



City of Tigard

Tigard City Council Meeting Minutes October 28, 2014



7:30 p.m.

1. STUDY SESSION

EXECUTIVE SESSION: Mayor Cook announced that the Tigard City Council would enter into Executive Session to discuss real property transactions, under ORS 192.660(2)(e). The Executive Session ended at 7:05 p.m.

Study Session Item 2 was heard before Item 1.

1. BRIEFING ON AN AGREEMENT REGARDING THE MAINTENANCE OF WATER QUALITY SWALES ON PACIFIC HIGHWAY

Assistant City Engineer McMillan reported on an IGA with Clean Water Services for a water quality swale project on Highway 99W from Beef Bend Road through King City. ODOT requested some funding from Tigard and \$62,850 will be the city's participation cost. CWS will build and maintain it. Councilor Snider asked what is the purpose of Tigard's involvement and Ms. McMillan said these swales will treat the runoff from the neighborhood hills north of the Safeway store. In response to a question from Councilor Woodard she said there was a basin analysis done and it calculated the runoff from Tigard, King City, and ODOT. The dirtiest water drains from the highway so ODOT is making the largest contribution. She said this IGA will come before council for consideration on the November 25. Council agreed it could be on the Consent Agenda. Councilor Buehner said two drainages off of the south end of Bull Mountain which were in the county are now in the city's jurisdiction. She said the city should expect complaints about uncontrolled drainage.

2. UPDATE ON PROGRESS TO DEVELOP AN AGREEMENT REGARDING WATER SYSTEM OWNERSHIP AND WATER SERVICE

Lake Oswego-Tigard Water Partnership Project Manager Koellermeier said staff continues to talk with King City and council has a set of comments regarding the water service agreement. The King City Council is concerned about executing now and being one of the first two of the partners in the agreement and then being sued by the third. Language was changed in response that says the agreement is effective when all partners sign and if there is no agreement it will be in effect when the current one expires, in 2018. Another issue is that King City has had several council resignations and their mayor would like a full council to enact this. This document was also presented at the City of Durham. He said they asked questions about the current agreement and franchise fees. Councilor Woodard asked when the water lines were installed in King City and Mr. Koellermeier replied that it was the 1970s. Council President Henderson asked what happens if King City chooses to go with another provider. Mr. Koellermeier said the system assets (reservoir and pump shares) stay with Tigard and the infrastructure in King City (meters, hydrants and pipes less than 12-inch) go back to them and they will have a guarantee that Tigard will sell them water at a wholesale rate.

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Mr. Koellermeier shared photos of the HDD drilling operation and steel pipe installation and gave an update on the Lake Oswego-Tigard Water Project.

City Manager Wine said the Goal Setting session is set for December 4 and the council groundrules date is yet to be chosen. December 18 has been suggested and she is waiting to hear from everyone.

BUSINESS MEETING

- A. At 7:32 p.m. Mayor Cook called the Tigard City Council, City Center Development Agency and Local Contract Review Board to order.
- B. City Recorder Krager called the roll.

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

- C. Mayor Cook asked everyone to stand and join him in the Pledge of Allegiance.
- D. Council Communications & Liaison Reports None
- E. Call to Council and Staff for Non-Agenda Items None

Mayor Cook announced that the order of Agenda Items No. 8 and 9 has been reversed.

2. CITIZEN COMMUNICATION

- A.  Follow-up to Previous Citizen Communication – City Manager Wine gave updates on two previous citizen communication items. At the last business meeting Neal Brown spoke about planning and organizing he has done around the idea of a potential partnership with the city and YMCA to provide a recreation center in Tigard. He was joined by some community members and brought a petition he said was signed by 1,000 or more people regarding this potential partnership. She said she will meet with him tomorrow to discuss his proposal and get more details. The findings from a city recreational analysis are forthcoming and the consultant is scheduled to meet with council in November to talk about the appropriate role of the city in providing recreation. These discussions are well timed for council consideration at the end of the year during goal setting and budget preparation.

