



City of Tigard

Tigard Business Meeting – Agenda

TIGARD CITY COUNCIL & LOCAL CONTRACT REVIEW BOARD

MEETING DATE AND TIME: January 27, 2015 - 6:30 p.m. Study Session; 7:30 p.m. Business Meeting

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

PUBLIC NOTICE:

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

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

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

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

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

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

SEE ATTACHED AGENDA

VIEW LIVE VIDEO STREAMING ONLINE:

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

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

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

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



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6:30 PM

- STUDY SESSION

- A. COUNCIL LIAISON REPORTS **6:30 p.m. estimated time**
- B. DISCUSSION ON THE STREET MAINTENANCE FEE **6:45 p.m. estimated time**
- C. EXECUTIVE SESSION: The Tigard City Council will go into Executive Session to consult with legal counsel concerning exempt public records, under ORS 192.660(2) f). All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(4), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. **7:15 p.m. estimated time**

7:30 PM

- 1. BUSINESS MEETING
 - A. Call to Order
 - B. Roll Call
 - C. Pledge of Allegiance
 - D. Council Communications & Liaison Reports
 - E. Call to Council and Staff for Non-Agenda Items
- 2. CITIZEN COMMUNICATION (Two Minutes or Less, Please)
 - A. Follow-up to Previous Citizen Communication
 - B. Citizen Communication – Sign Up Sheet
- 3. CONSENT AGENDA: Tigard City Council These items are considered routine and may be enacted in one motion without separate discussion. Anyone may request that an item be removed by motion for discussion and separate action. Motion to: **7:40 p.m. estimated time**

APPROVE CITY COUNCIL MINUTES:

- October 28, 2014
- November 25, 2014
- December 16, 2014

• Consent Agenda - Items Removed for Separate Discussion: Any items requested to be removed from the Consent Agenda for separate discussion will be considered immediately after the Council/ City Center Development Agency has voted on those items which do not need discussion.

4. ESTABLISH A 10-YEAR FRANCHISE AGREEMENT WITH ASTOUND BROADBAND LLC **7:45 p.m. estimated time**
5. FY 2015 SECOND QUARTER SUPPLEMENTAL AMENDMENT **8:05 p.m. estimated time**
6. ADOPT ORDINANCE ADOPTING TVF&R FIRE CODE ORDINANCE NO. 14-01 **8:15 p.m. estimated time**
7. TRANSFER THREE CITY-OWNED PROPERTIES TO THE CITY CENTER DEVELOPMENT AGENCY **8:25 p.m. estimated time**
8. BRIEFING ON AN IGA WITH METRO FOR PLANNING AND PUBLIC INVOLVEMENT RELATED TO THE SOUTHWEST CORRIDOR PLAN **8:35 p.m. estimated time**
9. LOCAL CONTRACT REVIEW BOARD: BROWNFIELDS CONTRACT DISCUSSION **8:45 p.m. estimated time**
10. APPROVE CITY COUNCIL GOALS FOR 2015-17 **8:50 p.m. estimated time**
11. NON AGENDA ITEMS
12. EXECUTIVE SESSION: The Tigard City Council will go into Executive Session to discuss the performance evaluation of a public officer, under ORS 192.660(2) (i). All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(4), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. **8:55 p.m. estimated time**
13. ADJOURNMENT **9:25 p.m. estimated time**

AIS-1973

A.

Business Meeting

Meeting Date: 01/27/2015

Length (in minutes): 15 Minutes

Agenda Title: Council Liaison Reports

Prepared For: Marty Wine, City Management

Submitted By: Carol Krager, City Management

Item Type: Update, Discussion, Direct Staff

Meeting Type: Council Business Mtg - Study Sess.

Public Hearing: No

Publication Date:

Information

ISSUE

Council will present liaison reports.

STAFF RECOMMENDATION / ACTION REQUEST

KEY FACTS AND INFORMATION SUMMARY

OTHER ALTERNATIVES

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

DATES OF PREVIOUS COUNCIL CONSIDERATION

N/A

Attachments

No file(s) attached.

AIS-1967

B.

Business Meeting

Meeting Date: 01/27/2015

Length (in minutes): 30 Minutes

Agenda Title: Discussion on the Street Maintenance Fee

Submitted By: Toby LaFrance, Financial and Information Services

Item Type: Update, Discussion, Direct Staff

Meeting Type: Council Business Mtg - Study Sess.

Public Hearing: No

Publication Date:

Information

ISSUE

Staff will provide an update on public outreach on the Street Maintenance Fee (SMF) and Pavement Management Program (PMP). Staff will identify some policy questions raised based on recent community surveys and past council discussions, make recommendations and seek Council direction.

STAFF RECOMMENDATION / ACTION REQUEST

Council direction on policy questions identified below that were initially raised by council at their discussion on October 22, 2013 and that served as the basis for the surveys to residents and businesses.

KEY FACTS AND INFORMATION SUMMARY

Recently, the city sought input on the Street Maintenance Fee (SMF) and Pavement Management Program (PMP). The input came from two surveys geared to gain business and residential customer perspectives. The two surveys produced over 140 responses, with over 60 residential responses and over 80 business responses. The raw results of the surveys are in two documents attached to this AIS. A summary comparison of the results is also attached. Based on prior discussions and the results of the survey, staff has identified policy questions with recommendations and is seeking input from Council on future direction. As a reminder, the current SMF is \$6.12/month/residence (residential) and \$1.38/month/minimum required parking space (business). It has been approximately five years since the current SMF and PMP have been revised by Council.

Policy Question #1: Should the SMF be set with a goal to improve, hold, or downgrade the Pavement Condition Index (PCI)? What PCI should be set as the city's goal of the PMP?

Staff Discussion and Recommendation: The current SMF funds the PMP at a level that has successfully maintained Tigard's PCI. Based on the 2013 annual report from staff, the PCI has increased from 67 in 2009 to 70 by the end of 2013. The recent public surveys reflect the results, where over 85% of respondents noted that street conditions have remained the same, or improved, since 2003. Additionally, over 70% of respondents do not support a decrease in the PCI, even though it would require an increase in the SMF over time. The 2014 annual report from staff noted the growing backlog of streets in poor condition, representing approximately 14% of the total miles of Tigard street. At the current fee level, Tigard will not be able to decrease this backlog. Staff estimates that the cost to pave the backlog is \$11 million. An increase of \$1 million per year in SMF revenue represents a fee increase of approximately 50%, which would allow the city to pave the backlog streets over the next 11 years. That would equate to an approximate monthly fee for residential customers of \$9.18/month and \$2.07/month/minimum required parking space for businesses.

Staff recommends increasing the SMF by approximately 50% to permit the city to gradually decrease the backlog of streets in poor condition and gradually improve the overall PCI. With the increase in the SMF, staff recommends a goal of achieving zero backlog and a PCI of 82 by the year 2025.

Policy Question #2: Should the city continue to fund the current program of right-of-way (ROW) maintenance on arterials and collectors in the amount of \$100,000/year paid as part of the SMF by residents only? Should the program be expanded to right-of-way maintenance in commercial areas and costs shared by commercial businesses? Should the program include state and county streets, such as Highway 99W?

Staff Discussion and Recommendation: The ROW portion of the fee is used to maintain areas along major streets that would otherwise likely not be maintained (such as along arterials behind residential properties). Durham Road is an example. Existing revenue is only adequate to maintain existing improved areas on city arterials and collectors. However, with the construction of landscaped medians and planters along major roads such as Highway 99W, Main Street, and River Terrace Boulevard, the need for ROW maintenance is increasing.

The public surveys show that less than 20% of respondents believe that ROW maintenance should be funded with an alternate source, thereby indicating that most respondents support the SMF funding of this program. The surveys also probed deeper into who should pay, and for what service? Currently, only residential customers pay for ROW maintenance. Over 70% of those residential customers and over 50% of the business customers who responded to the survey felt that businesses should pay for some of the ROW maintenance. Of the respondents who favor businesses paying for some of the ROW maintenance, slightly more than half responded that businesses should pay for ROW maintenance on commercial streets only.

Staff recommends adjusting the SMF for commercial customers to pay for ROW maintenance on commercial streets. An increase of 9-10% (to about \$1.51/month/minimum required parking space) in the commercial fee would produce approximately \$50,000 for ROW maintenance on streets in commercial areas.

Policy Question #3: When paving work is done on a street, the adjacent sidewalk curb ramps are required by law to be brought up to current ADA standards. Section 15.20.020(K) of the Tigard Municipal Code (TMC) states that for purposes of the SMF funding, repair or replacement of existing sidewalks is not included. In light of this code language, the concern was raised during the council discussion on October 22, 2013 about whether SMF can be used for the required sidewalk curb ramp retrofits. Should the TMC be changed to allow the use of SMF for sidewalk ramp retrofits when done in conjunction with PMP work?

Staff Recommendation: Staff recommends that Section 15.20.020(K) of the TMC be clarified to permit the use of SMF on work required by law to be done with paving work, including sidewalk curb ramp retrofits. The other available funding sources (Gas Tax, City Gas Tax, and General Fund), are all under significant demands with declining fund balances. The cost of the design and construction of the curb ramps varies depending on the number of ramps associated with each street, from about \$200,000 to about \$500,000 per year, or about 10% to 25% of the PMP costs. Staff seeks Council's preference on whether that should be paid out of the existing SMF, through a SMF increase, or from another source (with a corresponding reduction in projects funded from that source).

Policy Question #4: Currently, the source of the SMF revenue is about 1/3 commercial and 2/3 residential. This is mostly based on PMP cost shares by road type set in the TMC. Is the current share of residential/commercial fair and adequate? If not, what changes should be made?

Staff Discussion and Recommendation: Both survey results clearly show a belief that residential customers should not pay a greater share than they currently pay. Respondents to the business survey overwhelmingly (over 70%) think that the current split is correct. Respondents to the residential survey feel almost as strongly (over 60%) that commercial customers should pay a larger share. Staff recommends a targeted approach to increase the share paid by commercial customers. Based on the recommendation on ROW maintenance, commercial customers would pay a greater percent overall, but the shares for the PMP set by road type in TMC would remain the same.

Policy Question #5: Should required parking (as a proxy for trip generation) remain the means of distributing the commercial share of the PMP program to businesses? Should we maintain the cap on maximum parking spaces?

Staff Discussion and Recommendation: Staff recommends continuing the use of minimum required parking as the means of distributing the commercial share of the PMP program to businesses. Respondents to the business survey did not have a clear preference on the subject of the cap; however, there is a small majority that is in favor of increasing the cap. Staff recommends an increase of the cap to the 325 spaces mentioned in the survey. Due to the additional administrative staff time involved, staff does not recommend phasing in the increase over a five-year period. Please note that any significant changes to the methodology

would necessitate significant staff time (and costs) to implement the change. If Council wishes to phase in the increase, staff recommends a two-step phase in. If the cap was raised as suggested, small businesses would see a very small decrease (1 - 2 cents/month/minimum required parking spaces). Larger businesses would see an increase based on the difference between the current 250 space cap and their requirement under the new 325 cap.

OTHER ALTERNATIVES

Council can instruct staff that the current program and funding is adequate and no further Council discussion is needed.

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

N/A

DATES OF PREVIOUS COUNCIL CONSIDERATION

October 22, 2013 - Regular report on the Pavement Management Program and Street Maintenance Fee

Attachments

[Business Survey](#)

[Residential Survey](#)

[SMF Survey Summary](#)

[2014 Post Paving Report](#)

[2014 Post Paving Report Maps](#)

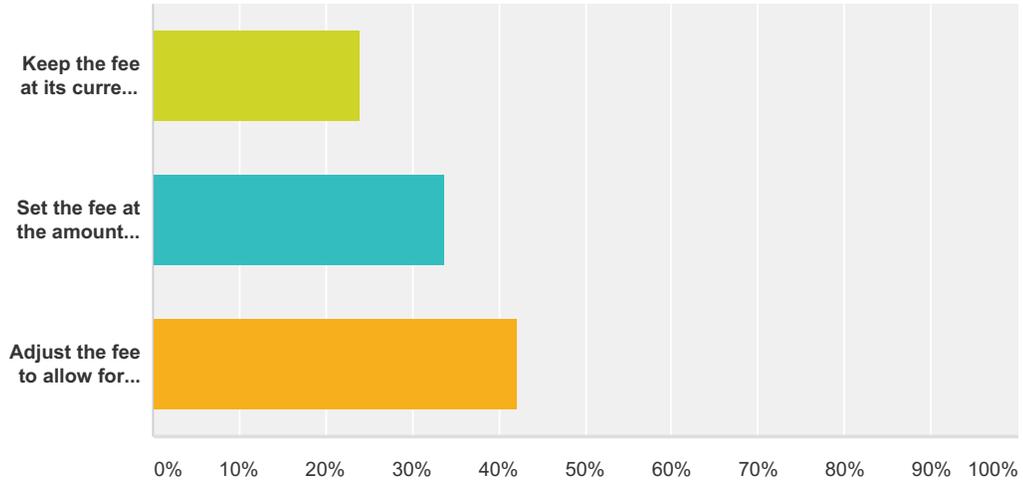
[Discussion from October 22, 2013 Council Meeting Minutes](#)

[TMC Section 15.20 Street Maintenance Fee](#)

[SMF Outreach Report](#)

Q1 Tigard’s PMP is designed to maintain streets in their current condition. If the cost to maintain streets increases, which of these options would you prefer?

Answered: 83 Skipped: 4

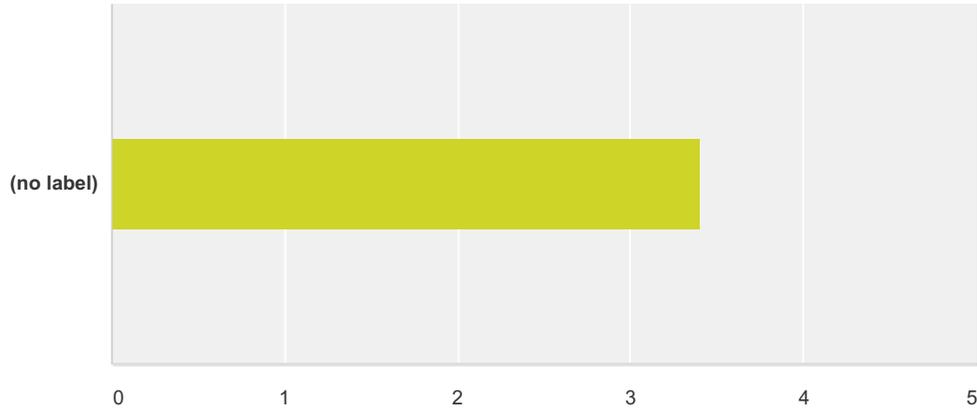


Answer Choices	Responses
Keep the fee at its current amount even if it means reduced pavement conditions.	24.10% 20
Set the fee at the amount necessary to maintain current conditions.	33.73% 28
Adjust the fee to allow for improved pavement conditions over time.	42.17% 35
Total	83

City of Tigard Street Maintenance Fee Survey

Q2 The street maintenance fee that funds the PMP began in 2003. On a scale of 1 to 5, what changes have you noticed since 2003?

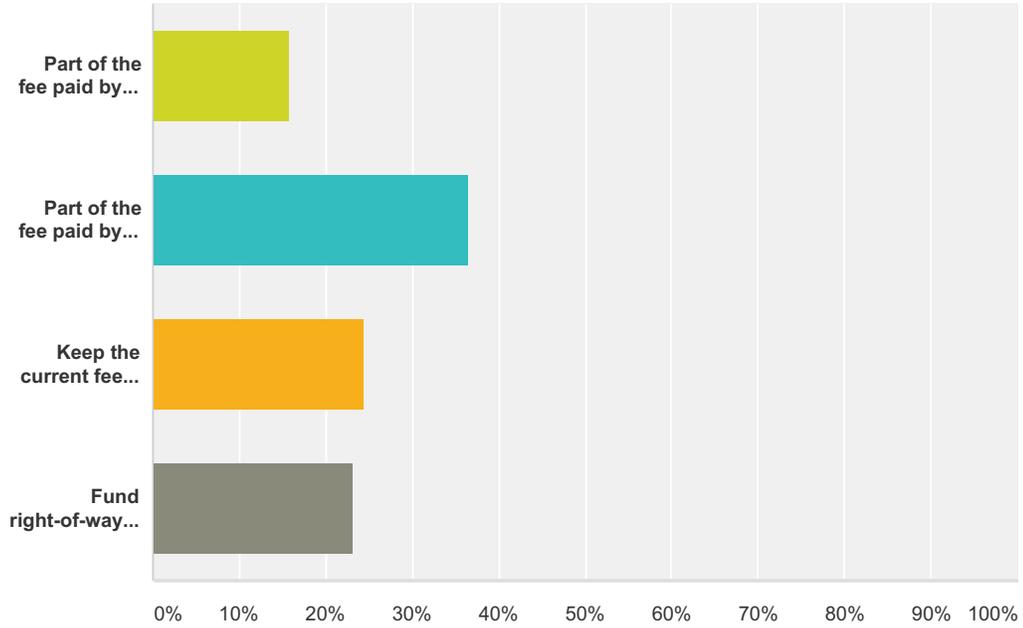
Answered: 78 Skipped: 9



	Worse	(no label)	No Change	(no label)	Much Improved	Total	Average Rating
(no label)	5.13% 4	2.56% 2	47.44% 37	37.18% 29	7.69% 6	78	3.40

Q3 Currently, a portion of the street maintenance fee paid by residential customers is used to maintain certain rights-of-way (such as new street medians on Pacific Highway/99W). How do you think right-of-way maintenance should be funded?

Answered: 82 Skipped: 5

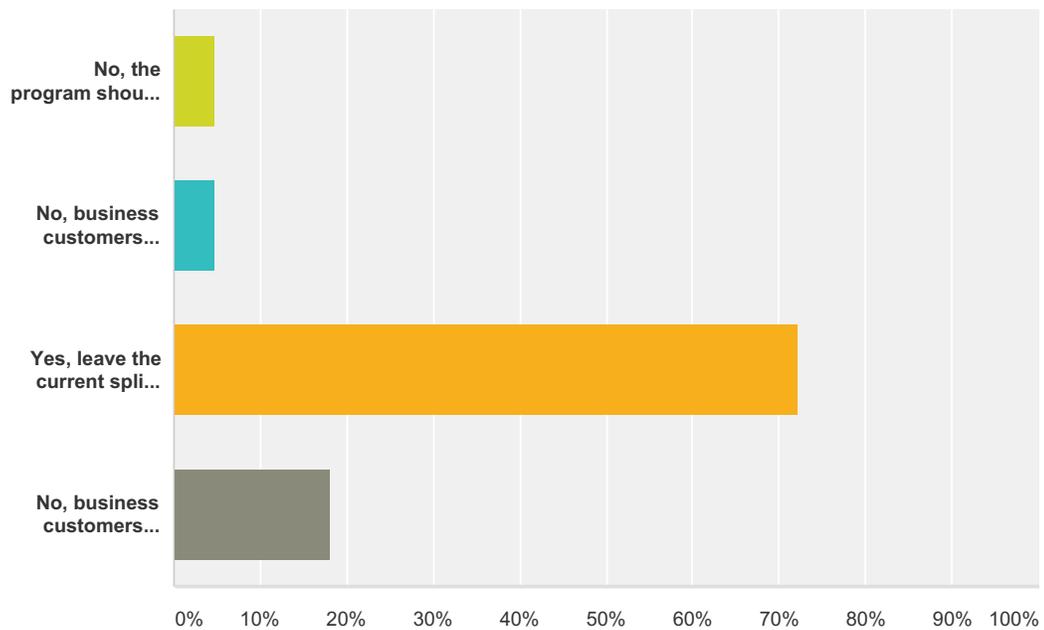


Answer Choices	Responses	
Part of the fee paid by business customers should help fund right-of-way maintenance.	15.85%	13
Part of the fee paid by business customers should help fund right-of-way maintenance, but only in commercial areas.	36.59%	30
Keep the current fee structure: right-of-way maintenance should be funded solely by residential customers.	24.39%	20
Fund right-of-way maintenance with an alternate funding source.	23.17%	19
Total		82

City of Tigard Street Maintenance Fee Survey

Q4 The current fees established by City Council are:-- Residential: single family / multi-family (per unit) = \$5.83 per month-- Business: per minimum required parking space = \$1.31 per space, per month Residential customers fund about 2/3 of the program or about \$112,000 per month. Business customers fund about 1/3 of the program or about \$56,000 per month. Does that seem like a fair split to you?

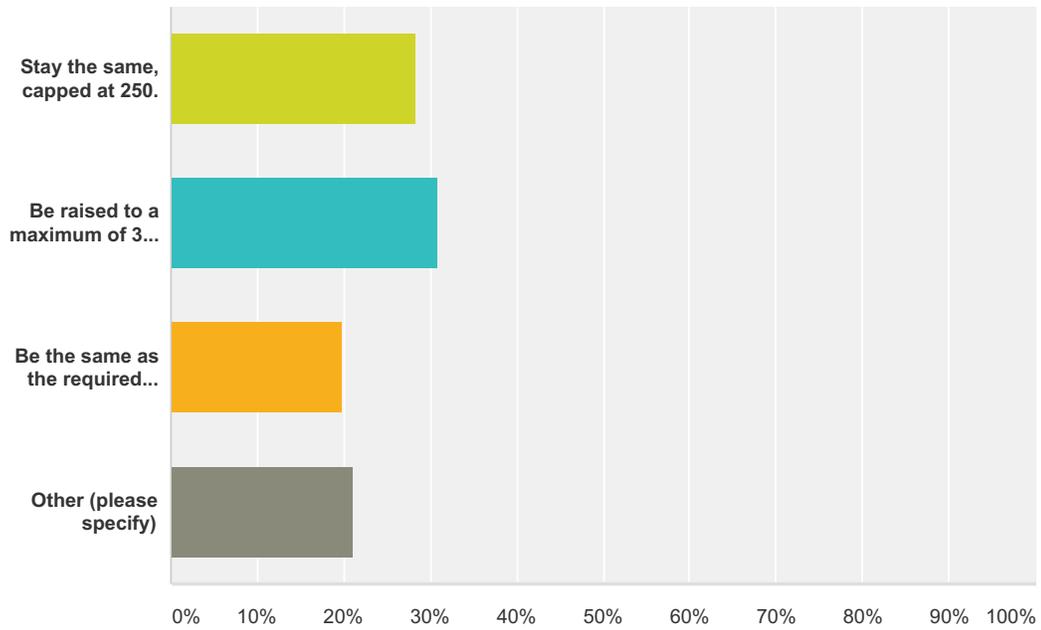
Answered: 83 Skipped: 4



Answer Choices	Responses
No, the program should be funded entirely by residential customers.	4.82% 4
No, business customers should fund less than the 1/3 they are currently funding.	4.82% 4
Yes, leave the current split; residential customers fund 2/3 of the program, business customers fund 1/3 of the program.	72.29% 60
No, business customers should pay more than the 1/3 they are currently paying.	18.07% 15
Total	83

Q5 The fee structure for business customers is based on a minimum of 5 required parking spaces, and is capped at a maximum of 200 parking spaces. (Businesses with more than 250 parking spaces currently are not charged for any additional parking spaces they may have.) Do you think the maximum should:

Answered: 81 Skipped: 6



Answer Choices	Responses
Stay the same, capped at 250.	28.40% 23
Be raised to a maximum of 325 spaces, but the fee would be phased in at 15 spaces per year over the next 5 years.	30.86% 25
Be the same as the required number of parking spaces with no cap.	19.75% 16
Other (please specify)	20.99% 17
Total	81

#	Other (please specify)	Date
1	above 200 pay 1/2 fee per space	9/21/2014 12:01 PM

City of Tigard Street Maintenance Fee Survey

2	You don't give us enough information. Where are those minimum 5 spaces per business downtown where you just eliminated a bunch of spaces (and trees) to "improve" downtown? And are those on public land or private land? And does that deter businesses from moving into Tigard because there's not enough parking spaces to be had, yet they pay taxes on those spaces? Are multiple businesses paying taxes for the same public spaces so they're not getting what they're taxed on? The quality of life in a city is the responsibility of the people who want to live there - so they should foot most of the bill UNLESS Tigard allows new businesses like Wal-Mart into the area that pave over large wetlands tracts. At that point the quality of life diminishes through no fault of the citizens so they should have to fund the streets for Wal-Mart shoppers coming from other towns. Ultimately, you're asking us for an opinion without giving us sufficient information regarding those required parking spaces, who provides them, where they have to be, where you came up with the required quantity, and who would be affected by a change.	9/19/2014 11:25 AM
3	Thanks for using our tax dollars to completely mess up hwy 99 - I would be inclined to NOT ever vote for an increase ever again due to what you have done to 99. Luckily our business was not affected by the fact that very few turns can now be made off of 99, but if I was a business (like the starbucks, subway, taco bell etc...) that can no longer get traffic from the other direction I would be pissed as heck. The WalMart was a bad addition, the traffic is horrible now, and people are very confused by the change in traffic pattern. I see near accidents every day.	9/18/2014 4:33 PM
4	Are you kidding. There should be no discount for large lots. That penalizes teh small businesses that Walmart is trying to put out of business. Raise the fee on them this year. TThey can afford it and impact the traffic more than small offices/retail operations. We just don't have lobbieists or lawyers to protect us from taxes.	9/18/2014 4:03 PM
5	Stay the same, capped at 250, but levy a surcharge to Tigard businesses that 1) own and operate heavy trucks and/or 2) receive goods more than x times per week using 18 wheel rigs.	9/18/2014 2:19 PM
6	We are not an "open door" commercial business. The only parking spaces utilized are associated with our 3 employees. We are already being charged in excess of our requirement. If the City of Tigard can associate traffic maintenance with commercial activity then those "big box" type facilities and those "big box" type occupants are receiving commercial benefit from those parking spaces in excess of 250 should pay an equitable share of taxes.	9/18/2014 1:35 PM
7	I personally do not think funding is spent properly now, so I have a problem agreeing with any funding increase with the planning personell currently in place.	9/18/2014 1:30 PM
8	maximum changed to 100 parking spaces. Encourage large businesses to come to the area and supply more jobs!	9/18/2014 12:31 PM
9	I recently moved my business from the City of Portland/ Multnomah Cty. If you handle the street fees the same way they do your in big trouble. Property taxes, fuel taxes, business licences fees, street fees seem like your getting enough. Do what business do when they must to keep going, cut costs internally, Maybe you can make a \$50,000+ dollar police car last more than 3 years. Maybe?	9/18/2014 12:10 PM
10	It seems as if big stores like Washington Square, Costco, Target, etc. should pay proportionately to their traffic. They are often visited by large trucks, which probably wear the roads more than cars. Charging the large stores, which draw visitors from outside Tigard, seems like a good way to recover costs from non-residents who use our streets.	9/15/2014 6:07 PM
11	The large capacity parking spaces are mainly owned by global corporations. They should be picking up the lion's share of street maintenance in general. Raise the limit infinitely.	9/13/2014 11:34 AM
12	#3 - alternative funding should be to remove big-box parking spaces cap. Their proportionately larger traffic draw has an impact on the roadways and rights-of-way more than what they are currently paying in street maintenance fee. #5 - Be the same as the required number of parking spaces with NO cap.	9/11/2014 11:37 AM
13	It is hard to understand why businesses (especially larger ones) would be given a huge break with a cap of 200 spaces when those businesses drive a major portion of the traffic. Washington square, winco, Costco, Walmart, target and Fred Meyer to name a few. The small struggling businesses do not get any breaks and are expected to pay their share. What about a per space fee that slides (lower) as they number of spaces increase as a break for the larger retailers as an alternative.	9/9/2014 10:19 PM
14	It is hard to understand why businesses (especially larger ones) would be given a huge break with a cap of 200 spaces when those businesses drive a major portion of the traffic. Washington square, winco, Costco, Walmart, target and Fred Meyer to name a few. The small struggling businesses do not get any breaks and are expected to pay their share. What about a per space fee that slides (lower) as they number of spaces increase as a break for the larger retailers as an alternative.	9/9/2014 10:19 PM

City of Tigard Street Maintenance Fee Survey

15	Need more information about the effect of any change as it relates to what the COT needs to maintain and improve streets. Part of this is > What is collected now and current outgo/shortfall? What are immediate projects between now and next summer that have been funded? What needs to be done that funding is not available for in the next couple years? When will any increase be implemented? How are new sidewalks paid for and where are they being installed in the next year?	9/8/2014 10:56 AM
16	I was going to go with the second option but if you do the math you only end up with 275 spaces. You would need to do 25 a year for 5 years to get to 325.	9/8/2014 10:52 AM
17	fund should be paid by residential customers	9/8/2014 10:47 AM

City of Tigard Street Maintenance Fee Survey

Q6 Check this box if you would like a Tigard city staff person to contact you. Please provide your name and the best way to contact you. Thanks!

Answered: 13 Skipped: 74

#	Responses	Date
1	As a small business owner, I would have no problem paying a higher fee. Except that the "right of way improvement" was NOT an improvement to my business at all. Hwy 99 is still congested and I've lost sales due to the lack of access to my store.	9/22/2014 1:17 PM
2	Thomas Rogers rogerst5450@yahoo.com	9/21/2014 12:01 PM
3	No where to put comments here, but as a growing small business in located in Tigard for the past 11 years, the traffic congestion and the time it takes us to transit the Tigard/Greater Washington County area is getting very long. I am disappointed that I do not see long range solutions for transiting Washington County through and around Tigard ready for implementation. I was appalled that the citizens of Tigard voted to "handcuff" officials in the area of transportation planning. My long range planning includes, unfortunately, looking at relocation options out of the Tigard Triangle area to other parts of the Metro area where traffic congestion issues may be better addressed. Thank you, Kim Prosser Precision Door Service (503) 784-4852	9/19/2014 11:17 AM
4	David Aldridge 503-639-2340	9/18/2014 3:35 PM
5	Brian H. Smith , Northwest Demolition & Dismantling	9/18/2014 3:18 PM
6	and where is the check for this box? Looks like you don't want this option exercised.	9/18/2014 1:35 PM
7	Williamb@orwasubway.com	9/18/2014 1:17 PM
8	The survey indicates the number of miles of roads maintained by Tigard, but does not indicate if they are residential streets or commercial roadways. Nor does the survey indicate whether Tigard maintains key roadways such as Hwy 99 and Hall Blvd, which I suspect are state roads. Some respondents may mistakenly judge the state of Tigard roads by the state of Hall Blvd, which has needed reworking for as long as I can remember. Also, I don't understand the question about street medians and right-of-way on 99W. Maybe in the next survey provide a link to a page with more information.	9/15/2014 6:07 PM
9	Yes, I would like to stay in the loop concerning this issue. My name and best contact is Laura Sadowski - lauras@plaidpantry.com	9/11/2014 11:37 AM
10	Gordon Fiddes, resident and business owner in Tigard for over two decades gordon@imagerestoration.com	9/8/2014 1:33 PM
11	Do Not follow the Davis/Bacon Act. Have the job done at half price!	9/8/2014 12:53 PM
12	Mike Stevenson, business owner, B&B Print Source, 503-314-4201 cell, happy to talk if you'd like opinions.	9/8/2014 12:17 PM
13	STEVE RICHMOND - CALL @ 503-639-1106 MON - FRI BETWEEN 2:00 PM - 4:00PM	9/8/2014 11:21 AM

Street Maintenance Fee Survey

Question Summaries

Data Trends

Individual Responses

Tweet Share Share

66 responses

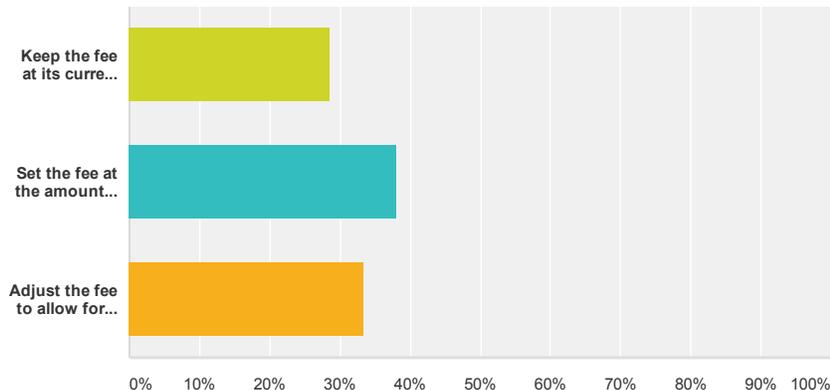
42 days (December 02, 2014 - now)

15 views

Q1

Tigard's PMP is designed to maintain streets in good condition. If the cost to maintain streets increases, which of these options would you prefer?

Answered: 63 Skipped: 3

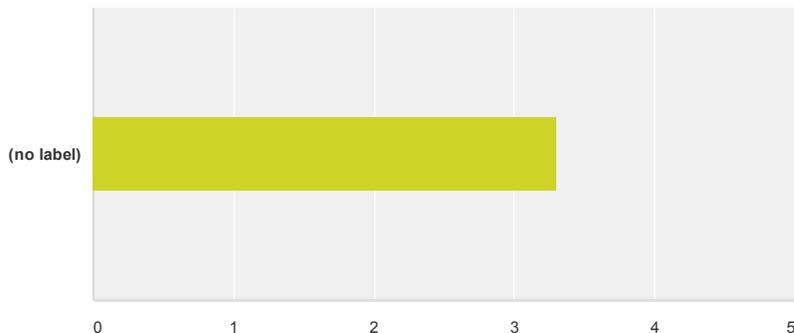


Answer Choices	Responses
Keep the fee at its current amount \$5.83 (with no adjustment for inflation) even if it means reduced pavement conditions.	28.57% 18
Set the fee at the amount necessary to maintain current conditions (5% inflation adjustment each year means \$9.50 per month in 2025)	38.10% 24
Adjust the fee to allow for improved pavement conditions over time (\$8.57 per month beginning in 2015, 5% inflation adjustment means \$13.30 in 2025)	33.33% 21
Total	63

Q2

The street maintenance fee that funds the PMP began in 2003. On a scale of 1 to 5, what changes have you noticed since 2003?

Answered: 61 Skipped: 5

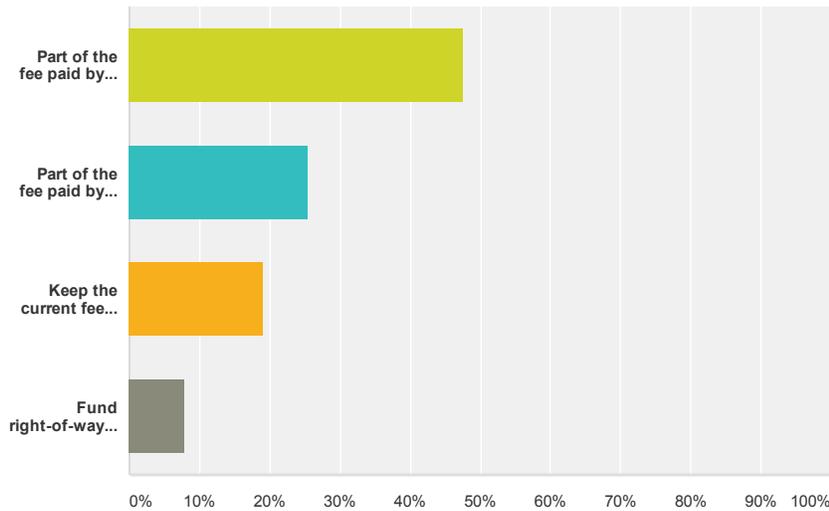


	Worse	(no label)	No Change	(no label)	Much Improved	Total	Weighted Average
(no label)	8.20% 5	8.20% 5	40.98% 25	31.15% 19	11.48% 7	61	3.30

Q3

Currently, a portion of the street maintenance fee paid by residential customers is used to maintain certain rights-of-way (such as along Durham Road). How do you think right-of-way maintenance should be funded?

Answered: 63 Skipped: 3

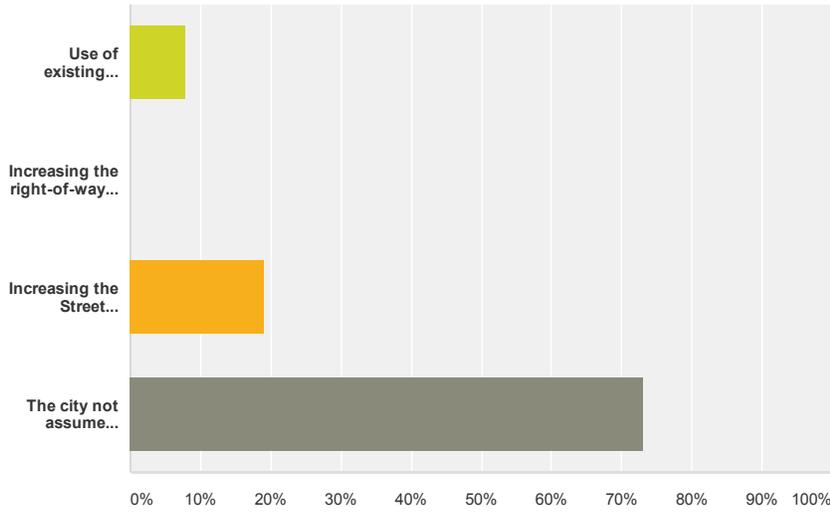


Answer Choices	Responses
Part of the fee paid by business customers should help fund right-of-way maintenance.	47.62% 30
Part of the fee paid by business customers should help fund right-of-way maintenance, but only in commercial areas.	25.40% 16
Keep the current fee structure: right-of-way maintenance should be funded solely by residential customers.	19.05% 12
Fund right-of-way maintenance with an alternate funding source that may increase fees or decrease services elsewhere.	7.94% 5
Total	63

Q4

There are medians and landscaped rights-of-way that are on state and county roads (such as the new medians on Pacific Highway/99W). If council considers the use of city resources to fund median and right-of-way landscape maintenance on state or county roads would you prefer:

Answered: 63 Skipped: 3

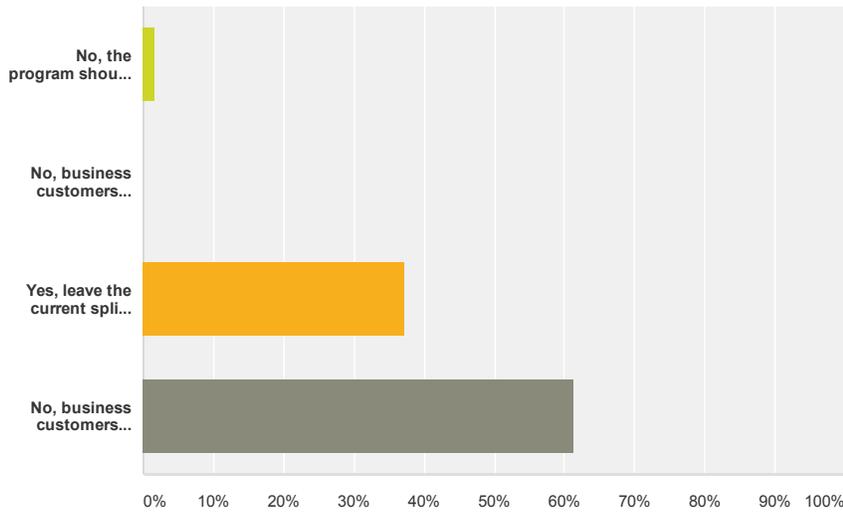


Answer Choices	Responses
Use of existing resources even if it means reduced funds for pothole repairs, street sign work, and striping maintenance.	7.94% 5
Increasing the right-of-way maintenance component of the current Street Maintenance Fee, reducing the portion of the funds available for pavement maintenance.	0.00% 0
Increasing the Street Maintenance Fee to ensure enough revenue is collected to fund the additional maintenance responsibility.	19.05% 12
The city not assume responsibility for median and right-of-way maintenance on state and county roads.	73.02% 46
Total	63

Q5

The current fees established by City Council are:-- Residential: single family / multi-family (per unit) = \$5.83 per month-- Business: per minimum required parking space (as a proxy for trips generated by the business) = \$1.31 per space, per month Residential customers fund about 2/3 of the program or about \$112,000 per month. Business customers fund about 1/3 of the program or about \$56,000 per month. Does that seem like a fair split to you?

Answered: 62 Skipped: 4



Answer Choices	Responses
No, the program should be funded entirely by residential customers.	1.61% 1
No, business customers should fund less than the 1/3 they are currently funding.	0.00% 0
Yes, leave the current split; residential customers fund 2/3 of the program, business customers fund 1/3 of the program.	37.10% 23
No, business customers should pay more than the 1/3 they are currently paying.	61.29% 38
Total	62

Q6

Any other comments?

Answered: 29 Skipped: 37

I've long thought that the taxes I pay to the city in every other form, should pay for street maintenance as well. I have not understood why the budget couldn't be balanced without adding another fee to pay for something that should fall under that arena. When monies fall short..you cut your 'wants'. And you don't punish the citizenry with cutting the most obvious painful thing out of spite. We all have figured out in one way or another how to balance our own budgets.

1/11/2015 8:48 AM

Are the the streets maintained by city employees or private contractors? 5% inflation sounds a lot more than 1.7%. My SS gives me 1.7% a year. Wally Hadden

1/2/2015 4:30 PM

Our neighborhood streets are redone every year. This past year, our main access street into our neighborhood was torn up and repaved. Sidewalks were also replaced in certain areas. None of this was needed. The street conditions were totally fine. I believe that Tigard is looking for a way to spend money on street even when it's not necessary. I'd like to see the reasoning for applying blacktop to our neighborhood streets every year - they are completely acceptable, no potholes, no cracks, etc.

