentiment by the majority of voters. Or, does the measure require that the letter be sent regardless of a future vote outcome. City Attorney Ramis said this requirement simply imposes a requirement to send a letter. To the extent that the measure is ambiguous on points like this, the council is a co-equal legislative branch with the public. The council could, for example, adopt a clarifying ordinance, which attempts to implement the document. If someone disagreed with the council’s interpretation with that ordinance, they could make a judicial challenge. The council is the initial first arbitrator of the meaning of the measure’s phrases to the extent that they are ambiguous.

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City Attorney Ramis reviewed that the measure only says that the city shall send a letter – it does not say until any particular time. To the extent that this statement is ambiguous, then the council is the first interpreter. The council can interpret the provisions of the measure on a case-by-case basis or it can adopt an ordinance describing its interpretation.

2. The city is to conduct a voter approval process in the event the city was about to propose to amend the Comprehensive Plan or land use regulations to accommodate the siting of a new high-capacity transit corridor. If the Plan were to be amended for some other purpose, this requirement would not be triggered.

Councilor Snider asked if the measure never existed, when, in sequential time order, would the city first be expected to take an action to site a new high-capacity transit corridor. Community Development Director Asher advised the city would not be taking such action; the council would likely be voting on funding and that would occur after a locally preferred alternative was selected and the project was moving into the next phase of Federal Transportation Authority (FTA) review.

Community Development Director Asher confirmed for Councilor Snider there is no requirement for adjustments to the transportation or community plan – the council would have “plenty of permits to review and approve once the project reached that stage,” and the council might want to modify the city’s Comprehensive Plan and the zoning code, but the project would not demand this action. Community Development Director Asher referred to the City of Milwaukie where he experienced a similar situation; Milwaukie did not have to “touch the Comp Plan or the zoning code to accommodate high-capacity transit in that city.” Land use action is required, but it happens at a regional and state level – it is almost like a super-siting authority.

City Attorney Ramis said conceptually what happens is that the project is approved at a regional level and there is an issuance called a “land use final order.” This is the land use approval required for the project and is issued at the Metro level. Once this order is issued, the local government is not required to amend its Comprehensive Plan or amend its land use regulations. The city has the opportunity, if the council desires, to condition the project as long the conditions are reasonable and do not impede the project.

Councilor Buehner summarized her understanding of City Attorney Ramis’ explanation above. Once the regional entity, in this case Metro, has approved the project, the city could choose to place reasonable limitations on the project within its jurisdiction. City Attorney Ramis responded that the council could condition the project to satisfy the requirements of the city’s existing land use regulations. Mr. Ramis further clarified, in response to a question by Councilor Snider that the city cannot deny the project but it can place reasonable limitations on the project.

Councilor Buehner referred to the voter-approved Charter amendment that would require a vote should the project be proposed as a light rail mode. She asked if this new measure would change this Charter amendment. City Attorney Ramis said he has not looked at the interplay between the two Charter amendments; however, he said he believed the two Charter sections would stand independently. In further discussion, City Manager Wine advised the previous

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Charter amendment stipulated that voter approval is required if Tigard were going to enact a local tax or fee to enable light rail construction.

Councilor Woodard commented the reason he supported a “no” vote on Measure 34-210 was because of the measure’s statement opposing high-capacity transit. Councilor Woodard said he was unclear about how to proceed when required to state at the outset that you are opposed. If it were not for this confusing language, Councilor Woodard said he probably could have accepted the remaining provisions of the measure as being reasonable expectations. He asked about legal jeopardy arising if Tigard continues to plan for high-capacity transit with regional partners. Councilor Snider expanded Councilor Woodard’s question noting the council is the city’s governing board and they now disagree with a section of the Charter; where does that put us? Councilor Woodard noted the council’s obligation to uphold what the people voted for by the majority and referred to “checks and balances.” City Attorney Ramis responded that the council needs to distinguish between what are legal constraints contained in Measure 34-210 and what are the political checks and balances. Measure 34-210 does not preclude the council from participating in planning for the Southwest Corridor; it can spend money for planning, staff and consultants. With regard to checks and balances, City Attorney Ramis said this was a council policy choice: To what extent does the council feel the public will support that effort; to what extent does the council want to get involved in that until it understands what the public’s appetite is for that sort of transportation system?