City Manager Wine said several downtown business owners came to council in September to discuss their concerns about disruption on their businesses caused by Main Street construction. The city is looking for ways to allay their concerns and one idea is to work with the Tigard Downtown Alliance on the idea of a business promotion. The city cannot give funding to the businesses directly but it can promote these businesses in a program called Shop Local. She said council may see assistance for a Shop Local program on a future supplemental budget.

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Mayor Cook announced that at 10:00 a.m. on November 13, 2014, there will be a ribbon-cutting ceremony to celebrate the completion of Main Street construction.

B. Citizen Communication – Sign Up Sheet.

 Steve Bintliff spoke about the Tigard Citizens Forum, held at the Tigard Grange to highlight the upcoming election and produced by partner KBOO Community Radio. There were opening statements and then citizens asked questions of the city council candidates. They had a minute to ask their question and council candidates had a minute to answer. Sixteen questions ranged over a wide variety of issues: a rec center – where would it go and who would run it, bringing living wage jobs to Tigard, North Dakota Street sidewalks, relaxing the sign code for non-profits (such as the Tigard Grange), streets and connectivity, conflicts between city goals and the municipal code, getting a Tigard zip code, library hours expansion, big box store regulation and the impacts of big box retail stores on crime and traffic. He said he was pleased with council outreach in the past few months. He encouraged them to consider the forum format: microphone, limited moderation and time limits and added that this is what democracy ought to look like.

Collin Luman, 8389 SW Ashford Street, Tigard, OR 97224 said he came with his son, a boy scout working to fulfill a merit badge requirement to attend a city council meeting. He said he is a mailman and shared a concern about deer running from the library where Hall Boulevard and Wall Street meet. He asked the city to post deer crossing signs and consider reducing the speed limit from 40 to 35 in that area, from City Hall to McDonald Street. He referred to City Manager Wine's mention of promoting downtown businesses and suggested Every Door Direct Mail through the postal service as an economical mail program to get the word out to everyone. Mayor Cook said he was familiar with this service and some people use it to get their campaign literature out to the community. Councilor Buehner commented that Hall Boulevard is a state highway that is controlled by ODOT so Tigard has limited control. Mayor Cook said the city can and has, asked about a speed reduction. He noted that there have been other requests have been received about this same area.

Reed Iford, 11547 SW Lomita Avenue, Tigard, OR 97223 said he has spoken to former Tigard mayors in the past few weeks and there was previously a movement to get Tigard its own zip code. He said Washington Square spent a lot of money to prevent it and that is the only reason that Tigard, a city now with over 50,000 residents, does not have its own zip code. Mayor Cook replied that this is something most citizens want but this would take an act of Congress. He said this has been on Tigard's federal agenda for many years. The current post office in Tigard is a branch Portland post office and Portland's postal service would have to agree. He said there are some businesses that do not want this change and there will be some costs. Councilor Buehner said, "We are branch number 30 in the Portland postal service." Mr. Iford offered his assistance with this matter.

3. CONSENT AGENDA:

A. APPROVE CITY COUNCIL MINUTES:

- July 22, 2014
- Sept. 9, 2014

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- B. AUTHORIZE THE CITY MANAGER TO SIGN A MEMORANDUM OF UNDERSTANDING REGARDING TIGARD’S PARTICIPATION IN THE MASTER PLANNING PROCESS FOR THE WILLAMETTE RIVER TREATMENT PLANT
- C. CONSIDER A RESOLUTION OF NECESSITY AMENDING RESOLUTION OF NECESSITY NO. 14-18 TO ACQUIRE PROPERTY FOR THE WALNUT STREET IMPROVEMENT PROJECT
- D. AUTHORIZE THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE COUNTY FOR A COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) SIDEWALK PROJECT

Councilor Snider moved to approve the Consent Agenda and the motion was seconded by Councilor Buehner. Mayor Cook conducted a vote and the motion passed unanimously.

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

Mayor Cook announced that Agenda Item No. 4 is a City Center Development Agency (CCDA) agenda item and council members are now acting in their capacity as CCDA directors.