1/2/2015 1:00 PM

Stop light rail or brt and the city wont need more money...stop wasting our money...

1/2/2015 12:02 PM

Q7

Would you like city staff to contact you? If yes, please provide your name and the best way to contact you.

Answered: 9 Skipped: 57

wallyor1@comcast.net
1/2/2015 4:30 PM

Why bother the politicians have an agenda and wont listen anyway...they never listen to citizens...
1/2/2015 12:02 PM

Please keep me updated! Carter Kruse, you know my email.
12/18/2014 11:08 PM

Josh (971)301-3894 idea generator and full-time marketer. Thanks for asking Tigard may not be the best run city I have lived in, but you are trying and that is fantastic.
12/18/2014 2:00 PM

Why bother...
12/16/2014 7:30 PM

They wont listen anyway.
12/10/2014 1:30 PM

Why so they can lie to us on the phone? Why bother?
12/7/2014 7:01 PM



Tigard City Council invites your ideas about street maintenance funding



Responses to Street Maintenance Fee Survey – Residential

These results represent responses to the survey from the residential community. The survey was posted on the city’s website, and was advertised through social media and the Cityscape newsletter. More than 60 responses were received. *(Results are as of January 8, 2015. This survey closes January 15, 2015.)*

1. Tigard’s PMP is designed to maintain streets in good condition. If the cost to maintain streets increases, which of these options would you prefer?

- A. Keep the fee at its current amount \$5.83 (with no adjustment for inflation) even if it means reduced pavement conditions. **26.23% (16)**
- B. Set the fee at the amount necessary to maintain current conditions (5 percent inflation adjustment each year means \$9.50 per month in 2025). **39.34% (24)**
- C. Adjust the fee to allow for improved pavement conditions over time (\$8.57 per month beginning in 2015, 5 percent inflation adjustment means \$13.30 in 2025.) **34.43% (21)**

Total responses = 61. More than 73 percent of residential respondents support increasing the fee to at least maintain current conditions, nearly 40 percent to maintain current conditions, and 34 percent to improve pavement conditions over time.

2. The street maintenance fee that funds the PMP began in 2003. On a scale of 1 to 5, what changes have you noticed since 2003?

Worse		No Change		Much Improved	
<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	
8.47% (5)	8.47% (5)	40.68% (24)	32.20% (19)	10.17% (6)	

Total responses = 59. Weighted average = 3.27. Slightly more than 40 percent of respondents have noticed no change in pavement condition over time but less than 17 percent said that pavement conditions are worse.

3. Currently, a portion of the street maintenance fee paid by residential customers is used to maintain certain rights-of-way (such as along Durham Road). How do you think right-of-way maintenance should be funded?

- A. Part of the fee paid by business customers should help fund right-of-way maintenance. **49.18% (30)**
- B. Part of the fee paid by business customers should help fund right-of-way maintenance, but only in commercial areas. **26.23% (16)**
- C. Keep the current fee structure: right-of-way maintenance should be funded solely by residential customers. **18.03% (11)**
- D. Fund right-of-way maintenance with an alternate funding source that may increase fees or decrease services elsewhere. **6.56% (4)**

Total responses = 61. Slightly more than 40 percent of respondents think businesses should help fund right-of-way maintenance with another 26 percent supporting business funding part of right-of-way maintenance in commercial areas.

4. There are medians and landscaped rights-of-way that are on state and county roads (such as the new medians on Pacific Highway/99W). If council considers the use of city resources to fund median and right-of-way landscape maintenance on state or county roads would you prefer:

- A. Use of existing resources even if it means reduced funds for pothole repairs, street sign work and striping maintenance. **8.20% (5)**
- B. Increasing the right-of-way maintenance component of the current Street Maintenance Fee, reducing the portion of the funds available for pavement maintenance. **0.00% (0)**
- C. Increasing the Street Maintenance Fee to ensure enough revenue is collected to fund the additional maintenance responsibility. **19.67% (12)**
- D. The city not assume responsibility for median and right-of-way maintenance on state and county roads. **72.13% (44)**

Total = 64. Answered = 61. Skipped = 3. More than 72 percent of respondents don't think the city should assume responsibility for median and right-of-way maintenance on county roads, but nearly 20 percent of respondents think street maintenance revenue should be increased to fund the additional maintenance responsibility.

5. The current fees established by City Council are:

- Residential: single family / multi-family (per unit) = \$5.83 per month
- Business: per minimum required parking space (as a proxy for trips generated by the business) = \$1.31 per space, per month

Residential customers fund about 2/3 of the program or about \$112,000 per month. Business customers fund about 1/3 of the program or about \$56,000 per month. Does that seem like a fair split to you?

- A. No, the program should be funded entirely by residential customers. **1.67% (1)**
- B. No, business customers should fund less than the 1/3 they are currently funding. **0.00% (0)**
- C. Yes, leave the current split; residential customers fund 2/3 of the program, business customers fund 1/3 of the program. **38.33% (23)**
- D. No, business customers should pay more than the 1/3 they are currently paying. **60.00% (36)**

Total = 64. Answered = 60. Skipped = 4. More than 30 percent of respondents support the current split but 60 percent of respondents think businesses should pay more than the current 1/3 split they are currently paying.

Responses to Street Maintenance Fee Survey – Business Group

This survey was emailed to 1006 business email addresses. The list was a compilation of the Tigard Area Chamber of Commerce email list, the city's business customer list and Lloyd Purdy's business contact emails. The survey was open from September 3 through 23, 2014, and received 87 responses.

1. Tigard's PMP is designed to maintain streets in their current condition. If the cost to maintain streets increases, which of these options would you prefer?

- A. Keep the fee at its current amount even if it means reduced pavement conditions. **24.107% (20)**
- B. Set the fee at the amount necessary to maintain current conditions. **33.737% (28)**
- C. Adjust the fee to allow for improved pavement conditions over time. **42.177% (35)**

Total = 83. Answered = 83. Skipped = 0. Nearly 76 percent of business respondents support paying more to at least maintain current conditions with 42 percent willing to pay more to allow for improved conditions over time.

2. The street maintenance fee that funds the PMP began in 2003. On a scale of 1 to 5, what changes have you noticed since 2003?

Worse		No Change		Much Improved
<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5
5.13% (4)	2.56% (2)	47.44% (37)	37.18% (29)	7.69% (6)

Total = 87. Answered = 78. Skipped = 9. Average rating = 3.40. More than 40 percent of respondents noticed no change in pavement condition and just over 32 percent noticed some improvement.

3. Currently, a portion of the street maintenance fee paid by residential customers is used to maintain certain rights-of-way (such as new street medians on Pacific Highway/99W). How do you think right-of-way maintenance should be funded?

- A. Part of the fee paid by business customers should help fund right-of-way maintenance. **15.85% (13)**
- B. Part of the fee paid by business customers should help fund right-of-way maintenance, but only in commercial areas. **36.59% (30)**
- C. Keep the current fee structure: right-of-way maintenance should be funded solely by residential customers. **24.39% (20)**
- D. Fund right-of-way maintenance with an alternate funding source. **23.17% (19)**

Total = 87. Answered = 82. Skipped = 5. The largest percentage (36.59%) support business customers funding part of the right-of-way maintenance but only in commercial areas. Another 24.39% support keeping the current funding structure and 23.17% support funding right-of-way maintenance with an alternate funding source.

4. The current fees established by City Council are:

- Residential: single family / multi-family (per unit) = \$5.83 per month
- Business: per minimum required parking space = \$1.31 per space, per month

Residential customers fund about 2/3 of the program or about \$112,000 per month. Business customers fund about 1/3 of the program or about \$56,000 per month. Does that seem like a fair split to you?

- A. No, the program should be funded entirely by residential customers. **4.82% (4)**
- B. No, business customers should fund less than the 1/3 they are currently funding. **4.82% (4)**
- C. Yes, leave the current split; residential customers fund 2/3 of the program, business customers fund 1/3 of the program. **72.29% (60)**
- D. No, business customers should pay more than the 1/3 they are currently paying. **18.07% (15)**

Total = 87. Answered = 83. Skipped = 4. More than 72 percent of respondents support leaving the current split. Slightly more than 18 percent support business customers paying more.

5. The fee structure for business customers is based on a minimum of 5 required parking spaces, and is capped at a maximum of 250 parking spaces. (Businesses with more than 250 parking spaces currently are not charged for any additional parking spaces they may have.) Do you think the maximum should:

- A. Stay the same, capped at 250. **28.40% (23)**
- B. Be raised to a maximum of 325 spaces, but the fee would be phased in at 15 spaces per year over the next 5 years. **30.86% (25)**
- C. Be the same as the required number of parking spaces with no cap. **19.75% (16)**
- D. Other (please specify). **20.99% (17)**

Total = 87. Answered = 81. Skipped = 6. There was not majority support for any of the options presented. The highest support at 30.86 percent is to raise the cap over a five year period. Next, at 28 percent is to keep the current cap in place. Just under 21 percent marked other and made comments.

Residential and Business Survey Response Comparison

- Both groups are willing to pay more to at least maintain current conditions.
- The highest percentage, (around 40 percent), in each group have noticed no change in pavement condition over time.
- Nearly 50 percent of residential respondents think businesses should help fund right-of-way maintenance. The largest percentage (36.59 percent) of businesses support businesses helping to fund right-of-way maintenance but only in commercial areas.
- More than 72 percent of business respondents support leaving the current fee split, while 60 percent of residential respondents think businesses should pay more.





Paving Report For 2014

This report outlines the paving and pavement preservation work completed in 2014 and lists the actual, anticipated, and budgeted expenses for fiscal years 2013-14 and 2014-2015.

The Tigard Public Works Department is responsible for the maintenance of 152 miles of paved streets. Maintenance of the paved surface of these streets is primarily accomplished by the Pavement Management Program (PMP) which is funded by the street maintenance fee (SMF). The maintenance strategy for each street varies depending on the adjoining land use, age, average daily volume, heavy vehicle traffic, and character of that street.

Accomplishments for 2014

Pavement projects completed in 2014 by Tigard's Pavement Management Program (PMP) are summarized in the following table and the pavement overlays are shown on the attached map (Attachment A).

Project	2014 Pavement Overlays	2014 Pavement Crack Seal
Street Length Completed	3.4 miles	16 miles
Area Completed (sf)	530,000	2,700,000
Cost (Includes Design and Inspection)	\$1,450,000	\$230,000
Cost Per Mile	\$426,000	\$14,000
Cost Per Square Foot	\$2.74	8 cents

Staff was able to accomplish other paving work using SMF funds in 2014 in coordination with other capital projects including:

- Additional pavement thickness on the Main Street project
- A pavement overlay of Electric Street in conjunction with the Main Street project
- A pavement overlay of a portion of Barrows Road in coordination with the City of Beaverton

Some additional paving was completed by other projects (Main St, Derry Dell, and Walmart).

The remaining funds each year are spent sealing cracks in street pavement, and on pavement inspections and inventory (the source of the Pavement Condition Index or PCI).

The Pavement Condition Index (PCI)

Pavement condition is measured by the PCI, with zero being the poorest condition (total pavement failure) and 100 being the best condition (just constructed pavement). PCI factors include pavement condition, cracking, pavement distress, weathering, structural strength, and smoothness of ride.

Tigard Street Network Condition

2014 has seen the average PCI of Tigard's city streets increase from 70.0 at the end of 2013 to 70.5 at the end of 2014. This was better than the PCI of 70.1 projected a year ago. The PMP's recent investment in preventive maintenance (slurry sealing and sealing cracks in pavement) and strategically timed paving of busy streets (before significant deterioration occurs) have allowed the city to more effectively counter the normal effects of pavement deterioration.

Previous Council Action and the Street Maintenance Fee (SMF)

Pavement maintenance is primarily funded through the City's SMF, a monthly user fee dedicated to the maintenance of existing roadways in Tigard. The fee was recommended by a citizen task force and established by Ordinance No. 03-10 in November 2003.

Council revisited the SMF in 2009 and 2010. Recognizing funding constraints and the difficulties of raising revenue in a recession, Council adopted Resolution No. 10-01 which:

1. Established a long-term PCI goal of 72 to 75. Based on cost estimates, the Council quickly recognized that the level of adopted funding would not be adequate to get to a PCI of 75 and set an interim goal to "hold the line" by maintaining an average PCI of at least 67. Beyond this point, streets require more extensive reconstruction prior to paving, which results in substantially higher street maintenance costs.
2. The ordinance also directs that the SMF be adjusted for inflation. Fee amounts are adjusted based on the methodology originally adopted in Ordinance 10-01, updated in Ordinance 13-06 to a composite of 85 percent of the Engineering News Record (ENR) Construction Cost Index for Seattle, which measures general construction and labor cost, and 15 percent of the Oregon Monthly Asphalt Cement Material Price, which measures asphalt prices and parallels fuel prices. These percentages approximate the percentage cost of a typical project that matches the labor or material price measured by the index. This inflation adjustment increased the fee by 5 percent on January 1, 2015.

Current SMF levels, as they appear in the City's 2014-2015 Master Fees and Charges Schedule, are as follows:

Effective Dates	2014	2015
Residential (Per House or Unit)	\$5.83	\$6.12
Commercial and Industrial (Per Required Parking Space)	\$1.31	\$1.38

Note that the fee for commercial and industrial properties is calculated based on the number of parking spaces that would be required by TMC 18.765 if that building were constructed today (as an approximation of the traffic generation of the site), which is often different from the number of spaces in the existing parking lot.

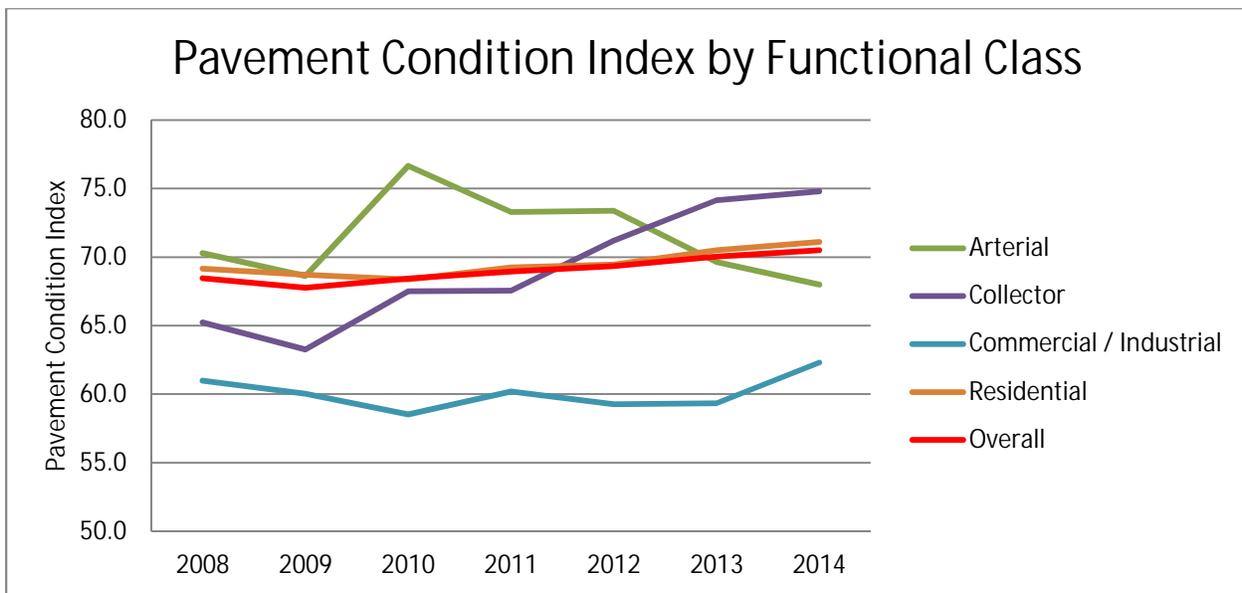
Recent Paving History

Attachment B is a map showing the paving projects that have been completed in the past six years. Pavement overlays have been completed on 20 miles of streets and slurry seals on 64 miles of streets. More than half of Tigard's city street network has been paved or slurry sealed since 2008.

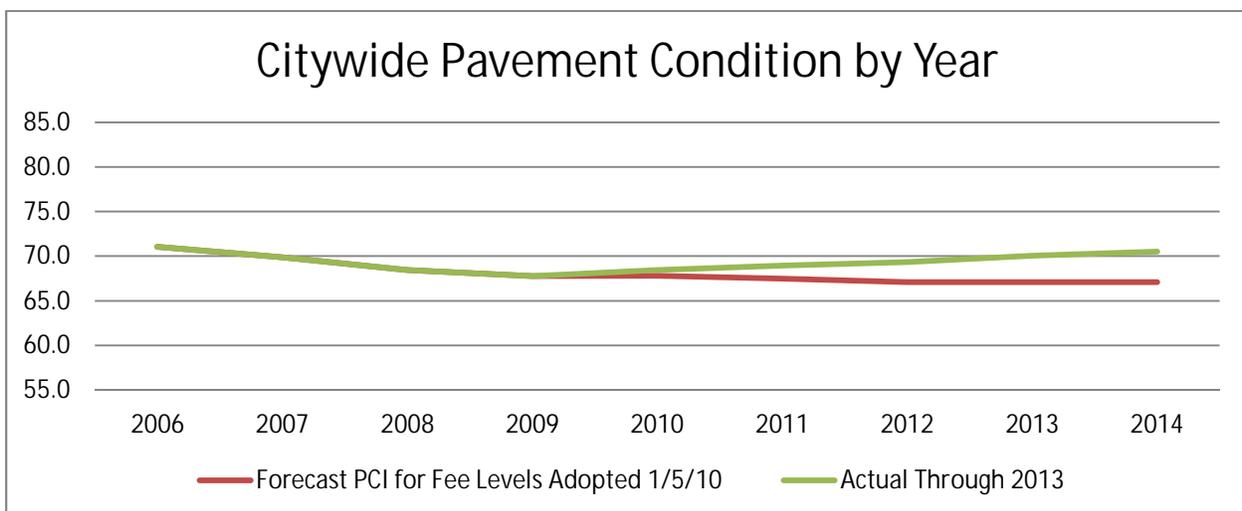
In order to maintain the overall street network in the best possible overall condition, street maintenance work has focused on three main priorities:

1. Crack sealing on major streets to reduce future deterioration.
2. Slurry seals and crack sealing on residential streets. These treatments are a cost-effective way to counter weathering, which is the primary cause of deterioration of lower-volume residential streets
3. Pavement overlays on major corridors. Streets have been prioritized for paving based on their traffic volumes, the cost-effectiveness of a paving project, and the anticipated deterioration that would occur if the street waits another year for paving.

These priorities are reflected in the following graph:



The graph below shows Tigard’s systemwide average PCI at the end of each paving season, and compares the actual PCI to those forecast when the SMF changes were adopted in 2010.



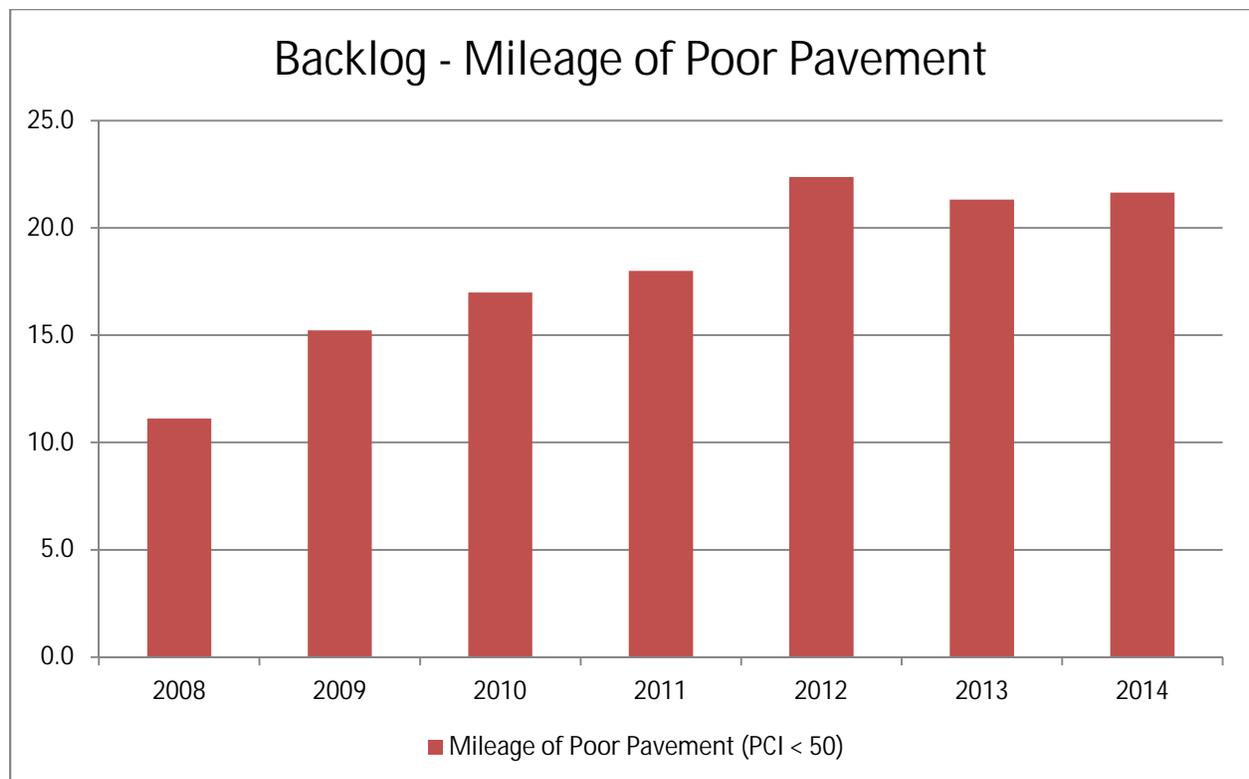
The PCI at the end of the 2014 paving season is 70.5, which is better than the 67.1 forecast in 2010, and better than the 70.1 forecast in 2013. Attachment C is a map showing the pavement condition of Tigard's streets.

Curb Ramp Retrofits (Required by Americans with Disabilities Act)

The Americans with Disabilities Act (ADA) requires that when a street is reconstructed, the curb ramps adjacent to that street must also be reconstructed or retrofit to meet ADA standards. These ramp retrofits are not required in conjunction with maintenance activities. Tigard, like many other local agencies considered pavement surface treatments and overlays to be maintenance activities, since their primary purpose is to maintain the existing paved surface. However, in the fall of 2013, clarifying notice was received from the Federal Highway Administration that pavement overlays do trigger the ADA requirement for ramp retrofits. As a result, Tigard's 2014 pavement overlay project included the retrofit or addition of 50 curb ramps in accordance with ADA standards. The approximate cost of these ramp retrofits was about \$250,000, which is about 17 percent of the total project cost. These requirements are anticipated to continue, and may necessitate a higher percentage of project costs if overlays are done on streets with a higher number of ramps.

Paving Backlog

There are many local streets (both residential and commercial) in Tigard on which the pavement condition has deteriorated beyond the level at which most preventive maintenance treatments can be effective. These streets need more extensive repairs such as pavement overlay and rehabilitation. In pavement management terms, these are called backlog streets. The graph below shows how this backlog has grown in recent years, but is starting to level off.



There are approximately 22 miles of these backlog streets in the Tigard city street system that need paving. This is approximately 14 percent of our total street mileage. The cost to pave these streets would be approximately \$11 million. It is anticipated that the amount of this backlog will remain at about this level now that the SMF increase passed in 2010 is fully phased-in, assuming that revenues and asphalt prices remain relatively consistent, and assuming no additional unfunded mandates affect the program. Additional funding would be necessary to restore these streets to good pavement condition.

Finance Director’s Findings

The Finance Director has reviewed this report and future pavement maintenance funding requirements as identified in the PMP. Data has not changed significantly from what the Council considered after the 2009 paving season.

Actual revenue collections for fiscal years 2012-2013 and 2013-2014 were analyzed and they were sufficient to meet the annual funding level set from the street maintenance plan along with the fiscal year 2014–2015 adopted budget. Completion of the SMF phase-in, along with an inflationary adjustment(s), is expected to generate sufficient revenue to fund the PMP in the coming years. The 2015-2019 PMP approved budget is as follows:

Fiscal Year	2015	2016	2017	2018	2019
PMP	\$1,900,000	1,950,000	2,025,000	2,100,000	2,170,000

Additionally, the split between customer types was analyzed to determine if costs were equitably split when compared to revenues collected. The allocation of the costs of the five-year plan is set in TMC 15.20.050 and is summarized as follows:

Road Type	Percentage of Residential Allocation	Percentage of Non-Residential Allocation
Arterial	38%	62%
Local Commercial/Industrial	0%	100%
Collector	50%	50%
Neighborhood/Local	100%	0%

It is important to realize the fee is based on a five-year plan and that there will be variance from one year to the next where one customer group may subsidize another in any given year; the important thing is that the program costs reflect the revenues collected by customer type over the five-year period. If they do not, the TMC instructs the Finance Director to make recommendations based on this review. The following tables summarize my findings:

Customer Class	Total 2013-2014 PMP Expense Related to SMF	Percentage of Total 2013 - 2014 Expense per TMC	Percentage of Revenue Collection	Share of Expenses Based on Revenue Collected	Variance
Residential	\$1,236,112	74%	67%	\$1,113,214	\$123,905
Non-Residential	\$425,394	26%	33%	\$548,299	(\$123,905)
Total	\$1,661,513			\$1,661,513	

Tigard incurred \$1,661,513 in FY 2013-14 in PMP expenses related to the SMF. Based on the types of roads, (arterial, collector, etc.), that received pavement maintenance through the PMP, \$1,236,112 (74 percent) of the PMP expenses should have been born by residential customers and \$425,394 (26 percent) of the PMP expenses should have been born by non-residential customers.

The actual revenues collected in FY 2014 have a slightly different split. Sixty-seven percent of the revenues came from the residential sector and 33 percent of the revenues came from the non-residential sector. Based on the size of the PMP and the way revenues were collected, a more equitable split would have been for \$1,113,214 to come from the residential sector and for \$548,299 to come from the non-residential sector. During the last year, the non-residential sector subsidized the residential sector by \$123,905, or seven percent of the total PMP. The Finance Director does not find this difference to be material enough to necessitate a recalculation. Engineering staff anticipates paving a higher percentage of commercial and industrial streets, arterials, and collectors in the coming years. In the long term, engineering staff estimates that the actual paving expenses will be consistent with the residential/non-residential revenue split.

Future Outlook

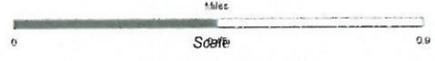
If SMF revenue remains relatively consistent over the next few years (accounting for inflation), staff anticipates the Pavement Management Program (PMP) being able to hold the line and keep Tigard's overall average pavement condition at about its current level for the next few years. This assumes that paving cost inflation stays relatively mild (less than 7 percent annual increases) and no significant additional unfunded mandates arise that would add to the cost of paving projects.

Staff anticipates the PMP continuing with the same priorities in the coming years. The program will focus on pavement overlays and pavement crack sealing in the 2015 paving season. Future years are anticipated to continue to include about 3 miles of pavement overlay projects (2 percent of the street network) and about 15 miles (10 percent of the network) of pavement crack sealing. Slurry seal projects of roughly 15 street miles per year are anticipated starting again in 2016, as the slurry seals installed in 2008 reach the end of their anticipated life and as streets paved in the early 2000s become ready for slurry seal. Attachment C is a map of tentative pavement overlay projects over the next five years. Note that significant portions of major Tigard streets are forecast to need pavement overlays within this timeframe.

While the anticipated revenue would be adequate to keep the average pavement condition from getting worse, it is not anticipated to be enough to reduce the backlog of streets that need paving.

2014 Pavement Management Projects

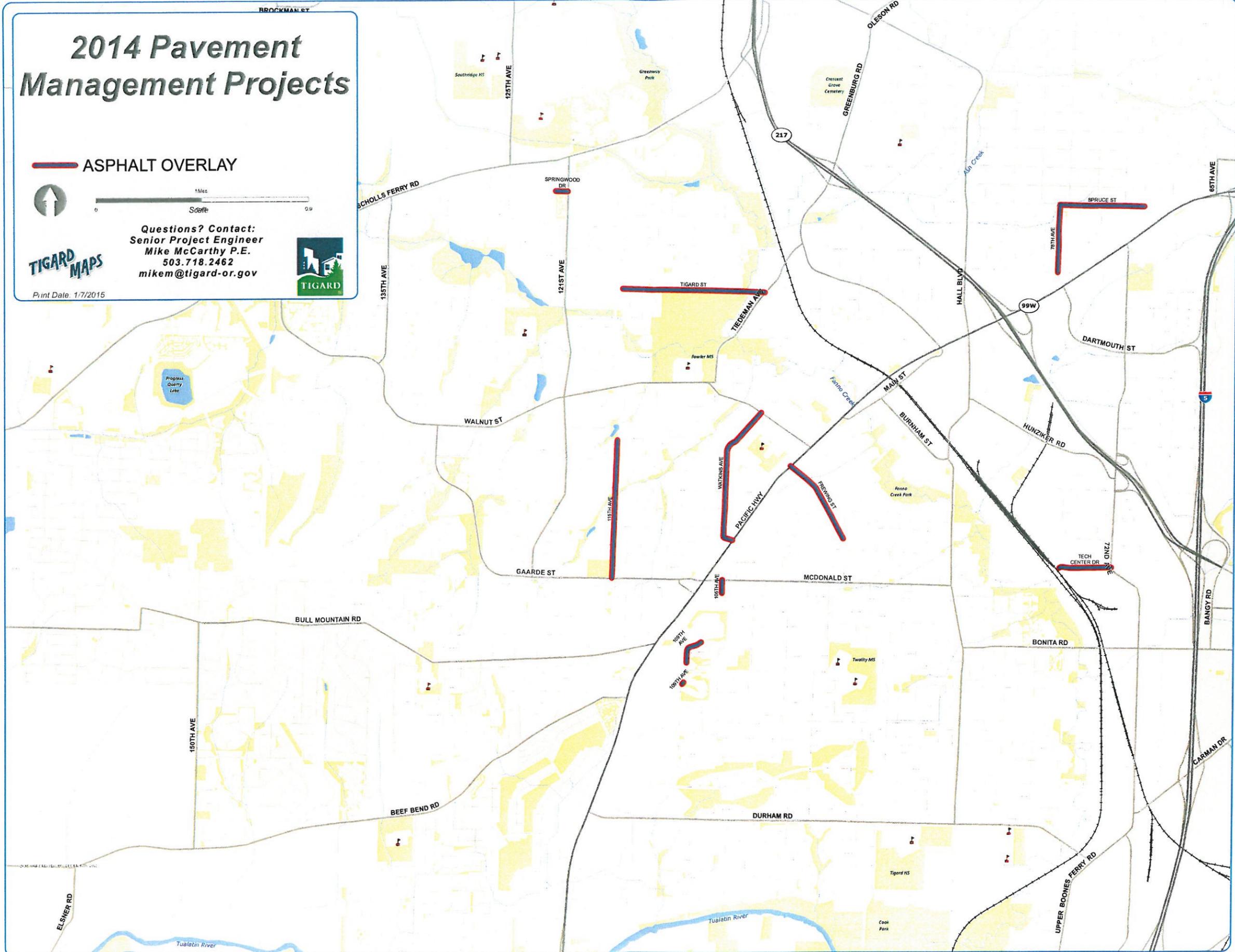
ASPHALT OVERLAY

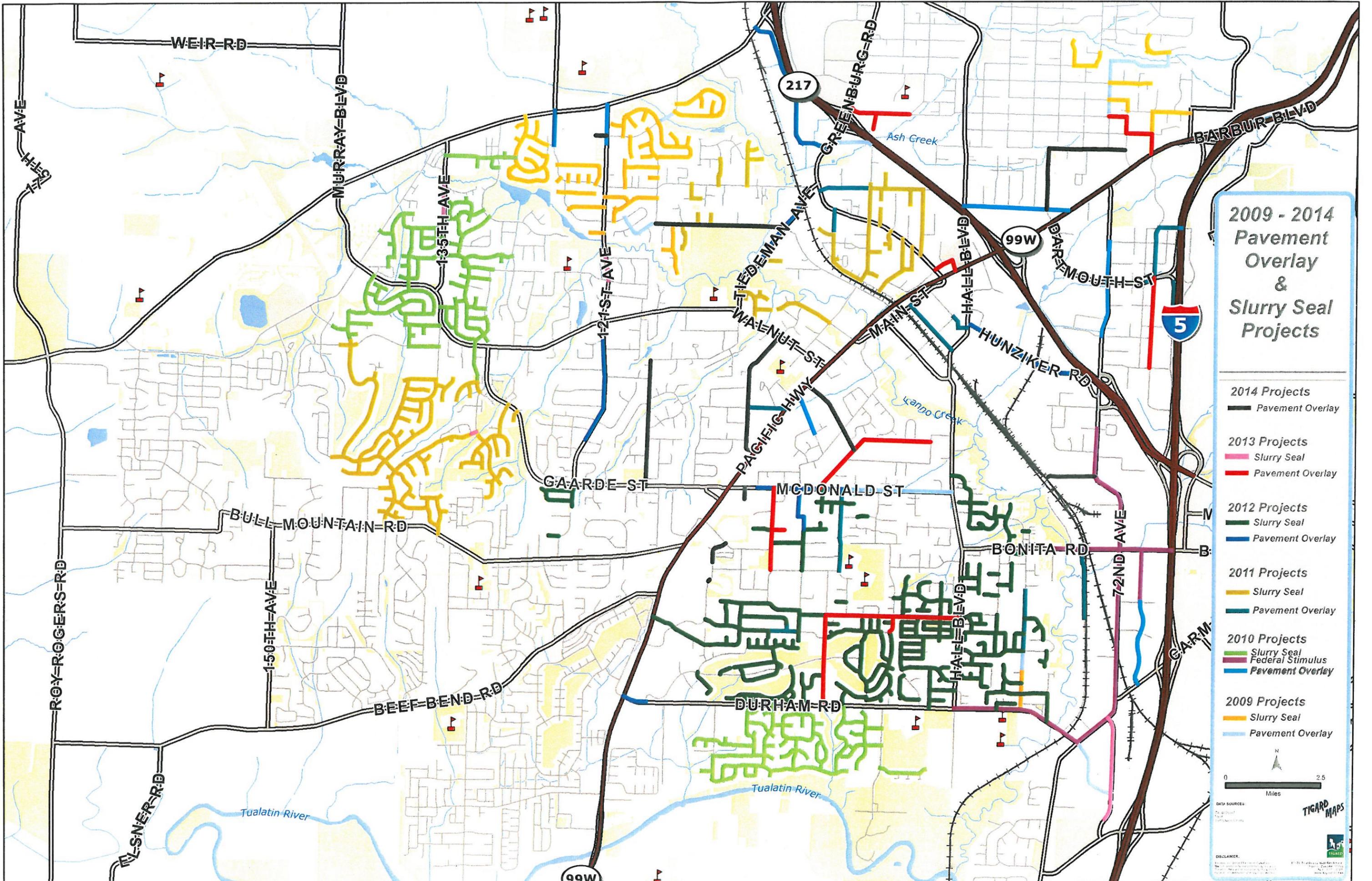


Questions? Contact:
Senior Project Engineer
Mike McCarthy P.E.
503.718.2462
mikem@tigard-or.gov



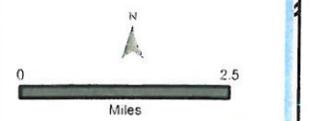
Print Date: 1/7/2015





2009 - 2014 Pavement Overlay & Slurry Seal Projects

- 2014 Projects**
 - █ Pavement Overlay
- 2013 Projects**
 - █ Slurry Seal
 - █ Pavement Overlay
- 2012 Projects**
 - █ Slurry Seal
 - █ Pavement Overlay
- 2011 Projects**
 - █ Slurry Seal
 - █ Pavement Overlay
- 2010 Projects**
 - █ Slurry Seal
 - █ Federal Stimulus
 - █ Pavement Overlay
- 2009 Projects**
 - █ Slurry Seal
 - █ Pavement Overlay



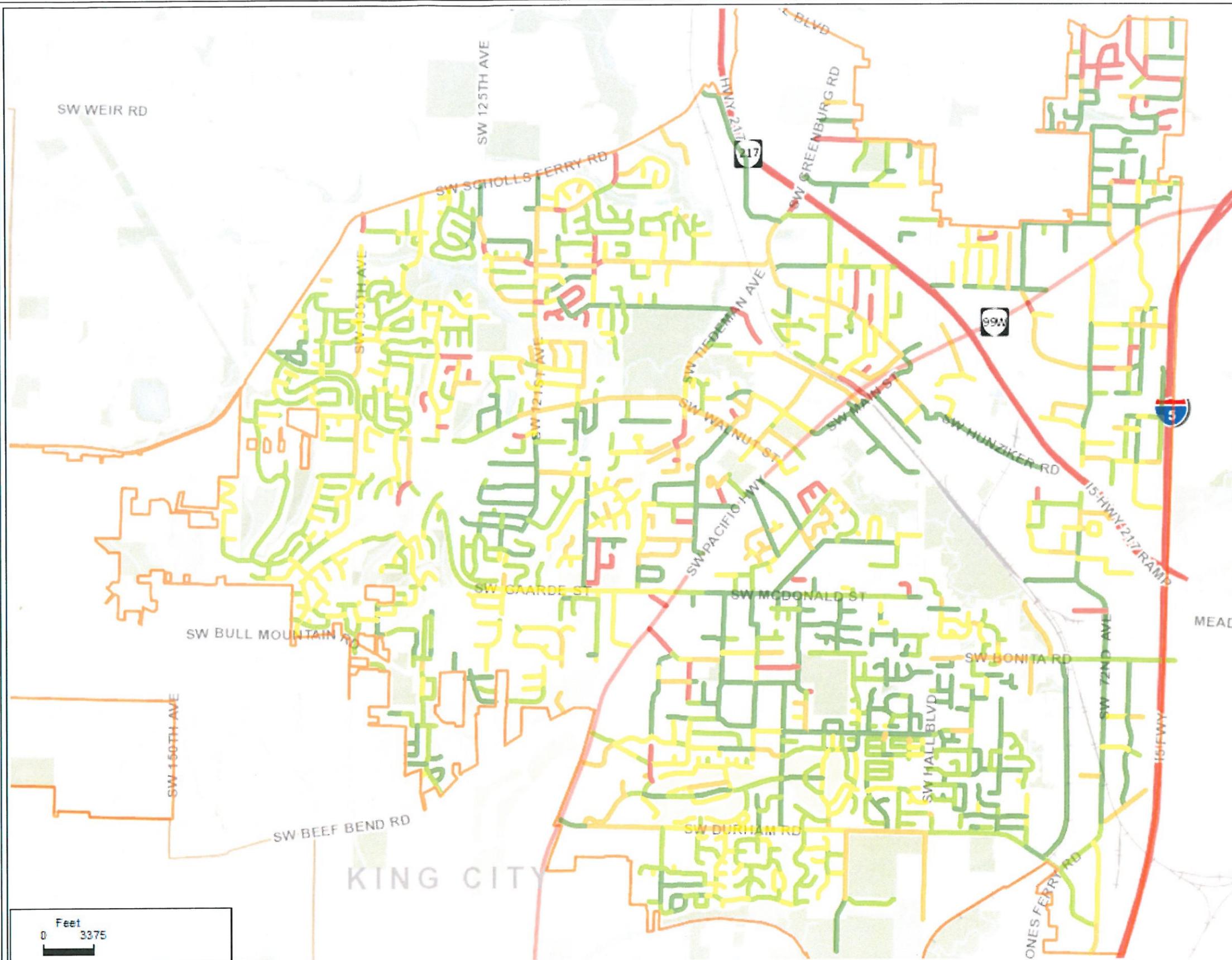
DATA SOURCES:
City of Tualatin
TIGARD MAPS

DISCLAIMER:
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Pavement Condition in Fall, 2014

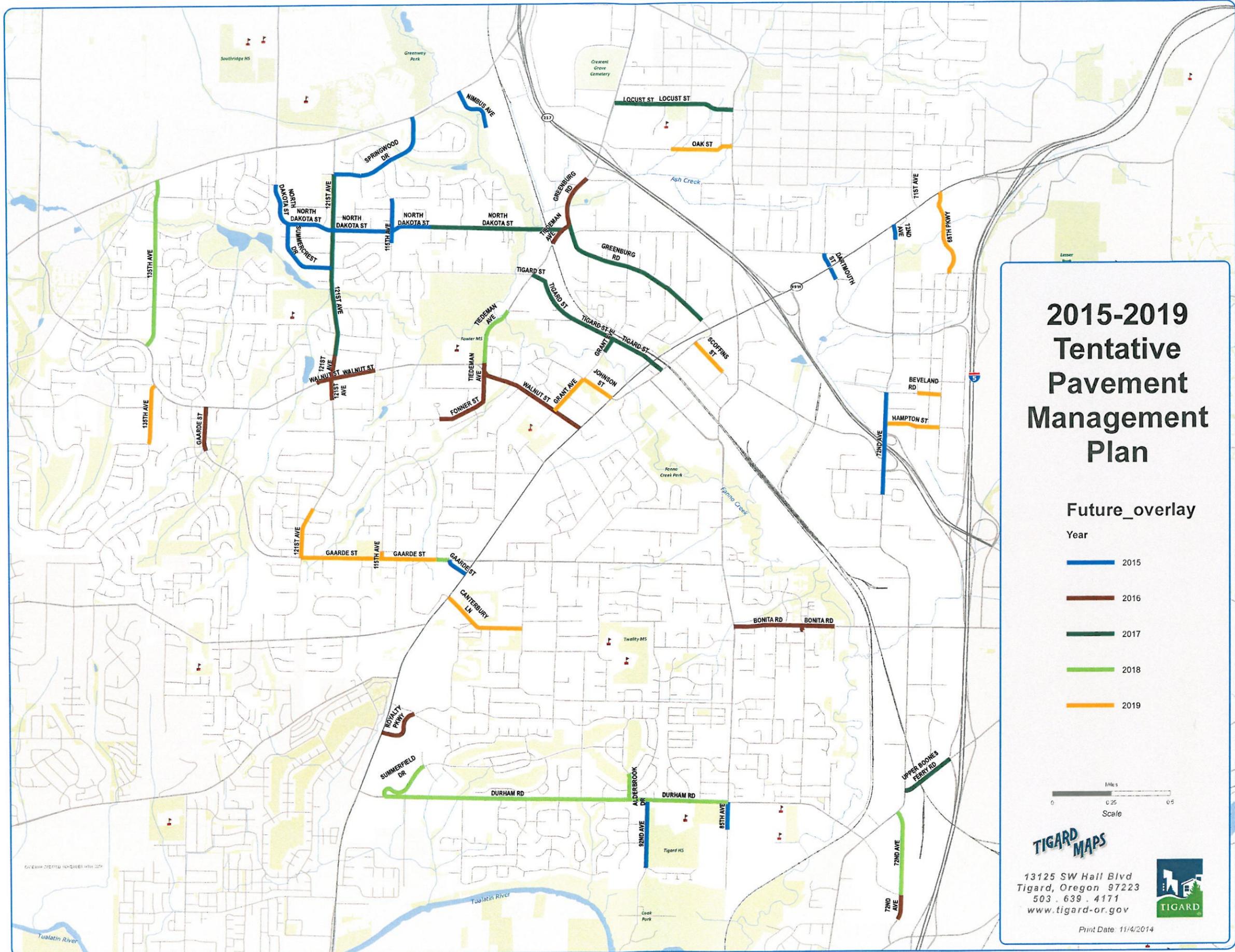
Pavement Condition

- Very Good
- Good
- Fair
- Poor
- Very Poor
- No Data



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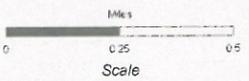


2015-2019 Tentative Pavement Management Plan

Future_overlay

Year

- 2015
- 2016
- 2017
- 2018
- 2019



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www.tigard-or.gov



Print Date: 11/4/2014



6. CONSIDER A RESOLUTION TO ADD BUDGET APPROPRIATION FOR THE BARROWS/SCHOLLS FERRY WATER LINE

- a. Assistant Finance and IT Director Smith-Wagar and Senior Project Engineer Murchison were present for this item. Ms. Smith-Wagar presented the staff report. The proposed resolution and staff report indicate a request to authorize appropriations in the amount of \$1,027,000 from the Water SDC Fund. The money will be used to fund the Intergovernmental Agreement with Washington County to extend water services to River Terrace. The resolution presented to the City Council contained a typographical error – the appropriation amount should be \$1,027,000 (not \$1,207,000).
- b. Council consideration of Resolution No. 13-45:

Motion by Councilor Buehner, seconded by Councilor Snider, to adopt Resolution No. 13-45, with the corrected amount of \$1,027,000.