Councilor Woodard referred to the extensive amount of planning a city does – sometimes it is implemented and sometimes it is not. He said that when he was elected to council, it was his hope to “unstring some of these things” -- to make it easier. He acknowledged this is difficult because of the nature of the local government process. Councilor Woodard said he is seeking to find a comfort level to move forward with planning. He does not have this level of comfort unless there is a way to pre-plan to come up with a plan.

Councilor Snider said he agrees that at some point there will have to be a vote. To get to a vote, planning is required and even the most staunch supporters of the measure stated that the intent of the measure was for a choice and a vote. The supporters also stated that, as part of their argument, the measure would not prevent planning. Councilor Snider said he would take these statements at face value. His understanding is that 34-210 does not require the city to state “the city opposes this period”; it says “the city opposes this until there is an affirmative future vote that the electorate makes to support it.”

Community Development Director Asher, responding to Councilor Snider’s comments above, said the measure actually says it opposes construction of a new high-capacity transit corridor. The word “construction” is in the text in a helpful way because it supports the position not that high-capacity transit is opposed as a matter of public policy, but that such a project should and will not be built in Tigard without voter approval.

Councilor Buehner asked how much discretion does the council have in how the letter stating opposition is to be worded. She said the reason for this question is that her perception is that if ODOT, Metro, or the federal government receive such a letter saying Tigard is opposed to rapid transit of any sort, her understanding is that these agencies would not be inclined to award

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project funding. City Attorney Ramis said the measure seems to allow broad discretion for how the letter is drafted. The measure simply states that the letter has to contain a statement of the policy – it is a notice letter putting these various entities on notice that this is the adopted policy of the city. The measure does not address what other language might be placed in a letter or what letters might be sent accompanying the letter. In response to a comment from Councilor Snider, City Attorney Ramis reiterated that the voters and the city council members represent co-equal legislative branches of Tigard.

Council President Henderson said his concern has always been with the forming of corridors. He was never concerned with the type of rapid transit itself. He would like to protect identified corridors for the future. He expressed his hope that in the required letter stating a policy against high-capacity transit that a qualifying statement is made about protecting identified corridors. City Attorney Ramis, in response to a question from Council President Henderson, said there is a corridor (right of way) with associated zoning. After another comment from Council President Henderson, City Attorney Ramis explained that to the extent the council wants to designate a specific corridor and place it on the zoning map or in the Comprehensive Plan, this would require an amendment of Plan or the zoning map and that is where this measure would trigger the required vote.

Councilor Buehner noted Southwest Corridor preliminary plans include a requirement for a dedication of 51 percent of the needed right of way (federal government funding mandate). She asked if there was anything in 34-210 that would forbid the city from participating in purchasing right of way to protect it from other development. City Attorney Ramis said the measure does not define what is meant by the word “construction,” so the meaning would have to be interpreted by the council; i.e., does the word “construction” include the acquisition of land for a specific right of way. Councilor Buehner noted there was a lot of pre-election discussion and information cited that the transit corridor was going to go down the middle of 99W in Tigard as opposed to a dedicated right of way; therefore, she thinks this is an important issue in terms of how the city is to move forward.

City Manager Wine identified another clarifying point. One of the definitions in the measure says road capacity includes any roadway within five miles of the city that currently permits automobile traffic or any public rights of way that could otherwise provide additional road capacity at a future date.