4. CITY CENTER DEVELOPMENT AGENCY – INFORMATIONAL PUBLIC HEARING – FY 2015 FIRST QUARTER SUPPLEMENTAL BUDGET – CITY CENTER DEVELOPMENT AGENCY

Senior Management Analyst Collins and Redevelopment Project Manager Farrelly presented this item. She said the first quarter supplemental amendment for CCDA consists of a carry forward of \$32,000 to complete two façade improvement projects. She said this is the only item in the budget amendment. Redevelopment Project Manager Farrelly said one project is the Jeffery Allen Façade improvement and the other is Tigard Cleaners and the upholstery shop. Director Woodard said the façade of Jeffrey Allen looks great and he was pleased to welcome Jeffrey Allen to the downtown. Chair Cook said he talks to people who want to get in to the downtown area and buy their own property and downtown Tigard is affordable. Director Henderson asked if this amount was budgeted last year and Senior Management Analyst confirmed that it was budgeted that year and this is a request to carry it forward.

- a. Chair Cook opened the public hearing.
- b. Hearing Procedures – Chair Cook announced that any person wishing to comment on this matter shall be given the opportunity to comment.
- c. Staff report:  Senior Management Analyst Collins gave the background earlier and said staff recommends approval of this request for a carry forward of \$32,000 to complete some facade improvement projects.
- d. Public Testimony. None
- e. CCDA questions. None.
- f. Chair Cook closed the public hearing.

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g. CCDA Discussion and Consideration: CCDA Resolution No. 14-08

Director Buehner moved for adoption of CCDA Resolution No. 14-08. Director Snider seconded her motion. City Recorder Krager read the number and title of the resolution.

CCDA RESOLUTION NO. 14-08 – A RESOLUTION TO ADOPT A SUPPLEMENTAL BUDGET AMENDMENT TO THE FY 2015 BUDGET THAT WILL BE USED FOR THE FAÇADE IMPROVEMENT PROGRAM

Chair Cook conducted a vote and the motion passed unanimously.

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

Mayor Cook announced that the CCDA Directors have returned to their roles as City Council members.

5. APPOINT LYNN SCROGGIN AS A MEMBER OF THE CITY CENTER ADVISORY COMMISSION

Redevelopment Project Manager Farrelly said there is an opening on the CCAC and Alternate Lynn Scroggin is recommended to fill the position. He said Ms. Scroggin has been a member of the community for 61 years, longer than the city has been in existence, and she would be a great addition to the CCAC.

Councilor Buehner moved for approval of Resolution No. 14-47 and Councilor Woodard seconded the motion. City Recorder Krager read the number and title of the resolution.

RESOLUTION NO. 14-47 - A RESOLUTION APPOINTING LYNN SCROGGIN TO BECOME A VOTING MEMBER OF THE CITY CENTER ADVISORY COMMISSION TO COMPLETE THE TERM VACATED BY HENRY MARCH

Council President Henderson asked if this appointment fills the voting commissioner positions and Mr. Farrelly said it does. He said they will be interviewing in November for three members and up to two alternates for terms expiring in December. Council President Henderson asked if any members were interested in another term and Mr. Farrelly said there were. Mayor Cook conducted a vote and the motion for approval of Resolution No. 14-47 passed unanimously.

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

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6.  APPOINT JOHN GOODHOUSE AS A MEMBER AND REMOVE MICHAEL ENLOE FROM THE PLANNING COMMISSION

Mayor Cook said council has been asked to postpone appointing John Goodhouse to the Planning Commission until after the November 4, 2014, election (he is currently running for city council), but will move ahead with consideration of removing Michael Enloe from the Planning Commission.

Assistant Community Development Director McGuire presented this item. He said Planning Commission bylaws allow only two members to reside outside the Tigard city limits but staff became aware this fall that there were four commissioners who were not residents. One member resigned. Mr. Enloe was appointed last year and being the junior of the three remaining non-residents, staff recommends removing him from the commission.

Councilor Snider asked if Mr. Enloe was asked to resign and Mr. McGuire said he preferred to be removed by resolution. Councilor Buehner asked if the recruitment process could be amended so staff confirms residency. Assistant Community Development Director McGuire said staff is looking to change the application form to clarify residency requirements. Currently, the same form is used for all boards and commissions and just asks how long an applicant has lived in Tigard. Councilor Snider recalled an earlier issue on another board as a result of people not knowing if their address is inside the city limits. Mr. McGuire said a process step will be added requiring staff to check an applicant's address in the GIS system. He noted that residency requirements differ with various boards and committees.