RESOLUTION NO. 13-45 - A RESOLUTION TO ADOPT A SUPPLEMENTAL BUDGET AMENDMENT TO FY 2014 FOR THE BARROWS ROAD/SCHOLLS FERRY ROAD WATER EXTENSION PROJECT FOR RIVER TERRACE.

The motion was approved by a unanimous vote of City Council present:

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



7. REVIEW STREET MAINTENANCE FEE

Assistant Finance and IT Director Smith-Wagar, Assistant Public Works Director Rager and Streets and Transportation Senior Project Engineer McCarthy were present for this agenda item. Ms. Smith-Wagar introduced the staff report. This topic will be brought before the City Council again at the November 19 workshop meeting to incorporate what is discussed with the council tonight. Funds are being collected at about what was anticipated.

City Manager Wine advised that during the past year, council identified the potential policy review whether the concept in using parking as proxy is the right approach, how roofs and eaves are calculated, if there should be a cap on big box collections and what to do about the county's vehicle registration fee.

 Councilor Buehner said it looked as if the city is doing some catch-up work. In 2010, the city was unable to do the slurry seal projects for the whole city in the time needed before it was time to start over. She asked for information about how the city was doing in terms of getting back on a schedule so a sufficient amount of streets were being sealed each year to complete the

cycle. Streets and Transportation Senior Project Engineer McCarthy advised that over the past five years, every street (that was a good candidate) has been slurry sealed. In particular, the slurry seal program for the last two years was accelerated and is caught up.

 For overlay projects, the city has been able to “hold the line” and slightly improve the overall pavement condition index. If funding and conditions stay the same, Mr. McCarthy said the city would be able to continue to hold the line and keep the pavement from getting worse overall. It would take quite a bit more resources to achieve the optimum overall pavement conditions. Councilor Buehner asked for information so the council could discuss what would be needed to bring streets up to a higher standard. Councilor Snider said he would like to see this presented in a sensitivity analysis style to view what it would cost to buy every unit of improvement. Mayor Cook noted the “hold the line” index figure was 68 and the city has been able to bring this number up to a little above 70. He would be interested to learn if the “hold the line” strategy would mean this number could continue to increase. Councilor Snider observed that the city is doing better than what had originally been anticipated. Analysis of why this has worked better than originally thought would be helpful for a future policy discussion on this topic.

 Streets and Transportation Senior Project Engineer McCarthy said the sensitivity analysis would be presented to the council at the November workshop meeting. A lot of the reason for the improvement in road condition is because of the number of slurry seals that have been done – giving us the best pavement improvement for the dollar.

 In response to a question from Council President Henderson, Streets and Transportation Senior Project Engineer McCarthy advised that as the program is scheduled, staff attempts to balance work to be done on residential and non-residential streets. The goal is to keep the work expense in line with the revenue collected. Some years more residential work is done than for non-residential and the reverse is true for other years. The rate is set based on the long-term plan/long-term average.

 Assistant Finance and IT Director Smith-Wagar advised the new parking requirements that went into effect in June are not reflected in this report – this report is for work through June 30, 2013.

 Assistant Finance and IT Director Smith-Wagar said when the methodology was adopted for fees assigned to residential and commercial, the work that needed to be done was estimated. The money is easy to track as it is collected from residential or commercial properties. The way the money is spent is more of an estimate.

 Councilor Snider questioned whether the methodology was equitable from both a revenue collection perspective and the expenditure. Councilor Woodard said similar questions have been asked by members of the River Terrace Stakeholders’ group with regard to the Transportation System Plan.

 Discussion followed about council members' desire to understand the methodology currently in effect so they can make a determination if changes are needed. Streets and Transportation Senior Project Engineer McCarthy said that the streets in the commercial and industrial areas get a lot of heavy vehicle-loading traffic and the "fixes" to these streets tend to be more expensive.

 The policy question of how much, if any, street maintenance fee should be devoted to right-of-way maintenance will be revisited when this topic comes up for discussion.

 Councilor Woodard commented that he liked the accomplishments for 2012 and 2013 in the street maintenance program. He referred to the report, which allows one to determine what has been done and what remains to be done. He would like to forecast projects for the next three to five years. Streets and Transportation Senior Project Engineer McCarthy advised staff plans to bring scenarios for council's perusal that will likely be in the three to five year range.

 Council President Henderson referred to a 2013 year-end report on street maintenance fees. To explain the difference in the numbers depicted in the 2013 year-end report and the numbers in the staff report for this agenda item, Assistant Finance and IT Director Smith-Wagar said the year-end report is based on the revenue side of the program and tonight's information shows the amount of money that has been spent in the last two years. Staff has been building a base in this fund because cash flows do not match up with the construction season – the fiscal year ends in the middle of the construction season. The reserve has been spent down with the work completed in July in August, so there is about \$200,000 remaining in the fund at the end of August. The fund will begin to increase to pay for projects during the next construction season. Streets and Transportation Senior Project Engineer McCarthy added that the figures in tonight's report are only for paving projects and do not show the amount expended on right-of-way maintenance or the costs associated with the collection of the funds. Council President Henderson asked for these costs to be broken out and Mr. McCarthy said those would be available for the next session on this topic.

 Councilor Buehner recalled that in 2010, the plan was to hold a contingency of a minimum of \$1 million at all times. She said she has some concerns about insufficient contingency. Ms. Smith-Wagar said she would research the 2010 documentation for this council direction.

 Streets and Transportation Senior Project Engineer McCarthy reported that it is likely the city will need to address a federal government requirement (Americans with Disabilities Act) that says if the city repaves a street that the curb ramps would need to be rebuilt to meet the current ADA standards. This would add a fair amount of cost to those projects.

 Assistant Public Works Director Rager reported that the right-of-way maintenance component was approved for \$100,000 a year; all of this money is being spent on the targeted streets (in a prioritized manner going down through the list) as shown in the staff report. The city is reaching a point where we have done about as much improvement work that can be done and are now in a maintenance-only mode. The policy question has to do with other goals that the council has had in the past, including beautification of Pacific Highway. The city has worked

with the Oregon Department of Transportation (ODOT) on a number of their projects where Tigard has asked them to put trees and landscaping in the right of way. The expectation on ODOT's part, however, is that Tigard will maintain those areas. This is something that council did not know in 2010 when the maintenance component was added. Discussion is needed by council on this issue and whether additional funds should be allocated for maintenance.

8. COUNCIL LIAISON REPORTS

 Councilor Woodard reported on the River Terrace Stakeholder Work Group. Reviews have been made on water systems and various master plans in the area. They continue to hear concerns about complexity, coordination of interests (facility impacts and what part of the development should start first) and funding. Concerns were raised about coordination between the Tigard Water District and the city. He advised that the consultant is doing a great job.

Councilor Woodard said Roy Rogers Road has a 20,000 vehicle trips per day now.

Councilor Buehner talked about the Tigard Water District. She said that when land is annexed into the city, then that parcel must be transferred from the district to the city. Councilor Woodard said the stakeholders group discussed the fact that connections could be made from junctures between incorporated and unincorporated areas – the concerns center on costs and priorities. Councilor Buehner said the District does not extend into the Urban Reserves and there are only five current properties in River Terrace that are in the District – all of the rest is rural land and not involved.

Discussion followed on the dynamics of the process including the involvement of the consultant and the differing viewpoints that come to the table.

-  Council President Henderson reported on a seminar he attended recently regarding community visioning and strategic planning. He shared some insights learned by the consultant who conducted a five-year strategic planning process followed in Hillsboro. Lessons learned included the need for a community visioning process that should be conducted at the beginning to assure an understanding of the vision. Many strategic plans fail during implementation and the planning process should find the means to carry out the vision. Discussion followed about Tigard's current effort in strategic planning and the key role to be filled by the elected officials. Council members discussed the public involvement component and all agreed this was integral to the success of the plan. Councilor Woodard commented that to “solidify the vision, we need to brand the vision.” City Manager Wine assured the City Council that Tigard's planning process includes obtaining community input – the first step was to present council with a direction for the plan to be followed by testing the validity of the direction with the community. Councilor Snider called for the community testing and input gathering be a robust process, which would include participation from other agencies.

> Follow-up to citizen communication by City Manager Wine:

- James Long of CPO 4M addressed the council in September. Ms. Wine referred to a letter submitted to the City Council from Mr. Long, who cited the following issues:

TIGARD CITY COUNCIL MEETING MINUTES – OCTOBER 22, 2013

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Chapter 15.20 STREET MAINTENANCE FEE

Sections:

- 15.20.010 Creation and Purpose**
- 15.20.020 Definitions**
- 15.20.030 Administrative Officers Designated**
- 15.20.040 Street Maintenance Fees Allocated to the Street Maintenance Fee Fund**
- 15.20.050 Determination of Street Maintenance Fee**
- 15.20.060 Determination of Amount, Billing and Collection of Fee**
- 15.20.070 Waiver of Fees in Case of Vacancy**
- 15.20.080 Administrative Provisions and Appeals**
- 15.20.090 Administrative Policies**
- 15.20.100 Penalty**
- 15.20.110 Severability**

15.20.010 Creation and Purpose

A street maintenance fee is created and imposed for the purpose of maintenance of city streets. The street maintenance fee shall be paid by the responsible party for each occupied unit of real property. The purposes of the street maintenance fee are to charge for the service the city provides in maintaining public streets and to ensure that maintenance occurs in a timely fashion, thereby reducing increased costs that result when maintenance is deferred.

15.20.020 Definitions

As used in this chapter, the following shall mean:

A. Public Works Director. The public works director or the public works director's designee.

B. Developed property or developed use. A parcel or legal portion of real property, on which an improvement exists or has been constructed. Improvement on developed property includes, but is not limited to buildings, parking lots, landscaping and outside storage.

C. Finance Director. The finance & information services director or designee.

D. Residential Property. Property that is used primarily for personal domestic accommodation, including single family, multi-family residential property and group homes, but not including hotels and motels.

E. Nonresidential Property. Property that is not primarily used for personal domestic accommodation. Nonresidential property includes industrial, commercial, institutional, hotel and motel, and other nonresidential uses.

F. Street Functional Classification. Street classifications as described in the Tigard Transportation System Plan.

1. Arterials are defined as streets having regional level connectivity. These streets link major commercial, residential, industrial and institutional areas.

2. Collectors are defined by citywide or district wide connectivity. These streets provide both access and circulation within and between residential and commercial/industrial areas.

3. Neighborhood routes are defined as streets that provide connections within the neighborhood and between neighborhoods. These streets provide connectivity to collectors or arterials.

4. Local commercial/industrial streets are those streets within the city that are not designated as arterials or collectors and whose

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primary function is serving traffic to and from commercial and/or industrial (i.e., nonresidential) uses.

5. Local streets are any streets within the city that are not designated as arterials, collectors, neighborhood routes or identified as commercial/industrial streets. These streets have the sole function of providing access to immediately adjacent land.

G. Parking Space Requirement. The minimum off-street vehicle parking requirement as stated in the minimum and maximum off-street vehicle and bicycle parking requirements in the Tigard Community Development Code.

H. Pavement Management Program (PMP). An annual program of corrective and preventative maintenance on City of Tigard streets funded by the street maintenance fee (SMF). The program helps to extend the life of the pavement structure by various means such as, pavement overlaying, slurry sealing, or complete removal and replacement of asphalt.

I. Occupied Unit. Any structure or any portion of any structure occupied for residential, commercial, industrial, or other purposes. For example, in a multifamily residential development, each dwelling unit shall be considered a separate occupied unit when occupied, and each retail outlet in a shopping mall shall be considered a separate occupied unit. An occupied unit may include more than one structure if all structures are part of the same dwelling unit or commercial or industrial operation. For example an industrial site with several structures that form an integrated manufacturing process operated by a single manufacturer constitutes one occupied unit. Property that is undeveloped or, if developed, is not in current use is not considered an occupied unit.

J. Responsible Party. The person or persons who by occupancy or contractual arrangement are responsible to pay for utility and other services provided to an occupied unit. Unless another party has agreed in writing to pay and a copy of the writing is filed with the city, the person(s) paying the city's water and/or sewer bill for an occupied unit shall be deemed the responsible party as to that occupied unit. For any occupied unit not otherwise required to pay a city utility bill, "responsible party" shall mean the person or persons legally entitled to occupancy of the occupied unit, unless another responsible party has agreed in writing to pay and a copy of the writing is filed with the city. Any person who has agreed in writing to pay is considered the responsible person if a copy of the writing is filed with the city.

K. Street Maintenance. Any action to maintain city streets, including repair, renewal, resurfacing, replacement and reconstruction. Street maintenance does not include the construction of new streets or street lighting. Street maintenance shall include resurfacing of existing streets, repair or replacement of curb and gutter where they exist, repair or replacement of the entire existing street structural section, repair or replacement of existing street shoulders, pavement markers, striping and other street markings, repair or replacement of existing channelization devices, adjustment of existing utilities to match finish grades, and any other related work within the existing streets. It includes repair or restoration of existing storm drainage systems within existing streets, but does not include installation of new drainage systems. It includes right-of-way maintenance on the city's arterial and collector streets, which covers maintenance and enhancement of planting strips, medians and areas between sidewalks and property lines on these street to prevent the uncontrolled growth of weeds and other undesirable vegetation in these areas. It does not

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include repair or replacement of existing sidewalks. (Ord. 10-01 §2)

15.20.030 Administrative Officers Designated

A. Except as provided in subsections B and C of this section, the public works director shall be responsible for the administration of this chapter. The public works director shall be responsible for developing administrative procedures for the chapter, administration of fees, and for the purposes of establishing the fee for a specific occupied unit, the consideration and assignment of categories of use, and parking space requirements subject to appeal in accordance with this chapter.

B. The public works director shall be responsible for developing and maintaining street maintenance programs for the maintenance of city streets and, subject to city budget committee review and city council approval, allocation and expenditure of budget resources for street system maintenance in accordance with this chapter.

C. The finance director shall be responsible for the collection and calculation of fees and the appeals process under this chapter. (Ord. 10-01 §2)

15.20.040 Street Maintenance Fees Allocated to the Street Maintenance Fee Fund

A. All street maintenance fees received shall be deposited to the street maintenance fee fund or other fund dedicated to the operation and maintenance of the city street system. The street maintenance fee fund shall be used for street maintenance. Other revenue sources may also be used for street maintenance. Amounts in the street maintenance fee fund may be invested by the finance director in accordance with state law.

Earnings from such investments shall be dedicated to the street maintenance fee fund.

B. The street maintenance fee fund shall not be used for other governmental or proprietary purposes of the city, except to pay for an equitable share of the city's overhead costs including accounting, management and other costs related to management and operation of the street maintenance program. Engineering design, pavement evaluation, construction management, and other related costs, including project advertisements for bid, in the implementation of the street maintenance projects shall also be considered as being used for street maintenance. (Ord. 10-01 §2)

15.20.050 Determination of Street Maintenance Fee

A. The street maintenance fee shall be established based on the following:

1. The city's five-year maintenance and reconstruction plan for corrective and preventative maintenance of the city's street infrastructure.

2. The average annual cost based on the five-year maintenance and reconstruction plan with costs allocated as follows:

a. Arterial maintenance costs allocated 62% to nonresidential uses and 38% to residential uses.

b. Local commercial/industrial street maintenance costs allocated 100% to nonresidential uses.

c. Collector maintenance costs allocated 50% to residential uses and 50% to nonresidential uses.

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d. Neighborhood routes and local street maintenance costs allocated 100% to residential uses.

3. For residential property, the fee shall be charged on a per unit basis.

4. For nonresidential property other than gasoline stations, the fee shall be based on the minimum number of vehicle parking spaces as stated in the minimum and maximum off-street vehicle and bicycle parking requirements in the Tigard Community Development Code for each occupied unit, provided, however, that the maximum number of parking spaces for purposes of calculating the street maintenance fee shall be 250.

a. In that nonresidential property with fewer than six required spaces shall constitute a tier with a 50% reduction of the total fee amount.

b. In recognition that religious institutions have minimum parking space requirements that are relatively large in comparison to the actual use of those spaces, the total fee for each religious institution shall be reduced by 50%.

5. The street maintenance fee for gasoline stations shall be based on the number of fueling positions.

B. The street maintenance fee rates shall be established by council resolution.

C. Beginning July 1, 2010, the fee for the Pavement Management Program will be implemented in three phases. The second phase will be effective on April 1, 2011 and the third will be effective on January 1, 2012. The street surface portion of the PMP will be phased in evenly over all three phases. The right-of-way

portion of the PMP will be phased in evenly to residential customers over the last two phases.

D. The street maintenance fee will be adjusted according to an annual index.

1. The index is defined in the city's Master Fees and Charges Schedule.

2. A floor of two percent and a ceiling of seven percent has been established.

E. The program shall be reviewed annually as part of the city's budget process.

F. Following each review of the program, the finance director shall review the revenue received from the new rates after a full year of collection to determine if the annual revenues meet the annual funding level set from the updated five-year street maintenance plan. The finance director shall report the findings of that review to city council and may make recommendations on any potential fee increases or decreases based on that review. Any unspent funds will be placed in a reserve fund. (Ord. 13-06 §1; Ord. 10-01 §2).

15.20.060 Determination of Amount, Billing and Collection of Fee

A. For the purpose of establishing the fee, the minimum required number of parking spaces or the number of fueling positions for each occupied unit of nonresidential property shall be determined by the public works director. For uses not explicitly listed in the Tigard Development Code as to required parking, the public works director shall assign the use to the similar category with the most similar impact on the transportation system, considering relevant information such as:

1. The size of the site and the building;

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2. The number of employees;
3. Other developed sites with similar use.

B. The public works director shall establish the amount of street maintenance fee payable for each unit of nonresidential property and shall inform the finance director of the amount. The amount payable shall be re-determined if there is a change in use or development. All redeterminations based on a change in use or development shall be prospective only. The finance director shall charge the per-unit street maintenance fee to the responsible party for each occupied unit of residential property.

C. The street maintenance fee shall be billed to and collected from the responsible party for each occupied unit. Billings shall be included as part of the water and sewer bill for occupied units utilizing city water and/or sewer, and billed and collected separately for those occupied units not utilizing city water and/or sewer. All such bills shall be rendered regularly by the finance director and shall become due and payable upon receipt.

D. Collections from utility customers will be applied first to interest and penalties, then proportionately among the various charges for utility services and street maintenance.

E. An account is delinquent if the street maintenance fee is not paid by the due date shown on the utility bill. The city may follow the procedures for collection of delinquent accounts set forth in Sections 12.03.030 and/or 12.03.040, including termination of water and/or sanitary sewer service. (Ord. 10-01 §2)

15.20.070 Waiver of Fees in Case of Vacancy

A. When any developed property within the city becomes vacant as described in subsection F of this section, upon written application and approval by the finance director, the street maintenance fee shall thereafter not be billed and shall not be a charge against the property until such time as the property is no longer vacant.

B. The finance director is authorized to cause an investigation of any property for which an application for determination of vacancy is submitted to verify any of the information contained in the application. The finance director is further authorized to develop and use a standard form of application, provided it shall contain a space for verification of the information and the person signing such form affirms under penalty for false swearing the accuracy of the information provided therein.

C. When any developed property within the city has the utilities shut-off due to vacancy, the street maintenance fee shall be waived for the duration of the vacancy as described in subsection F of this section.

D. When any multi-occupied developed property within the city has one or more vacancies as described in subsection F of this section, the responsible party may request, in writing, a waiver of a portion of the street maintenance fee applicable to the vacant units.

E. When a change of use occurs, a vacancy has been filled, or a property is developed, it is the responsible party's responsibility to inform the city of any change so the proper street maintenance fees may be assessed. If the responsible party does not inform the city of any change, the city shall cancel the vacancy waiver and charge the responsible party as per subsection F of this section.

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F. For purposes of this section, a unit of property is vacant when it has been continuously unoccupied and unused for at least 30 days. Fees shall be waived in accordance with this section only while the property remains vacant. The waiver duration is for six months. After six months, the responsible party must re-apply for the waiver if the property continues to be unoccupied and unused. The responsible party has 30 days to re-apply for the vacancy waiver after the expiration of the six month waiver. Any occupancy or use of the property terminates the waiver. As a penalty for not reporting a change in property vacancy, the city may charge any property two times the appropriate street maintenance fee, that would have been due without the vacancy waiver for prior billing periods, upon determining by whatever means that the property did not qualify for waiver of charges during the relevant time. The decision of the finance director under subsections A, B and F of this section shall be final. (Ord. 10-08 §1, 2010; Ord. 10-01 §2)

15.20.080 Administrative Provisions and Appeals

A. The public works director shall have the initial authority and responsibility to interpret all terms, provisions and requirements of this chapter and to determine the appropriate charges thereunder. The responsible party for an occupied unit may request reconsideration of the public works director's determination of the amount of the fee by submission of a written application to the public works director. The application shall be submitted in sufficient detail to enable the public works director to render a decision.

B. Within 30 days of the submission of a complete application requesting reconsideration of the amount of the street maintenance fee to be charged to an occupied unit, the public works director shall render a decision on the application. The decision shall be written and shall include

findings of fact and conclusions for the particular aspects of the decision, based upon applicable criteria, which may include a land use decision that modifies the minimum required vehicle parking for an occupied unit. A copy of the decision shall be mailed to the person submitting the request. The public works director shall maintain a collection of such decisions. Decisions of the public works director, which affect the amount of fee to be charged to a property, shall be forwarded to the finance director. Except as provided under subsection D of this section, the decision of the public works director is final.

C. For the purpose of reviewing the fee, the public works director may determine that the land use category is proper and that the fee charged is appropriate. However, if the decision of the public works director results in a change in the category of land use, the public works director shall, for the purpose of establishing the fee, assign a new use category, determine the appropriate fee for the category, and notify the finance director so that the appropriate change may be made in the applicable fee to be charged in the future. No back charges or refunds are required. The decision of the public works director, under this subsection C only, may be appealed.

D. Council may form a subcommittee consisting of two council members, or appoint a committee of disinterested citizens, hereinafter known as the appeal committee, to address any appeals to the public works director's decisions. A responsible party who disputes the determination of the public works director as to use category or number of required parking spaces may file a written appeal with the appeal committee. All appeals must be submitted within 10 days from the date of the public works director's decision, together with a filing fee in an amount set by council by resolution. The application for appeal shall specify the reasons for the appeal and shall provide sufficient information for the appeal

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committee to render a decision. No other appeals shall be permitted.

E. The appeal committee shall schedule a review of each appeal and shall notify the appellant not less than 10 days prior thereto of the date of such review. The appeal committee shall conduct a hearing to determine whether there is substantial evidence in the record to support the interpretation given by the public works director and may continue the hearing for purposes of gathering additional information bearing on the issue. The appeal committee shall render an initial oral decision and shall adopt a final written decision together with appropriate findings in support thereof. The decision of the appeal committee shall be for the purpose of establishing the fee and limited to whether the appellant has been assigned to the appropriate use category, or whether the appropriate minimum vehicle parking space requirement or number of fueling positions has been correctly identified. If the appeal committee should determine that for the purpose of establishing the fee, a different use category should be assigned, or that the minimum parking space requirement should be revised, it shall so order, provided no refund of prior street maintenance fees shall be given. Only where the committee decision results in a change in use category and/or change in the minimum parking space requirement will the filing fee on the appeal be refunded. The appeal committee decision shall be final. (Ord. 10-01 §2)

15.20.090 Administrative Policies

A. The following policies shall apply to the operation and scope of this chapter:

1. Street maintenance fees imposed under this chapter shall apply to all occupied units, occupied units owned and/or occupied by local, state and federal governments, as well as property which may be entitled to exemption from or deferral of ad valorem property taxation.

2. Publicly owned park land, open spaces and greenways shall not be subject to the street maintenance fee unless public off-street parking designed to accommodate the use of such areas is provided.

3. Areas used for commercial farming or forestry operations shall be billed according to the use of any structures on the site. Where a site is used exclusively for farming or forestry and not for residential or commercial uses, the site shall not be subject to the street maintenance fee. Where there are different seasonal uses of structures on farm or forest land, the use category shall be determined by examining the use for the longest portion of the year. Where more than one use is made of a farming or forestry site, then each use shall be examined separately and combination of use categories shall be used to determine the street maintenance fee.

4. Areas encompassing railroad and public right-of-way shall not be subject to the street maintenance fee.

5. Railroad property containing structures, such as maintenance areas, non-rolling storage areas and areas used for the transfer of rail transported goods to non-rail transport shall be subject to street maintenance fees.

6. For newly developed properties, the fees imposed under this chapter shall become due and payable from and after the date when the developed property is occupied and connected to the public water or sanitary sewer system.

B. The public works director is authorized and directed to review the operation of this chapter and, where appropriate, recommend changes thereto in the form of administrative policies for adoption of the city council by resolution. Administrative policies are intended to provide guidance to property owners, subject to this chapter, as to its meaning or operation,

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consistent with policies expressed herein. Policies adopted by the council shall be given full force and effect, and unless clearly inconsistent with this chapter shall apply uniformly throughout the city.

C. If an occupied unit of nonresidential property is used for more than one use with different minimum parking requirements, the street maintenance fee shall be based on the required parking for the total of the various uses.

D. The determination or assignment of a use category and minimum number of parking spaces under the provisions of this chapter are strictly for the purpose of establishing a fee and are not statutory land use decisions. (Ord. 10-01 §2)

15.20.100 Penalty

In addition to any other remedy, violation of any provision of this chapter shall be a Class A civil infraction. Each day of delinquency in paying the street maintenance fee constitutes a separate violation.

15.20.110 Severability

A. In the event any section, subsection, paragraph, sentence or phrase of this chapter or any administrative policy adopted herein is determined by a court of competent jurisdiction to be invalid or unenforceable, the validity of the remainder of the chapter shall continue to be effective. If a court of competent jurisdiction determines that this chapter imposes a tax or charge, which is therefore unlawful as to certain but not all affected properties, then as to those certain properties, an exception or exceptions from the imposition of the street maintenance fee shall thereby be created and the remainder of the chapter and the fees imposed thereunder shall continue to apply to the remaining properties without interruption.

B. Nothing contained herein shall be construed as limiting the city's authority to levy special assessments in connection with public improvements pursuant to applicable law. (Ord. 03-10) ■

STREET MAINTENANCE

P R O G R A M

Roads represent one of the largest investments owned by the City, an investment that's in need of repair.

The Tigard City Council is seeking citizen input about the condition of its streets and how to protect this investment.

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Tigard Street Maintenance Review



In the coming months, City Council will be revisiting our current Street Maintenance Fee Program to ensure it remains an effective tool for safeguarding this community’s biggest investment: 148 miles of paved streets that keep the people of Tigard in motion.

Stay tuned to the *Cityscape* newsletter and our website for information such as status updates, ways you can get involved, and street maintenance facts.

www.tigard-or.gov/input

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Questions or Comments?

You can submit your comments on line! Follow the link at www.tigard-or.gov/input to leave any questions, comments, or concerns for City Council and staff. Frequently asked questions and items of interest will be posted online with answers for you to review.

If you'd prefer, you can submit your comments or questions in writing to:

Marissa Daniels
Street Maintenance Fee Comments
13125 SW Hall Blvd
Tigard, OR 97223
marissa@tigard-or.gov

Or, drop them off in the Tigard City Hall Permit Center.

Tigard City staff will be available throughout the summer to answer your questions in person. Check the web for an updated outreach calendar.

Street Maintenance 101

Street in good to excellent condition are characterized as having good riding quality, drainage, and appearance. The total annual maintenance investment is four to five times less following preventative maintenance strategy than if streets were allowed to deteriorate to poor and failed conditions requiring major rehabilitation.

Pavement Minor Maintenance Treatments

The Tigard Public Works Street Maintenance Division is responsible for the maintenance of 148 miles of paved streets, 1 mile of gravel streets, maintenance of street and traffic signs, installation and maintenance of guardrails and barricades, crack sealing, and patching street surfaces, maintenance of off-street bicycle paths and installation and marking.

Pavement Major Maintenance Treatments

There are four main pavement maintenance treatments commonly used on city streets:

1. **Slurry Seal** — Typically used on good residential streets to keep them in good condition
2. **Asphalt Overlay**— Often used as

- regular maintenance on busy streets, or to repair fair/poor residential streets
3. **Major Overlay**— Often used on busy streets that have deteriorated into poor condition
4. **Street Reconstruction**— Typically done only when a street's condition is very poor

For more information about each type of maintenance treatment, please visit our web site:

www.tigard-or.gov/input

Right-of-Way Maintenance

The City of Tigard currently hires a contractor annually to mow roadside grass and brush to maintain clear vision areas and minimize fire and complaint activity. The City also provides debris cleanup on an as-needed basis in these areas. The City trims trees annually to ensure street lights are functioning property. Also included in right-of-way maintenance is the maintenance of guard rails, delineators barricades, and street trees. This maintenance is currently



funded by the Tigard Public Works Department operating budget.

Street Lights

Tigard's electricity bill for traffic signals and street lights is about \$500,000 per year. It costs approximately an additional \$100,000 per year to maintain the system (replace burned-out lights, make repairs, fix damage, etc.). These are paid for with gas tax funds.

Sidewalks

It is up to property owners to maintain the sidewalks adjacent to their property. The City maintains sidewalks adjacent to City properties using funds from the Public Works Street Maintenance Division operating budget.

Importance of Street Maintenance

Community Livability and Economic Vitality

Collectively, Tigard's 148 miles of paved roads represents one of the biggest investments owned by the community. Our road system is what keeps the people of Tigard in motion as they travel to work, to school, to the supermarket, to the mall, and to parks and open spaces. Unfortunately pavement deteriorates over time as weather wears down the top surface, repeated pressures of vehicle loading (especially from trucks and buses) wears down the underlying pavement structure, and as the ground beneath the pavement settles. Smooth, long-lasting roads create an image of prosperity and ensure that goods and people can move efficiently throughout Tigard and the world beyond. In contrast, uneven roads in poor condition not only make travel unpleasant, they incur extra costs in terms of time and money every time a person or business needs to travel within the City.

Personal Costs

Individual drivers in Tigard are already paying extra money as a result of deferred road maintenance. Every time a car or

“...the average American car owner incurs an additional \$413 per year in operating costs because of rough road conditions.”

truck drives on roads in poor condition, the vehicle suffers accelerated wear and tear, increasing time and money spent at the mechanic, as well as increased fuel consumption and tire replacement. This problem is not unique to Tigard. A recent study by TRIP, a national transportation research group, found that the average American car owner incurs an additional \$413 per year in operating costs because of rough road conditions. This same report found that those living in the Portland Metropolitan Area incurred approximately \$235 per year. As such, drivers in Tigard are suffering less than the national average, but remain at a very real risk of paying more if roads are not maintained or repaired.

Consequences of Delayed Maintenance

The costs of deferred maintenance are borne by both the community and

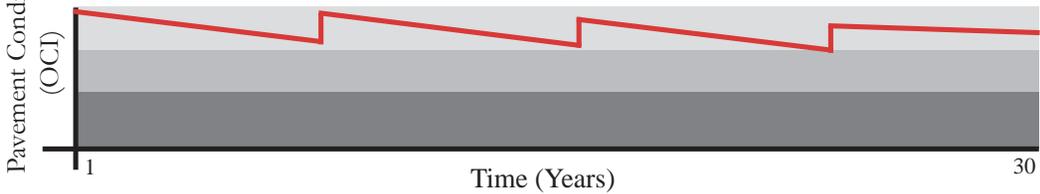
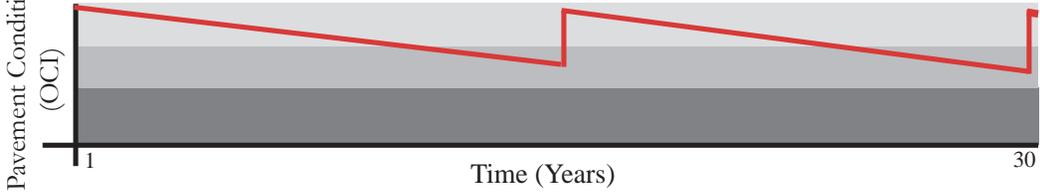
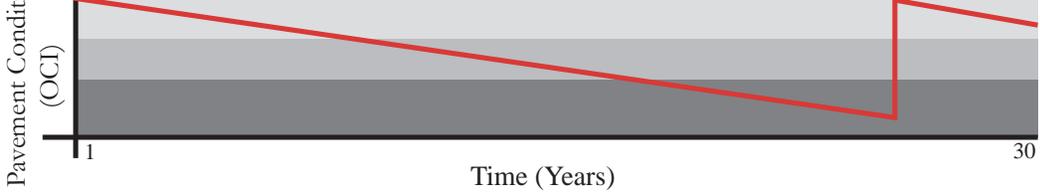
the individual driver. As with many investments, timely investments in routine maintenance in roads can extend pavement life and provide for a safer driving experience. Not only will roads last longer, but repairing a failed road can be four to nine times more expensive than a routine maintenance program. With a limited amount of funds available, the community is better served by spending the same amount of money maintaining a greater amount of road miles, than completely rebuilding smaller sections as the entire network begins to fail. In other words, if we can keep good streets good, we can maximize the use of limited dollars.

As demonstrated in the following graphs, the worse a pavement condition, the more expensive it is to repair. For instance, routine maintenance and surface treatments can be implemented for as little as \$1.50 to \$3.00 a square yard of roadway. This can increase dramatically to \$15.00 a square yard to overlay the road with new asphalt, and up to \$90.00 a square yard if the street is allowed to completely crumble, therefore needing to be rebuilt.

30-Year Pavement Maintenance Alternatives: Neighborhood Route

Traffic: 1,500 Vehicles per Day

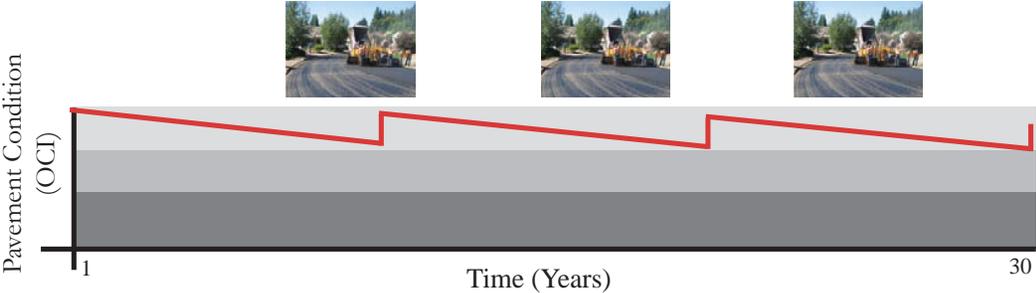
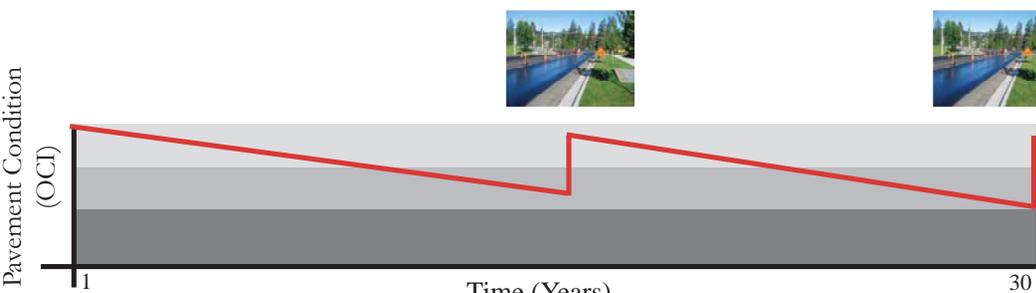
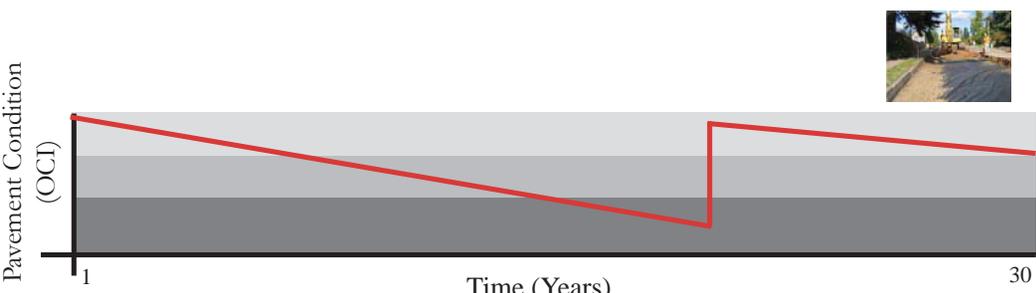
Dimensions: 1,000 feet long, 34 feet wide

Option	Maintenance Alternatives	Details	Average Pavement Condition	Total Cost
1 Regular Slurry Seals Every 7 Years	 	3 Slurry Seals, 1 Overlay	81 Surface Roughness; Only Minor Cracks; Pavement Intact	\$81,600 (\$454,000 per mile)
2 Pavement Overlays Every 12 Years	 	2 Overlays	76 Surface Roughness; Some Cracking; Pavement Mostly Intact	\$102,000 (\$591,000 per mile)
3 Wait until Pavement gets very bad, then repave	 	1 Reconstruction at 25 Years	58 Widespread Cracking; Potholes Common; Some Pavement Structural Weakness Developing	\$227,000 (\$1.20 million per mile)

30-Year Pavement Maintenance Alternatives: Arterial

Traffic: 12,000 Vehicles per Day

Dimensions: 1,000 feet long, 34 feet wide

Option	Maintenance Alternatives	Details	Average Pavement Condition	Total Cost
<p style="text-align: center;">1</p> <p>Pavement Overlays Every 10 Years</p>		<p>3 Two Inch Overlays</p>	<p style="text-align: center;">80</p> <p>Surface Roughness; Only Minor Cracks; Pavement Intact</p>	<p style="text-align: center;">\$168,000</p> <p>(\$887,000 per mile)</p>
<p style="text-align: center;">2</p> <p>Pavement Major Overlays Every 15 Years</p>		<p>2 Major Overlays</p>	<p style="text-align: center;">74</p> <p>Surface Roughness; Some Cracking; Pavement Mostly Intact</p>	<p style="text-align: center;">\$214,200</p> <p>(\$1.13 million per mile)</p>
<p style="text-align: center;">3</p> <p>Wait until Pavement Fails, then Reconstruct</p>		<p>1 Reconstruction</p>	<p style="text-align: center;">65</p> <p>Widespread Cracking; Potholes Common; Some Pavement Structural Weakness Developing</p>	<p style="text-align: center;">\$340,000</p> <p>(\$1.8 million per mile)</p>

What is the Street Maintenance Fee?