Councilor Woodard noted that when he began his council term, there were discussions on land use and zoning in the Triangle area. There was no discussion on high-capacity transit. At the time it was as if the city was developing the land use the way it saw fit to work the densities for a sustainable community. The high-capacity transit was a separate planning effort and these two areas merged. Councilor Woodard said his understanding is that the city is not planning land use to accommodate any high-capacity transit, but high-capacity transit needs to accommodate the city’s land use. City Attorney Ramis said he thought this was a reasonable viewpoint insofar as the city has already done the planning for the area and the transit may well support it depending on what the design is. Mr. Ramis referred to Community Development

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Director Asher's earlier point that the city already has a land use plan and there is no need to change it.

Councilor Buehner said she would be very interested in further discussion on the issue of whether the city could participate with other cities and special service districts in terms of buying dedicated right of way.

Mayor Cook referred to the letter. When does this annual letter need to be scheduled? City Attorney Ramis says the measure only says the letter is to be sent out every year, so he thinks it the council's discretion as to what date the letter is issued.

Mayor Cook redirected the discussion to the point about additional road capacity at a future date and the reference to exclusive bus lanes. He asked about the circumstance where there is location on Pacific Highway that is two lanes going one way and TriMet decides to add a third lane for a bus pullout. In this case, future right of way would be removed for exclusive bus service. City Attorney Ramis said if the City of Tigard is not adding the third lane, then the measure is not implicated. The measure only constrains action by the City of Tigard.

Mayor Cook suggested then if "they" (agencies other than the city) decided to run high-capacity transit down Pacific Highway turning left onto Hall Boulevard, then the city would be unable to go out for a vote because the state owns those right of way. City Attorney Ramis said the city could choose to go out for a vote but the city would not be required by the measure to go out for a vote.

Councilor Buehner asked a follow-up question – if the right of way under consideration is Hall Boulevard or Highway 99W (both state-owned highways) and if the other cities and TriMet decided to go this route and pay for it, then they could do this? City Attorney Ramis confirmed they could and the city would not be required to get voter approval, because the city would not be causing the construction. Councilor Buehner commented this was not a good choice either and Councilor Woodard agreed this is not something the council would want to happen.

Mayor Cook returned to his original question about a bus pullout. City Attorney Ramis advised the city's obligation is to do two things. One is to send the letter saying the city opposes construction of a high capacity transit corridor without voter approval. Second, the city is required to hold a vote if the city amends its Comprehensive Plan or regulations. If there are no such amendments, the council is not required to trigger a vote.

City Attorney Ramis, in response to a question from Councilor Woodard, confirmed that a vote would be required for amendments to land use regulations only if it were tied to high-capacity transit planning. Mr. Ramis noted the phrase in 34-210 is "may not amend its Comprehensive Plan or land use regulations to accommodate the siting of a new high-capacity transit corridor project. Therefore, if the city amends its regulations for some other purpose, it is not constrained by the measure.

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Mayor Cook returned to his original question and gave the example of constructing a lane for a bus turnout on 72nd Avenue, a Tigard-owned street. He said he does not know if the city's Transportation System Plan proposes this to be a five-lane road, but if it was and this bus turnout was constructed for bus only, would this become an issue since it is reducing road capacity for cars. City Attorney Ramis said this circumstance would not trigger the section of the ballot measure regarding a Comprehensive Plan amendment since this would not be required for this type of project. The question then becomes, "Is there a constraint in Section A (of the ballot measure), which says as a matter of public policy, the city opposes construction of the kind of facility you are adopting. At that point, there could be a challenge to your action by someone who takes the position that your decision to allow the infrastructure construction, which advances this sort of project violates the Charter." While City Attorney Ramis does not know the outcome of such a challenge, he said this is the type of case that could be brought forward to test the policy – is this a policy position the council generally espouse or is it an absolute constraint on construction?