Council President Henderson asked how much time is left on Mr. Enloe's term. Assistant Community Development Director McGuire said three years remain. There are two alternates and one will be considered for appointment to a voting position next month. Councilor Snider asked if Mr. Enloe could be considered for the alternate opening next month. Mr. McGuire replied that the other alternate is also a non-resident.

 City Attorney Olsen said, "There is the potential that an applicant unhappy with a Planning Commission decision could challenge that the commission is not duly constituted, particularly if the vote was such that the makeup of the individuals who are voting one way or another was relevant to the decision." He said alternatively, the city could revise the Planning Commission bylaws to allow for more non-residents. City Attorney Olsen advised that the city have a duly constituted Planning Commission to avoid issues that could be raised in appeals. Councilor Snider said the city should consider having Mr. Enloe as an alternate and potentially appointing him when a non-resident voting position becomes available. Until that is created, he stays an alternate.

Mayor Cook said when Mr. Enloe was interviewed he indicated he was a non-resident but when he was appointed it was not known how many other non-residents were on the commission. He has asked for a meeting and Mayor Cook will meet with him this week. One topic will be to see if he is willing to be an alternate. Council President Henderson asked if there was danger of not meeting a quorum requirement and Mr. McGuire said that was not the issue; there are enough commissioners to conduct business.

Councilor Snider moved to reconsider the resolution after the Mayor speaks with Mr. Enloe. Mayor Cook agreed with that but said, "We have an illegal Planning Commission. We could have issues." Motion died with no second.

Councilor Snider proposed making Mr. Enloe an alternate and if he did not want that position he could resign. City Manager Wine asked Assistant Community Development Director McGuire if there was an opening for an alternate and he replied that until a vote is taken on Mr. Goodhouse, there is no vacancy.

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Councilor Woodard moved for adoption of Resolution No. 14-48, as amended. Councilor Buehner seconded the motion. City Recorder Krager clarified that the amendments remove references to the other appointment and read the number and title of the resolution.

RESOLUTION NO. 14-48 – A RESOLUTION ~~APPOINTING JOHN GOODHOUSE AS A MEMBER~~ AND REMOVING MICHAEL ENLOE FROM THE PLANNING COMMISSION

Council President Henderson said he agreed with Councilor Snider that this is the wrong thing to do but he did not want the Planning Commission put in a position where their decisions will be challenged so he will vote for this resolution. Councilor Buehner also expressed concern and said she hopes Mr. Enloe will be interested in an alternate position when one becomes available. Mayor Cook conducted the vote.

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

Mayor Cook announced that Resolution No. 14-48 as amended, passed unanimously.

7. APPOINT TIGARD YOUTH ADVISORY COUNCIL MEMBERS

City Manager Wine said this resolution will add 11 additional members to the Tigard Youth Advisory Council. Council made initial appointments of seven members to reconstitute the TYAC in September. Mayor Cook and Councilor Woodard met with the 11 additional applicants on October 20 and 22. Staff recommends appointing these young people to the TYAC which brings membership to 18.

Councilor Woodard said he was very impressed with the youth, talent and energy of these teens. He said it makes him feel good about this community and he is proud of them and is sure their parents are proud of them too. Mayor Cook said he was astounded and pleased that almost 20 people came forward to participate with the city to serve on advisory councils and in other committee roles. He praised their energy and enthusiasm. Councilor Snider asked about non-high school level participation and City Manager Wine said current members are grade 9-12 students but the TYAC is planning to recruit at middle schools before the end of the year. Council President Henderson said he watched youth councils from Hillsboro, Tualatin and Beaverton attend conferences in Washington DC. He said this is a challenge these future leaders of Tigard would like to have. Councilor Woodard said the youth members from Beaverton went to Washington DC when he was there and he hoped there could be a way to fund sending some of Tigard's youth leaders too.

Councilor Snider moved for adoption of Resolution No. 14-49 and Councilor Buehner seconded the motion.

City Recorder Krager read the number and title of the resolution.