The Street Maintenance Fee is a monthly user fee designed specifically for the maintenance of existing roads in Tigard. The fee was recommended to City Council by a Citizen task force, and established through Ordinance No. 03-10 on November 18, 2003. Monthly fee charges for both residential and non-residential customers are billed and collected through the City's bi-monthly utility billing system.

I thought the state Gas Tax paid for street maintenance

Historically, Tigard roads have been maintained by the state Gas Tax, a source of funding that hasn't risen in 20 years, while road usage, operations and maintenance costs have increased at an overwhelming rate. As a result, Tigard is one of eighteen Oregon cities that have adopted Street Maintenance Fees

to close the gap between local needs and increasingly stretched state dollars. By having a locally based fee, communities are provided with a stable source of revenue to pay for preventative maintenance and repairs in a timely and efficient manner.

How are the rates determined?

Existing rates were set in 2004 under Council Resolution 04-12 which was based on a five-year maintenance and reconstruction plan. Both residential and non-residential users pay the fee. Residential users pay \$2.18 per month per dwelling unit. Non-residential users pay \$0.78 per parking space or fueling pump station. These fees generate \$800,000 a year for street maintenance.

Downtown

Although many of the downtown businesses do not have sufficient parking spaces off-street to meet the minimum code requirements, the City is providing over a hundred on-street parking spaces throughout most of Main Street to accommodate the businesses. Some of these spaces have time limits to encourage periodic turnover during a typical day.

Approximately 60 of those spaces are west of the railroad tracks. These spaces do not include those large parking lots that do exist and are presumably used by patrons of nearby businesses. The consensus in 2003 was that the patrons of the Main Street businesses are parking somewhere to get to the businesses and, as such, the downtown businesses should not be exempted from the charges.

“...a property must be occupied to be assessed the fee.”

Exceptions

All religious institutions will be charged half of the normal fee assessed to non-residential businesses, resulting in a 100-space maximum for those that reach the 200 space limit. This decision was made because parking requirements for these institutions are relatively high to accommodate large services, while the parking lots are not fully utilized during the week.

In addition, a property must be occupied to be assessed the fee. If a property is

What is the Street Maintenance Fee?

unoccupied for 30 days or more, the owner may apply for a fee waiver for that period.

Methodology

The methodologies used by most of the cities in Oregon that have established a street utility fee are based on trip generation rates for the types of uses to distribute the costs. These rates are found in a nationwide publication from the Institute of Transportation Engineers and are compiled through numerous studies. However, the trip generation methodology does not work well for Tigard. This methodology, if used as originally proposed, would have charged the non-residential uses 75% of the costs with Washington Square, Fred Meyer, and other large businesses bearing the brunt of the cost. Most of the traffic generated by these big businesses use state highways, such as Highway 217, 99W and Hall Boulevard. Yet, the fee to be collected is for maintenance of City streets. That methodology was not fair to the big businesses that draw their traffic from regional sources using state routes to get there. Under that methodology, all the businesses, including those downtown, would end up paying much more because

the trip generation rates are based on square footage of building.

The City needed to develop a methodology that distributes the costs of maintenance among all the non-residential and residential uses in as fair a manner as possible. No methodology is going to be perfect. The Oregon Grocery Association, in response to a challenge from Councilor

Sydney Sherwood to come up with an alternative methodology, suggested the use of the minimum parking requirements of the Tigard Municipal Code. City staff agreed that methodology proposed was much better at distributing costs to the actual users of the City's street network and worked with OGA to flesh out the details. The methodology adopted is one that focuses on the users of the City streets.



The current methodology is based on the following:

- Ties the street maintenance element of the fee to a 5-year maintenance and reconstruction plan prepared by the City of Tigard
- Uses actual road maintenance and repair projects on City streets, not state or county routes.
- Tailors the fee to the local data
- Sets a target revenue goal of \$800,000 annually (established in 2003)
- Allocates the costs of the arterial projects to the non-residential uses
- Splits the costs for the collectors on a 50-50 basis with residential and non-residential uses sharing the costs equally. The rationale for splitting the costs in this fashion is that many of the collectors do traverse residential areas and collect traffic from those areas to feed the other collectors and arterials in the system.
- Allocates the costs for neighborhood routes and local streets to residential uses
- Allocates the costs for residential uses on a per unit basis for both single family and multifamily units.
- Uses the minimum parking space requirements based on the Tigard Development Code for non-residential uses with a 5-space minimum and 200-space maximum. Like the trip generation rates, the parking space requirements are based on size of building and type of use. However, this approach takes into account businesses that draw from a larger area than just Tigard. The argument is that above 200 spaces, the traffic is more likely regional traffic, which comes via the state routes. The 5-space minimum is to establish a minimum amount for the billing to compensate for the costs of preparing and mailing out the bills.

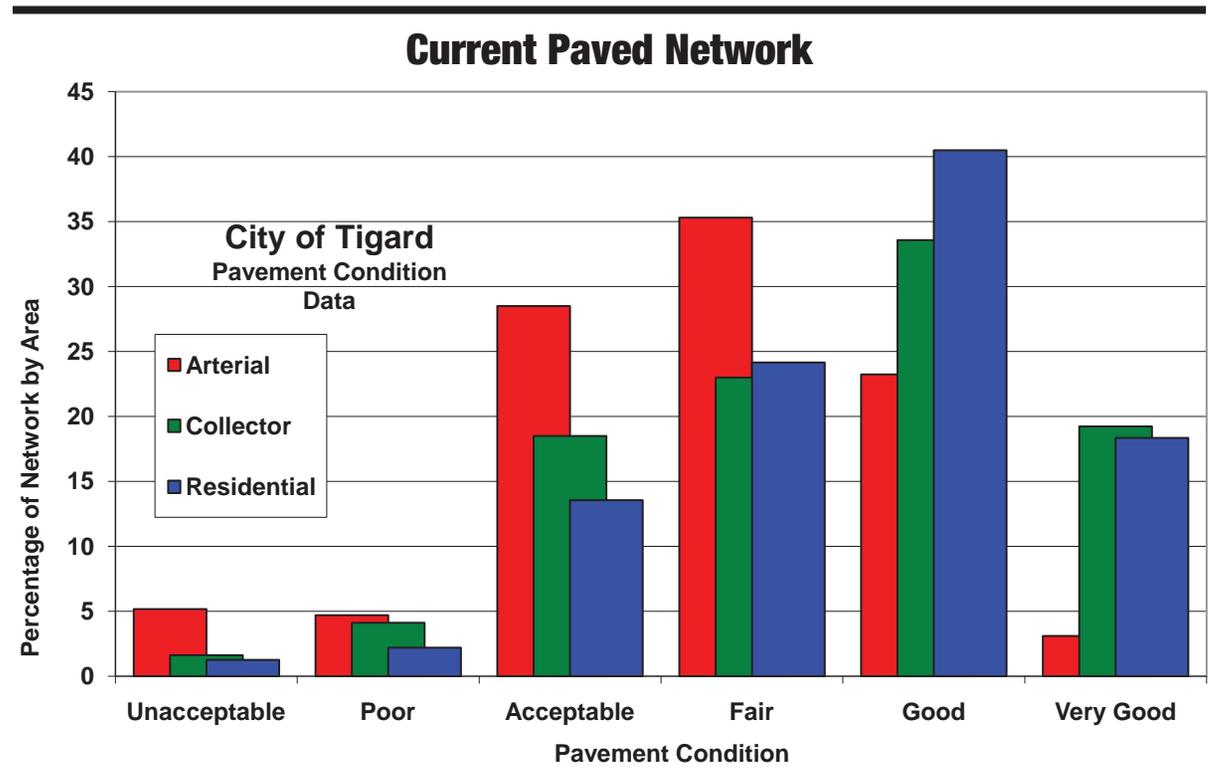
Pavement Condition

Tigard’s 148-mile paved street network represents an investment of over \$140 million, with an additional \$120 million invested in curbing, sidewalks, drainage, and right-of-way. The City’s street infrastructure represents the largest investment owned by Tigard citizens, and the overall pavement condition represents the health of this network.

Pavement Rating System

Pavement health is measured by a Pavement Condition Index (PCI). The PCI indicates the extent and severity of pavement distress such as cracking, rutting, raveling, etc. It is expressed as a number from 0 (very bad, essentially gravel) to 100 (essentially perfect). New streets start with pavement conditions in the high nineties. For ease of understanding, pavement condition is often classified as follows:

- **Very Good** (85 to 100)
- **Good** (70 to 85)
- **Fair** (55 to 70)
- **Poor** (40 to 55)
- **Very Poor** (Less Than 40)



Current Conditions in Tigard

The City completed a Pavement Management Analysis report re-rating all City streets, and providing a PCI rating for each street.

Today, Tigard’s streets are in fairly good condition. The network average is an overall

condition rating of 68 and the backlog of preventative maintenance is at 10%. However, there is cause for concern with 45% of the streets in the acceptable and fair categories. This means many streets will become reconstruction candidates in the next five to ten years. A preventative maintenance approach is needed to stop this trend.

Pavement Condition



Pavement Condition 93 (Very Good)



Pavement Condition 64 (Fair)



Pavement Condition 34 (Very Poor)

Condition Examples

To give you an idea of what a street in very good condition versus fair condition actually looks like, City staff prepared a presentation showing examples of pavement condition throughout the City.

The presentation includes:

- 79th Avenue north of Durham Rd; Paved in 2008; PCI of 95
- 108th Avenue south of Durham Rd; Paved in 2007; PCI of 93
- Commercial Street between 96th Avenue and 97th Avenue; PCI of 78
- Tigard Street near Fanno Creek; PCI of 72
- Bonita Road between Hall Blvd and

79th Ave; PCI of 72

- 72nd Avenue between Redwood Ln and Cardinal Ln; PCI of 64
- Commercial Street west of Main St and Hwy 99W Overpass; PCI of 52
- Commercial Street east of Main Street; PCI of 42
- 98th Avenue south of Greenberg Rd; PCI of 34
- Beveland St east of 72nd Avenue; PCI of 20

Factors Affecting Pavement Condition

The primary factors causing pavement deterioration are the vehicles that travel over the pavement. These factors include:

1. **Traffic volume** (see chart in the appendix, page a2);

2. **Volume of trucks and other heavy vehicles** — the pavement deterioration caused by a vehicle increases exponentially with the amount of weight on each axle; and,
3. **Vehicles accelerating, braking, and turning** which exerts more force on the pavement, and accelerates pavement deterioration. This is why pavement deteriorates faster near intersections and in sharp curves.

Other factors include:

1. **Weather** (which is the primary cause of decay on streets with very little traffic volume) — especially rain and freeze/thaw action;

Pavement Condition

2. **Settling of the ground beneath the pavement** — especially soils with high clay content; and,
3. **Construction and or utility work** that necessitates cutting into the pavement to access a utility line.

Examples of pavement deterioration include:

- **Rutting** — When pavement surface becomes depressed along the wheel paths
- **Longitudinal Cracking** — cracking along the roadway, parallel to the direction of travel
- **Transverse Cracking** — cracking across the roadway, perpendicular to the direction of travel
- **Alligator Cracking** — a combination of longitudinal and transverse cracking that has become so dense it resembles alligator scales
- **Loss of Fines** — when the cohesive material near the top of the pavement wears away, often due to weather or traffic loading
- **Raveling** (*perhaps better called unraveling*) — When pieces of aggregate come out of the pavement as it continues to lose its fines

- **Pumping** — when liquids (such as water or liquid asphalt) are drawn to the surface (so it looks like the road is pumping out the liquid)

Street Lifecycle

Streets are designed to last about 20 years, but the pavement begins to deteriorate much earlier. Studies have shown that pavement health worsens at an increasing rate as the pavement gets older.

Without periodic, preventive maintenance, a street's condition deteriorates 40% in the

first 15 years of its life. Then over the next 5 years, the street will greatly deteriorate, requiring major reconstruction.

Preventive maintenance using cost-effective (\$1.60 to \$13/sq. yd.) slurry seals or 2 to 3-inch overlays during the first 10 to 15 years can extend a pavement life to 30 years and more. Without these surface treatments, costly reconstruction is required (\$35 to \$55/sq. yd.).

For a map showing pavement conditions throughout the City, see appendix, a2.

Slurry Seal Example

Slurry seals are typically used on roads with a PCI/OCI in the 70 to 85 range. It applies a finer 'slurry' mixture of cohesive asphalt binder with finer sand-sized particles on top of the existing pavement, bringing the existing pavement back to near its original condition, as shown at right.



Pavement Major Maintenance Program (PMMP)

The PMMP is a yearly program of corrective and preventative maintenance on City of Tigard streets funded by the Street Maintenance Fee (SMF). The program helps to extend the life of the pavement structure by various means such as, complete removal and replacement of asphalt, slurry sealing and/or overlaying.

Through this program, the City is able to perform timely maintenance on City streets to avoid the much more costly reconstruction costs that result when streets are allowed to significantly deteriorate.

Past Projects

Each year, the City of Tigard develops a 5-Year Capital Improvement Plan (CIP) that determines the City's facility and capital needs for the current year and projected for four additional years. The Streets section of the Capital Improvement Plan contains the Pavement Major Maintenance Program. Since the program began in 2004, \$3,704,827 has been used for the maintenance of existing City streets. The Street Maintenance Fee Projects 2004–2008

Map (see appendix, a4) shows locations of past PMMP projects.

Future Projects

Streets scheduled to be included in next year's program are at various locations throughout the City. The Tigard Pavement Management 2009–2013 Map (see appendix, a5) shows maintenance projects included in this year's 5-Year Capital Improvement Plan. The number of streets proposed for rehabilitation is subject to change depending upon actual construction costs. Streets that need rehabilitation but cannot be performed in the current fiscal year will be moved to the next fiscal year.

The annual CIP is updated and coordinated by the City CIP Management Team that engages all City departments, advisory commissions, and Tigard citizens to identify needed public projects. To suggest a specific street be included in the PMMP get involved in the annual CIP update process by providing comments:

- **At Planning Commission review meetings and public hearings** held in February and March.

- **At Budget Committee and City Council review meetings and hearings** held in May/June.

“...we have focused our limited resources on preventive maintenance...”

Projects not included

State Highways, such as I-5, Hwy. 217, Hwy. 99W, and Hall Blvd, are not included in Tigard's Street Maintenance Fee. Washington County Roads, such as Scholls Ferry Road, Beef Bend Road, Bull Mountain Road, and parts of Greenburg Road, are not included in Tigard's Street Maintenance Fee.

In this year's Pavement Major Maintenance Program (PMMP), we have focused our limited resources on preventive maintenance such as slurry seals in residential areas, and pavement overlays on major streets. We are only planning pavement overlays on through streets. While there are several loops and cul-de-sacs that need pavement overlays, they are not planned to be done this year due to limited funding.

Future Street Maintenance Funding

Federal Stimulus Dollars

Recognizing the current funding gap, the City of Tigard applied for federal stimulus funding (via the American Recovery and Reinvestment Act) for pavement overlay projects, along with other projects. It appears that Tigard will be receiving some federal stimulus funds to construct pavement overlays on:

- **Durham Road** from Upper Boones Ferry Rd to Hall Blvd
- **72nd Avenue** from Upper Boones Ferry Rd to Fir St (just south of Hwy 217)
- **Bonita Road** from the I-5 bridge to Fanno Creek

These projects will help fill this year's gap in funding for Arterials and Collectors, but the future funding gap remains.

Proposed Fee Increase

When the existing Street Maintenance Fee was established, the target revenue was set at \$800,000 a year. Because an inflation adjustment was not built into the program, fees have remained constant while City needs and the costs of repairs have increased dramatically. For instance, asphalt

purchased in 2003 dollars with \$800,000 now requires approximately \$1,800,000 for the same amount, due to a steep increase in raw material costs. In addition, the City has experienced an increase in traffic levels throughout the system, accelerating the rate at which the City's roads deteriorate. Vehicle use is up 21% statewide, and City streets are seeing more and heavier trucks and buses. In other words, the existing fees are not enough to maintain a healthy road system in good repair.

The current Street Overall Condition Index (OCI) is 68 and declining every year due to an increasing backlog of maintenance. An OCI of 73 to 75 would be optimal for the City because it ensures that the City can enter into, and stay within, that perpetual maintenance cycle over the long term. The City can achieve that OCI target goal over a 20-year period with a fee increase and inflation adjustments each year to account for the rise and fall of material and labor costs. The amount required to maintain a comprehensive preventative maintenance program over the long term is \$2,200,000 in 2008 dollars. This continually revised target would ensure that the City could continue

to maintain the streets in a perpetual maintenance cycle that would keep good streets good and gradually improve the condition of the overall street network for the long term.

The proposed fee increase would include additional funding for right-of-way maintenance on the City's major street network as a part of overall street maintenance. This additional funding would address fire hazards and unsightly overgrowth resulting from unmown grass, weeds, and other plants in the planters, medians, and areas between sidewalks and property lines on the City's arterial and collector streets. The funding required for this maintenance work annually is \$300,000. The combined total for both street maintenance and right-of-way maintenance would be \$2,500,000 annually in 2008 dollars.

Proposed Increase Phases

The proposed fee increases are from \$2.18 to \$6.06 monthly for residential units, and from \$0.78 to \$2.44 monthly for non-residential users. The new fee, if implemented, would produce the annual revenue target of \$2,500,000. However, because the increase

Future Street Maintenance Funding

in fee is relatively large, immediate adoption of the new rates will not be sought. To lessen the immediate impact, the increases will be phased in over two years so that by 2011, the fees charged will be at the level needed to adequately maintain the streets and rights-of-way. An inflation factor of 6.5% annually is incorporated in the phase-in plan to ensure that the fees collected in 2011 will be at the level needed at that time. After 2011, any future increases to account for inflation will be based on one or more recognized construction cost indices.



	Current Rate	Fall 2009	Fall 2010	Fall 2011
Residential	\$2.18	\$3.73	\$5.22	\$6.86
Non-Residential	\$0.78	\$1.43	\$2.07	\$2.74

Note: Rates for 2009 to 2011 include a 6.5% annual inflation factor

Residential versus Non-residential Rates

The original 5-year plan developed in 2003 resulted in the residential users paying for 58% of the costs and the non-residential users 42%. The new 5-year plan developed in 2008 changes the ratio to 55% to 45%

because the City’s experience during the past 5 years has been that the larger main arteries of the City (collectors and arterial roads) require more frequent and extensive maintenance than do neighborhood roads. More than half the costs are still borne by residential users.

Among non-residential users, the largest payers are still the big businesses, but the maximum charges are capped at 200 spaces. Those with more than 200 spaces are many of the Washington Square businesses, the Lincoln Center, Fred Meyer along Highway 99W, and the Tigard Plaza along 99W and Hall Blvd., etc. Although Washington Square appears to be one entity, in reality it is a number of businesses, each charged individually, with a 200-space cap. Macy’s, Nordstrom, and J.C. Penney are among the businesses that own their properties. Lincoln Center is similar in that at least 5 different businesses are charged the 200-space maximum. Charges are associated with each water meter and assessed based on the square footage for each business.

Procedural Steps

In order for the City to raise fees, the

Council must vote on the following items at a public hearing where public testimony will be taken prior to the vote.

- **Revision to Ordinance No. 03-10 to add right-of-way maintenance as an integral part of street maintenance** under the street maintenance definition
- **Revision to Ordinance No. 03-10 to include local commercial and industrial streets** under the non-residential category for fee calculation purposes
- **Revision to Ordinance No. 03-10 to incorporate an annual inflation factor** to ensure that the fee rates keep pace with cost increases or decreases
- **Resolution to set the City’s long term OCI goal of 75**
- **Adoption of the new fee rates** with phase-in plan incorporated

Additional Options

The City has constrained options when searching for ways to maintain roads. One alternative to a fee increase is to allow the roads to continue to deteriorate, and pass the costs to future taxpayers. Another is to find an alternative funding source, a difficult proposition in today’s economic climate and constrained federal and state budgets.

Frequently Asked Questions

Q: What is the Street Maintenance Fee?

A: The Street Maintenance Fee is a monthly fee designed specifically for the maintenance of existing roads in Tigard. Monthly fees are collected from both residential and non-residential customers and are billed and collected through the City's utility billing system.

Q: How is the Street Maintenance Fee charged?

A: The Street Maintenance Fee is assessed on your bimonthly utility bill.

Q: Why is a fee increase being proposed?

A: When the existing Street Maintenance Fee was established in 2004, the target revenue was set at \$800,000 a year. Because an inflation adjustment was not built into the program, fees have remained constant while City needs and the costs of repairs have increased dramatically. In other words, the existing fees are not enough to maintain a healthy road system in good condition.



Q: How are residential and commercial fees determined?

A: The original 5-year plan developed in 2003 resulted in the residential users paying for 58% of the costs and the non-residential users 42%. The new 5-year plan developed in 2008 changes the ratio to 55% to 45% because the City's experience during the past 5 years has been that the larger main arteries of the City (collectors and arterial roads) require more frequent and extensive

maintenance than do neighborhood roads. More than half the costs are still borne by residential users.

Among non-residential users, the largest payers are still the big businesses, but the maximum charges are capped at 200 spaces (non-residential users are charged on the number of parking spaces required in the Tigard Development Code). Although Washington Square and other shopping centers appear to be one entity, in reality they are a collection of separate businesses, each charged individually, with a 200-space cap. Charges are associated with each water meter and assessed based on the square footage for each business.

Q: If the proposed increase is approved, how much will my rates increase and when?

A: The proposed fee increases are from \$2.18 to \$6.06 monthly for residential units, and from \$0.78 to \$2.44 per required parking space for non-residential uses. Increases will be phased in over two years so that by 2011, the fees charged will be

Frequently Asked Questions

at the level needed to adequately maintain the streets and rights-of-way. An inflation factor of 6.5% annually is incorporated in the phase-in plan to ensure that the fees collected in 2011 will be at the level needed at that time. After 2011, any future increases to account for inflation will be based on one or more recognized construction cost indices.

Q: Your website states that the current rate for residential users is \$2.18 per month, but when I check my utility bill the amount charged for the Street Maintenance Fee is twice that amount (\$4.36), why?

A: Because the City of Tigard sends out utility bills on a bimonthly schedule (every two months), the amount shown on your bill is actually for two months.

Q: Are exceptions allowed?

A: All religious institutions will be charged half of the normal fee assessed to non-residential businesses, resulting in a 100-space maximum for those that reach the 200 space limit. This decision was made because parking requirements

for these institutions are relatively high to accommodate large services, while the parking lots are not fully utilized during the week.

In addition, a property must be occupied to be assessed the fee. If a property is unoccupied for 30 days or more, the owner may apply for a fee waiver for that period.

Q: What is the pavement condition on my street?

A: You can visit Tigard Maps and look up the pavement rating data for your street. Once you enter your address and are routed to the page displaying your property, just click on the Transportation tab at the top of the page, then choose pavement condition. It's that simple!

Q: Why consider raising rates during a down economy?

A: The City is looking to be fiscally responsible with your Street Maintenance Fee dollars. Streets are designed to last about 20 years, but the pavement begins to deteriorate much earlier. Studies have

shown that pavement health worsens at an increasing rate as the pavement gets older. The total annual maintenance investment is four to five times less following a preventative maintenance strategy than if streets are allowed to deteriorate to poor and failed conditions requiring major rehabilitation.

Q: Why can't the City wait until the economy improves?

A: The costs of deferred maintenance are borne by both the community and the individual driver. As with many investments, timely investments in routine maintenance in roads can extend pavement life and provide for a safer driving experience. Not only will roads last longer, but repairing a failed road can be four to nine times more expensive than a routine maintenance program. With a limited amount of funds available, the community is better served by spending the same amount of money maintaining a greater amount of road miles, than completely rebuilding smaller sections as the entire network begins to fail. In other words, if we can keep good streets good, we can maximize the use of limited dollars.

Frequently Asked Questions

Q: What about Tigard's share of state Gas Tax revenue?

A: Historically, Tigard roads have been maintained by the state Gas Tax, a source of funding that hasn't risen in 20 years, while road usage, operations and maintenance costs have increased at an overwhelming rate. As a result, Tigard is one of eighteen Oregon cities that have adopted Street Maintenance Fees to close the gap between local needs and increasingly stretched state dollars. By having a locally based fee, communities are provided with a stable source of revenue to pay for preventative maintenance and repairs in a timely and efficient manner.

Q: Will Tigard residents have an opportunity to vote on the proposed Street Maintenance Fee increase?

A: According to state law, utility rate increases need only approval by City Council. This is why your Council is making such an effort to hear from you! You can provide comments online, to staff, or at hearings held by Tigard City Council.

Q: What legislative steps are required to raise the fees?

A: In order for the City to raise fees, the Council must vote on the following items. Each will occur at a public hearing where public testimony will be taken prior to a Council vote.

- **Revise Ordinance No. 03-10 to add right-of-way maintenance as an integral part of street maintenance** under the definition of street maintenance;
- **Revise Ordinance No. 03-10 to include local commercial and industrial streets** under the non-residential category for fee calculation purposes;
- **Revise Ordinance No. 03-10 to incorporate an annual inflation factor** to ensure that the fee rates keep pace with cost increases or decreases;
- **Adopt a Resolution to set the City's long term Street Overall Condition Index goal at 75;** and
- **Adopt new fee rates** with a phase-in plan incorporated.



Q: The City of Tigard instituted a 3-cent per gallon gas tax. Why can't the City use that money?

A: The Tigard gas tax was developed by a citizen task force who recommended it as a way to fund improvements to the Greenburg Rd./99W/Main St. intersection ONLY. Collections from the Tigard tax are dedicated to this one project, and the tax automatically ceases once the project is completed and sufficient funds are collected to fully finance and pay for the improvements.

Transportation Financing Strategies Task Force

Task Force History

The original Transportation Financing Strategies Task Force established through Resolution No. 01-06 recommended the Street Maintenance Fee to City Council. The Task Force members were actively involved in the public outreach to obtain citizen and business input for submission as part of the Task Force recommendation. The fee was implemented in April 2004 and has provided a stable source of revenue for maintaining the existing street infrastructure. That effort took about three years and required persistence and dedication to see it through. City Council, through Council Resolution No. 04-51, acknowledged the accomplishments of the Task Force, concluded that phase of the Task Force's work, and commended the Task Force members for a job well done.

Although maintenance needs were addressed through the establishment of the fee, many major transportation improvements necessary to meet the current and future transportation demands still could not be implemented through



existing funding sources. The Task Force was reconstituted to explore funding alternatives for those major transportation improvements. Council Resolution No. 04-52 reconstituted the Task Force, established the mission for the Task Force, and appointed the members to serve on the reconstituted Task Force.

On October 26, 2004, the City Council adopted Resolution No. 04-85 adding two new members to the Task Force and expanded the mission by adding construction of sidewalks and right-of-way maintenance on collector and arterial streets to the scope.

The reconstituted Task Force recommended a local fuel tax to City Council dedicated solely to the improvement of the Greenburg Road/Highway 99W/Main Street intersection. This project, in conjunction with the County's project to improve the Hall Blvd/Highway 99W intersection, alleviates traffic congestion by removing the two largest traffic bottlenecks along Highway 99W in the City. The Task Force members led the public process to obtain citizen and business input to help Council in its decision-making process. Council established the local fuel tax in late 2006 and collections began in April 2007. The

Transportation Financing Strategies Task Force

project is now in the design stages for construction to begin in early 2010.

On December 18, 2007 City Council Resolution No. 07-74 acknowledged the accomplishments of the reconstituted Task Force, concluded that phase of the Task Force's work, and commended the Task Force members for a job well done.

On January 29, 2009 City Council adopted Resolution No. 09-01 to again reconstitute the Task Force to continue with the evaluation of feasible funding sources for the City's transportation and street infrastructure operation, maintenance and improvement needs.

The members of the newly-appointed Task Force are:

- John Bailey
- Rex Caffall
(Planning Commission Representative)
- Beverly Froude
- Cam Gilmour
- Dennis Mitchell
- Rick Parker
- Anthony Rivano
- Joe Schweitz

- Jennifer Standfield
- Christopher Warren
- Gretchen Buehner *(Council Liaison)*

The Task Force is now involved in the public outreach process to obtain citizen and business input into the proposed increases to the Street Maintenance Fee rates sufficient to meet the increases in cost since 2003 and to ensure a gradual improvement of the City's overall pavement condition over time. In addition, they will continue the evaluation of a variety of funding sources for the operation, maintenance and improvement of the City's transportation system. Recommendations will be submitted to City Council for consideration.

Previous Task Force Members

- Marty Anderson
- Steve Clark
- Gretchen Buehner
(Planning Commission Representative)
- Cam Gilmour
- Ralph Hughes
- Paul Owen
- Basil Christopher
- Beverly Froude
- Joe Schweitz
- Nick Wilson *(Council President)*
- Oregon Grocery Association:
 Joe Gilliam (Primary)
 Dan Floyd (Alternate)

A list of previous Task Force meeting minutes (2001–2006) are available on the City of Tigard website.

AIS-2109

3.

Business Meeting

Meeting Date: 01/27/2015

Length (in minutes): Consent Item

Agenda Title: Approve City Council Meeting Minutes

Submitted By: Carol Krager, City Management

Item Type: Motion Requested

Meeting Type: Consent
Agenda

Public Hearing:

Publication Date:

Information

ISSUE

Approve City Council meeting minutes.

STAFF RECOMMENDATION / ACTION REQUEST

Approve minutes as submitted.

KEY FACTS AND INFORMATION SUMMARY

Attached council minutes are submitted for City Council approval:

- October 28, 2014
- November 25, 2014
- December 16, 2014

OTHER ALTERNATIVES

N/A

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

N/A

DATES OF PREVIOUS COUNCIL CONSIDERATION

N/A

Attachments

October 28, 2014 Minutes



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.

TIGARD CITY COUNCIL MEETING MINUTES – OCTOBER 28, 2014

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

Date

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City of Tigard

Tigard City Council Meeting Minutes November 25, 2014



6:30 p.m.

1. STUDY SESSION

- A. Human Resources Director Bennett discussed the format for the city manager evaluation. She distributed forms for review including an employee input form requested by Mayor Cook. She proposed seeking input from department directors, other staff and City Attorney Ramis. Councilor Snider wanted more discussion on the importance of seeking input from external partners. Ms. Bennett listed three questions used in the past and Councilor Snider suggested there be more questions on how the city, under City Manager Wine's leadership, is working with other organizations. Councilor Buehner suggested letting nearby city managers give feedback. Ms. Bennett said she will refocus the questions.

Directors and external partners responding last year were listed and council was asked who else should be included. Council suggested Joel Rubin, the fire chief, Tigard Chamber CEO Mollahan, leaders from the Tigard Downtown Alliance and Economic Development Manager Purdy. Ms. Wine said the chairs of city boards and commissions and the county were previously contacted but they did not all respond.

Councilor Snider suggested asking external partners how successful Ms. Wine is on leading and working on partnerships, what she does well and what she could do better.

Councilor Woodard clarified that the responses are confidential. He said his concern was addressed three years ago which was to include specific internal team leaders in addition to department directors.

Human Resources Director Bennett asked if council wanted to change anything about the process. Council agreed that external partners and staff input will be joined and council's will be separate. She said feedback she got back was that something simpler would be better. She listed goals so City Manager Wine can see how she rated on meeting them and can plan for the next year's work.

Councilor Snider requested a comments box. In response to a comment Councilor Snider made on city staff being evaluated on the three core values, Ms. Bennett read a statement at the top of the evaluation asking the rater to keep the three core values in mind while doing the evaluation. Councilor Snider said he liked the consistency of including it for the city manager as well as the line staff. City Manager Wine said it will be easier this year for her to understand what the council's intent is regarding goals. Ms. Bennett also had an input form

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for City Manager Wine to complete and submit to council listing key accomplishments during the rating period. She could also list her goals for the next evaluation period. HR Director Bennett will distribute electronic and hard copies on Monday and City Manager Wine will submit her lists of accomplishments and goals.

In response to a comment from Council President Henderson, Human Resources Director Bennett said there will be space at the end of the evaluation form for extra comments. She said a public hearing on the process is on the agenda for December 9 and an executive session is scheduled for January 13. Councilor Buehner mentioned that she will be off the council when the executive session is held and asked if her input was relevant. Ms. Bennett said it is as she was a sitting councilor during the evaluation period. Councilor Snider requested City Manager Wine be present during the executive session. Mayor Cook agreed with that.

B. Summary of 1x5x10 (Town Hall) Meetings

City Manager Wine said a summary was prepared of notes taken at five town hall meetings hosted by council and supported by a staff person. Topics for discussion included marijuana regulations and upcoming policy discussions about Tigard's Street Maintenance Fee. Citizens raised additional issues related to recreation and parks, transportation, the Urban Growth Boundary and other general topics. She asked for council opinion on the meeting format. Councilor Woodard said he preferred the format to larger town hall meetings. Councilor Snider noted that different people attend them. Council President Henderson commented that he had one person attend but found it worthwhile. He said for him the bottom line is to, "go where the people are rather than have them come to us." Councilor Snider suggested using existing venues such as a school parent support organization meeting, where his experience was that the ten people attending had a lot to say. Mayor Cook said council may not get a complete hour to discuss city issues in another venue. Councilor Snider commented that people will remain engaged if the topic is interesting enough. He asked that council review the summaries from these meetings when preparing to debate the issues at council meetings. Councilor Woodard suggested quarterly reviews at workshop meetings. Councilor Snider said he wanted to tie the review closer to the timing of each discussion.

Assistant City Manager Newton said the city is preparing to launch a residential online street maintenance fee survey, adapted from the commercial version. She said it will be promoted online and in the newspaper and the January Cityscape will have a reminder that it is still active. Councilor Buehner said there are some residents who do not get their city information online, and a notice in the utility bill would reach them more successfully.

Council President Henderson updated council on the Tigard Turns the Tide-sponsored discussion on marijuana and dangers for young people using it prior to the age of 25. He said education on this is important. Mayor Cook said there is an upcoming staff briefing on this scheduled in January.

Admin Items: Council Groundrules will be held December 4

Councilor Buehner will be arriving late to the December 2 CCDA meeting.

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2. BUSINESS MEETING

A.  At 7:32 p.m. Mayor Cook called to order the City Council and Local Contract Review Board.

B. City Recorder Krager called the roll:

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

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

D. Council Communications & Liaison Reports – There were none.

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

3. CITIZEN COMMUNICATION

A. Follow-up to Previous Citizen Communication – None.

B. There was no Tigard High School Envoy present but Council President Henderson reported on the recent Tigard Turns the Tide program, a two-hour educational presentation on the effects of marijuana on youth. Educator Andy Cartmill from Washington County and a representative from St. Vincent’s Hospital discussed how the drug affects young, developing brains. He said there were about 500 people, including many teens and their parents in attendance. He also announced that Tigard High’s football team plays West Salem on Friday at noon at Hillsboro Stadium.

C. Tigard Area Chamber of Commerce – Chamber CEO Mollahan gave an update on upcoming chamber activities. On December 2 they are holding their annual holiday happy hour at Broadway Rose Theater from 6-8 p.m. Admission is canned food, a toy or a \$15 donation at the door. She congratulated newly elected council members and mentioned that Council candidates participated in the chamber’s Candidate Forum in October. She hoped this was helpful to the community as they prepared to vote. The annual holiday tree lighting will be held downtown on December 5 at 7 p.m. with Santa and Mrs. Claus attending.

D. Citizen Communication – Sign-up Sheet. 13 have signed up.

Robert Van Vlack, 15585 SW 109th Drive, Tigard, OR 97224, brought a concern from Summerfield resident Sandy Clark who received a letter from Albert Shields on October 22, 2014, in reference to a broken sidewalk on Durham which is a tripping hazard. The sidewalk is on Durham Road, next to her home and she was given 20 days to respond. Public Works

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Director Brian Rager reassured her that the city is willing to work with her so she can have the sidewalk repaired but it was her responsibility to repair it. Mr. Van Vlack said after taking a closer look, it appears to have been broken by a backhoe stabilizer pad and the curb is also damaged. It does not appear to be tree damage or anything a homeowner would be responsible for repairing. He said he was employed by NW Natural Gas for 36 years and is aware of the damage that a backhoe stabilizer pad can do to sidewalks. He submitted some photographs to illustrate the damage and asked how the city could hold her liable. He asked that the city consider a sidewalk repair program like the City of Sherwood where they raise funds to repair sidewalks damaged by city trees or other actions.

Sandy Clark, 15930 SW Oak Meadow Lane, Tigard, OR 97224, said she moved to Summerfield a little over a year ago. The previous owner of her home had lived there since 1997 and had never received a letter about the sidewalk damage. She said she did not do anything to damage the sidewalk she is being asked to repair and it was not caused by a tree root. She added that many Summerfield residents find it difficult to clear sidewalks of snow and ice. Mayor Cook said staff will look into this and get back to her.

Jim Delmore, Stonebridge Homes, 4230 SW Galewood Street, Lake Oswego, OR 97035, said his firm has been building homes in Tigard for over 20 years. He said sometimes comments about police are negative but council should be proud of the Tigard Police Department, specifically the Commercial Crimes Unit headed by Lieutenant McDonald. From September 2012 to October 2013, his and other construction firms were hit very hard by thieves. They started stealing computers and furniture from model homes and then later on took high-end appliances. Losses were over \$26,000 in appliances and another \$9,000 in computers and furniture. The losses have to be absorbed and cannot be passed along to the consumer.

Mr. Delmore said thefts were taking place in several communities. In other jurisdictions they received the typical response of an officer taking a report and that was it. Tigard's police officers were different from the start. Officer Orth responded and was professional, sympathetic and diligent. He told Mr. Delmore about the Commercial Crimes Unit. Two CCU officers, Hahn and Schweitz were given minimal information and screen shots that the suspect left on a computer. The officers got the IP address and within two weeks a warrant was served in SE Portland. The officers recovered items from two model homes and that recovery led to the arrest of one suspect. Most officers would have figured their job was done and moved on; but not the Commercial Crimes Unit. Over the ensuing months Officers McDonald, Hahn and Schweitz put in countless hours resulting in a conviction of the first suspect, six additional search warrants, recovering property from many storage units and another arrest. The officers were humble about their efforts but Mr. Delmore said the case would not have moved forward if not for them. He said they have so far recovered property in the six-figure range. So many people complain about police but this is not the case. Their actions provide an invaluable service and represent the city at the highest level. He added they should all get some days off.

Council President Henderson said the original funding source for the Commercial Crimes Unit was the business license program so he thanked all the businesses that pay for this. Councilor Buehner noted that the idea for the Commercial Crimes Unit came from a street officer.

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Reid Iford, 11547 SW Lomita Avenue, Tigard, OR 97223, said he has lived in the city for 46 years. He said he is very concerned about the city selling surplus property. He said he did not consider it surplus property; it was a jewel given by the founders of the City of Tigard and cannot be replaced. He said the way it is being handled disturbs him. Government employees put this package together and it looks like a business plan. He said he was not knocking government employees but felt the plan is unworkable. It involves selling below value and hand-picking a contractor rather than going through a bidding process. He said he pointedly asked if his parent corporation, a major west coast developer, could bid on this and he was told no. He thought when the people of Tigard find out their tax money is being used to subsidize an ill-conceived, unworkable project that will benefit one private contractor; it will never come to fruition.

**Mayor Cook offered and Mr. Iford agreed, to include this testimony into the record for the legislative public hearing for Agenda Item 8.*

Linda Day, 9865 SW View Court, Tigard, OR 97224, said she has lived in Tigard for 30 years. She said her neighbors have filled Town Hall tonight to urge the city council to do what is appropriate in the Ingebrand neighborhood. She said neighbor and developer Mike Mitchell met with the City of Tigard in June to present his plan to develop the property he owns half a block from Twality Middle School. It was a cul-de-sac plan to build some new homes on a cul-de-sac and some additional homes off of 97th Avenue. In his pre-application meeting staff said the only way the plan would be accepted was one with a through street which has not been approved yet and then met with neighbors. As a result of the meeting with Mr. Mitchell the neighbors were urged to pursue whatever they could to help keep their historic street a dead end street. They set up many meetings with the City of Tigard. Neighbors met with Kenny Asher and he asked them to bring something that he could present to his staff that would be acceptable. They hired attorney Damien Hall to begin their case. They presented the city with many opportunities, both legal and interpretive. She referred council to page 3 of her handout and seven very strong points in their addendum. She said they are here to ask the city council to urge staff to consider the merits of the developer and the community's proposal to develop View Terrace as a cul-de-sac and keep the livability of this neighborhood as it has been for 70 years.

Steve Day, 9865 SW View Court, Tigard, OR 97224. Mr. Day highlighted how long and intensively the neighbors have worked on this project. Their collective research and advocacy process began over three years ago when Mike Mitchell bought the property and shared his intention to develop it. Since then they have put in countless hours of research, outreach and collaboration to preserve View Terrace as a dead end street. In 2011, Amanda Feller, a professor at Pacific Lutheran who grew up on View Terrace began offering her time to the Ingebrand neighborhood. With her assistance Mary Feller assembled the 2011 documentation that went to then Mayor Dirksen and the city council. For the intervening three years neighbors have spent countless hours finding, reading and reviewing urban studies and reports, studying the American Institute of Certified Planner's Ethics, consulting with developers and investigating development plans, burying themselves in Tigard documents including the municipal code, transportation plan, 20-year plan, 2050 Plan and Safe Routes to Schools initiative. They have been surveying other Tigard residents,

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meeting with city planners and engineers, working with other local organizations, consulting with developers, networking with others and consulting land use experts including our attorney, Damien Hall from Ball Janik. At this point we know a lot about the Tigard City Code. He said their presence here tonight was not to represent an emotional group. They are thoughtful citizens who are well educated on matters relative to this issue. It is important to them that the city council knows how much time they have invested in the situation and in preserving their neighborhood. He said it is important that council know that this proposal is thoughtful, cognizant of the code and truly a provision to preserve a Tigard neighborhood; one that we love. He asked that it be reviewed in that light.