Councilor Buehner followed up in the discussion to ask if the city wants to build some bus turnouts, similar to those now on Greenburg Road to allow traffic to move more easily, then the city would not be able to do this without a vote. City Attorney Ramis said only if it is a part of a new high-capacity transit corridor, would the issue come up. If it is built for other purposes, then it does not come up. City Manager Wine went on to cite a scenario:

As a result of the Southwest Service Enhancement Study, TriMet decides it wants to improve local bus services and, in doing so, the city co-invests in the kinds of turn-out lanes as referenced by the mayor. If that happened, irrespective of the location, if it is not for the purpose of building a new high-capacity corridor, then that is something the city could invest in. City Attorney Ramis confirmed the city could invest. Councilor Buehner said she would feel uncomfortable voting for something like this. City Manager Wine noted her example was only given to respond to the question about the circumstances that legally fall under the purview of 34-210.

City Attorney Ramis again referred to the distinguished limitations in terms of the language of the law and the further limits imposed by the City Council because of policy direction. Councilor Buehner said her concern is that such action would be perceived by individuals in such a way that the city would become party to a litigation situation. City Attorney Ramis said he thinks that if the purpose were clear that the project was not a part of a new high-capacity transit corridor, then whoever brought such litigation would lose the litigation. The Council might still decide to be more conservative in its approach as a policy matter.

Mayor Cook said this could be expanded in that if the council chooses to go forward with a project and it was eventually deemed the council members "went against the Charter," were they personally liable for associated expenses? City Attorney Ramis said that if the council were to authorize an expenditure, which was not within its authority, then the council members can be personally liable. Even though a proposal might not strictly violate this Charter, the council might, because of the concern of risks for liability, want to give itself some margin because of the concern Mayor Cook noted.

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Councilor Buehner commented that she would not be voting for any bus pull-outs.

Council President Henderson said he would like to think there could be some kind of public debate to clarify this and asked City Attorney Ramis if he had any suggestions. City Attorney Ramis said there are a number of ways to solicit public input. One way is to hold a public conversation; another would be to place a measure before the voters to test further what their appetite is for projects. Another option would be to put some of the legal questions before a court and get a declaratory judgment about them.

(Note: City Attorney Ramis left the meeting during the following council discussion on this matter.)

Councilor Woodard suggested the River Terrace Stakeholders' Group process, which includes a facilitated discussion among contractors, developers, and land owners – everyone who has an interest in this land. The process is going fairly smoothly. He like the idea of a facilitated discussion for clarification as to what the public envisioned with the ballot measure and said key stakeholders could be assembled from various demographics including those who circulated the petition. He believes that people generally want high-capacity transit of some type but they also want to have a say in the final course of action.

Councilor Snider said he is hearing that there is opportunity for more robust community dialogue. If the election results told him nothing else, it was that this discussion is the correct thing to do because, while the measure passed, it barely passed and the voter turnout was small. There is probably a need to have the robust community dialogue about how the city can move forward with planning while at the same time honoring the spirit of the bulk of the concerns of the group that sponsored the petition. Councilor Snider said that one of the discussion points ought to be around the letter to be sent; i.e., the content of the letter could be clarified to be a little more partner-like and objective. In response to a comment from Councilor Woodard, Councilor Snider said he thought that he heard the pro-Measure 34-210 group state that there needs to be a community vote on the project. He believes this is something the city can work with. Clearly the September 2012 Charter amendment did not meet this group's needs. Councilor Woodard said at the time this council-referred measure went to the ballot, there was not much discussion around rapid bus transit – it was all about rail as the apparent mode under review. Since that time other options have come up so it became complicated when trying to educate and hold public forums.

Councilor Snider summarized that he would favor a robust community dialogue to achieve getting community agreement on something that could move forward. The discussion would be held with the goal of clarifying intent and upholding the spirit of Measure 34-210.

Councilor Buehner said she was disappointed at the voter turnout for this election. She noted she was the author of the 2012 council referral and it was her primary concern to make sure that voters were told that they would have an opportunity to vote on light rail before city money was spent.