RESOLUTION NO. 14-49 - A RESOLUTION APPOINTING ADAM LAFOUNTAIN, AMY JENSEN, BREANNA BENNET, ELSA SCHUMAN-LANIER, JOSEPH MURCHE, MADDIE JOEL, MIKE COLOMA, NATHANIEL UNG, TYLER NICKLA, ZAHRA HASHMAT, AND CHRISTOPHER REBOLLEDO TO THE TIGARD YOUTH ADVISORY COUNCIL

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Mayor Cook conducted a vote and announced that the motion passed unanimously.

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

TYAC member Mike Coloma was called forward and Councilor Woodard gave him a city pin.

Note: Agenda Item No. 9 was heard before Agenda Item No. 8.

8. INFORMATIONAL PUBLIC HEARING ON THE FISCAL YEAR 2015 FIRST QUARTER SUPPLEMENTAL BUDGET AMENDMENT

- a. Mayor Cook opened the public hearing.
- b. Hearing Procedures – Any person wishing to comment on this matter shall be given the opportunity to comment.
- c. Staff Report:  Senior Management Analyst Collins introduced this item. She said included in council's packet are two attachments showing detail on each request and the cumulative effect on the funds. Areas addressed are in City Operations, Grants and the Capital Improvement Program. The supplemental totals \$1.75 million of additional requirements, offset by additional resources such as grant proceeds and contingency. Items included are one FTE in Community Development to help with counter duty. There is also a position reclassification request for a senior engineering technician to a project manager within public works engineering. Ms. Collins said additionally, this amendment includes roughly \$415,000 in grants. \$400,000 is for an EPA brownfields grant to be managed by Community Development, and the other \$15,000 is for two Police Department grants from State Farm to purchase a kiosk and produce a public service announcement video. There are other key projects that require budget adjustments such as River Terrace financing and infrastructure process, River Terrace master plan and restroom installation at Summerlake Park.

Councilor Woodard asked about the \$258,000 amount for the variable frequency drives. Assistant Public Works Director Goodrich said this was part of original ASR3 design and some additional work for ASR2. He said until the city is not sure what the engineer's estimate will be because until the project gets going. The motor control center and all electronics and equipment are part of the ASR2. Staff is not sure of costs for space and cabinet requirements and filter replacements. A discussion was held on water capacity and what is required to put the water into the ground.

Council President Henderson asked about a change now for next year's work for the Summerlake restrooms. Ms. Collins said the restroom was ordered last fiscal year but the city did not have resources to complete the project by June 30, 2014. A discussion was led by City Manager Wine on carryover of money from year to year to finish projects. Councilor Snider said if the city could change their budget year to a calendar year there would not be a need to do so many transfers as the fiscal cycle wouldn't end in the middle of the construction season.

- d. Public Testimony: None
 - Proponents.
 - Opponents.

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- Response to testimony by staff.
- e. Council questions. No additional questions
- f. Staff Recommendation. Senior Management Analyst Collins said staff recommends approval of Resolution No. 14-50.
- g. Mayor Cook closed the public hearing
- h. Council Discussion and Consideration: Resolution No. 14-50

Councilor Buehner moved for adoption of Resolution No. 14-50. Her motion was seconded by Councilor Snider. City Recorder Krager read the number and title of the resolution.

RESOLUTION NO. 14-50 – A RESOLUTION TO ADOPT A SUPPLEMENTAL BUDGET AMENDMENT TO FY 2015 TO ACHIEVE THE FOLLOWING: RECOGNITION OF GRANT REVENUES AND EXPENSES, ALONG WITH BUDGET ADJUSTMENTS IN PUBLIC WORKS, COMMUNITY DEVELOPMENT, COMMUNITY SERVICES, AND THE CAPITAL IMPROVEMENT PROGRAM

Mayor Cook conducted a vote and Resolution No. 14-50 passed unanimously.

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

At 9:03 p.m. Councilor Buehner left the meeting.

9. RECEIVE BRIEFING ON CAPITAL IMPROVEMENT PLAN (CIP) PROJECTS

Engineering Manager McMillan gave a PowerPoint presentation on current projects and responded to questions from council.