Dean Winans, 9890 SW View Terrace, Tigard, OR 97223, said he moved into his residence in 1967. He loves the neighborhood and the neighbors. He said Amanda and Mike and he will cover four points which highlight the irrefutability of their petition. Their first premise, foundation and position are found in the petition and the addendum to the petition: SW View Terrace has been a dead end street for over 70 years. Neighbor Mike Mitchell is proposing to develop a residential subdivision. Both the developer and the community want SW View Terrace to remain a dead end street. However, city staff take a position opposite of the community, insisting on a street connection that no one wants.

Second, this issue matters to them and they have spent much time, money and human resources. Their efforts include hiring a land use attorney to identify how the code supports the desired cul-de-sac plan. The community and the developer worked together to design a proposal that meets everyone's needs, including the city's. Through their combined efforts they discovered that the development code supports that proposal and they pursued making that case to the city. In this process the city staff conceded that the development code could allow the street to remain a dead end. In an effort to encourage the city to allow View Terrace to remain a dead end they looked into how their concept could allow the city to act within both the technical boundaries of the code and within the public domain promoting livability. The plan for improving the existing dead end street includes sidewalks, a cul-de-sac bulb and a path for pedestrian and bicycle access to SW 97th Avenue. He said they have observed that city documents repeatedly mention improvements to livability in terms of pedestrian movement. Their proposed path and sidewalk improvements would provide safe passage for children to bike or walk to Twality and Templeton schools. In spite of their best efforts, city staff refused to work with them towards creating a solution. Each attempt has been met with a hard line and insistence that View Terrace be connected through without providing any real explanations why. Even worse, the staff has threatened to impose a second application fee and charge the developer over \$7,000 just to formally review the cul-de-sac option, despite having no authority to do so.

Mike Hasson, 9835 SW View Court, Tigard, OR 97224, said he was not the realtor Mike Hasson, and gave the third point. He said they know that the city staff solution of a through street is bad for everyone. Unfortunately, following city staff's blind directive to connect the street does not benefit anyone, not even city code. He said their petition documents show how the city's solution does not help in the technical matters, the code, or in broader matters such as safety, crime, social fabric and even the city's strategic 20-year plan. In contrast, the one pseudo-rationale provided by the city is connectivity and that is unsupported as there are negligible traffic benefits to the city's streets system. City staff conceded as much in numerous discussions of the issue. The pseudo-rationale is dangerous because the existing

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dead end is not improved to standards for width or sidewalks and connecting this street to View Terrace will result in neighborhood children walking to school, being diverted onto a narrow right of way without sidewalks, causing conflicts with through traffic and creating safety risk. Obviously, this would fly in the face of the city's efforts with the Safe Routes to Schools Initiative. It is also an undesirable outcome for both the neighborhood and the developer. In contrast, their solution is good, warranted and consistent with the code.

In this scenario View Terrace would not be connected for car traffic, but would be connected for pedestrians to improve and support the safe travel of young students on bike and on foot to and from Twality Middle School. He said what is interesting is that city staff agree with the community and the developer that the cul-de-sac plan with its improvements is a better outcome and this outcome is permitted with the code. He asked why staff cannot accept the opportunity to work collaboratively with the neighborhood and the developer to pursue a partnership that will benefit the community and the parties involved.

Amanda Feller, 14707 15th Avenue South, Spanaway, Washington 98387, testified on a fourth point: As elected officials who have the municipal authority to approve petitions, council can direct city staff to do what they already know is right. The city council adopted the Development Code with built-in flexibility to allow staff to do what is best in various situations. City staff refuse to pursue the solution that benefits us all – the neighborhood, developer, children, and even the city's initiatives to increase livability. She said the city council should use their authority to vote in favor of the cul-de-sac plan and vote to do so without further resubmission costs to the developer. She asked that the elected officials rule on their two-point petition and that it be done so in a manner that is fair, technically consistent with code and permissible. She said most of all, it is keeping with good faith government to approve the two necessary exceptions.

Aly Pierce, 9920 SW View Terrace, Tigard, OR 97224, said when she and her husband were looking to relocate with their family from their Portland neighborhood, topping their list was a desire to live on a safe street. They loved the culture and arts of their former NE Alberta neighborhood but the traffic was becoming increasingly dangerous. They saw a listing for a home on a dead end street in Tigard and purchased it. Sadly, a week before moving their cat was run over by a car. The cat did not get to experience the quiet and safety that comes with a dead end street. She commented that when they moved to Tigard, neighbors brought them produce from their gardens, chicken eggs and offered hospitality she had not experienced before. A few weeks later she discovered an ugly truth. The city had coined a term called "connectivity" with the goal to do away with dead end streets and cul-de-sacs to increase traffic flow. She could not believe that the reason she purchased the house in Tigard was now in jeopardy. She wondered how making this a through street would affect her children's safety, the crime rate, noise levels and property values. She said this is not an improvement but a safety hazard and menace. She said the definition of connectivity is "the state or extent of being connected or interconnected. She said the residents of View Terrace exemplify the meaning of connectivity. She reiterated that dead end streets encourage connectivity, not busy streets with people in a hurry to get somewhere.

Don Feller, 9875 SW View Court, Tigard 97224, said he has lived in Tigard over 51 years. He said council was probably aware of local news reports of Tigard's planning department efforts to turn his 70-year old neighborhood dead-end street into a through street connecting 100th Avenue to 97th Avenue. This is due to neighbor Mike Mitchell's plans to develop and

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add five new homes. He wanted to put a cul-de-sac at the end of View Terrace and neighbors agreed with the developer's desire. Mr. Mitchell was told that his application to build would be rejected because the city code now favors connectivity. He said this policy has not always been in effect in their area and properties, some as close as one-half mile from View Terrace, have been developed contrary to those standards. He said connectivity means far more than extending historic dead end streets. It means bike and pedestrian access. Safe and direct access to two of Tigard's schools could be provided by adding a bike/pedestrian path from 100th to 97th Avenues. Extending their street does nothing to help traffic movement in Tigard but does make it unsafe for children to walk down this substandard street. He asked for council's support in allowing their neighbor to build homes and a cul-de-sac at the end of their historic street.

Lindsey Day, 3319 SW Primrose Street, Portland, OR 97219, said she is the daughter of Steve and Linda Day who testified earlier. She said she is a recent law school graduate and has experience in reading and interpreting city code. The city council has an opportunity to represent their constituents and still abide by the code. This could not be more of a case of interpretation. She listed several points. 1) There is an existing structure in the way of a proposed road and this could be considered an exception. 2) View Terrace is technically a non-conforming street. 3) The traffic study conducted by the city can be looked at two ways. The city says it will not increase traffic by much so a through road should not affect the quiet environment in the neighborhood. But this lends itself to the neighborhood's argument that it would not increase connectivity by much so a through road is not justified. Livability is also an exception. 4) The city has demonstrated their ability to interpret the code in the past in three nearby neighborhoods. She asked Engineering Manager McMillan if a certain development had been developed in a different order, potentially not requiring a through road, would she have required one. She replied that she did not know, so assumedly she would have to interpret the code for that specific situation. Ms. Day said that is the point she wants to make - the code is not a rigid body of law. Along with federal and state and other legislative statutes, these seemingly permanent provisions are constantly being amended and interpreted by a legislative body. That is what we are asking the city to do. We understand city staff's concerns and their initial stance against our position and their desire to uphold the code. She said what she and others, including attorney Damien Hall, are telling council is that you can uphold the code and not require a through road. She requested that council keep an open mind as they read through the materials the neighborhood has given them, keep communication open with the neighbors and hopefully, come to the conclusion that a through road is not required.

Mary Feller, 9875 SW View Court, Tigard, OR 97224, asked the council to cast a yes vote for Mr. Mitchell's cul-de-sac plan. She said that vote was the right one because it supports the long-term aspiration to increase livability, preserves a historic Tigard neighborhood called Ingebrand Heights, honors the developer's wishes and respects citizens and residents of Tigard. She said Community Development Director Asher wants a through street plan. He has told us no. That would require two variations to the city's code. She said what the neighbors want is a cul-de-sac plan and that plan also requires two variations to the code. Either way, council must approve code exceptions. Variances must be given regardless of which plan is approved. The through street plan is without merit or evidence and is also unacceptable to the parties involved, both the developer and the neighborhood. Look at page 3 on our petition, it is carefully laid out. Variances are the same that the city has

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granted in other cases so no precedents will be set. An examination of the Gertz development shows the same exceptions were granted to them. She said the council has the authority to vote on their two-point petition. She said council was being presented this petition as the municipal authority. She said evidence, based on Tigard's code is thoroughly documented in our petition and is irrefutable. She requested that council vote in favor of their cul-de-sac plan whether that is tonight or at the next council meeting.

Mayor Cook replied that the city council will not be voting on this tonight because they have not had a chance to read through the material and the agendas for the next few meetings are full so it will not happen then. He requested that the City Attorney and City Manager explain the petition process. His understanding was that this would go through the planning staff and then arbitration. He said this would not usually come before council.

City Manager Wine said she was discussing what was submitted with City Attorney Rihala and it references a section of code but that section does not have a reference to a petition. She said staff will do some homework to figure out what process is being referenced. She asked for the status of the application prior to the meeting and Mr. Mitchell did submit a subdivision application. Staff did a completeness review and asked for more information in order for the application to be complete and that information has not been turned in. The city has not received an application. More process will follow once the city receives a complete application but eventually the decision about this matter would go before a hearings officer. If the petition has to do with an appeal for an application the city has not received yet, we may need to figure out where we are in the process.

 Councilor Snider referred to the city's core values (Respect and Care, Do the Right Thing and Get it Done) and said council takes them very seriously. He said there is an opportunity to listen to everyone on this, including the staff perspective. He asked for a show of hands of people in the audience that were present because of concerns about View Terrace and 25-30 people raised their hands. He suggested a partnership effort to solve this issue. City Manager Wine said she could look into that possibility. Everything the neighbors talked about tonight involved conversations with staff and we are not prepared tonight to talk to staff. Councilor Snider said it will take time to set this up. It will not be on next week's council agenda. He said to the group, "You have our attention and we hear you and will get back to you." City Attorney Rihala said she did not have any comments to add.

Mrs. Feller added that Developer Mitchell has not completed his application because staff told him he had to submit for a through street, which he does not want. He is hoping that the city council would say, "Go ahead and submit the plan you want, with the cul-de-sac." She said that is why he has not submitted his application yet.

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

A. RECEIVE AND FILE:

1. Official November 4, 2014, Election Results for the City of Tigard Mayor and two Councilor positions.
2. Council Calendar
3. Council Tentative Agenda for Future Meeting Topics

B. APPROVE CITY COUNCIL MINUTES

- September 23, 2014

C. AUTHORIZE THE MAYOR TO SIGN AN AGREEMENT REGARDING THE MAINTENANCE OF WATER QUALITY SWALES ON PACIFIC HIGHWAY

D. CONSIDERATION OF WAIVING SIGN PERMIT FEES FOR TIGARD LITTLE LEAGUE

RESOLUTION NO. 14-52 – A RESOLUTION WAIVING \$244 IN TEMPORARY SIGN PERMIT FEES FOR TIGARD LITTLE LEAGUE BASEBALL

E. LOCAL CONTRACT REVIEW BOARD:

AUTHORIZE A CONTRACT AMENDMENT FOR RIVER TERRACE STORMWATER MASTER PLAN IMPLEMENTATION

Councilor Snider moved for approval of the consent agenda. Councilor Woodard seconded the motion and the motion passed unanimously.

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

4. UPDATE ON THE STATUS OF AN AGREEMENT REGARDING COOK PARK FACILITY USE WITH TWO SPORTS LEAGUES

 Assistant City Manager Newton said she has been working with the Public Works Department to redo the agreement the city has with two sports leagues including terms, surety of field use and costs. She has spoken with both leagues today and a meeting scheduled in the near future. Mayor Cook concurred that this is moving forward. Ms. Newton said she will keep council updated.

5. BRIEFING ON AN INTERGOVERNMENTAL AGREEMENT WITH KING CITY REGARDING WATER SYSTEM OWNERSHIP AND WATER SERVICE

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 Lake Oswego-Tigard Water Partnership Project Manager Koellermeier noted that he has reported to council on this agreement previously and can report that all issues with the intergovernmental agreement have been resolved, at least at the staff level. In response to a question from Councilor Snider about whether King City council had seen it, Mr. Koellermeier said King City has had several councilors resign and it may take some time to get it reviewed. He said we could wait but then we could not report that this is done before the next bond sale in February. Council President Henderson said he would prefer that King City approve first and bring the agreement to Tigard. Councilor Snider asked if this would affect the bond sale and Mr. Koellermeier said he was told it would be better if it was executed prior to the bond rating. Councilor Woodard said without the fact of the high turnover on the King City Council he would be inclined to agree with Council President Henderson, but someone has to take the first step. Mayor Cook said the fact that their council has not seen it concerns him as well. A final version of the agreement is scheduled to come to council for consideration on December 9, 2014.

6. CONSIDER ADOPTION OF STRATEGIC PLAN VISION

City Manager Wine said council received a report last week about community outreach which was designed to find out what people in Tigard thought about the proposed vision, goals and a strategic plan. She said the purpose of the strategic plan is to provide direction and focus, and in Tigard's case, having this focus and vision is meant to build upon the assets of what is uniquely Tigard. It is focused on improving the quality of life, making community connections, and striking a balance between maintaining those assets and growing the value base in the community.

 Ms. Wine said the department directors and a core group of the leadership team worked to develop a draft vision that is distinctive. The city will continue to provide city services such as paving streets, issuing permits and answering police calls, but these activities will be seen through the lens of the strategic plan. She said they received mostly favorable feedback from the community on this vision and would like council to affirm this strategic vision. She said by doing so council is authorizing a shift in focus of how the city prioritizes capital projects to make walking connections, and filling in missing links in sidewalks and trails. There will be a focus on safety and safe routes to schools. The city will also continue to maintain and grow financial reserves. Ms. Wine said staff will be searching for "lighter, quicker and cheaper" projects to fill missing links in infrastructure connections as well as technology connections to city programs. The Executive Staff held their monthly leadership discussion on leading during uncertainty and one theme that arose was change is constant and the organization that can take opportunity and shape it will be the one achieving the greatest success for the long term. Another reason to put the vision out to the community for comment and to seek council leadership is that even if it needs to be adapted over time, this is the first step that we can take to shaping the future of the city and it is an opportunity. She recommended council adoption of the strategic plan.

Council President Henderson said funding Goal No. 4 says plainly that most resources will go towards this strategic plan. He said this is concerning to him when he does not know what those numbers are. City Manager Wine said the point is to strike a balance between sustaining what we have and growing the value of the community (by growing our tax base and illustrating to our voters that there is value they may be able to give us). She said Tigard will need to ask for additional

resources from the public to be able to move this vision forward and also fund our core services. In the current fiscal year building our reserves was one of the first steps to take.

 Councilor Woodard said this reminds him of the tree canopy discussion, where the aspirational goal was 44 percent but it is really closer to 25-27 percent. It takes resources and time. He said he is concerned about park maintenance too. Our vision is an aspiration to make Tigard more of a desirable, livable, and economically sustainable community.

Councilor Snider said Goal 4 is the balance of trying to do the core activities but using the vision to help provide focus when making strategic investments and weighing one project over another. He said he was proud of the work the city has done on this and that it included community input. He noted that the community is enthusiastic about this.

Councilor Snider “enthusiastically” made a motion for approval of Resolution No 14-53. Councilor Woodard seconded the motion. City Recorder Krager read the number and title of the resolution.

RESOLUTION NO. 14-53 – A RESOLUTION OF THE TIGARD CITY COUNCIL ADOPTING THE 2014-2034 STRATEGIC PLAN INCLUDING A VISION AND FOUR STRATEGIC GOALS

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

Mayor Cook announced that Resolution No. 14-53 is approved unanimously.

7. ADOPT 2015 STATE AND FEDERAL LEGISLATIVE AGENDAS

Assistant City Manager Newton referred to a summarized a list of items council covered during their legislative agenda discussion on October 14. This list is in the packet for this meeting. She said she initially wanted a more fully vetted version but a few things have come up since that she thought council may want to consider.

Ms. Newton said adding funding for Hall Boulevard sidewalks has been added to page 2 of the state agenda. She noted that of all projects discussed with the community during vision outreach, the lack of sidewalks on Hall came up frequently. Mayor Cook said this is a state highway so the city would need to work with the state to get money to push this forward. Ms. Newton said there is a strong priority at the state level for transportation funding and that they will want to weigh in on the gas tax. She asked if there was anything specific to add. Mayor Cook and Councilor Snider said they were comfortable with these additions.

Council President Henderson found it interesting that the state wants to give Hall Boulevard to the city. He asked about that process and if they would improve it before Tigard took control. He said some improvements have been made to Hall. Assistant City Manager Newton said we

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need to have a dialog with state and tell them we do not have the money to improve it but we want to partner with them.

Mayor Cook commented that there is a new transportation strategy committee that he and Councilor Woodard sit on and this is on their agenda. They have been looking at road and bridge costs to not only bring it up to par but to figure out long term costs when it is added to the Pavement Management Plan. Councilor Snider asked what it would cost to put sidewalks on Hall. Mayor Cook said an estimate four years ago was \$12 million just to improve the road. That amount does not include bridge replacement or sidewalks. City Manager Wine said the state is considering doing what Washington County has done before and offer to bring the road up to standard before transferring jurisdiction. They are looking at transferring what they call their, “orphan highways.” Council President Henderson said under the pavement management program we need to take a good look at this and talk to the community to see if this is what they want. Mayor Cook council hears about wider turn lanes onto McDonald or requests for sidewalks.

Councilor Woodard moved for approval of the 2015 State and Federal Legislative Agenda. Councilor Snider seconded the motion. Mayor Cook conducted a vote and the motion passed unanimously.

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

8. LEGISLATIVE PUBLIC HEARING – CONSIDER AN ORDINANCE TO AMEND THE TIGARD MUNICIPAL CODE (TMC) 3.44 SALE OF SURPLUS PROPERTY

- a. Open Public Hearing – Mayor Cook opened the public hearing at 8:59 p.m.
- b. Hearing Procedures – This is a legislative public hearing in which any person shall be given the opportunity to comment. Mayor Cook said Mr. Reid Iford testified on this agenda item during the Citizen Communication portion of the meeting and asked City Attorney Rihala if he should be asked to repeat his testimony or if his comments could be moved to this section. City Attorney Rihala said staff could do the latter.
- c.  Staff Report – Redevelopment Project Manager Farrelly said that Oregon law under ORS 271.310 gives cities broad authority to dispose of real property no longer needed for public use. Tigard’s Municipal Code Section 3.44 restricts that authority and establishes a process that gives the city very little flexibility. The current process is to hold a hearing offering the property, establish minimum terms, place the property on the market and accept sealed bids. The city is required to accept the highest bid and complete the sale. No other factors can be considered. The type or design of property development, amount of eventual tax generation, the developer’s experience and financial resources, or the achievement of important city plans and

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goals cannot be considered under the current process. For example, a city plan developed by residents and stakeholders could call for housing but the highest bidder could acquire the property and build self-storage units or some use not consistent with planning for the area. Or the high bidder could be an inexperienced developer and unable to obtain financing and as a result the property sits idle for many years.

Mr. Farrelly said City Attorney Dan Olsen has worked with several Oregon jurisdictions and commented that Tigard's current process is the most restrictive he has come across. It seems to rule out requests for proposals for surplus land which is a common way to attract development that will further city goals. The code amendment being considered is fairly narrow and only applies to city-owned surplus property in the urban renewal district. The amendment would allow the city to transfer property to an urban renewal agency provided that it finds: 1) the redevelopment of the property is consistent with and furthers the goals of urban renewal; 2) the property is not needed for public use or the public interest would be served by the transfer; and 3) the transfer is otherwise permitted by law. The code amendment would allow transfer of property to the city's urban renewal agency with or without compensation. However if the property was acquired with funds that legally must be reimbursed, such as the gas tax, the urban renewal agency must reimburse those funds. A proposed transfer must be placed on a regular council agenda so the decision will be made in a public forum, and after a transfer to the urban renewal agency any sale would also be held in a public forum with elected officials making the final decision. Staff believes that this amendment is consistent with the voter-approved City Center Urban Renewal Plan, City Council 2013-14 goals for revival of the downtown, and is also consistent with the Economic Development Chapter of Tigard's Comprehensive Plan. He added that it is consistent with the city's strategic plan.



d. Public Testimony –

Proponents –

 Tom Murphy, 8152 SW Ashford Street, Tigard, OR, 97224, said he was speaking as a private citizen not a representative of the City Center Advisory Commission or the Tigard Downtown Alliance. He said he did bring along with him his downtown Tigard bias and it is the reason he is urging council to adopt this measure. It is good for downtown Tigard. He said it is unknown why Section 3.44.015 was enacted and he doubted the possibility of transferring property from the city to an urban renewal agency crossed anyone's mind at the time. It predates the downtown urban renewal agency by almost 20 years. He said he believed if council was writing on a clean slate tonight that they would not strap the city into this straitjacket. It is unduly restrictive and prevents the city from considering any value of a property other than its short-term market price. He said if we are talking about a pickup truck then perhaps this is good enough. But real property is unique and there is a limited quantity of land in downtown Tigard and the city owns some of the best of it. He said it is in the city's best interest to treat that property as a resource, not just as a commodity.

Section 3.44.015 deprives the city of any influence over the use to which property will be put after a sale beyond the minimum zoning requirements. That contradicts the underlying premise of urban renewal that planning and intentionality add value. The measure before council would allow the city to utilize property in the urban renewal district in a strategic manner. Such property can be one tool at the disposal of the CCDA and can be brought to bear in combination with other tools to further the goals of urban renewal. Used appropriately, the flexibility that this measure would allow can produce a return on investment to the city far exceeding the payoff from a price-driven sale. This amendment is good for downtown Tigard and it is good governance to give the city council authority to act in a strategic and planned manner in marshaling its resources. He asked the council to vote in favor of it.

Opponents –

***Mayor Cook asked Mr. Iford if he wanted his earlier Citizen Communication comments to be written into the record and copied into the opponents section. He asked if he would like to add anything to the record. Mr. Iford concurred and his testimony given earlier in the meeting follows:**

Reid Iford, 11547 SW Lomita Avenue, Tigard, OR 97223, said he has lived in the city for 46 years. He said he is very concerned about the city selling surplus property. He said he did not consider this surplus property; it was a jewel given by the founders of the City of Tigard and cannot be replaced. He said the way it is being handled disturbs him. Government employees put this package together and it looks like a business plan. He said he was not knocking government employees but felt the plan is unworkable. It involves selling below value and hand-picking a contractor rather than going through a bidding process. He said he pointedly asked if his parent corporation, a major west coast developer, could bid on this and he was told no. He thought when the people of Tigard find out their tax money is being used to subsidize an ill-conceived, unworkable project that will benefit one private contractor, it will never come to fruition.

Response to testimony by staff - Redevelopment Project Manager Farrelly said he had no comments.

- e. Staff Recommendation - Redevelopment Project Manager Farrelly said staff recommends approval of the proposed municipal code ordinance.
- f. Close Public Hearing – Mayor Cook closed the public hearing.
- g. Council Discussion and Consideration of Ordinance 14-13.

Council President Henderson asked if this is the only hearing. He said he expected more comments from people.

Councilor Snider said his assessment of the current code is that it is overly restrictive and burdensome, making it difficult for him to act in their role as a CCDA Board member. He said he was in favor of this change.

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Councilor Woodard commented that he was amazed at how the municipal code predates the comprehensive plan and the urban renewal district and expressed frustration that so many comp plan and code changes come before council so the city can retain competitiveness with other cities. He said, “If we are so restrictive that we cannot do anything, it defeats our vision.” Council President Henderson said there have been comprehensive plan and periodic reviews but the city still runs into this. He said, “But for some reason this part was put in the code. There must be a reason.” Mayor Cook said he had no issue with the change if it is just about urban renewal but agreed with Council President Henderson that it was put into the code for a reason and if the change was broader he would be concerned but this use by the urban renewal agency was all right.

Councilor Snider moved for approval of Ordinance No. 14-13. Councilor Woodard seconded the motion. Mayor Cook asked the city recorder to read the number and title of the ordinance.

ORDINANCE NO. 14-13 – AN ORDINANCE AMENDING TIGARD MUNICIPAL CODE TO AMEND SECTION 3.44.15 AND ADOPT A NEW SECTION AUTHORIZING THE TRANSFER OF PROPERTY TO A CITY URBAN RENEWAL AGENCY

City Recorder Krager conducted a roll call vote.

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

Mayor Cook announced that Ordinance No. 14-13 passed unanimously.

9. UPDATE ON MEDICAL MARIJUANA

 Associate Planner Floyd presented this agenda item. He described the public outreach conducted by staff and council in their 1 x 5 x 10 meetings. He said the response was more modest than expected but is illustrative. He partnered with Economic Development Director Purdy to seek input from Tigard business owners in his monthly survey. He said they waited until after the election to avoid the appearance of taking any political side. They have heard back from 18 percent and 85 percent said legalization of marijuana would not change the way they do business. 55-50 percent did not believe it would have a negative impact on their businesses. One in six said they might participate directly or indirectly in the new economy. 60 percent said they did not want local regulation of marijuana businesses. 75 percent supported distance buffers from schools and parks. There was support for hours of operation and security requirements.

Associate Planner Floyd said Measure 91 passed by 12 percent statewide. He has been in touch with Representative Doherty about things the city may see coming from the legislature. There is a two-track system that legalizes possession, use and growing recreational marijuana but did not address the medical marijuana system. It is unknown how OLCC will address this. There may be a good argument for establishing uniform rules in cities for both.

Timelines include the temporary moratoriums on medical marijuana businesses expiring on May 1, 2015. Recreation use becomes legal on July 1, 2015. The OLCC will start to accept recreational marijuana business licenses in January, 2016. Local governments will need to comply with state law but also reduce risk of federal penalties and risk of lawsuits.

Associate Planner Floyd has been working with the city attorney on drafting code and a draft is close to completion. He said the balance is complying with state law but also reducing risk of federal penalties and risk of lawsuits. Councilor Snider asked if there was concern that the city would become part of a federal enforcement action. City Attorney Rihala replied that there is a requirement when accepting federal grants that all federal laws be complied with and there could be a test from an Oregon city. Associate Planner Floyd said staff could focus on making the code restrictive but not appear to be enabling. City Attorney Rihala said, "Instead of saying, 'we will allow them' in these zones... we could say 'they are not prohibited' in these zones..." He said per previous council direction staff is looking at the entire "seed to sale" aspect. Other jurisdictions are focusing on the retail side but Tigard is taking a more comprehensive look at possible regulations. The three primary impacts are odor, product access and crime. He noted that Measure 91 restricts the city's ability to regulate marijuana businesses and said that the regulations need to be tied to a community impact.

Councilor Woodard asked what the guidelines from OLCC are. Mr. Floyd said they were not known yet. Mayor Cook said OLCC will schedule listening posts across the state. Councilor Snider said Tigard would need to have a good reason why there would be different rules for medical and recreational product.

Associate Planner Floyd said the Planning Commission will review the proposed regulations first and these code changes and regulations will be considered to council for approval by May 1. Mayor Cook said he did not think the OLCC will give direction by May 1 or that the legislature will have anything ready by then either. He agreed that the city needs to decide what is desired for both products, go through the Planning Commission and council for approval and then take it to the legislature and ask them to approve local control for recreational marijuana as they have with medical. Councilor Snider asked if the legislature will consider the local taxation issue. Mayor Cook said it is unknown. In response to a question from Councilor Woodard, Mayor Cook said 59 cities passed taxation legislation and it will be decided either in court or in the legislature. Council President Henderson said his concern is that someone may grow their three plants in a backyard next to a school. Associate Planner Floyd said the plants have an offensive odor and this is covered in our nuisance code. He said it may be something to do at the same time regulations are set for backyard chickens. Councilor Snider asked if personal backyard plants can be regulated under land use requirements such as keeping them 1,000 feet from a school.

City Attorney Rihala said under Measure 91 a city can regulate nuisance aspects or time, place and manner of businesses. Associate Planner Floyd said this is an evolving issue and the city may need

to wait and see if there is a problem and address it as they arise. Mayor Cook added that it is more apt to be grown indoors in this climate as opposed to southern Oregon.

Mr. Floyd said there is a workshop scheduled for the Planning Commission and a hearing in January to review staff recommendations. Mr. Floyd said they are expecting to hear from a lot of citizens and potential businesses then. He said he will update council as things move forward.

Mayor Cook announced that Agenda Item 10 is a Local Contract Review Board (LCRB) item.

10. DISCUSSION OF UPCOMING PMP OVERLAY ENGINEERING DESIGN SERVICES CONTRACT

Public Contracts Manager Barrett introduced this agenda item and said council is not voting he is just seeking input from the LCRB on this upcoming contract award. He said it was a Qualification Based Solicitation (QBS) and the term is one year with four additional one-year options. The negotiated price for the first year is \$268,508 and projected amount over the five years of the contract is \$1.35 million. Proposals were received from four firms and staff is recommending award to Murray Smith and Associates.

LCRB Member Woodard said he does not favor the QBS process because it takes away competitiveness. He said he wants to know the risk of going with a renewable one-year contract instead of one five-year contract. LCRB Member Snider asked who decides on the renewals and Public Contracts Manager Barrett replied that staff will negotiate each subsequent year to determine if the contract will come in under the \$1.35 million total. LCRB Member Henderson said the advantage to having one contractor for five years is that they already have the database but other bidders would have to begin at square one. He said there should be an economy in this somewhere. He favored the five year contract but only if the contractor performs.

A discussion was held on the QBS process. Public Contracts Manager Barrett said staff will need to be ahead of the curve and start negotiations in years 2, 3, 4 and 5 a little earlier than they normally would. If staff is not pleased with the contract, they would need to go out to bid. Mayor Cook said he did not see the QBS process going away due to the current political culture of the legislature. LCRB Member Snider implored staff to stay on top of the timing of evaluation and renewals. Mr. McCarthy said he will watch for checks and balances. LCRB Member Henderson asked if this design and engineering work was done in house previously. Mr. McCarthy said overall construction inspection costs are less with contracting out the work and design costs are a little higher due to greater geotechnical evaluation. He said better exploration of what is to under the pavement gives the city a better paving product. He said costs would be comparable but the city is getting more for its money by contracting out the design and engineering. He added that he has been very pleased with the work in the past few years from Murray Smith.

In response to a question from LCRB Member Henderson on the number of man hours in the \$265,000 contract, Streets Engineering Project Manager McCarthy said billable rates are typically about \$100 per hour, so it is similar to one and one-half FTE's.

Mayor Cook referred to the 200 percent street list and said what struck him was the curb cuts. If the list was shortened to 100 percent and streets were selected that have zero, one or three curb cuts it is very different from selecting streets that require 14 to 25 curb cuts. He said the engineering and

construction of these curb cuts is expensive. LCRB Member Henderson said he does not believe the city has money for them and the requirement to do curb cuts takes money from the Pavement Management Program budget. He added that as long as they are included in the project he will vote no. He said the city is trying to maintain a certain pavement condition index and another resource needs to be identified for curb cuts. Mayor Cook said council voted to move ahead with the pavement program with curb cuts last year but also agreed to talk about this in upcoming street maintenance fee discussions. City Manager Wine said the issues are related and require a clarification by council of the code and finding another source of money. She advised that the contract under discussion tonight is for the design of whatever council chooses to do and however it is decided to pay for it.

LCRB Member Henderson said they are currently evaluating over 146 handicapped accessible curb cuts and asked if the city has to replace each one. Mr. McCarthy said the city does not have to update curbs when doing a pavement overlay if existing cuts are up to par. He agreed that it is an unfunded mandate that affects the overall paving budget.

There were no further questions. The contract will be considered at the December 9, 2014 council business meeting.

11. COUNCIL LIAISON REPORTS: None

12. NON AGENDA ITEMS: None

13. EXECUTIVE SESSION: None

14. ADJOURNMENT

At 9:56 p.m. Council President Henderson moved for adjournment. Councilor Snider seconded the motion. All voted in favor.

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

Carol A. Krager, City Recorder

Attest:

John L. Cook, Mayor

TIGARD CITY COUNCIL MEETING MINUTES – NOVEMBER 25, 2014

Date



City of Tigard

Tigard City Council Meeting Minutes

December 16, 2014

RECEPTION FOR COUNCILOR BUEHNER 5:00 p.m..

BUSINESS MEETING 6:30 p.m.

1. BUSINESS MEETING – December 16, 2014

A.  At 6:36 p.m. Mayor Cook called to order the City Council and Local Contract Review Board meeting.

B. City Recorder Krager called the roll:

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

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

D. Council Communications & Liaison Reports: Councilor Buehner gave a brief report from the Intergovernmental Water Board regarding the issue of discrepancies in water billing practices. IWB members were not satisfied with the solutions staff proposed. Staff will complete a further analysis and report back to the IWB in January.

Council President Henderson updated council on the Community Development Block Grant application process. He said all 23 applications have been vetted. Requests totaled \$6 million but there is only \$3 million available. Mayor Cook said the CDBG grants fund many worthwhile projects needed in Washington County. He noted that the Tigard Senior Center was built with CDBG funding.

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

2. CITIZEN COMMUNICATION

A. Follow-up to Previous Citizen Communication –City Manager Wine said council was visited by neighbors from the Ingebrand neighborhood at the November 25, 2014, council meeting.

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They turned in a petition for a street vacation. City Manager Wine said council does not have a direct role in a proposal for development but there is desire from some council members to meet with the neighbors and discuss alternatives. She offered to ask her office to make the arrangements. Councilors Snider and Buehner expressed interest in meeting with the neighbors.

B. Citizen Communication – No one signed up to speak on an item not on the agenda.

3. CONSENT AGENDA:

A. APPROVE CITY COUNCIL MINUTES

- September 16, 2014
- October 14, 2014
- October 21, 2014

B. APPROVE RESOLUTION WAIVING TEMPORARY SIGN PERMIT FEES FOR SOUTHWEST METRO BABE RUTH BASEBALL.

Resolution No. 14-63 – A Resolution Waiving \$244 in Temporary Sign Permit Fees for Southwest Metro Babe Ruth Baseball

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

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

4. APPROVE RESOLUTION OF APPRECIATION FOR GRETCHEN BUEHNER

Council President Henderson moved for approval of Resolution No. 14-60. Councilor Woodard seconded the motion. Council President Henderson thanked Councilor Buehner for her many years of service. Councilor Woodard said she has volunteered for Tigard for over 20 years and served on many committees and council. She brings a great wealth of knowledge and council will miss her. He thanked her for her dedication and hard work given to the city. Councilor Snider said the Tigard community owes a debt of gratitude for the time she has put in to the community and said she is an inspiration. Mayor Cook read a list of her accomplishments and involvement in many local issues: eight years on the council, planning commission, water district, liaison to countless committees and

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commissions. He said she is a land use attorney and he listened carefully when she spoke about those matters. He mentioned she also had a depth of expertise in water issues.

Mayor Cook asked City Recorder Krager to read the number and title of the resolution

RESOLUTION NO. 14-60 – A Resolution Thanking Gretchen Buehner for her Outstanding Service to the City of Tigard as a City Councilor

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

Mayor Cook asked for a vote and the motion passed with one abstention. Mayor Cook read Resolution 14-60 in its entirety and gave Councilor Buehner a framed copy. He presented her with a gift from the council and staff. Councilor Buehner reflected on her 20 years of public service for Tigard. She thanked the City of Tigard staff, specifically former Public Works Director and now Lake Oswego-Tigard Water Partnership Project Manager Dennis Koellermeier, and Associate Planner John Floyd.

5. APPROVE RESOLUTION APPOINTING JASON ROGERS, BRET LIEUALLEN, CHRIS MIDDAUGH AND JOHN WILLIAM SMITH AS VOTING MEMBERS AND MICHAEL ENLOE AS A NON-VOTING MEMBER TO THE PLANNING COMMISSION

Assistant Community Development Director McGuire presented the staff report on this item and said the advisory committee met in November and interviewed many excellent citizen applicants. Four voting members and one alternate are being recommended for appointment. Jason Rogers is recommended for reappointment to a second term. Also recommended are Bret Lieuallen, Chris Middaugh and John William Smith as voting members and Michael Enloe as an alternate, non-voting member.

Councilor Snider moved for approval of Resolution No. 14-64 and Council Buehner seconded the motion. City Recorder Krager read the number and title of the resolution.

RESOLUTION NO. 14-64 – A RESOLUTION REAPPOINTING JASON ROGERS, AND APPOINTING BRET LIEUALLEN, CHRIS MIDDAUGH, AND JOHN WILLIAM SMITH AS VOTING MEMBERS OF THE TIGARD PLANNING COMMISSION AND APPOINTING MICHAEL ENLOE AS AN ALTERNATE, NON-VOTING MEMBER

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

Mayor Cook announced that Resolution No. 14-64 was adopted unanimously. He invited any members present to come forward and presented them with a City of Tigard pin.

6. LEGISLATIVE PUBLIC HEARING – CONSIDER ORDINANCES ADOPTING THE RIVER TERRACE COMMUNITY PLAN, COMPREHENSIVE PLAN MAP UPDATES, AND TRANSPORTATION SYSTEM PLAN

- a. Open Public Hearing - Mayor Cook opened the public hearing at 6:53 p.m.
- b. Hearing Procedures – City Attorney Olsen read the hearing procedures. He said council would hear public testimony on two ordinances that will adopt the River Terrace Community Plan. He said council will also be considering two resolutions, one adopting the River Terrace Parks Master Plan and one adopting the River Terrace Funding Strategy. He asked those in attendance to note that these are not part of the public hearing. Council does not ordinarily accept public testimony on resolutions but has decided to accept public testimony on each of the resolutions when they come up for consideration. City Attorney Olsen suggested council hear public testimony on each ordinance together and act on them separately. No objections were raised. City Attorney Olsen read the numbers and titles of Ordinance No. 14-15 and Ordinance No. 14-16.

City Attorney Olsen asked if there were any conflicts of interest to declare. Councilor Buehner said she is an attorney in private practice and has clients in the River Terrace area and to avoid any appearance of impropriety she will recuse herself from this matter. Councilor Buehner left the meeting at 6:56 p.m.

Councilor Snider asked a process question about hearing two ordinances in one public hearing. City Attorney Olsen said it was two public hearings but council was hearing them together and at the conclusion there would be two separate votes for the ordinances.

City Attorney Olsen said the staff report has been available for downloading from the city’s website and a paper copy has been available at City Hall. He described the order of the public hearing and council’s rules of procedure. He said people must testify either orally or in writing before the close of the public hearing in order to preserve the right to appeal council’s decision on either ordinance. A copy of the hearing procedures has been added to the packet for this meeting. He said council has several options and will consider each ordinance separately, adopting, rejecting or amending either one. Council may also choose to continue the public hearing on one or both of the ordinances to a time and date certain. He asked if anyone in the audience had any objections to the procedures. There were none.

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- c.  Staff Report: Community Development Director and River Terrace Project Director Asher and Senior Planner and River Terrace Project Manager Shanks gave the staff report. The PowerPoint presentation is included in the packet for this meeting. Mr. Asher acknowledged how the Community Plan was written and said Ms. Shanks and her team put forth amazing effort to prepare the plan over the past 18 months. He acknowledged those from the community that worked on the plan.

A Technical Advisory Committee included representatives from Tualatin Valley Fire & Rescue (TVF&R), the City of Beaverton, Clean Water Services (CWS), Department of Land Conservation and Development (DLCD), King City, Sherwood, Tigard Water District, Tigard-Tualatin School District (TTSD), ODOT, Washington County, Tualatin Riverkeepers, Metro and the Beaverton School District.

Mr. Asher said there was also a Stakeholder Working Group with whom staff was in constant dialog. He asked for those in the audience to raise their hands as he read their names. Property owners include Jim Beardsley, Joanne Criscione, Fred Gast, Dan Grimberg, Steve Jacobson, Marsha Lancaster, Matt Wellner and Jamie Stasny. Agency Representatives include Ernie Brown from TTSD, Nora Curtis from Clean Water Services and Tigard City Councilor Marc Woodard. Neighbors were represented by Michael Freudenthal, Lisa Hamilton, Jerry Hanford, Yolanda McVicker, Kathy Stallkamp and John and Dena Weathers.

Project Manager Shanks said council is being asked to adopt six documents in multiple parts: the River Terrace Community Plan, Comprehensive Plan Map Designations, Natural Resource Maps (three maps) and the Transportation System Plan are part of this public hearing. Agenda items number 5 (Parks System Master Plan) and 6 (Funding Strategy) will be adopted separately by resolution after the public hearing.

Project Manager Shanks noted that council previously adopted three other master plans for River Terrace, for Water, Sewer and Stormwater. The five master plans serve as a foundation for the Community Plan but are independent. She provided context on the development of the plan by showing a slide of the schedule. Future documents to be considered include code amendments, zoning changes and adoption of citywide and River Terrace-specific fees.