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Councilor Snider commented on the lack of outreach and discussion in 2012 between the city and the group who had expressed concerns about light rail. He suggested that this was a lost opportunity and but a lesson learned. Councilor Buehner explained that the referendum was hurried due to time constraints to place it on the ballot. She articulated her concern noting that in the last ten years the elected officials have worked hard to build relationships with Tigard's partners. Prior to that time Tigard was not seen as a cooperative or active partner in the region. Because of the efforts in recent years, the city has received significant funding for city transportation projects. She shared that she has heard from representatives of other partner jurisdictions' representatives who expressed concerns about the passage of Measure 34-210. Councilor Buehner said this might have implications for Tigard for transportation funding opportunities. She said, "We need to make sure that the public understands that there is a relationship between our addressing this issue and working with our regional partners and...being able to get funding for any other kinds of road projects, trail projects and sidewalk projects..."

Councilor Woodard agreed there is a significant amount of regional money required for the trail systems for which there are segments in the City of Tigard. He referred to the strategic plan under development that is centered upon making Tigard a walkable community and the economic aspirations associated with this plan. Councilor Buehner commented that the city can leverage these projects with a 10 percent monetary contribution and the rest of the funding would come from regional, state and federal agencies.

In response to a question from Councilor Woodard, Councilor Buehner said she has worked on regional transportation issues for 30 years. Tigard, in prior years, was not known for working cooperatively with other jurisdictions and, therefore, did not receive funding from sources controlled and distributed by other government agencies. She wants to maintain these relationships that were established in recent years.

Council President Henderson said his perception was that the city was not attending these regional meetings, which is why the council decided to enhance the mayor's position so that the city would have an elected official designated to participate. His observation was that other jurisdictions were not necessarily upset with Tigard's lack of participation – "we just needed to be there..." After a brief discussion he and Councilor Buehner agreed that it is important to maintain relationships with regional partners.

Councilor Buehner cited the expectation that an additional 400,000 people are expected to populate Washington County and much of this growth will be in in the southern county. "We need to be prepared."

Councilor Woodard commented on the potential loss of transportation grants. These grants represent opportunities for jobs for these construction projects. Councilor Snider pointed out these transportation projects also provide infrastructure that enables other

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businesses to operate. Councilor Buehner added that as a positive economic development factor, businesses are looking at locations that are accessible to transportation modes to get workers to jobs.

Mayor Cook advised that one of Tigard's partner agencies has contacted the city about a grant that is partially through the process; it is making it more difficult and assurances are needed about Tigard's position on transportation matters.

There were comments about placing ballot measures before voters on the November 2014 general election date because that election is at no charge to cities.

Mayor Cook noted he agreed with the points made in the council's discussion. He expanded on the following topics:

- Thoughts on how to go out and continue to engage the community. Efforts need to continue as there are still many residents who are unaware of what the Southwest Corridor is. There are a lot of other issues that also need community engagement efforts.
- The measure passed by a close vote. The mayor noted some people who voted yes simply said they just wanted to be able to vote on high-capacity transit construction. He said he has no problem with such a project going to a vote. At this time there is no project to forward to the voters and this needs to be communicated. As City Attorney Ramis advised, there was no statement in Measure 34-210 that called for a prohibition on planning; however, Mayor Cook said he wants to be sure this is accurate. He brought up a potential November election and he does not want to place a measure on the ballot requesting this measure be overturned. Councilor Snider noted he agreed with the mayor on this point. Having a robust community dialogue will be key in whatever the city chooses to do. As he heard from voters, some people simply wanted to vote on a proposed high-capacity transit, while others do not want any such project regardless. He said he is unsure about why the 51 percent of those who voted on this measure said yes – did they just want to be able to vote on a project or were they opposed to even considering such a project. He spoke to considering placing an advisory vote of some sort before the voters to clarify if voters are willing for the city to proceed with the plan. The council needs to know the prevailing voter sentiment on whether there is support to continue to participate in the plan to avoid wasting time and resources only to find out later that voters were not supportive.
- Councilor Buehner noted she was in qualified agreement with Mayor Cook. She said, however, an advisory vote will not help the council much unless the discussion includes the message that traffic congestion that will get worse irrespective of how people feel about rapid transit. Growth is coming with estimates in 20 years for additional 20-30,000 cars per day on 99W. Without this information, the decision would be made out of context. Council President Henderson agreed that this would have to be part of the conversation.