- The Derry Dell project is a partnership between the City of Tigard and Clean Water Services and includes realigning the sewer and remeandering the creek on the former Skelton property. Frontier had culverts in the street which had to be moved out of the way for the widened roadway base for the future Walnut Street project. Fish passage was included as well as a new trail that connects to the Pathfinder/Genesis Loop Trail. A neighborhood park will be located where the Skelton house was located. Mayor Cook said he walked the property and was amazed at the amount of usage.

Interim City Engineer Carrie Pak is on loan from CleanWater Services and is working on this project. She said there will be a formal ribbon cutting in the spring, done jointly with the City of Tigard and Clean Water Services. She said CWS plans to plant 90,000 shrubs and plants. Many well-established wetland plants were saved for reuse so there was less need for erosion control products. Council President Henderson asked if the wetland would ever dry up. Interim City Engineer Pak said it will eventually become more of a wetland wildlife habitat. Lamprey eels were discovered and saved. Councilor Woodard suggested putting educational interpretive signage

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along the boardwalk railing. Engineering Manager McMillan said curbs were added to prevent parking and this may be an additional cost if other savings are not identified by the end of the project.

- 72nd Avenue/Dartmouth projects require more water detention and treatment than before so all projects are being impacted by the Slopes Five Act. Interim City Engineer Pak said it is a set of best practices ODOT has agreed to abide by and they are more prescriptive. Councilor Snider suggested that projects beginning now can include these requirements while projects already in design will have to be adjusted and changed. In response to a question from Councilor Woodard Engineering Manager McMillan said they are on schedule but are hoping not to find additional large, hidden boulders. She said they are being removed for other purposes. Councilor Woodard suggested thinking of ways to use them. Engineering Manager McMillan said they are being removed from the site on a no cost, no credit basis. Pedestrian-level art has been placed in this area of the Triangle.
- Mural art and irrigation were added to the new segment of Fanno Creek Trail.
- The Main Street Green Street medallion is finished and November 13 is the ribbon-cutting ceremony for the completion of Main Street construction.
- Red Rock Creek Sewer Temporary Repair is a project to fix exposed sewer lines in some creeks caused by erosion. Councilor Snider asked the engineering staff to explain to the viewing public why exposed pipes are an issue. Interim City Engineer Pak showed a slide of a 10-inch sewer pipe with erosion underneath, leaving it vulnerable for falling and cracking. If that happened there would be raw sewage flowing into Red Rock Creek. She said that is called sanitary sewer overflow and is not allowed by the EPA, which would fine the city \$15,000 a day until it is repaired. Public Works staff completed temporary repairs and this should be able to be fixed quickly by hiring a consultant to do the design and then doing the work in-house. Council President Henderson asked what size pipes are the city's responsibility and Interim Engineer Pak said cities are responsible for maintaining pipes 21 inches and smaller. She said CWS covers increases of 8 inches or greater and pipes over 21 inches.
- Permit Center Wrap landscaping should be bid soon. The City Hall/Police Department building will be wrapped next year.
- Before and after slides were shown of pavement management projects. The city paved 3.5 miles with overlays and 15 miles of crack sealing.
- A design is in progress for Dirksen Nature Park. A slide was shown of the oak savannah overlook plan.

10. APPROVE RESOLUTION TO AUTHORIZE A REQUEST TO THE STATE OF OREGON FOR THE CREATION OF AN ENTERPRISE ZONE

 Economic Development Manager Purdy discussed the process for requesting an enterprise zone in Tigard. He gave a recap of enterprise zones and said they reduce the tax burden on mostly traded sector companies that invest in Tigard and expand their work force in Tigard. The result is a three- to five-year tax exemption on new capital investment when a company increases its work force by ten percent.

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Mr. Purdy said the original idea was to partner with Beaverton and be included in an expansion of their zone. Discussions were held with them regarding zone management, staffing, administration and which city's council would make decisions. Through that dialog some issues were identified that made an expansion less appealing to both communities. He said these issues were enumerated in an email sent to council from City Manager Wine. He is recommending that Tigard apply to the state for one of the last two enterprise zones. He said it is more beneficial for Tigard's council to have the authority to create or expand its own zone and keep local control. The resolution tonight is a step in the process and is required by the state. Public noticing requirements have been met. Staff talked to two taxing authorities but received no comments for or against the zone.