Community Development Director Asher said the next process is zoning. He said he looks forward to the development of River Terrace and that planning work begins at tonight's meeting. There is also financial and infrastructure work to be done and the goal is to move along parallel paths. He reminded everyone that taking more time on any aspect will have a delay effect on other aspects.

Project Manager Shanks gave a brief history of the River Terrace area planning effort, which started in 2002 when Metro added land to the Urban Growth Boundary. In 2010 Washington County created and adopted the West Bull Mountain Concept Plan. In 2011 Metro brought in a little more land into the UGB and Area 64 was annexed into the City of

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Tigard. In 2012 the city became responsible for planning River Terrace. In 2013, the rest of River Terrace annexed to the city.

Community Development Director Asher said questions he always kept in mind as he worked on River Terrace were: What does the city want here? Why are we doing this? What is in it for the City of Tigard to first annex and then plan for, oversee and regulate the development of River Terrace? He said it is about complete communities and following through on other plans adopted by prior councils, the city's Strategic Plan and regional master plans from other agencies such as Clean Water Services and Metro. He said it is also about doing right by as many people in the community as possible, people who live nearby, own property there now or want to live there. He said when looking around Tigard, there are things people love and parts of Tigard that we wish had been developed differently. This is a chance to have a clean slate and put things in place that will create a wonderful neighborhood. He said that was the charge when this project was handed to them.

Senior Planner and Project Manager Shanks described plan element specifics. She said some were mandated by Metro and some envisioned by residents. All planning documents meet Metro's density requirements and Metro and State requirements for public facility planning for urbanizing areas. She showed slides giving a brief overview of the documents under consideration tonight. She said the River Terrace Community Plan was designed to fit easily into Tigard's Comprehensive Plan. When adopted, the Comprehensive Plan designations map will apply Comprehensive Plan designations and provide a land use framework for the area. She highlighted an area on the map that will provide a buffer between existing low density areas and future higher density areas on Roy Rogers Road and to the south. The map indicates a commercial node and a school site. She said the Transportation System Plan (TSP) and the transportation chapter in the River Terrace Community Plan provide for a multi-modal transportation system that conforms to the area's rolling topography and balances safety, comfort and mobility for all modes of travel. It builds upon and connects to existing streets in the area. A key element to this plan is the River Terrace Boulevard with a unique feature incorporating the River Terrace Trail into its cross-section along the north-south alignment.

Ms. Shanks said there are three resource maps that are part of this adoption package: Wetland and Riparian Areas, Significant Tree Groves and Significant Habitat Areas. The maps and the natural resources chapter in the Community Plan extend the city's existing policies, standards and regulations out to River Terrace. So basically, wetland and riparian areas in River Terrace would be protected as wetland and riparian areas are protected in Tigard.

The River Terrace Comprehensive Plan chapter on parks provides for a wide variety of recreational opportunities for existing and future residents of the area with parks, trails and open spaces. She showed a slide of future parks that are conceptually located and geographically distributed to be equitable.

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Associated Stormwater, Sewer and Water Master Plans already adopted by city council provide a framework for urban development through the timely, orderly and efficient provision of public facilities.

Ms. Shanks described refinements made by the City of Tigard to the West Bull Mountain Concept Plan. Major refinements include:

- Applied the city's Level of Service standards to parks and trails
- Proposed conveyance of storm water all the way to the Tualatin River
- Integrated the River Terrace Trail into River Terrace Boulevard
- Eliminated arterial greenway trails
- Recommended a traffic signal at Scholls Ferry Road
- Retained and modified street connections
- Downgraded Leeding Lane to a bike/pedestrian connection due to a wetland
- Kept Luke Lane in the plan; a circuitous route and the signal on Scholls Ferry Road should mitigate cut-through traffic

Staff received a number of public comments both before and at the November 17 Planning Commission public hearing on these four documents. They were summarized in the staff report but four additional comments were received recently and City Recorder Krager copied council with them. She summarized the four additional comments. A letter was received from the Jacobsons and their neighbors regarding the trail. An email from ODOT gave support for the River Terrace Community Plan. CPO4K wrote stating their concerns about additional traffic and safety issues on Beef Bend Road. The fourth letter was from Fans of Fanno Creek expressing concerns about the natural resource maps proposed for adoption. Ms. Shanks said based on what was heard at the Planning Commission meeting, staff made some small refinements to both the TSP and Community Plan to address some of these concerns. These changes are minor and were made mostly for clarification and completeness. The one significant change is a cost estimate revision (reduction) for the River Terrace Boulevard.

Project Manager Shanks referred to the Jacobson's letters and said staff recommended some changes with respect to their concerns about the River Terrace Trail. These amendments are in a packet given to council tonight with a blue cover. The packet contains some minor underline and strike-out text and map changes. She added that staff worked with some property owners concerned about the location of the River Terrace Trail and how it is shown on the map. One of the main changes was to add this particular language to various maps:

Trail alignments and locations are illustrative. Trail alignments and locations are subject to change based on development review, final design, engineering, permitting, connectivity and availability of land and funding. Trail alignments are to be determined at the time of city acquisition or in conjunction with development review.

Ms. Shanks said other tiny text changes were proposed to ensure that it is clear to future property owners and future staff that the intent of this plan is not to specifically say precisely

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where a trail will go but to say the city understands that there needs to be additional analysis, engineering, development review and everything that normally happens when property is developing. She said we understand that the trail alignment may need to shift in response to any number of factors, one of which may be that some of these property owners may not develop for a long time and we may want to look for another trail alignment if surrounding properties develop. It provides some level of comfort for those property owners that even if a line is shown on their property it may not end up there in the future. She said this language is being recommended to address the letter that the Jacobsons and their neighbors sent to council.

Comments received today from CPO4K expressed an interest in the city expanding its traffic analysis. She said the TSP analysis included the evaluation of four intersections on Beef Bend Road, three in close proximity to River Terrace and one on Highway 99W. No intersections were identified as needing improvement. She added that Beef Bend Road is a county facility and outside the planning area. Staff is not recommending any changes to the plan based on those comments, other than to acknowledge the community's concern about streets in and around the area that will be impacted by future growth in River Terrace.

Ms. Shanks commented on the letter from Fans of Fanno Creek expressing concerns about the mapping of various natural resource areas and whether the city was diligent enough in its research. She said her response is that there are technical analysis documents that support the maps. This analysis is listed in the ordinance and staff is proposing council adopt the maps this evening.

Staff Recommendations - The Planning Commission reviewed the four documents and held a public hearing on November 17, 2014, recommending approval with no changes. She said Planning Commission Vice President Calista Fitzgerald is present tonight to give testimony. The recommendation of the project team and the Stakeholder Working Group is for council to adopt these four documents, but the Stakeholder Working Group recommended approval with caution. That caution mostly pertained to implementation, specifically the TSP, concerns about cost estimates in general and specifically River Terrace Boulevard. She said as stated earlier, staff worked to reduce that cost tremendously. The planning team recommendation is that council adopt these four documents and include the staff recommended amendments.

- d. Public Testimony - Mayor Cook called on people that signed up to speak.

 Calista Fitzgerald, 7453 SW Gordana Court, Tigard, OR 97223 spoke as Tigard Planning Commission Vice-President. She said this was presented to the Planning Commission on November 17, 2014, and the Commission recommended approval with no changes. She said it was a lengthy, well attended hearing where there generally was support with a few minor things to address. Debates included discussion on the cost of the road that was addressed in the report and it seems that staff has since changed that language. It was desired to have access for TTSD included on Table 5. The Planning Commission decided not to because Table 5 ties it to public funding and it was felt the funding for access should lie with developers. There was concern about the River Terrace Boulevard graphics

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because of the potential for designers to consider only what was shown in the graphic and not explore other options. After debate it was agreed that the graphic should remain to supplement the language, not to tie the design to what was shown. There were several people expressing concern about trail locations. Staff read changes tonight to address this. She said the concerns were minor and it was good to hear consistently from both those opposed and for this how much they appreciated the staff's in-depth involvement, community outreach and the many meetings to bring it to this point. She said the staff and the community have met what council asked them to do as community, volunteers and staff members. She said she would remain for the hearing in case there are additional questions.

 Carl Larson, Bicycle Transportation Alliance, 618 NW Glisan St., Portland, OR 97217, provided a letter from the BTA. He said The BTA expresses support of the proposed design of River Terrace Boulevard including the River Terrace Trail. He said the River Terrace Trail will connect a growing network of regional trails, provide economic and health benefits, and make River Terrace a great place to live. This trail is key to advancing Tigard's vision of becoming the most walkable community in the Pacific Northwest. The BTA creates healthy, sustainable communities by making bicycling safe, convenient and accessible. BTA has more than 6,000 members and supporters in Washington County and this trail is one of their top priorities. The River Terrace Trail is included in the Westside Trail Master Plan, which was unanimously adopted by the City of Tigard and all involved jurisdictions in the spring of 2014, with signatures of support from more than 400,000 regional residents. When complete it will allow 120,000 people to bike and walk to their jobs, school, grocery store, transit hub, neighborhood park and other necessary services.

Mr. Larson said in addition, high quality trails and bikeways contribute significantly to the local economy. In Minneapolis, home values increased by \$510 for every quarter mile closer the property is to an off-street bike path. Home values within one-half mile of a trail in Indiana sold for 11 percent more than similar homes further from the trail. This type of infrastructure also saves money. The existing regional trail network saves the Portland metro area \$150,000,000 per year in obesity-related health costs. As designed, River Terrace Boulevard and the River Terrace Trail provide an attractive, lively center for this new community. Without River Terrace Trail, planners would need to go back to the drawing board and completely redesign this corridor as the road itself does not provide the bikeways that are required on all new roads in Oregon. BTA appreciates the time and effort the City of Tigard staff and regional partners have put into the River Terrace Community Plan and look forward to adoption of this plan with the River Terrace Boulevard and River Terrace Trail as the center of this new community.

 Philip Wu, 6605 W Burnside, #140, Portland, OR 97210, congratulated the city on work done on this River Terrace plan. He said it is marvelous and he wanted to speak on a high level to the health impacts that the city has taken into account and will be implementing with this plan adoption. He said several years ago the Center for Disease Control (CDC) highlighted a few ways communities can enhance the health of their community and residents. One of these was through healthy community design and what Tigard has done with River Terrace is incorporate all the key elements: mixed use development, complete streets, infrastructure that supports both public and active transportation and by promoting

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active transportation through the use of shared-use paths, recreational trails, well-lit sidewalks, safe crossings and incorporating access to parks, recreation areas, schools and businesses. Safety has been taken into account with safe street and intersection crossings. Tigard has essentially followed the recommendations of the CDC for healthy community design. In 2009, Metro's Blue Ribbon Committee on Trails, assembled a report on the value of trails, in particular what the city has done with the River Terrace Trail by encouraging physical activity, promoting social interactions and in effect, reducing reliance on automobiles, which has climate change implications. Part of this report is a special case for greenways. The River Terrace Trail is in essence, a greenway which incorporates all of the benefits of a park, a roadway, a public square and access to nature all at the same time.

Dr. Wu referred to an article a few days ago in the Atlantic Monthly CityLab, "Walkability is Good for You." He said what the city has done with River Terrace is create a highly walkable community that will have economic development, housing values and physical health benefits. He said, "You have done everything right." He supported adoption of the plan and said the Intertwine Alliance, Kaiser Permanente and Westside Transportation Alliance, all of which he represents, would heartily agree that this should move forward.

 Bob Bothman, 7365 SW 87th Avenue, Tigard, OR 97223 spoke as a trail advocate. He said the last two speakers addressed well what he wanted to say. He said walks regularly in Tigard, most recently to the Tigard City Library and Woodard Park. He said he chaired the Tualatin Hills Park and Recreation District Trails Advisory Committee and the Fanno Creek Trail Working Committee in Tigard. He said he got interested in trails when he was Director of ODOT and parks was a division of ODOT then. He worked on the Springwater Trail and the Banks Vernonia Trail and said he has dealt with citizen concerns. There were neighbors opposed to the Springwater Trail. The typical thing heard from neighbors is that they, "don't want those people in my backyard," and other safety concerns. But he said once the trail was put in, his phone rang off the hook with people wanting to celebrate it. He said people found things were better after trails were placed. Migrant camps went away in Beaverton after the trail was built. He referred to statistics reported earlier in testimony about property values increasing. He said the discussion tonight is very different from 40 years ago when trails was hardly mentioned. He said he supports the trails.

 Don Hanson, a planner at OTAK, 808 SW Third, Portland, OR 97204, spoke on behalf of West Hills Development which controls parcels in the north end of the study area. Key infrastructure, including River Terrace Boulevard and a neighborhood route will extend through their land. There will be two small neighborhood parks, a CWS pump station that has regional influence, key infrastructure lines and trails. He said he supports the Community Plan and as the process was moving forward, OTAK developed a site plan which has helped them track what is going on and be constructive participants. He commented on three items: 1) River Terrace Boulevard – he was comforted to hear at the Planning Commission hearing that developers do not have to refer to the concept sketch but to the language. OTAK has taken that to heart and done different sections of River Terrace Boulevard that adapt to specific site conditions and proposed land use along the north-south alignment. He said there are concerns about cost but they will move ahead anyway. 2) Staff has proposed a traffic signal at River Terrace Boulevard and Scholls Ferry Road and they are in support. 3)

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He said as you travel south in the study area, Barrows Road is the first signalized intersection point giving access to the parcels on the side of Roy Rogers. That is one-half mile. They propose a mid-point signalized access point, one-quarter of a mile south of Scholls Ferry Road on Roy Rogers Road to access their neighborhoods. He said that if future traffic increases they could convert them to right-in, right-out access points or terminate them. He asked about an update to the PUD ordinance which will allow developers to implement the best qualities of the plan. He said they are anxious to go ahead and build a great neighborhood.

Councilor Snider asked Mr. Hanson for clarification about the PUD ordinance and if there is a concern with what is being proposed. Mr. Hanson said he had two concerns. Typically there is an open space requirement of 20 percent and they seek clarity on whether that includes the open space facilities and amenities that are included in the Community Plan, or are they giving 20 percent on top of 20 percent. The other concern is flexibility on lot sizes. He said he has spoken with staff about increased density along River Terrace Boulevard to frame it from an urban design standpoint. The PUD ordinance would enable them to do so without seeking zone changes.

 Daniel Knox, 15955 SW 150th, Tigard, OR 97224 said he was one of the four homeowners affected by the current proposed location of River Terrace Trail. He said he has been a Bull Mountain resident since 1980 and is the only person of the four who testified tonight about the trail who will confess that he voted for annexation. He said he thought sidewalks, lights, sewer, water and trails sounded like a good idea. He is concerned about the location of the trail and is pleased staff proposed some adjustments. He is concerned that staff refers to the adjustments as tiny. He said the location of this trail is crucial to the people who live there. He said the city should want to build a trail where it could trade development rights for land access. None of the properties where the trail is currently shown are going to be developed. He said he was shocked and dismayed to hear at the Planning Commission hearing that the impact on these four properties was not considered. He asked council to keep open minds and locate the trail somewhere where it will not destroy four homes.

 Steve Jacobson, 15915 SW 150th Avenue, Tigard, OR 97224, lives at the south end of Area 63. He said he has owned his home there for 25 years and is Dan Knox' neighbor. He owns Canterbury Tails Horse Barn. He has been on the Stakeholder Working Group for the past six or seven years. He said he and his neighbors own four contiguous properties and are in favor of the Community Plan. Staff has done a stellar job. The east-west leg of the River Terrace Trail bisects their properties. He said it runs through the middle of a 10-acre vineyard and taking a swath through it will be a problem. The trail alignment continues across his horse barn and three major pastures that always have horses in them. The alignment goes through another neighbor's oasis full of woodland creatures, and finally cuts through his neighbor's swimming pool, part of an expensive landscaping project including the pool and a sport court. He said Ms. Shanks has worked with the group of eight people very hard and has annotated the documents to infer some flexibility about trail alignment. He said they appreciate that but it is not enough and "We want the line removed from across our properties." He said he hoped that council will recommend to staff that they modify the

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maps prior to approving and putting them into the records. He said if anyone wanted to sell, the line is effectively an easement on their property. He said he and his group spent over 100 hours to prepare a six-page letter that council apparently has not seen yet. Mayor Cook clarified that council got their copy of their materials last week. He said, “Our bottom line is that we don’t want that line across our properties and we don’t think that is too much to ask.”

 Barbara Jacobson, 15915 SW 150th Avenue, Portland, OR 97224, thanked council for giving everyone an opportunity to speak. She said all her neighbors were present and she wanted to say that they are not trail-haters. Since the Planning Commission hearing Project Manager Shanks has been working hard with her and others to come up with language to help mitigate their situation, but she also suggested that the neighbors attend the council meeting to discuss whether the delineation of the trail on the map is appropriate. She said there are four property owners that have two two and one-half-acre parcels, a five-acre parcel and a ten-acre vineyard. She said they are all fully developed and if the city is looking for a connective trail, the River Terrace Boulevard Trail is great; it runs alongside a road and has a good location. She said they know there has to be something that connects with 150th but they question why it was put there without research. She said it goes through four developed properties and could take up to 20 percent of two properties potentially and that is a big take.

Ms. Jacobson said they don’t want to delay the process or feel compelled to take adversarial action prematurely so they tried to work with Project Manager Shanks to come up with modified language stating that the trail location is not definitive and could go elsewhere. Ms. Jacobson said Ms. Shanks has been great and they appreciate the efforts. They are supportive of addendum language and this helps. However, staff has been reluctant to amend the map to remove the depiction of the trail across their properties and replace it with a wider band of land. The wider band could still include their properties potentially and would show that a trail could be located in any variety of areas as River Terrace develops and the land is masked for development. She said the biggest issue with the trail is connectivity into the main boulevard and if the city designates it go someplace where development isn’t going to happen for a very long time, you are not going to achieve that. She said keeping flexibility and an open mind at this juncture could result in a less harm, less cost alternative for the city, which is what is exactly required by the statute.

Ms. Jacobson said at the Planning Commission public hearing the Community Development Director acknowledged that having this line on the map now will have an immediate negative impact on their properties regardless of if or when the trail is ever actually built. He noted also that there are some winners and some losers in this process. At that same hearing one of the commissioners asked staff if they had considered other locations that might have less impact and the answer was no, they really had not. She said they support the language modified by Project Manager Shanks which does not by the way, remove their property from consideration, but does allow flexibility in determining the best location for the trail as development of the area occurs. What they are asking council to do, as a showing of good faith with respect to that promised flexibility, is to direct staff to remove the line from across all the properties and do what they are doing for the parks, which is to show a wider locational band that shows potential connector locations to be determined later, after more

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studies are done by staff and as development occurs. If the line is removed and a more flexible band is shown, the negative, current impact to their properties is mitigated and they can be more comfortable about this plan moving forward. She said they don't believe the current location over their properties, including a productive vineyard, will provide the best or even a feasible trail location in the long run, but this determination can and should wait and be made at a later date.

 Ann McClesky, owns a vineyard at 15590 SW April Lane, Tigard, OR 97224, and said she and her husband have lived on the property since 1992 and planted the vineyard in 2001. It is very productive now and they were able to harvest almost 20 tons of wine grapes which they sold. They are now selling their wine in Tigard and Tualatin Fred Meyer stores under the McClesky Cellars name. They said their neighbors have spoken well on their behalf tonight on the threat that this trail would be to their vineyard. It is a small vineyard and fragile financially and the impact of the trail going through would be detrimental if not devastating. It would probably take out one-third of their vines and would open the vineyard up to people walking through on the trail. It would allow deer into the area which they try very hard to keep out because they eat all the berries. She thanked Project Manager Shanks for her efforts in meeting their needs. She thanked the Jacobsons for all the work they have put into this. Councilor Snider asked if this was the only operating vineyard in Tigard and Ms. McClesky said it was. She said the Baggenstoses have a vineyard but she did not think it was within the city limits and Mayor Cook confirmed that it was not.

 Brant Hulse, 15975 SW 150th Avenue, Tigard, OR 97223, said his neighbors have already shared but he wanted to add that they are all in favor of trails but where they are shown on the map in the east west direction. There are so many other areas that don't affect current landowners and developed properties. He would like this taken into account. He thanked council for their time and thanked the Jacobsons for their efforts.

 Janet Buebb, 255 SW Harrison, Portland, OR 97201, spoke as a representative of The Intertwine. She stated that most everything she wanted to say had been covered by others. She noted that the Intertwine Alliance is a group of 130 business and government partners working together to promote and build an interconnected system of parks, trails and natural areas. She noted that benefits of trails have already been covered. She referred to much personal experience on many trails throughout the region in Gresham, Portland and Milwaukie. She said she knows what council is facing and it is tough to realize aspirations and blend them in with property considerations. What she has heard tonight is that there is goodwill on all parts. And even though council has a tough decision, from her experience the devil is in the details. She advised finding a trail alignment that on the whole works best for everyone. She said, "You have the players in place here to advise you and I wish you the best of luck with that decision."

 Dan Grimberg, West Hills Development, 735 SW 158th Avenue, Beaverton, OR 97006, said West Hills has been very involved and have owned property there since 2006. He said they need to make sure this plan works and is financially feasible so they can build and sell houses. He said while they are supportive of the plan, he does not understand how it can be adopted without knowing how it will be paid for. He said other stakeholder members know

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that at every meeting he expressed concerned about the costs. He said he would talk more about this when the financing plan is discussed but he could show council a schedule indicating that a house in River Terrace will cost \$15,000 more than in the North Bethany area and \$10,000 more than in South Cooper Mountain. He said this is even without knowing key components of costs yet to be identified for Roy Rogers Road. He again expressed concerns about the Community Plan and Transportation System Plan being adopted without the city knowing how they will pay for them. He asked that the process be continued until everyone can sit down and work through the financial plan. Councilor Snider asked if that was a process he had seen before and asked for recent examples. Mr. Grimberg replied that North Bethany was to the point of crisis where the plan was done but not financially feasible. He said, “We got to the right people at Washington County, particularly Tom Brian, who was then the County Chairman and he understood the problem and he pulled the plan together.” He said in this collaborative effort everyone sat around the table and discussed what it would cost and where the money would come from. Councilor Snider asked a question about the phasing and Mr. Grimberg said they have 75-100 acres in River Terrace and will build in phases. They need to know how each phase of building will work financially; it has to pencil out. He suggested that a workable solution could be reached but, “Right now, we’re just not there.”

 Jamie Stasny, Metropolitan Land Group, 17933 NW Evergreen Parkway, Suite 300, Beaverton, OR 97006, said the MLG firm owns property in River Terrace and has been involved in the SWG and implementation process. She thanked city staff for working hard with the SWG to come up with this balanced plan. She said MLG is in support of the Community Plan but shares the same concerns voiced by Mr. Grimberg. The Transportation System Plan contains a list which identifies which projects will occur in specific time horizons. That is linked very closely with the funding strategy of how the projects will be paid for. She expressed agreement with delaying the TSP and Community Plan for a short period of time and said they obviously, want to move forward, as everyone does. She asked for a few weeks to a month to enable them to work with staff to refine the funding plan so that it makes sense, be competitive with other areas and develop into a successful community as envisioned through this planning process and many hours of hard work.

 Mayor Cook asked if anyone else wanted to speak about this. He asked for the staff recommendation. There was none.

- e. Staff Recommendation – Project Manager Shanks said the staff recommendation is as follows: to adopt the four documents listed on the slide shown: the Community Plan, the Comp Plan Designations Map, the three Natural Resources Maps and the Transportation System Plan, with the revised language in the blue packet given to council with respect to the River Terrace Trail alignment. She said she understands the concerns of the property owners that spoke on the River Terrace Trail location in the southeast corner. She showed a map to indicate where the four properties are located. She said there is a recognition that the trail needs to be continuous. It is integrated with the River Terrace Boulevard for the north-south alignment but breaks away and gets over to 150th. She said the city inherited the corridor alignment with the West Bull Mountain Concept Plan and so Tigard staff did not do any

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additional research as to its specific location on the map. She said the whole purpose of this particular alignment was to follow the 300-foot contour elevation and she showed this alignment on a map. She said the staff recommendation is to adopt the four documents but with underline and strike-through changes she provided in the blue packet.

- f.  Close Public Hearing – Mayor Cook asked if council wanted to entertain holding over the public hearing to a date certain. Councilor Snider said he could not make a decision without getting some answers to several questions. He asked if the questions could be asked within the public hearing. City Attorney Olsen recommended that council discuss with staff or the audience while the public hearing is open. He suggested they have a preliminary discussion before the public hearing is closed to see where council is on this.

Councilor Woodard commented that he knows staff has worked hard on this as he is a member of the Stakeholder Working Group. He said the Community Plan looks good but he needs to understand the financial end before adopting the Comprehensive Plan. He said he understands the 300-foot elevation trail and the extension to Beef Bend although that is outside the urban growth boundary which presents some other challenges. He said he is trying to understand why a solid line must be on the map. He asked, why not consider other options? He said it was his experience that once a line is drawn it stays there. He said councils come and go and it could be 10-20 years down the road and other councils will see the line on the map, making it difficult to move it. He commented that having a bike lane on Roy Rogers Road was satisfactory to him. The traffic light on the northern sector of Scholls Ferry Road could turn out to be good for some and bad for others. He asked if it is necessary to run a through-street there.

In response to a request from Community Development Director Asher for clarification on his questions Councilor Woodard asked about devaluation of properties bordered by a regional trail. He asked how much right of way must be taken from those landowners for the trail. He asked why the trail needs to be built where indicated since it is unknown when build-out will occur in that area.

Mr. Asher showed a slide of the transportation map, with many lines, both solid and dashed, indicating future rights of way. He said most are streets but some are small trails. He said none is in the right place but all are generally in the right place to “get you from point A to point B,” and staff has to put lines on maps to indicate how a system will operate. He noted that some with a line on their property were not being heard from tonight, just a few. The city has to be transparent and indicate that there is a public interest in an area. He said staff has tried their best through the narrative and the boxes on the maps to indicate to all stakeholders and future decision makers that the actual alignment will depend on design review, engineering considerations, and development considerations. He added that the decision makers come to the Permit Center and it is not elected officials making these decisions. He said there were a few things to be nervous about as a property owner. But one thing a property owner should not be nervous about is that the city will come and put a trail on your property. He said no one will lose property, a portion of property or a business because of something we may do tonight. He said property owners may be concerned that a line on a property may impact redevelopment or sale and that a line means something to the future value of this property. But the city isn’t necessarily going to be in a position to put in

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that trail. There is a certain amount of abstraction in what council is looking at tonight because we have to connect things. If we don't connect streets or trails there is no point in having them at all. He asked, "Is this the perfect location to connect the southern end of River Terrace Trail? Perhaps not. The question is whether we are doing harm in showing this line in this location." He said in staff's opinion, whatever harm is done to a property owner by showing this line on a map is outweighed by the public interest in showing a future plan that is connected, with all the caveats in place.

Project Manager Shanks showed a slide and said the city inherited this line from the West Bull Mountain Concept Plan and it was called the 300-foot trail. She said the name confused people but it relates to elevation. Councilor Woodard asked if this could be moved to the other side of the property. She said potentially yes. She asked council to refer to their blue packet of suggested amendments and view the language that staff is now putting on all maps showing the trail. This language is used by many other jurisdictions. It says, "We fully expect that through the engineering process, the development process and the funding process that this line could move."

Councilor Woodard said he sees two distinct dotted lines showing two options. Ms. Shanks said the dashed lines indicate two trails, the River Terrace Boulevard Trail, which goes through the entire planning area and the southern access trail. The southern access trail originally went down to Beef Bend Road and along that alignment. She said they are not including the portion outside the urban growth boundary but there is not a good reason to take out the rest because it may come into the UGB. It is considered to be a more local, neighborhood connecting trail rather than a regional route. Councilor Woodard asked if anything could prevent staff from drawing another trail just south of the UGB and working with Washington County. Ms. Shanks said it is not a Washington County decision. She was not sure how the DLCDC would define this. It would have to be a passive trail and requires an exception because it is not inside the UGB. Councilor Woodard said he likes the dashed line and putting in language that this is a potential street line if we can get an UGB expansion. Ms. Shanks replied that the Comprehensive Plan addressed the issue of the southern end not being in the UGB. This is highlighted as an action measure to work with Metro to include this area.

Mayor Cook said everything on the map has to be in the UGB. He agreed with Councilor Woodard that showing a dashed line would be a good indicator of future UGB expansion connection potential to square out the corner (that got taken away and given to Damascus). He said he agreed that a solid line does matter in the future but he also did not want to just move the trail line to the next property because the owners have not had a chance to comment.

 Councilor Snider commented that he got his answer about how satisfactory the latest trail changes were to the Jacobsons. He asked how important the 300-foot trail was and if it had been researched. Community Development Director Asher showed a map of the entire greenway and regional trail. He said it is the ultimate route for the Westside Trail so people do not have to go over the mountain. The 300-foot trail is a flat alternative and while it may not be the flattest place to go, there was some consideration of topography. Project

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Manager Shanks said it can be shifted and that is what they attempted to address with the language.

Councilor Snider asked Mr. Asher whether this trail line would become something that would be disclosed as an easement in property documents. City Attorney Olsen said it would not be disclosed but it would become apparent to buyers when they look at a property's zoning. If the existing use was to be continued, he did not think the line would matter unless the city had enough funds to condemn. He said the assumption is that this area would be developed. Councilor Snider commented that he understood that lines are put on maps because they depict connections. Ms. Shanks added that lines show what the intention is and the city understands further analysis is needed.

 Council President Henderson said the property owners request removal of the line. A dashed line would be preferable to a solid line. He asked if no line at all is a good alternative and Community Development Director Asher replied that would not be an advisable as showing a disconnected, dead end trail defeats the whole purpose.

Council President Henderson asked Project Manager Shanks, "If you saw this notation on a document, how would you address it?" Ms. Shanks responded that it would depend on the document. If it was the municipal code, saying a trail of a particular width should go in a particular location with a planting plan, she said she would expect to see that on a development plan. But in long-range plans such as a master plan she would check the code and at least try to understand if it meets the intent. Council President Henderson said, "If you saw this going through a vineyard and they wanted lots of money, would this be a deterrent?" Ms. Shanks said it would not because at this level of planning staff is charged with creating a plan and vision developed by the community to develop an area from rural to urban use. Adopting this plan does not keep people from using their property as they are today, that is totally their prerogative. It just provides future direction when developing the area. This is 10, 15, 20 years from now and adopting future zoning does not change what they do on their property now. She referred to an earlier comment from Community Development Director Asher and said the city is not going to go out and say, "We're putting a trail right there." She said that was not what the city does generally, with any of its long-range planning documents. Councilor Snider said, "Unless the city does an eminent domain process." Ms. Shanks said she told property owners it does not mean anything until they develop. If it comes to a point in the future when most of River Terrace has developed and the entire trail is built except for that segment, she imagined the city would work out a voluntary negotiation or figure out a different alignment. She said this is not the only area that may not develop.

Councilor Woodard said the notations provide some security to property owners but adding a dashed line would make sense. He said he was good with the streetlight at Scholls going in but asked what the engineers say about it. Community Development Director Asher said if it meets warrant it is the city's prerogative to show it because it is more likely to happen. Nothing will happen because we show it on a map but if is not shown on a high level, there is a possibility that it will not happen.

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 Councilor Snider asked Project Manager Shanks for her response to the Fans of Fanno Creek concerns. She replied that her response is that the maps shown are all in keeping with local CWS and Metro regulations for protection according to professional standards. She said there may be a request for additional mapping. Councilor Snider asked about the PUD ordinance. Ms. Shanks said Tigard's code is called PD (Planned Development) not PUD and staff is working on it. She said she knows developers want this and staff agrees that existing open space requirements are not geared to this type of greenfield development. Councilor Snider asked if there have been discussions on this and Community Development Director Asher said, "We are in good partnership with developers in River Terrace and they are in a good place to review this draft code. They will give us feedback and this should appear before council in the next few months."

In response to a process question from Councilor Snider, Ms. Shanks said staff generally thinks that the financing strategy is separate and adopted by resolution. Staff was thinking the Comprehensive Plan could be adopted prior to the financing plan but it is up to council. City Attorney Olsen said there is nothing to preclude discussion of the financing now. He cautioned council if they go ahead and adopt the plan and then discuss funding, the plan is narrowing the funding discussion.

City Attorney Olsen said there are concerns that there may be things in the plan that are too expensive. Ms. Shanks said if you adopt the TSP and later when discussing the funding, which has cost estimates, want to revise them, there is nothing to say we could not bring revisions back for council action. City Manager Wine said they can ask for clarification from those that testified.

City Attorney Olsen said it may be cleaner to recess the public hearing on the ordinance, hold the discussion on the financial strategy and then come back into the public hearing.

Councilor Snider said a concern about access to the school district property was raised at the Planning Commission hearing. Project Manager Shanks said staff met today to discuss access with the school district because when they made the comment at the Planning Commission it was even unclear to the city what the TFV&R access requirements were. She noted that they are not present this evening and she got the impression that they are good with it. The issue is that the properties to the north of them need to be developed or they need to condemn the property, or the city would, but this is beyond the scope of this plan. Councilor Snider clarified that their concern at the plan level could be alleviated.

Councilor Woodard asked a question about page 31, table 6 of the River Terrace Transportation System Plan addendum. He noted that ODOT owns part of a few projects but is not responsible for funding these projects. He wants to understand how major intersections will increase with the capacity increase.

Mayor Cook recessed the ordinance public hearing to go to Agenda Item No. 8. He said staff will give their presentation and answer questions from council and testimony from the public will be allowed.

8. CONSIDER A RESOLUTION TO ADOPT THE RIVER TERRACE INFRASTRUCTURE FUNDING STRATEGY (Note: This item was heard out of order. Discussion and a vote on

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this item was moved forward after the public hearing was recessed. The public hearing continued after this item was heard and a vote was taken.)



Finance and Information Services Director LaFrance was joined by Senior Planner and Project Manager Shanks and Assistant Finance Director Smith-Wagar to discuss the River Terrace Financing Strategy Plan. He said this is a major milestone and the financing strategy plan addresses all six infrastructure systems. Within each system costs and needed infrastructure are identified along with potential funding sources and criteria to evaluate them. It lists about a dozen ways a local community can fund infrastructure and presents different ways to address costs and how to fund them. Key criteria to evaluate funding options include reliability, equity in terms of cost sharing, facilitating development and ease of implementation. Within the plan there are some estimates of fees and there is still time for the dollars to change. What won't change is that these are the tools we are going to use, these are the fees we are going to implement or these are the existing revenue sources we are planning on using and generally, in what proportion different constituents will be contributing towards that infrastructure.

Mr. LaFrance highlighted information from the executive summary on each funding source. He discussed timing and defined near term as the first six years. Long term means the years between seven and twenty. There are also things that will happen in twenty years or beyond, and this plan does not address any items the city will be doing after twenty years.

- With water infrastructure there is no need to change fees or rates to help fund water infrastructure in River Terrace.
- CWS will bear the bulk of costs for sewer infrastructure. There was already a hearing on a city-wide sewer surcharge and River Terrace is not causing Tigard to do anything new for sewer infrastructure.
- There were four scenarios analyzed for parks. The recommended funding strategy uses many tools from the toolbox. There will be some contribution from the city's general fund which is part of existing residents' support for regional parks in River Terrace. We are looking at System Development Charges (SDCs) that are both citywide and River Terrace-specific. For the citywide SDCs we are planning for every dollar paid on parks SDCs citywide, 75 cents will be reinvested in River Terrace. A new River Terrace SDC will be implemented and every dollar collected in River Terrace will be invested in River Terrace. We are looking at a citywide utility fee and a portion of that will be used to help develop River Terrace. Lastly, the community will be asked in the long term to support a general obligation bond of \$9 million to purchase and develop parks in River Terrace. Some of this would go to fund other parks needs in the city but it would be a key way to fund River Terrace parks long term. There is also an opportunity for about \$2 million in grants. Mayor Cook asked if there was an error in that Parks River Terrace SDC number. Mr. LaFrance said the dollar amount is flip-flopped and this error has been brought to the attention of the consultant. The citywide SDC is established at \$6,500 and is currently under review. The River Terrace Parks SDC is \$1,200.
- Four scenarios were explored for Stormwater infrastructure. The strategy selected consists of existing general fund, existing utility fees, and existing SDCs. The city would be looking at adding a utility fee surcharge and also creating reimbursement districts.

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- The transportation system consideration had five different scenarios. The final scenario has been revised. As staff was working through transportation, everyone agreed that it was expensive. The transportation utility fee and SDCs have been lowered from October estimates. Then, 85 cents of every citywide dollar was being reinvested in River Terrace but that did not leave enough to fund impacts caused to the rest of the city outside of River Terrace. That share has come down as the cost was lowered. Staff worked with the developers and the SDCs are lower as is the amount available to reinvest in River Terrace, which means more funds available to invest outside of River Terrace to address impacts. The transportation utility fee to be paid by future River Terrace residents is also lower.

Mr. Lafrance said a workshop discussion on SDCs is scheduled for February and a hearing is planned in April for potential adoption of charges to enable moving forward with development. He said council will hear tonight that this plan is expensive. He said council had a choice of adopting the plan and knowing that between now and February, there is an opportunity to discuss changes.

Mayor Cook asked citizens interested in testifying on this to come forward.

Jon Kloor, Government Relations Coordinator for Home Builders Association, 15555 SW Bangy Road, Lake Oswego, OR 97035, commended staff for their professionalism, transparent and collaborative environment they facilitated throughout the River Terrace planning process. He said while the HBA generally supports the Community Plan they have heard concerns from a number of members about the funding strategy that they would like to see resolved before adoption. A tremendous amount of progress has been made towards reaching consensus on the River Terrace funding scenario but he believed a little more time is needed to resolve the remaining concerns. In order for River Terrace to succeed the permitting and SDC totals need to be competitive with other jurisdictions. We all want the plan to be approved and move forward so River Terrace can be built, but we believe the funding scenario is not quite there yet.

Councilor Snider asked him if the positioning of the Comprehensive Plan and the funding strategy is that one needs to be approved before the other. He said there is a disconnect between hearing from builders that the city needs to move quickly and hearing tonight that they want to take more time to work on this. He said he would like to hear answers to these questions from everyone who testifies on this. Mr. Kloor said the funding strategy and Community Plan are intertwined so it would be difficult to make a decision on the Community Plan without factoring in the funding scenarios. He said he would defer to a number of HBA members in the audience to answer the second question.

 Dan Grimburg, West Hills Development, 735 SW 158th, Beaverton, OR 97006, said they are concerned about the funding plan. He said they've worked long and hard on the plan but we still don't know if it can be financed. He said it reminds him of going to look at houses and his wife picks out a beautiful house, but can we afford it? That is the bottom line. There is this toolbox but there are a number of unknowns. We don't know what the scope of improvements on Roy Rogers Road is, for example. What will the county approve? Who is responsible for the costs? Are there MSTIP funds available? None of this is known and it directly affects the cost of development in River Terrace. There are collector roads in River Terrace with the local portion of a road (two-lane travel) which is the responsibility of the property owner/developer and the

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oversized portion is creditable. The problem is that the local portion is very expensive and on some of the property they own that is almost \$10,000 per house for 200 houses. That has a huge impact and it has not been resolved.

Mr. Grimberg said North Bethany is the only finance plan and the only UGB that has worked in the metro area. He said the reason it works is that North Bethany has zero costs for collector roads on a private development. It is all financed by the whole. It benefits the entire community so the entire community pays for it. There are \$70 million worth of roads that will be funded through private development and the way to offset the costs is through credits. We have always assumed that it would be in the 75-85 percent range but we still do not have the answers to a lot of these questions. Last week it was reduced to 55 percent. That will be millions of dollars and we need time to study that.

Councilor Snider said if we do what you want today it will necessitate a slower pace. Mr. Grimberg said he disagreed and said he has seen collaborative processes work quite quickly. It gets people focused. We are talking 30 days and I think it could be done in two weeks, but Christmas is this month. He said no one has pushed harder than West Hills and some may wonder what he is doing, but he thought taking 30 days to get the right answer than to approve a plan that doesn't work. He distributed a copy of the schedule of permits and SDCs for the UGB areas. He said he included North Bethany, Washington County (not part of the expansion) South Cooper Mountain (not adopted) and fees for River Terrace. River Terrace is \$17,000 higher than North Bethany. North Bethany is the best real estate market in the metro area. This is \$17,000 higher and we will have to sell a house for that much more. We need to sit down and talk this out. Councilor Snider said we have on our agenda to consider adopting both of these tonight enabling us to move forward in many ways. I think if we can't adopt them tonight, it will ultimately delay some processes by 30 days. He asked the developers in the audience if that is worth it to them. Mr. Grimberg said, "Absolutely. We are strongly requesting a 30-day extension to work out a finance plan that actually works."

 Mike Peebles, 808 SW Third, Suite 300, Portland, OR 97204, said he was present on behalf of West Hills Development. He said he is the one who helped Mr. Grimberg crunch the numbers. He said they have been collaborating with city staff, engineers and developers. They looked at a variable section of River Terrace Boulevard, instead of doing full build out. They looked at the topography and environmental issues and narrowed the road in some areas. He said they are still not clear on the scope of improvements that will happen to the county arterial and collector streets, and what portions of those developers and property owners would be responsible for. They need some clarifications on the TDT and SDCs that would go to River Terrace projects. There was a change in the recent document that caught them off guard. We need time to study it. He said moving forward with these numbers in a financial plan is much like adopting a map with a line on it, or a cross section in a plan, we feel if we go forward with numbers in a funding strategy, they may stay there without future flexibility.