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- Councilor Snider commented on the letter that is now required to be sent about Tigard's policy to oppose high-capacity transit spending and the resulting mixed signals if the advisory vote indicates otherwise. He indicated his favored approach to have additional robust community dialogue to receive additional voter guidance along with some revisiting the Charter amendment language.
- Mayor Cook said his approach is also directed toward appeasing the city's regional partners. These partners want some kind of certainty that as they move forward and spend money, the City of Tigard will not at the end vote against a project.
- Discussion followed on the degree of agreement that could be achieved through these proposed community dialogues.
- Councilor Woodard commented on the lack of clarity. He noted he has issue with being able to make decisions before he has a better understanding of what the public wants by holding a facilitated discussion involving the stakeholders. Part of the discussion has to be, "Do you want high capacity transit or don't you." If the majority says they want it, then it's not logical for Tigard to issue a letter to other agencies stating it is opposed to high capacity transit. All other elements of the Charter amendment, he believes are straight-forward; therefore, he thinks the discussion should center around his question.
- Councilor Buehner said her understanding from what the mayor was saying was that unless Tigard commits to placing a clarifying measure before voters in November, then the city is going to lose its partners. They need assurance or money sources will be lost. Additional work will be necessary including a lot of meetings with a spectrum of interest groups and community representatives.
- Councilor Snider disagreed and said he thought the focused stakeholder facilitated discussions would be more useful; i.e., petitioners of the initiative measure, Tigard residents including those that were the most extreme opponents and proponents. He suggested this group should consist of 20 or less people. The effort would be about having a dialogue with all groups having an opportunity to state their primary concerns and interests are and then to move together on those things for which there is agreement and to compromise on other things. In addition, continued outreach efforts to other groups would occur.
- Councilor Buehner said a wide education program is needed to get voters engaged. The message has to be brought to them without requiring them to go to a meeting outside their own neighborhood. Small group meetings are more likely to allow for people to feel comfortable to ask questions.
- Councilor Snider reviewed his concerns about holding an advisory vote without following a process to bring the community together. Mayor Cook agreed the advisory vote should be accompanied by a community dialogue. Councilor Snider said he thinks the community dialogue needs to be held first – correct and clarify. Then, determine what question would be asked in the advisory vote. Mayor Cook noted the council has until early August to decide whether it will place a measure on the November ballot.

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- Councilor Buehner noted in her experience as a 35-year citizen activist, that when small groups are assembled, the tendency is to invite participants from the most polarized points of view and they are the least likely to consider a compromise. She has concerns that this path could create additional animosity.
- Discussion followed on successful and unsuccessful stakeholder interest group dialogue outcomes.
- Councilor Snider mused over whether or not to take the wording of the recent ballot measure at face value. If there was no deeper message and the intent was articulated as presented at face value, then there is opportunity for dialogue. He said he does not know of what other options there are for city leaders with regard to determining how to proceed.
- Mayor Cook summarized that he thought all courses of action offered during tonight's discussion will be needed. He pointed out that a higher voter turnout is more likely in November and he would be better able to determine whether the city is moving forward on a path supported by most of Tigard's voters. This will also give the city's partners information about how Tigard will be weighing in on any potential high capacity project.
- Councilor Buehner noted the council needs to decide quickly about whether it will place a measure on the November ballot.
- Councilor Snider said he does not question whether there will be a measure on the November ballot; rather, he questions whether there will be more than one measure. Mayor Cook agreed there could be more than one measure. While it sounds great and is impractical, he supported attempting to involve every resident in this discussion – given the varying levels of interest and education on this issue. To engage the people who care and have an interest is better than doing nothing. These people have a lot of influence on other people.
- Council President Henderson noted the City of Seattle recently forwarded a number of advisory votes. From these, the elected officials received varying answers to guide them on how to proceed. It is important to determine what questions to ask to determine community consensus.
- There was brief discussion on what types and how many questions might be asked for advice. Community Development Director Asher said the one really time-sensitive, critical question that would provide direction to the direction is whether the council should continue to plan even in this new state of unknowing about construction. The Charter amendment does not prohibit the council from planning. The partners are not requiring anything from the City of Tigard, but they would like to know where the leadership is on this question and, the city's leadership wants to know where the electorate is on that question. It needs to be determined whether the voters intended for the planning to be stopped. All that is envisioned for years to come is a planning process to continue and the recent ballot measure was not declarative on this point.
- Councilor Buehner wants to determine whether voters think it is important to have continued relationships with partners that have made it possible to construct road and trail improvement projects in recent years.
- City Manager Wine summarized that she heard:

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- Statements about broad community dialogue with the purposes of whether to bring something before the voters to understand community consensus.
 - A question whether there should be a facilitated discussion about interests.
 - The short-term message to the city’s partners is whether Tigard will continue to participate in the planning process.
- Councilor Snider referred to the question of council member personal liability. He noted he would like advice from the city attorney about continuing in the planning process and whether this would place them at individual risk. Mayor Cook said he recently asked the city attorney this question and such action by council members does not put them at risk. There is no reference to planning in the measure language. The measure specifies activities with regard to resources being used for construction of high capacity transit; more clarification is needed on whether the acquisition of right of way could be construed as “construction” activity. Councilor Buehner would like a definitive answer on this issue soon.
- City Manager Wine said the attorney will research the questions posed by council members.
- In response to a question by Councilor Snider, Community Development Director Asher advised the partners are interested in learning the council’s position now that the measure has passed with regard to continued planning for high capacity transit.
- Discussion continued on what steps should be taken next given the advice of the city attorney that personal liability is not apparent should the council choose to continue to participate in the planning process for high capacity transit.
- Councilor Woodard said the next question to settle is whether the council is willing to continue to participate in the regional planning while determining the voter consensus of the reasons approving the recent Charter amendment.
- Councilor Buehner commented on the irony of the situation given the federal process and potential lack of funding at the time a high capacity project is ready for construction.
- Councilor Woodard said it appears that time is needed to process all the elements of this situation and this will likely take 30 days or more. Councilor Snider said he thought the city could still assure the partners that the city will remain engaged in the process as the leaders commit to studying the issue further. The community has spoken and voters clearly want a voice. The city will engage in a dialogue and attempt to reach a consensus.
- Mayor Cook said the partners want assurances that Tigard knows that it’s a “pay to play” situation now to “sit at the table.” When matters of high capacity transit are deliberated, Tigard representatives would likely not be allowed to participate if they do not commit funding towards this part of the larger transportation planning effort.
- City Manager Wine advised that the next decision for each of the partners in the Southwest Corridor is to determine investment shares toward the draft Environmental Impact Statement Study. The expectation as understood from the

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dialogue of the Steering Committee is identification of what price tag each of those shares will be. This study was scheduled to launch this summer.

- Community Development Director Asher said the council deserves more information from the city attorney. City Manager Wine commented the city attorney said the council is not prohibited from planning as expressly stated in the measure. The other distinction is that the council has a policy choice to make about its involvement in planning; how far it is willing to go as it relates to the planning process.
- Councilor Buehner asked for information about when the council needs to decide whether it will contribute to the EIS study. Mayor Cook said this would need to be budgeted for the next fiscal year; however, he said the council could choose to set aside some money contingent on the outcome of an advisory vote.
- Councilor Woodard noted he wants to gain some insight on what the city should focus on with regard to future transportation planning before making significant investment of resources.
- Councilor Buehner said it is now time to move forward with the EIS. This study will take at least two years to accomplish.
- Community Development Director Asher said a certain amount of discomfort will be coming to council as there are parallel tracks that are likely going to need attention. The council will absolutely want to design a public engagement process that works to better understand where the community is on these issues. Another track is the formal Southwest Corridor planning project, which requires participation by elected officials and staff in addition to a probable future financial contribution. There is a third track consisting of decisions needed for alignments, non-alignments, etc. Taken individually, all of these tracks are “not making sense given everything that has happened.” But, in looking at each of the tracks separately, it makes more sense to give them all the attention needed over the next several months. He said he hopes that by the end of this calendar year, the council will have a lot more clarity on:
 - what the Tigard voters meant when they approved the Charter amendment,
 - the scope of study for the EIS, and
 - alignments
- At the end of the year, the council will still not know if there will be a project or how much such a project would cost. Planning will still be needed and the city will need to remain involved. In the end, a project might not ever come to a vote. All the tracks Community Development Director Asher identified above need to happen.
- Councilor Buehner commented that she thinks it will be at least four years before any costs can be estimated.
- Discussion followed on upcoming election dates and deadlines. The November 2014 General Election is at no cost to the city and, for that reason, weighs heavily on influencing when the council sends out a measure for voter consideration. Another