Economic Development Manager Purdy said there is an attachment in the council packet that enumerates the local program requirements. Written into this program is the requirement that total compensation for 75% of a company's jobs in the zone must exceed 200 percent of the state's minimum wage after one year of employment. He said this is consistent with Goal 9 and would ensure that living wage jobs are added to Tigard's economy. The one-time application fee will become an economic development tool that brings in some money to invest in other economic development programs. Councilor Snider said this will also help pay for administration of the zone.

Another unique thing Tigard can do is allow an extension. If a company shows a ten percent increase in FTE employment they can apply for an exemption extension. If they achieve it again in the fourth year, they can qualify. If they meet that in the fifth year, they can qualify. Councilor Woodard asked about the enterprise zone map and whether it could cover the urban renewal area and down Highway 99W. Mr. Purdy said the area outlined in blue on the map is what council requested and is the most inclusive zone that could be created, tied back to economic hardship, poverty level, unemployment, and per capita income. The businesses along 99W would not qualify because they are retail or predominantly consumer-oriented and this zone applies to manufacturing or traded-sector jobs.

Councilor Snider asked who will administer the zone. Economic Development Manager Purdy said he has spoken with enterprise zone administrators in other cities and is confident that he can add this to his work plan.

Councilor Snider moved for adoption of Resolution No. 14-51. Councilor Woodard seconded the motion. City Recorder Krager read the number and title of the resolution.

RESOLUTION NO. 14-51 A RESOLUTION TO AUTHORIZE A REQUEST TO THE STATE OF OREGON FOR THE CREATION OF AN ENTERPRISE ZONE TO INCLUDE SELECTED PORTIONS OF THE CITY OF TIGARD

	Yes	No
Councilor Woodard	✓	
Mayor Cook	✓	
Councilor Buehner	left at 9:03 p.m.	
Council President Henderson	✓	
Councilor Snider	✓	

Mayor Cook announced that Resolution No. 14-51 was approved by a unanimous vote of council present.

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11. DISCUSS POTENTIAL TIGARD MUNICIPAL CODE AMENDMENT

Redevelopment Project Manager Farrelly said staff would be updating council on a potential code amendment. No action will be taken and it will return to council in the form of an ordinance for consideration on November 25, 2014.



City Attorney Olson said state law permits cities broad flexibility to dispose of property that doesn't meet a public use or if disposal would serve the public. It does not require a bid or auction in all instances. He said this recognizes that there may be times where the ability to negotiate with interested developers or others makes it easier and is a better mechanism for getting a property back on the tax rolls or other objectives the city may have.

Mr. Olson said Tigard Municipal Code Chapter 3.44 is much more restrictive and requires bidding in all instances where land is potentially developable. This makes it difficult for a city to work with an urban renewal agency, for example. Under the current ordinance it doesn't matter if the property would be better served by transferring it to an urban renewal agency. The city would still have to go through a bidding process and its own urban renewal agency would need to bid like anyone else. The city attorney's office and staff looked at the ordinance and drafted language that would permit the city council to transfer city property to an urban renewal agency without going through a full-blown bidding process if council finds that the transfer would be for redevelopment or other purposes consistent with goals and objectives of an adopted urban renewal plan, the property is not needed for public use, or public interest would be furthered by such transfer such as putting it back on the tax rolls, and the transfer is otherwise permitted by law. The transfer could be either with or without compensation although compensation to the city would be required if the property was originally purchased by a special fund. This language still remains narrower than what some cities have but would allow the agency to get some properties redeveloped.

Councilor Snider said it seemed reasonable and if not done it will be difficult for the city to achieve some of its objectives for the urban renewal district. Councilor Woodard said he found it interesting that Tigard's code is more stringent than the state's code on this. He said he was in favor of it because he saw no other way for the city to live up to the urban renewal development goals. A lot of boards and committees have worked hard on this and we need the flexibility to move.

Redevelopment Project Manager Farrelly said the next step is to hold a public hearing and vote on this code amendment on November 25, 2014.

Mayor Cook announced that this item is a Local Contract Review Board agenda item.