 Fred Gast said he represents Polygon NW, 109 East 13th Street, Vancouver, WA 98660. He thanked the city and the staff for public outreach on this project and said it is second to none. He said he hasn't seen anything like in his extensive experience in neighborhood outreach. He said the plan itself has been going on for a considerable amount of time so when asking if the plan and the financing strategy are linked, of course they are. But looking at the plan, what part

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of the plan do you not want to implement? He said he did not know if the city is at the place to change costs dramatically or if there is a cost structure that will make everyone happy. He said he is a developer and is very mindful of cost but he is also a community developer so he has to look at a plan and recognize that there is value to it. He may not get everything he wants in it. Sometimes he has to take on obligations he would rather not, but he has to in order to create the community we are all after.

Mr. Gast referred to the financial plan and the concerns about the overall costs in the worksheet. He said some costs have already been decided as a city. Tigard's water fees are higher today than City of Beaverton or Tualatin Valley. That was part of a decision Tigard made to provide a service level to its residents. Unless the city is willing to back off of some of those costs for River Terrace, the costs are going to be the same. From a transportation point of view, Tigard already decided that there needs to be a city-wide TDT. So unless you are willing to back off from that, we are not dramatically going to reduce the cost. He said his point is that the toolbox is a fine toolbox. The plan is a fine plan. The discussions with staff have been fruitful and part of the ongoing process is to further refine the numbers associated with the plan. Time is an important function. He did not feel right about coming here and saying, "Disregard the schedule and fix the cost side of the equation." He said if there is one thing we've learned is that timing in a business cycle is really important and if you are on the wrong side by 12 months, it means everything. He said there are a lot fewer people doing what he does today because they got on the wrong side of the business cycle. He said he did not want to lose any time. He said a lot of people liked the plan and all raised their hands. There was a concern about costs.

Councilor Snider asked if he wanted council to move forward tonight instead of waiting for more cost details. He replied that if he has to make a tradeoff, and he does every day, it will be about time. He said he felt comfortable with the plan, the toolbox and that just like things were worked out on the River Terrace discussion, that, "We are going to be able to nibble around the edges to get them closely aligned and competitive as we possibly can. Some, like water fees, we are just not going to be able to get around. Parks costs seem off and there are perhaps some transportation things to work through. Staff has demonstrated willingness to do this." He said he did not see where they could come up with a plan that says \$5,000 can come off of a city fee structure without looking at more fundamental issues. He said the credit policy is a great example of where developers and the city could work together to come up with equitable solutions. Councilor Snider asked if he thought what was before council tonight was workable. Mr. Gast said it was. Councilor Snider asked how many acres they own and he replied that collectively they own over 100 acres.

Councilor Woodard referred to Dan Grimberg's permitting spreadsheet and asked why plan review costs were so high. If water and plan review were not so high, Tigard would be in the ballpark. Mr. Gast suggested the parks and transportation costs seemed high. He said he agreed with Mr. Grimberg's credit policy because developers will be building a regional facility and should get regional credit for that. Councilor Woodard revised his question as he was misreading the form. He asked if home builders had seen Exhibit 24 in the Funding Scenarios (Scenario E) yet and asked if staff worked with developers. City Manager Wine said council was working with Scenario E the last time they discussed the transportation funding strategy and since that time there has been additional work done in collaboration with the development community. She said choices were made that are in the recommended funding strategy that is

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before council tonight that allocates them proportionately among current residents, future River Terrace residents and the development community. She said what he is hearing in the testimony is a disagreement about that allocation. Mr. Gast reiterated that time is very important and he also wants to talk about the credit policy.

 Jamie Stasny of Metropolitan Land Group talked about the process of council consideration of the plan and resolutions, which are closely entwined and affect each other. She said they request more time. She agrees with Mr. Gast about time being very important. She said they have worked many hours with staff pushing to get this done, but they don't want to push too hard on a plan that is not complete. She recognizes that some fees, such as the water rates, aren't going to change in this process but there are other numbers that could be changed. She said two more weeks would be sufficient for this discussion but due to the holidays, 30 days may be more realistic. She offered their time and resources to hold the conversations before the plan is adopted and requirements are put into place.

Councilor Snider clarified that her preference is to not formally adopt tonight and work out more of the details beforehand around financing. She said she would like a little more time. Councilor Snider asked if she agreed with Mr. Gast to adopt them and work around the edges next month. She said she did not. She referred to the trail situation and said, "If you put the line on a map and it's adopted... Numbers in a funding scenario will be the benchmark from which the next step form as we move forward and we want to make sure the numbers are solid."

Council President Henderson asked when she recognized that she needed a few more weeks. Ms. Stasny said they have been involved in the process referred to tonight and had been looking at the costs and refining those for River Terrace Boulevard. Their engineer was a member of that team. These changes all happened in the last few weeks and they did not realize it until the updated staff report came out with the changes that had been made to the funding scenario. The Parks situation is still unclear as to what the number actually is. The SDC in the document is not reflected correctly. We were not aware that the percentages City Manager Wine was discussing early had changed until we saw the meeting information on the website. Councilor Snider asked how many acres they have and Ms. Stasny said 60 acres and they are pursuing more. Council President Henderson said he is a builder and knows that he does not share much with other builders but asked if developers share information, and Ms. Stasny replied they had been in a lot of meetings lately and are all focused on the same goal to create a livable community and have been on the Stakeholder Working Group together.

City Manager Wine asked staff to address the requested delay of 30 days and its effect on other parts of the overall planning process. Mayor Cook asked Councilor Snider's question to Ms. Stasny and Mr. Grimberg, assuming we pass it as it is now.

Mayor Cook asked Finance and Information Services Director LaFrance about the parks SDC. Mr. LaFrance said the financing plan is predicated on the existing River Terrace parks surcharge that will only be charged in River Terrace and is around \$1,200. Our consultants have been informed of the misprint. Staff will address changing it. Mayor Cook asked about the \$11,000 difference between River Terrace and South Cooper Mountain. If \$3,500 goes away it is still \$7,500 higher. Mr. LaFrance said no matter the proportion between River Terrace parks SDCs

TIGARD CITY COUNCIL MEETING MINUTES– December 16, 2014

and the citywide SDCs, the key thing is that we are getting to \$14 million paid for through SDCs for River Terrace.

He said he heard the phrase tonight from comments that the plan, “doesn’t work.” He said there are two kinds of “doesn’t work,” one which means developers would not be competitive, could not get financing and would not be able to sell homes. There is also “doesn’t work” meaning the plan does not address the infrastructure needs of River Terrace. He said he wanted to be crystal clear, this plan works in that we have identified the infrastructure needs in River Terrace, we have gone through an extensive process to figure out how to share those costs, and the revenue sources represented through the various tools in the toolbox, pay for the infrastructure. The revenue equals expenses. It works in that sense.

Mayor Cook said the last time council saw this plan was in October and at that time the percentage was 85 percent and 75 percent for SDCs and the TDT and this stays in River Terrace. Mr. LaFrance said the citywide fee had a planning target that for every dollar of the citywide fee, 85 cents would stay in River Terrace and only 15 cents would be available for needs in the city outside of River Terrace. As the overall costs came down, we were able to reduce that percentage to 55 percent. He said there will be a workshop in February where we can have a conversation with developers and council can have staff adjust the tool so it is more equitable. He said council can instruct staff to use the tools differently. Mayor Cook said costs have come down and he said he would feel more comfortable going with a number of 75 and then reducing it if we realize 70 will work. He said there is still the credit issue. He did not want to give away the farm. The bottom line is that we have to pay for everything. He said he was more comfortable leaving a higher number than 55 percent; it would be harder to go back up to 75. Councilor Snider asked if we are gutting our ability to do projects citywide. Mayor Cook commented that in October council was looking at 85/15 percent.

 Councilor Woodard said there are different opinions on this. We are pretty close to other cities and he believes we can adjust a little. He said he likes Option E. Councilor Woodard said, “It will never be perfect but if we don’t approve it now, months will be added and we will push out construction.” He said he did not think 30 days was realistic given the public process always taking much longer.

Councilor Snider said we are at the point where we know what we want in the plan. He is hearing from some developers that they feel this cannot be the plan because they cannot afford it. He said the city’s job is to plan and to figure it out and try to have a reasonably workable financing plan. He said when he hears that it may be unworkable on the builder’s side and that means the residents who don’t live in River Terrace have to subsidize that development. Unless the costs are wrong and if they are we need to get them as accurate as possible. If they are right, our options are do not build it or the money has to come from somewhere besides River Terrace. I am unwilling to saddle other residents subsidize a new development.

Councilor Woodard said profit margin matters. Everyone is in business to make a profit. He said he also understands what Councilor Snider is saying. To him, 15 percent does not seem outrageous.

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Councilor Snider used an example of a \$300,000 home. The homeowner mortgage would be \$1,670 financed at 5 percent. Even if the homeowner had to bear the entire \$10,000 in additional fees (and this number is incorrect; it would be less) it would only add \$25-\$50 to the homeowner's monthly costs.

Mayor Cook said there is no subsidy if developers are paying 75 percent. There will be some burden on everyone else. He said he can live with the total cost being \$7,500 more because when comparing River Terrace to South Cooper Mountain, taxes are less in Tigard than they are in Beaverton.

Councilor Snider asked if the South Cooper Mountain fee numbers were firm. Community Development Director Asher said they were not. He said it is not whether this plan works to cover the cost of infrastructure. He said, "We want to know if it works in the market." And as Councilor Woodard says, we will only know when it is tested in the market. We have some mixed ideas. He said he had an issue with using the price of a home to drive the funding strategy. He said what goes into a home are fixed and variable costs. It is not helpful to just look at one variable, the SDC. We need information from a neutral third party to tell us what the market is. If no one can build anything next year, we will go back to the drawing board.

Community Development Director Asher said if council lowers the SDC specific to River Terrace to provide relief to developers or to future homeowners, the allocation raises the burden for developers in other parts of Tigard and small developers who pay the TDT.

Mr. Asher said council agreed to adjust the number up to 75 and we need to increase something to make up the difference. Councilor Snider suggested that the TDT and SDC be proportionally increased. He recommended still taking the 30 days and changing things by resolution.

Councilor Woodard said we can change the numbers and we should take a stab at it.

City Manager Wine asked if staff had direction. Finance and Information Services Director LaFrance said the city council would adopt with an amendment to instruct staff to come back with a version that changes the 55 percent up to another number. He asked council if they wanted to lower the River Terrace overlay system charge, lower the transportation utility fee to be paid by future residents, or lower both of them proportionally. He said if council does amend, he recommends they also correct the parks numbers.

Mayor Cook said we are adjusting the percentage up to 75 from 55, but then we need to lower something else, either the River Terrace SCD or utility fee. He said if it can be changed in two months, he would rather reduce it then. Councilor Snider said we are suggesting they be proportionally lowered.

Councilor Snider suggested moving forward with approval of the resolution but still keep the 30-day discussion period to explore options. He acknowledged that this was not the order some in the audience would desire. Councilor Snider moved for approval of Resolution No. 14-66 with amendments suggested by staff, which are the parks number correction, and the movement of the SDCs and other fees as described in transportation. Councilor Woodard seconded the motion.

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Council President Henderson said we are expediting this to get the building going this summer, and commented that, “We have tried very hard to accommodate that. I hope we continue to work in that vein between now and until summer. If there is more that we can do in the next 30 days, my vote has been, ever since this began, that I want to see this happen. It is time to get this rocket off the ground.”

Mayor Cook mentioned a recent meeting with Washington County where it was agreed that some MSTIP funds need to be funneled to this project and we will work towards that. Community Development Director Asher said Washington County may steer MSTIP revenue through a bond to these areas and he is more hopeful that there will be some MSTIP funds for Roy Rogers Road.

Mayor Cook asked if there was any discussion. He commented that waiting one month or even two will not give the city the answers on the MSTIP funding. Community Development Director Asher said Washington County is working on a plan to direct some MSTIP funding.

RESOLUTION NO. 14-66 A RESOLUTION TO AMEND THE RIVER TERRACE FUNDING STRATEGY, as amended

Mayor Cook conducted the vote.

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

Mayor Cook announced that Resolution No. 14-66 was adopted unanimously.

At 10:20 p.m. Mayor Cook announced that council was out of recess from the public hearing. He asked if council had further questions of staff about the overall plan and there were none noted.

g. Council Discussion and Consideration of Ordinances 14-15 and 14-16.

Councilor Snider moved for approval of Ordinance No. 14-15. Council President Henderson seconded the motion. City Manager Wine said that the public hearing should be closed and if council wanted amendments to the map she recommended adopting “as amended.”

Mayor Cook closed the public hearing. He said there had been discussion on adding dotted lines and wording changes recommended by staff.

Councilor Snider moved for approval of Ordinance No. 14-15 with all staff recommended changes in the document with the blue cover sheet. City Attorney Olsen clarified that

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changes included pages. Project Manager Shanks summarized that the staff recommended changes were on pages 5-1, 5-3, 8-3, Map 8 Trails and Map 14 Transportation Improvements. She asked council if they wanted to add the dashed line. Councilor Snider

said he did not feel strongly about the dashed lines but if other council did, he would add it to the motion. He said, “Dash the lines for the trail, the new Jacobson trail.” Council President Henderson seconded the motion. City Recorder Krager read the number and title of the ordinance.

ORDINANCE NO. 14-15– AN ORDINANCE ADOPTING COMPREHENSIVE PLAN AMENDMENT CPA 2014-00001 TO AMEND THE TIGARD COMPREHENSIVE PLAN TO INCLUDE THE RIVER TERRACE COMMUNITY PLAN AND RELATED AMENDMENTS TO THE COMPREHENSIVE PLAN DESIGNATIONS MAP AND SEVERAL NATURAL RESOURCE MAPS WITHIN THE RIVER TERRACE COMMUNITY PLAN AREA, with amendments summarized in the staff recommendation including pages 5-1, 5-3, 8-3, Map 8 and Map 14 and adding a dashed line in all maps.

City Recorder Krager asked if she should be more specific on the dashed line. Councilor Woodard said it was the south River Terrace Blvd, running west to east. Mayor Cook said east to west, and Councilor Woodard corrected his description to east to west, along the south properties of River Terrace. City Manager Wine said council needed to be clear for the record. Community Development Director Asher said, “Should we just dash the line for the River Terrace Trail in all maps?” Councilor Snider said yes. City Recorder Krager added, “in all maps.”

City Recorder Krager conducted a roll call vote:

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

Mayor Cook announced that Ordinance No. 14-15 was adopted unanimously by council present.

Councilor Snider moved for approval of Ordinance No. 14-16. Councilor Woodard seconded the motion.

City Recorder Krager read the number and title of Ordinance No. 14-16.

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ORDINANCE NO. 14-16 – AN ORDINANCE ADOPTING THE RIVER TERRACE TRANSPORTATION SYSTEM PLAN ADDENDUM AS PART OF THE CITY OF TIGARD’S TRANSPORTATION SYSTEM PLAN FOR THE FUTURE ACCOMMODATION OF MULTIMODAL TRANSPORTATION NEEDS WITHIN THE RIVER TERRACE COMMUNITY PLAN AREA with amendments to pages 24 and 27.

City Recorder Krager conducted a roll call vote.

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

Mayor Cook announced that Ordinance No. 14-16 was adopted unanimously by council present.

7. CONSIDER A RESOLUTION TO ADOPT THE PARK SYSTEM MASTER PLAN ADENDUM FOR RIVER TERRACE

Project Manager Shanks said she discussed earlier how the Parks System Master Plan relates to the River Terrace Community Plan. She said it is a needed part of the infrastructure system and it provides all the information needed to move forward with developing parks, trails and open space in the River Terrace area. There are two pages of amendments based on testimony and language worked out with the Jacobsons and other property owners. Staff recommendation is that council adopt the Parks System Master Plan Addendum.

Mayor Cook asked if there was anyone who wanted to testify on this and there was none.

Councilor Snider moved for approval of Resolution No. 14-65 with amended pages 7 and 11. Council President Henderson seconded the motion. There was no further discussion. City Recorder Krager read the number and title of the resolution.

RESOLUTION NO. 14-65 – A RESOLUTION TO AMEND THE PARK SYSTEM MASTER PLAN TO INCLUDE PROJECTS NECESSARY TO MEET THE CITY’S LEVEL OF SERVICE STANDARDS IN RIVER TERRACE, with amended pages 7 and 11

Mayor Cook conducted the vote.

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

Mayor Cook announced that Resolution No. 14-65 was adopted unanimously.

Mayor Cook thanked Community Development Director Asher and Project Manager Shanks for their efforts and, “going 70 miles per hour in a 55 mile per hour zone.”

8. CONSIDER A RESOLUTION TO ADOPT THE RIVER TERRACE INFRASTRUCTURE FUNDING STRATEGY (Note: Agenda Item No. 8 was heard out of order. Discussion and a vote on this item was moved forward after the public hearing for Agenda Item No. 6 was recessed. The public hearing continued after this item was heard and a vote was taken.)
9. COUNCIL LIAISON REPORTS These were given earlier.
10. NON AGENDA ITEMS None.
11. EXECUTIVE SESSION None held.
12. ADJOURNMENT

At 10:29 p.m. Councilor Snider moved for adjournment and his motion was seconded by Councilor Woodard. The motion passed by a unanimous vote of council present.

	Yes	No
Mayor Cook	x	
Councilor Buehner	recused herself at 6:56 p.m.	
Council President Henderson	x	
Councilor Snider	x	
Councilor Woodard	x	

Carol A. Krager, City Recorder

Attest:

John L. Cook, Mayor

Date

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connect various municipal departments and locations within buildings that are owned and/or used by the City for its municipal purposes. The current system is approximately 17 years old and does not support the 10 GB speed needed by the City. City had determined it would cost about \$30,000 in today's dollars to make this one time improvement to its fiber system. Because the City needed to upgrade this system in the next three years, granting Astound a \$30,000 credit in exchange for its construction services met the needs of both the City and Astound. The City will receive "payment" of the full ROW fee in the form of construction services and new fiber and Astound is not given a competitive advantage over other similarly situation providers.

City staff and Astound are just completing negotiations on the dark fiber construction agreement. For that reason, the franchise ordinance authorizes the Mayor to sign the ten-year franchise for Astound upon successful negotiation and approval by the City Manager of an Agreement for Installation of Dark Fiber. The installation will be completed during 2015.

The proposed ordinance grants a non-exclusive franchise and includes some minor modifications to the City's standards franchise agreement addressing the \$30,000 credit in exchange for its construction services.

OTHER ALTERNATIVES

1. Direct staff to modify the franchise ordinance by removing the requirement for dark fiber installation and renegotiate franchise with Astound.
2. Provide further direction to staff.

COUNCIL OR CCDA GOALS, POLICIES, MASTER PLANS

Tigard Municipal Code Chapter 15.06 "Franchised Utility Ordinance"

Tigard Municipal Code Chapter 15.04 "Work In Right-of-Way"

DATES OF PREVIOUS CONSIDERATION

Council meeting Executive Sessions and regular sessions - 9/24/2013, 10/22/2013, 11/12/2013, 4/18/2014, 8/12/2014, 11/18/2014, 12/9/2014

Fiscal Impact

Cost: N/A
Budgeted (yes or no): No
Where Budgeted (department/program): General Fund

Additional Fiscal Notes:

Astound will install needed dark fiber for the city buildings at a cost savings to the city. In return, the city will apply a \$30,000 credit towards Astound's right-of-way usage fee payments as required in Tigard Municipal Code 15.06.100 provided Astound complies with all the terms and conditions of the Dark Fiber Agreement. The credit is limited for the term of the initial franchise agreement of ten (10) years.

Attachments

Ordinance

Franchise Ordinance Exhibit A

**CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
ORDINANCE NO. 15-_____**

AN ORDINANCE GRANTING A NON-EXCLUSIVE FRANCHISE WITH ASTOUND BROADBAND, LLC PURSUANT TO 15.06.060 AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the Tigard Municipal Code (“TMC”) Section 15.06.060 allows the City Council to grant a non-exclusive utility franchise to any person providing utility services which meets the requirements of the TMC; and

WHEREAS, Astound Broadband, LLC and the City of Tigard have negotiated a ten-year franchise agreement; and

WHEREAS, the City of Tigard requires an upgrade to its fiber serving city properties and Astound Broadband, LLC is providing cost savings to the city by installing the fiber at a reduce cost pursuant to an Agreement for Installation of Dark Fiber between the City and Astound Broadband LLC; and

WHEREAS, the City of Tigard finds that Astound Broadband, LLC meets all lawful requirements to obtain a franchise.

NOW, THEREFORE, THE CITY OF TIGARD ORDAINS AS FOLLOWS:

SECTION 1: The Mayor is authorized and directed to sign the ten-year franchise for Astound Broadband, LLC (“Astound”) substantially in the form attached as Exhibit A to this ordinance upon successful negotiation and approval by the City Manager of an Agreement for Installation of Dark Fiber.

SECTION 2: The City Council determines that the fee imposed by this franchise is not a tax subject to the limitations of Article XI, Section 11 (b) and 11 (19) of the Oregon Constitution and is not a fee imposed on property or property owners by fact of ownership.

SECTION 3: This ordinance shall take effect thirty days from its passage by the Council and signature by the Mayor, provided that Astound returns an executed original of the franchise to the City on or before the effective date of this ordinance. If Astound fails to provide an executed original on or before the effective date, this ordinance shall be null and void.

PASSED: By _____ vote of all council members present after being read by number and title only, this ____ day of _____, 2015.

Carol A. Krager, City Recorder

APPROVED: By Tigard City Council this ____ day of _____, 2015.

Approved as to form: _____
John L. Cook, Mayor

Special Counsel

Date

Ordinance Exhibit A

CITY OF TIGARD, OREGON FRANCHISE AGREEMENT

THIS FRANCHISE AGREEMENT (“Agreement”) is made and entered into by and between the City of Tigard, an Oregon municipal corporation, (“City”) and Astound Broadband, LLC a Washington limited liability company, (“Franchisee”) qualified to do business in Oregon:

RECITALS

1. Pursuant to Federal law, State statutes, and City Charter and local ordinances, the City is authorized to grant non-exclusive franchises to occupy the rights-of-way as defined in Chapter 15.06 of the Tigard Municipal Code (“TMC”), in order to place and operate a Utility System within the municipal boundaries of the City of Tigard (“Franchise Area”); and
2. Franchisee has requested a franchise to place and operate a telecommunications system (the “Utility System”), as defined in TMC 15.06.020, within the Franchise Area; and
3. The City has found that Franchisee meets all lawful requirements to obtain a franchise, and therefore approves the application.

NOW, THEREFORE, in consideration of the mutual promises contained herein, the parties agree as follows:

AGREEMENT

1. GRANT OF AUTHORITY

The City grants Franchisee the non-exclusive right to occupy City rights-of-way to place and operate a Utility System for a term of ten (10) years from and after the Effective Date of this Agreement (the “Term”), except as set forth below.

2. AUTHORITY NOT EXCLUSIVE

This Agreement shall be nonexclusive, and is subject to all prior rights, interests, agreements, permits, easements or licenses granted by the City to any person to use the rights-of-way for any purpose whatsoever, including the right of the City to use same for any purpose they deem fit, including the same or similar purposes allowed Franchisee hereunder. The City may, at any time, grant to other persons authorization to use the rights-of-way for any purpose. This Agreement does not confer on Franchisee any right, title or interest in any right-of-way.

3. PERFORMANCE & FRANCHISE FEE

During the term of this Agreement, Franchisee agrees to comply with all lawful terms and conditions of TMC Chapter 15.06, including but not limited to the permit and permit fee requirements set forth in TMC 15.06.200 and TMC Chapter 15.04, the provisions of which are incorporated herein as though fully set forth. Notwithstanding the foregoing or the provisions of TMC 15.06.100, pursuant to the Agreement for Installation of Dark Fiber between the City and Franchisee dated [insert date] attached hereto as Exhibit A and incorporated herein as though fully set forth (“Dark Fiber Agreement”), Franchisee shall receive a credit in the amount of thirty thousand dollars (\$30,000.00) (the “Credit”) that shall be applied toward the right-of-way usage fee payments due pursuant to TMC 15.06.100, provided that Franchisee complies with all terms and conditions of the Dark Fiber Agreement. The Credit shall apply to the right-of-way usage fee payments due commencing on the date the executed Bill of Sale (as described in the Dark Fiber Agreement) is delivered to the City, and thereafter for each consecutive right-of-way usage fee payment due until the full amount of the Credit has been applied. Franchisee shall pay the prorated portion of the right-of-way usage fee due for the payment period in which the Bill of Sale is delivered. Franchisee shall submit the reports required in TMC 15.06.100.F showing its calculation of the right-of-way usage fee for the payment period and the credit applied thereto. After the full amount of the Credit has been applied, Franchisee will pay the right-of-way usage fee as required in TMC 15.06.100. In the event the Credit is insufficient to offset the full right-of-way usage fee payment due, Franchisee shall pay the balance owed for that payment period as required in TMC 15.06.100. The Credit shall expire and may not be used to offset any right of way usage fee following the expiration of the original ten-year (10) term of this Agreement. Notwithstanding any other provision of this Section, in the event Franchisee for any reason fails to install and convey to the City the New City Network Facilities, as defined and required in the Dark Fiber Agreement, there shall be no Credit applied to the right-of-way usage fee. Notwithstanding TMC 15.06.100, Franchisee shall pay an annual right-of-way usage fee that is the greater of the applicable percentage set forth in TMC 15.06.100 (as amended from time to time) or four thousand dollars (\$4,000), subject to any applicable limitation under state or federal law.

All other provisions of TMC 15.06.100 shall apply to Grantee Franchisee as though fully set forth herein.

4. CHANGE OF LAW; AMENDMENT OF FRANCHISE AGREEMENT

a. It is the intent of the parties that this Agreement may be amended from time to time to conform to any changes in the controlling federal or state law or other changes material to this agreement. Each party agrees to bargain in good faith with the other party concerning such proposed amendments. This Agreement may be amended or terminated by the mutual written consent of the parties and their successors-in-interest.

b. Except as set forth in Section 3 of this Agreement, to the extent any lawful City rule, ordinance or regulation, including any amendment to the provisions of TMC Chapter 15.06, is adopted on a jurisdiction-wide basis and is generally imposed on similarly situated persons or entities, the rule, ordinance or regulation shall apply without need for amendment of this Agreement. The City shall provide Franchisee notice of any such change in local law.

5. TAXES

Nothing contained in this Agreement shall be construed to exempt Franchisee from any license, occupation, franchise or excise tax or assessment, which is or may be hereafter lawfully imposed on Franchisee.

6. INSURANCE

By the Effective Date of this Agreement, Franchisee shall provide a certificate of insurance that names the City as an additional insured and is otherwise consistent with the requirements of TMC 15.06.180.

7. SEVERABILITY

If any section, subsection, sentence, paragraph, term, or provision hereof is determined to be invalid, or unconstitutional by any court of competent jurisdiction, such determination shall have no effect on the validity of any other section, subsection, sentence, paragraph, term or provision hereof, all of which will remain in full force and effect for the term of the Agreement. If any material portion of the Agreement becomes invalid or unconstitutional so that the intent of the Agreement is frustrated, the parties agree to negotiate replacement provisions to fulfill the intent of the Agreement consistent with applicable law, or, if a replacement provision is not feasible, to negotiate a new agreement.

8. REMEDIES

a. This Agreement shall be subject to termination as set forth in TMC 15.06.310, provided that the City complies with the requirements set forth in TMC 15.06.320 and 15.06.330.

b. All remedies under this Agreement, including revocation of the Agreement, are cumulative and not exclusive, and the recovery or enforcement by one available remedy is not a bar to recovery or enforcement by any other such remedy. The City reserves the right to enforce the penalty provisions of any ordinance or resolution, and both parties reserve the right to avail themselves of any and all remedies available at law or in equity. Failure to enforce shall not be construed as a waiver of a breach of any term, condition or obligation imposed upon Franchisee or City by or pursuant to this Agreement. A specific waiver of a particular breach of any term, condition or obligation imposed upon Franchisee or City by or pursuant to this Agreement shall not be a waiver of any other, subsequent or future breach of the same or of any other term, condition or obligation, or a waiver of the term, condition or obligation itself.

c. The right is hereby reserved to the City to adopt, in addition to the reservations contained herein and existing applicable ordinances, such additional regulations as it shall find necessary for the regulation of the right-of-way, provided that such regulations, by ordinance or otherwise, shall be reasonable and not in conflict with the rights herein granted. Franchisee shall, at all times during the life of this Agreement, be subject to all lawful exercise of the police power by the City, and to such reasonable regulations as the City may hereafter by resolution or ordinance provide. The City hereby reserves the right to exercise, with regard to this Agreement, all authority now or hereafter granted to the City by state statute or City charter, except where such authority may be modified or superseded by the Constitution of the State of Oregon or the Constitution of the United States or any other applicable law that preempts City authority.

9. ASSIGNMENT

All rights and privileges granted and duties imposed by this Agreement upon Franchisee shall extend to and be binding upon Franchisee's successors, legal representatives and assigns. This Agreement may not be transferred or assigned to another person unless such person is authorized under all applicable laws to own or operate the Utility System and the transfer or assignment is approved by all agencies or organizations required or expressly authorized under federal or state laws to approve such transfer or assignment. Franchisee shall provide the City with written notice of any transfer or assignment of this Agreement within twenty (20) days of requesting approval from any state or federal agency. Notwithstanding the foregoing, Franchisee may transfer or assign the Credit once during the term of this

Agreement to a parent company or a wholly-owned subsidiary of Franchisee or its parent company; the Credit is non-transferrable after such transfer or assignment and is non-transferrable to any third party. Except as expressly provided in this Section, any transfer or assignment of this Agreement will require the transferee or assignee to pay the full right-of-way usage fee required in Section 3 without the application of the Credit.

10. NOTICE

Unless specifically provided otherwise herein, all notices shall be mailed, postage prepaid, to the following addresses or to such other addresses as Franchisee or the City may designate in writing:

If to Franchisee: Astound Broadband, LLC
Attn: Jim Penney, EVP
401 Kirkland Parkplace, Suite 500
Kirkland, WA 98033

If to City: City of Tigard
Attention: City Manager
13125 SW Hall Blvd.
Tigard, Oregon 97223

11. GOVERNING LAW

The laws of the State of Oregon, exclusive of choice of law rules, govern the validity of this Agreement, and its interpretation, performance and enforcement. Any action or suit to enforce or construe any provision of this Agreement by any party shall be brought in the Circuit Court of the State of Oregon for Washington County, or the United States District Court for the District of Oregon.

12. EFFECTIVE DATE

The effective date of this Agreement ("Effective Date") shall be the date it is fully executed by the City and Franchisee.

CITY OF TIGARD

FRANCHISEE

By: _____
Mayor

By: _____

Title: _____

Date: _____

Date: _____

AIS-1953

5.

Business Meeting

Meeting Date: 01/27/2015

Length (in minutes): 10 Minutes

Agenda Title: FY 2015 Second Quarter Supplemental Amendment

Prepared For: Toby LaFrance

Submitted By: Carissa Collins, Financial and Information Services

Item Type: Motion Requested **Meeting Type:** Council
Resolution Business
Public Hearing - Meeting -
Informational Main

Public Hearing Yes

Newspaper Legal Ad Required?:

Public Hearing Publication 01/14/2015

Date in Newspaper:

Information

ISSUE

A second quarter supplemental to the FY 2015 Adopted Budget is being requested. The purpose of the supplemental is to account for revenues and expenses that were unknown at the time of budget adoption. The following issues are addressed in the amendment including budget adjustments in City Operations for Police, Community Development, Public Works, Finance and Information Services and the Capital Improvement Program (CIP).

STAFF RECOMMENDATION / ACTION REQUEST

Approve the FY 2015 Second Quarter Supplemental Budget Amendment.

KEY FACTS AND INFORMATION SUMMARY

CITY OPERATIONS

Police Department

- **TPOA Contract Negotiations** - As a result of the settlement of collective bargaining agreement negotiations in October, an additional appropriation of \$150,000 is requested for increased salaries and overtime.
- **Metro Position Reduction** - Currently, there are two detectives assigned and funded to serve regionally at Metro. In order to ensure that the city and department needs are met, one of the detective positions for Metro is being eliminated along with the funding provided by Metro. The detective in this position will resume patrol duties resulting from a vacancy in another division beginning in mid-January. This action will result in a decrease in General Fund revenues of \$51,347 along with a decrease in 1.0 full-time equivalent (FTE) in Police.
- **Insurance Payment** - The city received reimbursement from City-County Insurance Services (CIS) in the amount of \$15,616 for repair of vehicle 14-826 that was damaged in an accident.

- **Police Canine Unit** - In March 2014, the City Council was informed of a joint project between Tigard Police and the Tigard Breakfast Rotary to conduct a community-wide fundraiser to purchase a second dog for the city's canine unit. A total of \$15,000 from the Rotary and community was raised. This will allow the Police to provide canine coverage seven days per week, reducing the city's reliance on neighboring jurisdictions to provide the service. The creation of a future K-9 officer is indicated by this project in a future budget.
- **Overtime** - The city has received a total of \$16,582 to pay for police overtime for holiday traffic control at Washington Square Mall (totalling \$10,782) and for teaching the monthly Distracted Driver Diversion classes (totalling \$5,800).
- **Radios** - A total of \$11,500 in revenue from the sale of obsolete portable radios will be used to purchase newer radios.

Community Development Department

- **Draft Environmental Impact Statement (DEIS)** - \$185,000 funds one-half of the city's share of the development of a Draft Environmental Impact Statement (DEIS) as part of the Southwest Corridor Plan. This payment accompanies the creation of an intergovernmental agreement with Metro work on the DEIS.

Public Works Department

- **Property Lease Agreement**- A total of \$72,500 is being requested in order to move Public Works staff to a new site as part of the relocation of the dog park and a redevelopment proposal for the currently City-owned property on Ash Avenue. Of that amount, \$24,500 is being paid for a six month lease along with \$48,000 required for minor tenant improvements, security fencing, and installation of city communications including intranet and phones.

Finance & Information Services Department

- **Grant Recognition**- The Metropolitan Area Communication Commission (MACC) has awarded the city two grants totaling \$58,464. One grant, in the amount of \$18,464, will be used to replace the city's existing firewall. The other grant for \$40,000 will be used to purchase a second backup system for the Police Department.
- **Vehicle Replacement**- Meter reading vehicles in Utility Billing need to be replaced for more dependable and lower maintenance cost vehicles. Therefore, a total of \$69,000 is required for the purchase and equipping of three small trucks in that division.
- **Water Rate Notices**- A total of \$5,500 of additional appropriations is requested to pay for costs associated with printing and mailing notices regarding the water rate increases that began January 1, 2015.

Capital Improvement Program (CIP)

- **Facilities Strategic Plan**- An additional appropriation of \$300,000 is requested to pay for a facilities strategic plan. This is the next chapter in the study of how the current city buildings and land should be used most effectively to meet space and operational needs, to follow on a space needs study conducted in 2009. The Police and Public Works Departments face specific near-term needs for consolidation of operations, safety and seismic upgrades. This plan will create a path to identify phasing and funding to meet space needs.
- **92016: Dirksen Nature Park**- A total of \$194,000 is needed for park development. Of this amount, \$178,000 is a carryover to be used for the completion of design and to begin modifications of the Tualatin River Keepers education center and soft paths. In addition, \$16,000 will be used to restore a remnant oak savanna as well as to hire a contractor to purchase and install 8,000 native wet meadow wildflowers. The \$16,000 is funded by a grant provided by the Department of Environmental Quality.
- **92048: Summerlake Restroom**- The city has already purchased the restroom kit for this project. However, a contractor is needed for its installation. A total of \$65,000 of Parks SDC funding is being requested to pay for the installation of the restroom.
- **95033: Pacific Highway/Gaarde St./McDonald St. Intersection Improvements**- Additional funding amounting to \$1,100,000 is being requested to fill the post-bid funding gap per the intergovernmental agreement with Washington County, Oregon Department of Transportation, and the city. On December 9, 2014, the Tigard Transportation Advisory Committee (TTAC) approved the use of City Gas Tax funds for this project.
- **94030: River Terrace Stormwater Master Plan**- A total of \$174,000 is required for the completion of a stormwater master plan for River Terrace. As a result, budget appropriations from 94022: Copper Creek Bank

Stabilization is being moved to fund the master plan.

OTHER ALTERNATIVES

Do not approve the supplemental budget amendment.

COUNCIL OR CCDA GOALS, POLICIES, MASTER PLANS

River Terrace, Southwest Corridor, Economic Development, Downtown, Finance

DATES OF PREVIOUS CONSIDERATION

N/A

Fiscal Impact

Cost: \$3,128,065
Budgeted (yes or no): No
Where Budgeted (department/program): All programs

Additional Fiscal Notes:

The total impact of this amendment will increase the FY 2015 Adopted Budget by \$3,128,065. Although the supplemental consists of increased requirements, they are offset by additional resources. These resources include grant revenues of an approximate \$74,000 and contingency of \$520,090. In addition, a carryforward in the amount of \$178,000 of Parks Bond funding is required for the Capital Improvement Program. The remainder will come from Reserve for Future Expenditure totaling \$1,400,000 . Exhibits A and B contain the details of each budgetary item to the impacted fund(s) and the capital projects. Exhibit C summarizes the items by fund for all city funds.

Attachments

[Resolution](#)

[Exhibit A](#)

[Exhibit B](#)

[Exhibit C](#)

CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
RESOLUTION NO. 15-

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, FINANCE & INFORMATION SERVICES, AND THE CAPITAL IMPROVEMENT PROGRAM.

WHEREAS, the city is acknowledging those items that were unknown at the time the FY 2015 Budget was adopted; and

WHEREAS, the city recognizes \$3,128,065 of unanticipated requirements in operations and the capital improvement program; and

WHEREAS, the city acknowledges that the increase in unanticipated requirements is offset by additional resources such as grants in the amount of \$74,000, beginning fund balance increases of \$178,000 and contingency for \$520,090. In addition, these unanticipated requirements will be offset by \$1,400,000 of Reserve for Future Expenditure.

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

SECTION 1: The FY 2014-15 Budget is hereby amended as detailed in Exhibits A.

SECTION 2: This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2014.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard

1. TPOA Contract Negotiations - Police

An additional appropriation of \$150,000 is required to pay for police salary and overtime increases resulting from the October contract negotiations. This action will result in a decrease in General Fund contingency by \$150,000 with an equal increase in Community Services program expenditures.

		Q1 Revised Budget	Amendment	Q2 Revised Budget
General Fund				
Resources	Beginning Fund Balance	\$ 10,192,493		\$ 10,192,493
	Property Taxes	\$ 13,404,815		\$ 13,404,815
	Franchise Fees	\$ 5,799,632		\$ 5,799,632
	Licenses & Permits	\$ 1,177,412		\$ 1,177,412
	Intergovernmental	\$ 5,718,600		\$ 5,718,600
	Charges for Services	\$ 2,688,234		\$ 2,688,234
	Fines & Forfeitures	\$ 993,232		\$ 993,232
	Interest Earnings	\$ 103,722		\$ 103,722
	Miscellaneous	\$ 55,873		\$ 55,873
	Other Financing Sources	\$ 254,000		\$ 254,000
	Transfers In from Other Funds	\$ -		\$ -
	Total Resources	\$ 40,388,013	\$ -	\$ 40,388,013
Requirements				
	Community Development	\$ 3,047,095		\$ 3,047,095
	Community Services	\$ 21,525,260	\$ 150,000	\$ 21,675,260
	Policy & Administration	\$ 854,155		\$ 854,155
	Public Works	\$ 5,881,563		\$ 5,881,563
	Program Expenditures Total	\$ 31,308,073	\$ 150,000	\$ 31,458,073
	Debt Service	\$ -		\$ -
	Loans	\$ -		\$ -
	Work-In-Progress	\$ 254,000		\$ 254,000
	Transfers to Other Funds	\$ 879,467		\$ 879,467
	Contingency	\$ 1,250,202	\$ (150,000)	\$ 1,100,202
	Total Budget	\$ 33,691,742	\$ -	\$ 33,691,742
	Reserve For Future Expenditure	\$ 6,696,271	\$ -	\$ 6,696,271
	Total Requirements	\$ 40,388,013	\$ -	\$ 40,388,013

2. Metro Position Reduction - Police

Periodically, the Police Department re-evaluates all outsourced positions to ensure that the needs of the City and Department continue to be met. At this time, Tigard PD has determined that one detective position with Metro, rather than two, strikes the right balance. In order to accommodate this change, the Department is eliminating a vacant position in another division and recognizing the reduction in future funding from Metro. The detective currently with Metro will resume patrol duties in mid-January. As a result, intergovernmental revenues within General Fund will decrease by \$51,347 along with an equal decrease in Community Services program expenditures. In addition, total FTE in Community Services will decrease by 1.0.