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point is that the November election usually has a bigger voter turnout and will give a larger cross-section of what the community thinks.

- Timing within budget timelines was discussed with Community Development Director Asher noting decisions must be made in advance of the budget process so Tigard's partners will also know how to construct their budgets for the upcoming fiscal year.
- A follow-up discussion on this topic to begin to pre-plan will be scheduled soon for the City Council. City Manager Wine said answers on the legal questions asked by council will be provided as soon as possible.
- Community Development Director Asher summarized:
 - He did not hear any of the council members say they want to stop the planning process today.
 - He heard all of the councilors and the mayor say they want to immediately engage this community in a more meaningful dialogue about what Ballot Measure 34-210 meant.
 - He heard some voices say that it would be helpful to have an advisory vote in November. City Manager Wine clarified that she heard the message from the council to call for either an advisory vote or a clarifying measure; however, at this point there is no consensus about what type of vote there should be or what topics need to be clarified.
- Councilor Snider commented there was discussion tonight about what form the dialogue would take and there is hope that this activity would bring the community together.
- Council President Henderson said he thinks the community needs to understand what is under discussion. He said he does not believe, because the measure was approved by a narrow margin, that the true issues were understood by the whole community. He needs to receive guidance from the community so he can "do the right thing."

5. COUNCIL LIAISON REPORTS: None

6. NON AGENDA ITEMS

Mayor Cook reported on a Tualatin Valley Fire & Rescue request for council endorsement on a measure to come forward on the May ballot. Mayor Cook distributed handouts. City Manager Wine advised that Fire Chief Duyck is scheduled to make a presentation to the City Council on April 8.

Councilor Snider asked whether this would be a city action or a mayoral action. A letter of support is circulating requesting regional mayors to sign. Mayor Cook would like input from the council before he signs. Councilor Buehner said part of the measure includes funding for a new fire station that will be near the River Terrace area.

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Councilor Buehner said tradition is that when the mayor is asked to sign endorsements of this type that the mayor will seek input from council members.

Following up on a request for role clarification by Councilor Snider, City Manager Wine explained that the mayor is being asked in his capacity as mayor to sign onto a voters' pamphlet statement that other mayors are being asked to sign to support the ballot measure. In the spirit of collecting input from the council in the final decision on whether to sign, the mayor's act would be as a single elected official taking a position on a measure. A meeting for district mayors is scheduled on March 19. Mayor Cook said a stronger statement for him to make would be to include that this is also how the rest of the council members feel.

Councilor Snider said he supports the Mayor's support of the measure. Council President Henderson said he would like to see a copy of the measure. Mayor Cook said he would attempt to get this information to the council before his meeting tomorrow. After some discussion, Councilor Woodard also indicated he supported the Mayor's endorsement.

7. EXECUTIVE SESSION: None.

8. ADJOURNMENT - 9 p.m.

Motion by Councilor Buehner, seconded by Councilor Woodard, to adjourn the meeting.

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

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

Catherine Wheatley, City Recorder

Attest:

Mayor, City of Tigard

Date: _____

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