12. LOCAL CONTRACT REVIEW BOARD: CONSIDER APPROVAL OF A LEASE AGREEMENT AT 8955 BURNHAM STREET



Interim Assistant Public Works Director Goodrich introduced this agenda item and said before council was a commercial property lease agreement that staff is asking for approval to have the city manager sign. This property is adjacent to City property on Burnham Street and Ash Avenue. He said there is a need to relocate some public works staff and operations and maintenance for streets and parks divisions. The rent agreement is \$3,500 per month and staff asked for a one-year lease with four annual extension options. There is a five percent escalator at the beginning of year four. Total cost for five years is \$214,000. Minor improvements will be required mostly painting, fencing, security and access to city technology.

LCRB Member Henderson asked who wrote the lease and Interim Assistant Public Works Director Goodrich replied it was a template from the city attorney. He said final negotiations are ongoing but the

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lease template is mostly what it will be, with minor changes related to insurance. LCRB Member Snider asked if the LCRB can approve a lease without the final terms. City Manager Wine said the action requested of the LCRB tonight is to authorize the City Manager to take the necessary steps. If there is a discomfort with that, council could see the final form. LCRB Member Snider said he is not used to draft documents coming before them. City Manager Wine said the LCRB is not approving expenditures; they are authorizing entering into a lease. Public Contracts Manager Barrett said this happens frequently where the LCRB is asked to authorize an expenditure and allow the City Manager to make small changes in the final contract.

LCRB Member Henderson clarified the total amount and asked if staff realizes this is a triple-net lease. Interim Assistant Public Works Director Goodrich said this is what is on the template but taxes will not be paid. LCRB Member Woodard said it is good to have a one-year lease so the city could get out if it does not meet requirements. LCRB Member Henderson noted that the lease template dates show it as a two-, not one-year lease. Mr. Goodrich said there are minor things in the agreement template that will be corrected. LCRB Member Snider said none of these changes are minor. Public Contracts Manager Barrett said the final lease agreement will be vetted and go through many reviews by the city attorney and attorneys for the property owner. He summarized the standard process. The LCRB approves the award of a contract, etc. and gives the city manager authority to execute contracts. The LCRB does not usually see the contract. He said commercial leases are not usual for staff. LCRB Member Woodard asked about the timeliness of a decision on this lease and Interim Assistant Public Works Director Goodrich said the property owner would like a signed lease by November 1, 2014.

City Manager Wine explained that the process of preparing agenda items happens weeks in advance of the meeting. The city is in the negotiation process for the lease but the terms can be reviewed by the LCRB by reading the key facts section of the agenda item summary. She acknowledged that is they are not all in the agreement template and it was confusing to give that to the LCRB before it is ready. LCRB Member Henderson requested to see a copy of the final lease agreement.



LCRB Member Snider moved for approval of the lease award for 8955 Burnham Street. His motion was seconded by LCRB Member Woodard.

	Yes	No
LCRB Member Woodard	✓	
LCRB Chair Cook	✓	
LCRB Member Buehner	left at 9:03 p.m.	
LCRB Member Henderson	✓	
LCRB Member Snider	✓	

Chair Cook announced that the motion passed by unanimous vote of all members present.

13. COUNCIL LIAISON REPORTS None

14. NON AGENDA ITEMS None

15. EXECUTIVE SESSION: At 9:44 p.m. Mayor Cook announced that the Tigard City Council would enter into Executive Session to discuss real property transactions, under ORS 192.660(2) (e). He said the council would adjourn from the Red Rock Creek Conference Room at the end of the Executive Session. The Executive Session ended at 10:23 p.m.

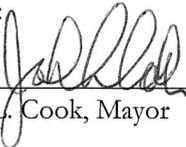
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16. ADJOURNMENT At 10:23 p.m. Councilor Woodard moved for adjournment. Councilor Snider seconded the motion and all voted in favor.

	Yes	No
Councilor Woodard	✓	
Mayor Cook	✓	
Councilor Buehner left at 9:03 p.m.		
Council President Henderson	✓	
Councilor Snider	✓	



Carol A. Krager, City Recorder

Attest:


John L. Cook, Mayor

January 27, 2015
Date

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