		Q1 Revised Budget	Amendment	Q2 Revised Budget
General Fund				
Resources	Beginning Fund Balance	\$ 10,192,493		\$ 10,192,493
	Property Taxes	\$ 13,404,815		\$ 13,404,815
	Franchise Fees	\$ 5,799,632		\$ 5,799,632
	Licenses & Permits	\$ 1,177,412		\$ 1,177,412
	Intergovernmental	\$ 5,718,600	\$ (51,347)	\$ 5,667,253
	Charges for Services	\$ 2,688,234		\$ 2,688,234
	Fines & Forfeitures	\$ 993,232		\$ 993,232
	Interest Earnings	\$ 103,722		\$ 103,722
	Miscellaneous	\$ 55,873		\$ 55,873
	Other Financing Sources	\$ 254,000		\$ 254,000
	Transfers In from Other Funds	\$ -		\$ -
	Total Resources	\$ 40,388,013	\$ (51,347)	\$ 40,336,666
Requirements				
	Community Development	\$ 3,047,095		\$ 3,047,095
	Community Services	\$ 21,525,260	\$ (51,347)	\$ 21,473,913
	Policy & Administration	\$ 854,155		\$ 854,155
	Public Works	\$ 5,881,563		\$ 5,881,563
	Program Expenditures Total	\$ 31,308,073	\$ (51,347)	\$ 31,256,726
	Debt Service	\$ -		\$ -
	Loans	\$ -		\$ -
	Work-In-Progress	\$ 254,000		\$ 254,000
	Transfers to Other Funds	\$ 879,467		\$ 879,467
	Contingency	\$ 1,250,202		\$ 1,250,202
	Total Budget	\$ 33,691,742	\$ (51,347)	\$ 33,640,395
	Reserve For Future Expenditure	\$ 6,696,271	\$ -	\$ 6,696,271
	Total Requirements	\$ 40,388,013	\$ (51,347)	\$ 40,336,666

3. Insurance Payment - Police

The city received an insurance check in the amount of \$15,616 for damages associated with vehicle 14-826 that was involved in an accident. This will show an increase in intergovernmental revenues of \$15,616 with an equal increase in Community Services program expenditures.

		Q1		Q2
		Revised Budget	Amendment	Revised Budget
General Fund				
Resources	Beginning Fund Balance	\$ 10,192,493		\$ 10,192,493
	Property Taxes	\$ 13,404,815		\$ 13,404,815
	Franchise Fees	\$ 5,799,632		\$ 5,799,632
	Licenses & Permits	\$ 1,177,412		\$ 1,177,412
	Intergovernmental	\$ 5,718,600	\$ 15,616	\$ 5,734,216
	Charges for Services	\$ 2,688,234		\$ 2,688,234
	Fines & Forfeitures	\$ 993,232		\$ 993,232
	Interest Earnings	\$ 103,722		\$ 103,722
	Miscellaneous	\$ 55,873		\$ 55,873
	Other Financing Sources	\$ 254,000		\$ 254,000
	Transfers In from Other Funds	\$ -		\$ -
	Total Resources	\$ 40,388,013	\$ 15,616	\$ 40,403,629
Requirements				
	Community Development	\$ 3,047,095		\$ 3,047,095
	Community Services	\$ 21,525,260	\$ 15,616	\$ 21,540,876
	Policy & Administration	\$ 854,155		\$ 854,155
	Public Works	\$ 5,881,563		\$ 5,881,563
	Program Expenditures Total	\$ 31,308,073	\$ 15,616	\$ 31,323,689
	Debt Service	\$ -		\$ -
	Loans	\$ -		\$ -
	Work-In-Progress	\$ 254,000		\$ 254,000
	Transfers to Other Funds	\$ 879,467		\$ 879,467
	Contingency	\$ 1,250,202		\$ 1,250,202
	Total Budget	\$ 33,691,742	\$ 15,616	\$ 33,707,358
	Reserve For Future Expenditure	\$ 6,696,271	\$ -	\$ 6,696,271
	Total Requirements	\$ 40,388,013	\$ 15,616	\$ 40,403,629

4. Police Canine - Police

A total of \$15,000 in donations has been received from the Tigard Rotary as well as private donations to purchase a second dog for the city's K-9 unit. This action will show an increase in Miscellaneous items by \$15,000 with an equal increase in program expenditures for Community Services.

		Q1 Revised Budget	Amendment	Q2 Revised Budget
General Fund				
Resources	Beginning Fund Balance	\$ 10,192,493		\$ 10,192,493
	Property Taxes	\$ 13,404,815		\$ 13,404,815
	Franchise Fees	\$ 5,799,632		\$ 5,799,632
	Licenses & Permits	\$ 1,177,412		\$ 1,177,412
	Intergovernmental	\$ 5,718,600		\$ 5,718,600
	Charges for Services	\$ 2,688,234		\$ 2,688,234
	Fines & Forfeitures	\$ 993,232		\$ 993,232
	Interest Earnings	\$ 103,722		\$ 103,722
	Miscellaneous	\$ 55,873	\$ 15,000	\$ 70,873
	Other Financing Sources	\$ 254,000		\$ 254,000
	Transfers In from Other Funds	\$ -		\$ -
	Total Resources	\$ 40,388,013	\$ 15,000	\$ 40,403,013
Requirements				
	Community Development	\$ 3,047,095		\$ 3,047,095
	Community Services	\$ 21,525,260	\$ 15,000	\$ 21,540,260
	Policy & Administration	\$ 854,155		\$ 854,155
	Public Works	\$ 5,881,563		\$ 5,881,563
	Program Expenditures Total	\$ 31,308,073	\$ 15,000	\$ 31,323,073
	Debt Service	\$ -		\$ -
	Loans	\$ -		\$ -
	Work-In-Progress	\$ 254,000		\$ 254,000
	Transfers to Other Funds	\$ 879,467		\$ 879,467
	Contingency	\$ 1,250,202		\$ 1,250,202
	Total Budget	\$ 33,691,742	\$ 15,000	\$ 33,706,742
	Reserve For Future Expenditure	\$ 6,696,271	\$ -	\$ 6,696,271
	Total Requirements	\$ 40,388,013	\$ 15,000	\$ 40,403,013

5. Overtime - Police

A total of \$16,582 is being recognized to be used for the following:

- * Holiday traffic control at Washington Square Mall for \$10,782.
- * Distracted Driver Diversion class in the amount of \$5,800.

This will result in an increase in Intergovernmental Revenues by \$10,782 and Charges for Services of \$5,800. In turn, Community Services program expenditures will increase by \$16,582.

		Q1 Revised Budget	Amendment	Q2 Revised Budget
General Fund				
Resources	Beginning Fund Balance	\$ 10,192,493		\$ 10,192,493
	Property Taxes	\$ 13,404,815		\$ 13,404,815
	Franchise Fees	\$ 5,799,632		\$ 5,799,632
	Licenses & Permits	\$ 1,177,412		\$ 1,177,412
	Intergovernmental	\$ 5,718,600	\$ 10,782	\$ 5,729,382
	Charges for Services	\$ 2,688,234	\$ 5,800	\$ 2,694,034
	Fines & Forfeitures	\$ 993,232		\$ 993,232
	Interest Earnings	\$ 103,722		\$ 103,722
	Miscellaneous	\$ 55,873		\$ 55,873
	Other Financing Sources	\$ 254,000		\$ 254,000
	Transfers In from Other Funds	\$ -		\$ -
	Total Resources	\$ 40,388,013	\$ 16,582	\$ 40,404,595
Requirements				
	Community Development	\$ 3,047,095		\$ 3,047,095
	Community Services	\$ 21,525,260	\$ 16,582	\$ 21,541,842
	Policy & Administration	\$ 854,155		\$ 854,155
	Public Works	\$ 5,881,563		\$ 5,881,563
	Program Expenditures Total	\$ 31,308,073	\$ 16,582	\$ 31,324,655
	Debt Service	\$ -		\$ -
	Loans	\$ -		\$ -
	Work-In-Progress	\$ 254,000		\$ 254,000
	Transfers to Other Funds	\$ 879,467		\$ 879,467
	Contingency	\$ 1,250,202		\$ 1,250,202
	Total Budget	\$ 33,691,742	\$ 16,582	\$ 33,708,324
	Reserve For Future Expenditure	\$ 6,696,271	\$ -	\$ 6,696,271
	Total Requirements	\$ 40,388,013	\$ 16,582	\$ 40,404,595

6. Radio Equipment- Police

The city received a total of \$11,500 from the sale of old police radios. This revenue will be used to purchase newer radios in PD. This action will result in an increase in Other Financing Sources by \$11,500. In turn, program expenditures in Community Services will increase by the same amount.

		Q1 Revised Budget	Amendment	Q2 Revised Budget
General Fund				
Resources	Beginning Fund Balance	\$ 10,192,493		\$ 10,192,493
	Property Taxes	\$ 13,404,815		\$ 13,404,815
	Franchise Fees	\$ 5,799,632		\$ 5,799,632
	Licenses & Permits	\$ 1,177,412		\$ 1,177,412
	Intergovernmental	\$ 5,718,600		\$ 5,718,600
	Charges for Services	\$ 2,688,234		\$ 2,688,234
	Fines & Forfeitures	\$ 993,232		\$ 993,232
	Interest Earnings	\$ 103,722		\$ 103,722
	Miscellaneous	\$ 55,873		\$ 55,873
	Other Financing Sources	\$ 254,000	\$ 11,500	\$ 265,500
	Transfers In from Other Funds	\$ -		\$ -
	Total Resources	\$ 40,388,013	\$ 11,500	\$ 40,399,513
Requirements	Community Development	\$ 3,047,095		\$ 3,047,095
	Community Services	\$ 21,525,260	\$ 11,500	\$ 21,536,760
	Policy & Administration	\$ 854,155		\$ 854,155
	Public Works	\$ 5,881,563		\$ 5,881,563
	Program Expenditures Total	\$ 31,308,073	\$ 11,500	\$ 31,319,573
	Debt Service	\$ -		\$ -
	Loans	\$ -		\$ -
	Work-In-Progress	\$ 254,000		\$ 254,000
	Transfers to Other Funds	\$ 879,467		\$ 879,467
	Contingency	\$ 1,250,202		\$ 1,250,202
	Total Budget	\$ 33,691,742	\$ 11,500	\$ 33,703,242
	Reserve For Future Expenditure	\$ 6,696,271	\$ -	\$ 6,696,271
	Total Requirements	\$ 40,388,013	\$ 11,500	\$ 40,399,513

7. Draft Environmental Impact Study - Community Development

A request in the amount of \$185,000 is required to pay for the city's share of the development of the Draft Environmental Impact Study in partnership with Metro as part of the Southwest Corridor Plan. This action will result in a decrease in General Fund contingency by \$185,000 with an equal increase in Community Development program expenditures.

		Q1		Q2
		Revised		Revised
		Budget	Amendment	Budget
General Fund				
Resources	Beginning Fund Balance	\$ 10,192,493		\$ 10,192,493
	Property Taxes	\$ 13,404,815		\$ 13,404,815
	Franchise Fees	\$ 5,799,632		\$ 5,799,632
	Licenses & Permits	\$ 1,177,412		\$ 1,177,412
	Intergovernmental	\$ 5,718,600		\$ 5,718,600
	Charges for Services	\$ 2,688,234		\$ 2,688,234
	Fines & Forfeitures	\$ 993,232		\$ 993,232
	Interest Earnings	\$ 103,722		\$ 103,722
	Miscellaneous	\$ 55,873		\$ 55,873
	Other Financing Sources	\$ 254,000		\$ 254,000
	Transfers In from Other Funds	\$ -		\$ -
	Total Resources	\$ 40,388,013	\$ -	\$ 40,388,013
Requirements				
	Community Development	\$ 3,047,095	\$ 185,000	\$ 3,232,095
	Community Services	\$ 21,525,260		\$ 21,525,260
	Policy & Administration	\$ 854,155		\$ 854,155
	Public Works	\$ 5,881,563		\$ 5,881,563
	Program Expenditures Total	\$ 31,308,073	\$ 185,000	\$ 31,493,073
	Debt Service	\$ -		\$ -
	Loans	\$ -		\$ -
	Work-In-Progress	\$ 254,000		\$ 254,000
	Transfers to Other Funds	\$ 879,467		\$ 879,467
	Contingency	\$ 1,250,202	\$ (185,000)	\$ 1,065,202
	Total Budget	\$ 33,691,742	\$ -	\$ 33,691,742
	Reserve For Future Expenditure	\$ 6,696,271	\$ -	\$ 6,696,271
	Total Requirements	\$ 40,388,013	\$ -	\$ 40,388,013

8. Property Lease Agreement - Public Works

A total of \$72,500 is required to move Public Works staff to a new site as part of the relocation of the dog park. Of that amount, a total of \$24,500 is being used to pay for a six month property lease along with \$48,000 that is needed for minor tenant improvements including interior painting; floor repair; city intranet and phones, and an emergency communication system. This action will show a decrease in General Fund contingency of \$9,425; a decrease Gas Tax contingency by \$41,325; and a decrease in Property Management contingency by \$21,750. Program expenditures within Fleet/Property Management will increase by \$72,500.

<u>Fund 1 of 3</u>		<u>Q1</u>		<u>Q2</u>
		<u>Revised</u>		<u>Revised</u>
<u>General Fund</u>		<u>Budget</u>	<u>Amendment</u>	<u>Budget</u>
Resources	Beginning Fund Balance	\$ 10,192,493		\$ 10,192,493
	Property Taxes	\$ 13,404,815		\$ 13,404,815
	Franchise Fees	\$ 5,799,632		\$ 5,799,632
	Licenses & Permits	\$ 1,177,412		\$ 1,177,412
	Intergovernmental	\$ 5,718,600		\$ 5,718,600
	Charges for Services	\$ 2,688,234		\$ 2,688,234
	Fines & Forfeitures	\$ 993,232		\$ 993,232
	Interest Earnings	\$ 103,722		\$ 103,722
	Miscellaneous	\$ 55,873		\$ 55,873
	Other Financing Sources	\$ 254,000		\$ 254,000
	Transfers In from Other Funds	\$ -		\$ -
	Total Resources	\$ 40,388,013	\$ -	\$ 40,388,013
Requirements				
	Community Development	\$ 3,047,095		\$ 3,047,095
	Community Services	\$ 21,525,260		\$ 21,525,260
	Policy & Administration	\$ 854,155		\$ 854,155
	Public Works	\$ 5,881,563		\$ 5,881,563
	Program Expenditures Total	\$ 31,308,073	\$ -	\$ 31,308,073
	Debt Service	\$ -		\$ -
	Loans	\$ -		\$ -
	Work-In-Progress	\$ 254,000		\$ 254,000
	Transfers to Other Funds	\$ 879,467	\$ 9,425	\$ 888,892
	Contingency	\$ 1,250,202	\$ (9,425)	\$ 1,240,777
	Total Budget	\$ 33,691,742	\$ -	\$ 33,691,742
	Reserve For Future Expenditure	\$ 6,696,271	\$ -	\$ 6,696,271
	Total Requirements	\$ 40,388,013	\$ -	\$ 40,388,013

8. Property Lease Agreement - Public Works

A total of \$72,500 is required to move Public Works staff to a new site as part of the relocation of the dog park. Of that amount, a total of \$24,500 is being used to pay for a six month property lease along with \$48,000 that is needed for minor tenant improvements including interior painting; floor repair; city intranet and phones, and an emergency communication system. This action will show a decrease in General Fund contingency of \$9,425; a decrease Gas Tax contingency by \$41,325; and a decrease in Property Management contingency by \$21,750. Program expenditures within Fleet/Property Management will increase by \$72,500.

Fund 2 of 3

	Q1		Q2	
	Revised	Amendment	Revised	Budget
	Budget		Budget	
Gas Tax Fund				
Resources				
Beginning Fund Balance	\$ 571,900	\$ -	\$ 571,900	
Property Taxes	\$ -		\$ -	
Franchise Fees	\$ -		\$ -	
Licenses & Permits	\$ 225		\$ 225	
Intergovernmental	\$ 2,990,443		\$ 2,990,443	
Charges for Services	\$ -		\$ -	
Fines & Forfeitures	\$ -		\$ -	
Interest Earnings	\$ 55,732		\$ 55,732	
Miscellaneous	\$ 61,345		\$ 61,345	
Other Financing Sources	\$ -		\$ -	
Transfers In from Other Funds	\$ 100,000		\$ 100,000	
Total Resources	\$ 3,779,645	\$ -	\$ 3,779,645	
Requirements				
Community Development	\$ -		\$ -	
Community Services	\$ -		\$ -	
Policy & Administration	\$ -		\$ -	
Public Works	\$ 2,205,002		\$ 2,205,002	
Program Expenditures Total	\$ 2,205,002	\$ -	\$ 2,205,002	
Debt Service	\$ 599,676		\$ 599,676	
Loans	\$ -		\$ -	
Work-In-Progress	\$ -		\$ -	
Transfers to Other Funds	\$ 907,023	\$ 41,325	\$ 948,348	
Contingency	\$ 57,610	\$ (41,325)	\$ 16,285	
Total Budget	\$ 3,769,311	\$ -	\$ 3,769,311	
Reserve For Future Expenditure	\$ 10,334	\$ -	\$ 10,334	
Total Requirements	\$ 3,779,645	\$ -	\$ 3,779,645	

8. Property Lease Agreement - Public Works

A total of \$72,500 is required to move Public Works staff to a new site as part of the relocation of the dog park. Of that amount, a total of \$24,500 is being used to pay for a six month property lease along with \$48,000 that is needed for minor tenant improvements including interior painting; floor repair; city intranet and phones, and an emergency communication system. This action will show a decrease in General Fund contingency of \$9,425; a decrease Gas Tax contingency by \$41,325; and a decrease in Property Management contingency by \$21,750. Program expenditures within Fleet/Property Management will increase by \$72,500.

Fund 3 of 3

	Adopted		Q2
	Budget	Amendment	Revised Budget
Fleet/Property Management Fund			
Resources			
Beginning Fund Balance	\$ 60,269	\$ -	\$ 60,269
Property Taxes	\$ -		\$ -
Franchise Fees	\$ -		\$ -
Licenses & Permits	\$ -		\$ -
Intergovernmental	\$ -		\$ -
Charges for Services	\$ 1,646,995		\$ 1,646,995
Fines & Forfeitures	\$ -		\$ -
Interest Earnings	\$ -		\$ -
Miscellaneous	\$ 29,392		\$ 29,392
Other Financing Sources	\$ -		\$ -
Transfers In from Other Funds	\$ -	\$ 50,750	\$ 50,750
Total Resources	\$ 1,736,656	\$ 50,750	\$ 1,787,406
Requirements			
Community Development	\$ -		\$ -
Community Services	\$ -		\$ -
Policy & Administration	\$ -		\$ -
Public Works	\$ 1,650,805	\$ 72,500	\$ 1,723,305
Program Expenditures Total	\$ 1,650,805	\$ 72,500	\$ 1,723,305
Debt Service	\$ -		\$ -
Loans	\$ -		\$ -
Work-In-Progress	\$ -		\$ -
Transfers to Other Funds	\$ -		\$ -
Contingency	\$ 75,000	\$ (21,750)	\$ 53,250
Total Budget	\$ 1,725,805	\$ 50,750	\$ 1,776,555
Reserve For Future Expenditure	\$ 10,851	\$ -	\$ 10,851
Total Requirements	\$ 1,736,656	\$ 50,750	\$ 1,787,406

9. Grant Recognition - Finance & Information Services

The city has received two grants totaling \$58,464 from the Metropolitan Area Communication Commission. One grant in the amount of \$18,464 will be used to replace the city's existing firewall. The other grant, totaling \$40,000 will be used to purchase a second backup system for the Police Department. This action will result in an increase in Central Services intergovernmental revenues by \$58,464 with an equal increase in program expenditures in Policy and Administration.

		Adopted		Q2
		Budget	Amendment	Revised Budget
Central Services Fund				
Resources	Beginning Fund Balance	\$ 417,867		\$ 417,867
	Property Taxes	\$ -		\$ -
	Franchise Fees	\$ -		\$ -
	Licenses & Permits	\$ 32,569		\$ 32,569
	Intergovernmental	\$ -	\$ 58,464	\$ 58,464
	Charges for Services	\$ 6,490,581		\$ 6,490,581
	Fines & Forfeitures	\$ -		\$ -
	Interest Earnings	\$ 593		\$ 593
	Miscellaneous	\$ 12,277		\$ 12,277
	Other Financing Sources	\$ -		\$ -
	Transfers In from Other Funds	\$ 224,963		\$ 224,963
	Total Resources	\$ 7,178,850	\$ 58,464	\$ 7,237,314
Requirements				
	Policy and Administration	\$ 7,073,038	\$ 58,464	\$ 7,131,502
	Program Expenditures Total	\$ 7,073,038	\$ 58,464	\$ 7,131,502
	Contingency	\$ 100,000		\$ 100,000
	Total Budget	\$ 7,173,038	\$ 58,464	\$ 7,231,502
	Reserve For Future Expenditure	\$ 5,812	\$ -	\$ 5,812
	Total Requirements	\$ 7,178,850	\$ 58,464	\$ 7,237,314

10. Replacement Vehicles - Utility Billing

A total of \$69,000 is being requested in order to replace the city's meter reading fleet of vehicles with three small trucks that are more dependable and have lower maintenance costs. As a result, Sanitary Sewer contingency will decrease by \$26,910; and Water contingency will decrease by \$42,090. Transfers will increase. Program expenditures within Policy & Administration will increase by \$69,000.

Fund 1 of 3	Q1		Q2	
	Revised		Revised	
	Budget	Amendment	Budget	
Sanitary Sewer Fund Resources				
Beginning Fund Balance	\$ 4,618,778		\$ 4,618,778	
Property Taxes	\$ -		\$ -	
Franchise Fees	\$ -		\$ -	
Licenses & Permits	\$ 587,133		\$ 587,133	
Intergovernmental	\$ -		\$ -	
Charges for Services	\$ 1,584,277		\$ 1,584,277	
Fines & Forfeitures	\$ -		\$ -	
Interest Earnings	\$ 100,333		\$ 100,333	
Miscellaneous	\$ 141,674		\$ 141,674	
Other Financing Sources	\$ -		\$ -	
Transfers In from Other Funds	\$ 1,369,900		\$ 1,369,900	
Total Resources	\$ 8,402,095	\$ -	\$ 8,402,095	
Requirements				
Policy and Administration	\$ -		\$ -	
Community Development	\$ -		\$ -	
Community Services	\$ -		\$ -	
Public Works	\$ 1,974,545		\$ 1,974,545	
Program Expenditures Total	\$ 1,974,545	\$ -	\$ 1,974,545	
Debt Service	\$ -		\$ -	
Loans	\$ -		\$ -	
Work-In-Progress	\$ 2,996,061		\$ 2,996,061	
Transfers to Other Funds	\$ 79,849	\$ 26,910	\$ 106,759	
Contingency	\$ 371,715	\$ (26,910)	\$ 344,805	
Total Budget	\$ 5,422,170	\$ -	\$ 5,422,170	
Reserve For Future Expenditure	\$ 2,979,925	\$ -	\$ 2,979,925	
Total Requirements	\$ 8,402,095	\$ -	\$ 8,402,095	

10. Replacement Vehicles - Utility Billing

A total of \$69,000 is being requested in order to replace the city's meter reading fleet of vehicles with three small trucks that are more dependable and have lower maintenance costs. As a result, Sanitary Sewer contingency will decrease by \$26,910; and Water contingency will decrease by \$42,090. Transfers will increase. Program expenditures within Policy & Administration will increase by \$69,000.

Fund 2 of 3

Water Fund		Adopted		Q2
		Budget	Amendment	Revised Budget
Resources	Beginning Fund Balance	\$ 16,125,957		\$ 16,125,957
	Property Taxes	\$ -		\$ -
	Franchise Fees	\$ -		\$ -
	Licenses & Permits	\$ 14,400		\$ 14,400
	Intergovernmental	\$ -		\$ -
	Charges for Services	\$ 16,708,280		\$ 16,708,280
	Fines & Forfeitures	\$ -		\$ -
	Interest Earnings	\$ 30,644		\$ 30,644
	Miscellaneous	\$ 10,825		\$ 10,825
	Other Financing Sources	\$ -		\$ -
	Transfers In from Other Funds	\$ 58,751		\$ 58,751
	Total Resources	\$ 32,948,857	\$ -	\$ 32,948,857
Requirements				
	Public Works	\$ 8,376,282		\$ 8,376,282
	Program Expenditures Total	\$ 8,376,282	\$ -	\$ 8,376,282
	Transfers to Other Funds	\$ 5,767,077	\$ 42,090	\$ 5,809,167
	Contingency	\$ 500,000	\$ (42,090)	\$ 457,910
	Total Budget	\$ 14,643,359	\$ -	\$ 14,643,359
	Reserve For Future Expenditure	\$ 18,305,498	\$ -	\$ 18,305,498
	Total Requirements	\$ 32,948,857	\$ -	\$ 32,948,857

10. Replacement Vehicles - Utility Billing

A total of \$69,000 is being requested in order to replace the city's meter reading fleet of vehicles with three small trucks that are more dependable and have lower maintenance costs. As a result, Sanitary Sewer contingency will decrease by \$26,910; and Water contingency will decrease by \$42,090. Transfers will increase. Program expenditures within Policy & Administration will increase by \$69,000.

Fund 3 of 3

		Adopted	Q2	
		Budget	Amendment	Revised
		Budget		
Central Services Fund				
Resources	Beginning Fund Balance	\$ 417,867		\$ 417,867
	Property Taxes	\$ -		\$ -
	Franchise Fees	\$ -		\$ -
	Licenses & Permits	\$ 32,569		\$ 32,569
	Intergovernmental	\$ -		\$ -
	Charges for Services	\$ 6,490,581		\$ 6,490,581
	Fines & Forfeitures	\$ -		\$ -
	Interest Earnings	\$ 593		\$ 593
	Miscellaneous	\$ 12,277		\$ 12,277
	Other Financing Sources	\$ -		\$ -
	Transfers In from Other Funds	\$ 224,963	\$ 69,000	\$ 293,963
	Total Resources	\$ 7,178,850	\$ 69,000	\$ 7,247,850
Requirements				
	Policy and Administration	\$ 7,073,038	\$ 69,000	\$ 7,142,038
	Program Expenditures Total	\$ 7,073,038	\$ 69,000	\$ 7,142,038
	Contingency	\$ 100,000		\$ 100,000
	Total Budget	\$ 7,173,038	\$ 69,000	\$ 7,242,038
	Reserve For Future Expenditure	\$ 5,812	\$ -	\$ 5,812
	Total Requirements	\$ 7,178,850	\$ 69,000	\$ 7,247,850

11. Water Rates Notices - Utility Billing

A total of \$5,500 is required to pay for printing and mailing costs associated with the notification of customers regarding increased water rates beginning January 1, 2015. As a result, Water contingency will decrease by \$5,500 with an increase in transfers. Program expenditures increase in Policy and Administration will increase by the same amount.

<u>Fund 1 of 2</u>			Q2	
		Adopted Budget	Amendment	Revised Budget
Water Fund				
Resources	Beginning Fund Balance	\$ 16,125,957		\$ 16,125,957
	Property Taxes	\$ -		\$ -
	Franchise Fees	\$ -		\$ -
	Licenses & Permits	\$ 14,400		\$ 14,400
	Intergovernmental	\$ -		\$ -
	Charges for Services	\$ 16,708,280		\$ 16,708,280
	Fines & Forfeitures	\$ -		\$ -
	Interest Earnings	\$ 30,644		\$ 30,644
	Miscellaneous	\$ 10,825		\$ 10,825
	Other Financing Sources	\$ -		\$ -
	Transfers In from Other Funds	\$ 58,751		\$ 58,751
	Total Resources	\$ 32,948,857	\$ -	\$ 32,948,857
Requirements				
	Public Works	\$ 8,376,282		\$ 8,376,282
	Program Expenditures Total	\$ 8,376,282	\$ -	\$ 8,376,282
	Transfers to Other Funds	\$ 5,767,077	\$ 5,500	\$ 5,772,577
	Contingency	\$ 500,000	\$ (5,500)	\$ 494,500
	Total Budget	\$ 14,643,359	\$ -	\$ 14,643,359
	Reserve For Future Expenditure	\$ 18,305,498	\$ -	\$ 18,305,498
	Total Requirements	\$ 32,948,857	\$ -	\$ 32,948,857

11. Water Rates Notices - Utility Billing

A total of \$5,500 is required to pay for printing and mailing costs associated with the notification of customers regarding increased water rates beginning January 1, 2015. As a result, Water contingency will decrease by \$5,500 with an increase in transfers. Program expenditures increase in Policy and Administration will increase by the same amount.

Fund 2 of 2

		Adopted		Q2
		Budget	Amendment	Revised
		Budget		
Central Services Fund				
Resources	Beginning Fund Balance	\$ 417,867		\$ 417,867
	Property Taxes	\$ -		\$ -
	Franchise Fees	\$ -		\$ -
	Licenses & Permits	\$ 32,569		\$ 32,569
	Intergovernmental	\$ -		\$ -
	Charges for Services	\$ 6,490,581		\$ 6,490,581
	Fines & Forfeitures	\$ -		\$ -
	Interest Earnings	\$ 593		\$ 593
	Miscellaneous	\$ 12,277		\$ 12,277
	Other Financing Sources	\$ -		\$ -
	Transfers In from Other Funds	\$ 224,963	\$ 5,500	\$ 230,463
	Total Resources	\$ 7,178,850	\$ 5,500	\$ 7,184,350
Requirements				
	Policy and Administration	\$ 7,073,038	\$ 5,500	\$ 7,078,538
	Program Expenditures Total	\$ 7,073,038	\$ 5,500	\$ 7,078,538
	Contingency	\$ 100,000		\$ 100,000
	Total Budget	\$ 7,173,038	\$ 5,500	\$ 7,178,538
	Reserve For Future Expenditure	\$ 5,812	\$ -	\$ 5,812
	Total Requirements	\$ 7,178,850	\$ 5,500	\$ 7,184,350

12. Facilities Strategies Plan - Capital Improvement Program (CIP)

A request in the amount of \$300,000 is being made in order to pay for the development of a facilities strategic plan. The plan is expected to provide a holistic view of the city's operational needs and placement of facilities within a 20-year timeframe.

This action will result in a decrease in reserve for future expenditure by \$300,000 in the General Capital Facilities Fund with an equal increase in capital program expenditures.

		Adopted		Q2
		Budget	Amendment	Revised Budget
Gen'l Capital Facilities Fund				
Resources	Beginning Fund Balance	\$ 878,435		\$ 878,435
	Interest Earnings	\$ 3,212		\$ 3,212
	Transfers In from Other Funds	\$ 1,031,891		\$ 1,031,891
	Total Resources	\$ 1,913,538	\$ -	\$ 1,913,538
Requirements	Program Expenditures Total	\$ -	\$ -	\$ -
	Work-In-Progress	\$ 674,900	\$ 300,000	\$ 974,900
	Transfers to Other Funds	\$ 8,742		\$ 8,742
	Contingency	\$ 50,000		\$ 50,000
	Total Budget	\$ 733,642	\$ 300,000	\$ 1,033,642
	Reserve For Future Expenditure	\$ 1,179,896	\$ (300,000)	\$ 879,896
	Total Requirements	\$ 1,913,538	\$ -	\$ 1,913,538

13. Capital Improvement Program - Dirksen Nature Park

A total of \$194,000 is being requested to for development of the park. Of this total, \$178,000 is a carryover that will be used to complete the design, as well as begin construction modifications to the Tualatin River Keepers education center and some soft paths. In addition, the city has received a grant in the amount of \$16,000 from the Department of Environmental Quality for the purchase and installation of 8,000 native wet meadow wildflowers in the park. This action will show an increase in the Park Bond Fund beginning fund balance of \$178,000 with an increase in transfers. In addition, Parks Capital Fund will show an increase in intergovernmental revenues in the amount of \$16,000 with an increase in capital program expenditures of \$194,000.

<u>Fund 1 of 2</u>		Q1		Q2
		Revised	Amendment	Revised
		Budget		Budget
Parks Bond Fund				
Resources	Beginning Fund Balance	\$ 2,293,068	\$ 178,000	\$ 2,471,068
	Interest Earnings	\$ 4,020		\$ 4,020
	Total Resources	\$ 2,297,088	\$ 178,000	\$ 2,475,088
Requirements				
	Program Expenditures Total	\$ -	\$ -	\$ -
	Transfers to Other Funds	\$ 2,099,143	\$ 178,000	\$ 2,277,143
	Contingency	\$ -		\$ -
	Total Budget	\$ 2,099,143	\$ 178,000	\$ 2,277,143
	Reserve For Future Expenditure	\$ 197,945	\$ -	\$ 197,945
	Total Requirements	\$ 2,297,088	\$ 178,000	\$ 2,475,088

<u>Fund 2 of 2</u>		Q1		Q2
		Revised	Amendment	Revised
		Budget		Budget
Parks Capital Fund				
Resources	Beginning Fund Balance	\$ 174,509		\$ 174,509
	Intergovernmental	\$ 41,506	\$ 16,000	\$ 57,506
	Interest Earnings	\$ 3,015		\$ 3,015
	Transfers In from Other Funds	\$ 3,192,834	\$ 178,000	\$ 3,370,834
	Total Resources	\$ 3,411,864	\$ 194,000	\$ 3,605,864
Requirements				
	Program Expenditures Total	\$ -	\$ -	\$ -
	Work-In-Progress	\$ 3,192,834	\$ 194,000	\$ 3,386,834
	Transfers to Other Funds	\$ 55,881		\$ 55,881
	Contingency	\$ -		\$ -
	Total Budget	\$ 3,248,715	\$ 194,000	\$ 3,442,715
	Reserve For Future Expenditure	\$ 163,149	\$ -	\$ 163,149
	Total Requirements	\$ 3,411,864	\$ 194,000	\$ 3,605,864

14. Capital Improvement Program - Summerlake Restroom & COT/Tigard-Tualatin School Dist. Park Development

Summerlake Restroom installation requires the reallocation of underspent park bond project funds to complete this project. Staff received support from PRAB at their December meeting.

A total of \$89,000 will be transferred from 92035-COT/Tigard-Tualatin School District Park Development project that has a total of \$135,000 budgeted in FY 2015. This project will be backfilled with Parks SDC funding. As a result, Park SDC contingency will decrease by \$89,000 with an increase in transfers. In turn, capital program expenditures will increase by the same amount.

<u>Fund 1 of 2</u>		Q1		Q2
		Revised	Amendment	Revised
		Budget		Budget
Parks SDC Fund				
Resources	Beginning Fund Balance	\$ 1,124,011		\$ 1,124,011
	Licenses & Permits	\$ 476,336		\$ 476,336
	Interest Earnings	\$ 19,782		\$ 19,782
	Total Resources	\$ 1,620,129	\$ -	\$ 1,620,129
Requirements				
	Program Expenditures Total	\$ -	\$ -	\$ -
	Work-In-Progress	\$ 12,000		\$ 12,000
	Transfers to Other Funds	\$ 1,130,602	\$ 89,000	\$ 1,219,602
	Contingency	\$ 71,615	\$ (89,000)	\$ (17,385)
	Total Budget	\$ 1,214,217	\$ -	\$ 1,214,217
	Reserve For Future Expenditure	\$ 405,912	\$ -	\$ 405,912
	Total Requirements	\$ 1,620,129	\$ -	\$ 1,620,129
<u>Fund 2 of 2</u>		Q1		Q2
		Revised	Amendment	Revised
		Budget		Budget
Parks Capital Fund				
Resources	Beginning Fund Balance	\$ 174,509		\$ 174,509
	Intergovernmental	\$ 41,506		\$ 41,506
	Interest Earnings	\$ 3,015		\$ 3,015
	Transfers In from Other Funds	\$ 3,192,834	\$ 89,000	\$ 3,281,834
	Total Resources	\$ 3,411,864	\$ 89,000	\$ 3,500,864
Requirements				
	Program Expenditures Total	\$ -	\$ -	\$ -
	Work-In-Progress	\$ 3,192,834	\$ 89,000	\$ 3,281,834
	Transfers to Other Funds	\$ 55,881		\$ 55,881
	Contingency	\$ -		\$ -
	Total Budget	\$ 3,248,715	\$ 89,000	\$ 3,337,715
	Reserve For Future Expenditure	\$ 163,149	\$ -	\$ 163,149
	Total Requirements	\$ 3,411,864	\$ 89,000	\$ 3,500,864

15. Capital Improvement Program - Pacific Hwy/Gaarde St./McDonald St. Intersection Improvements

A request for additional funds is required to fill the post-bid funding gap per the IGA with Washington County, ODOT and the City of Tigard. The Tigard Transportation Advisory Committee (TTAC) has recommended the use of City Gas Tax and Transportation Development Tax Funds to correct the shortfall. City Council approved the resolution on December 9, 2014. As a result, Reserve for Future Expenditure in City Gas Tax will decrease by \$1,100,000 with an increase in transfers. Capital program expenditures will increase by the same amount in the Transportation CIP Fund.

<u>Fund 1 of 2</u>		Q1		Q2
		Revised	Amendment	Revised
		Budget		Budget
City Gas Tax Fund				
Resources	Beginning Fund Balance	\$ 1,681,510		\$ 1,681,510
	Intergovernmental	\$ 739,934		\$ 739,934
	Interest Earnings	\$ 34,584		\$ 34,584
	Miscellaneous	\$ 31,735		\$ 31,735
	Total Resources	\$ 2,487,763	\$ -	\$ 2,487,763
Requirements				
	Program Expenditures Total	\$ -	\$ -	\$ -
	Debt Service	\$ 315,860		\$ 315,860
	Transfers to Other Funds	\$ 883,125	\$ 1,100,000	\$ 1,983,125
	Contingency	\$ 50,000		\$ 50,000
	Total Budget	\$ 1,248,985	\$ 1,100,000	\$ 2,348,985
	Reserve For Future Expenditure	\$ 1,238,778	\$ (1,100,000)	\$ 138,778
	Total Requirements	\$ 2,487,763	\$ -	\$ 2,487,763
Fund 2 of 2				
		Q1		Q2
		Revised	Amendment	Revised
		Budget		Budget
Transportation CIP Fund				
Resources	Beginning Fund Balance	\$ 356,422		\$ 356,422
	Intergovernmental	\$ 200,000		\$ 200,000
	Transfers In from Other Funds	\$ 3,315,787	\$ 1,100,000	\$ 4,415,787
	Total Resources	\$ 3,872,209	\$ 1,100,000	\$ 4,972,209
Requirements				
	Program Expenditures Total	\$ -	\$ -	\$ -
	Work-In-Progress	\$ 3,513,480	\$ 1,100,000	\$ 4,613,480
	Transfers to Other Funds	\$ 44,613		\$ 44,613
	Contingency	\$ -		\$ -
	Total Budget	\$ 3,558,093	\$ 1,100,000	\$ 4,658,093
	Reserve For Future Expenditure	\$ 314,116	\$ -	\$ 314,116
	Total Requirements	\$ 3,872,209	\$ 1,100,000	\$ 4,972,209

92016: Dirksen Nature Park

Funding to be used to complete design and begin construction modification of the Tualatin River Keepers educational center and soft paths along with planting of 8,000 native wildflowers.

	Life to FY 2014 Unaudited Actuals	Revised Budget 2015*	This change	New Budget 2015	2016	2017	2018	2019	Project Total
Internal Expenses									
Project Management	-	17,000	7,760	24,760	-	30,000	10,000	15,000	79,760
Construction Management	-	25,000	11,640	36,640	-	50,000	20,000	30,000	136,640
Total	-	42,000	27,160	69,160	-	80,000	30,000	45,000	224,160
External Expenses									
Prior Life-to-Date	3,905,929	-	-	-	-	-	-	-	3,905,929
Design and Engineering	-	10,000	5,000	15,000	-	-	-	-	15,000
Construction	-	360,000	161,840	521,840	-	990,000	745,000	615,000	2,871,840
Total	3,905,929	370,000	166,840	536,840	-	990,000	745,000	615,000	6,792,769
Total Project Expense	3,905,929	412,000	194,000	606,000	-	1,070,000	775,000	660,000	7,016,929
Revenue Funding Source									
Urban Forestry Fund	-	100,000	-	100,000	-	-	-	-	100,000
Parks Bond Fund	3,867,796	-	194,000	194,000	-	-	-	-	4,061,796
Parks Capital Fund	-	-	-	-	-	400,000	160,000	-	560,000
Parks SDC Fund	38,133	280,000	-	280,000	-	525,000	615,000	660,000	2,118,133
Sanitary Sewer Fund	-	20,000	-	20,000	-	-	-	-	20,000
Stormwater Fund	-	-	-	-	-	145,000	-	-	145,000
Water Fund	-	12,000	-	12,000	-	-	-	-	12,000
Total Project Revenues	3,905,929	412,000	194,000	606,000	-	1,070,000	775,000	660,000	7,016,929

* Revised budget includes first quarter supplemental amendment.

92048: Summerlake Restroom

This project is eligible for Parks SDC funding and will be used to install the restroom at this park.

	Life to FY 2014 Unaudited Actuals	Revised Budget 2015*	This change	New Budget 2015	2016	2017	Project Total
Internal Expenses							
Project Management	-	5,000	-	5,000	-	-	5,000
Construction Management	-	5,000	-	5,000	-	-	5,000
Total	-	10,000	-	10,000	-	-	10,000
External Expenses							
Design and Engineering	13,010	5,000	-	5,000	-	-	18,010
Construction	-	122,000	65,000	187,000	-	-	187,000
Total	13,010	127,000	65,000	192,000	-	-	205,010
Total Project Expense	13,010	137,000	65,000	202,000	-	-	215,010
Revenue Funding Source							
General Fund	2,984	-	-	-	-	-	2,984
Parks Bond Fund	10,026	102,000	-	102,000	-	-	112,026
Parks SDC Fund	-	-	65,000	65,000	-	-	65,000
Sanitary Sewer Fund	-	12,500	-	12,500	-	-	12,500
Stormwater Fund	-	10,000	-	10,000	-	-	10,000
Water Fund	-	12,500	-	12,500	-	-	12,500
Total Project Revenues	13,010	137,000	65,000	202,000	-	-	215,010

* Revised budget includes first quarter supplemental amendment.

95033: Pacific Hwy/Gaarde St./McDonald St. Intersection Improvements

Total budget for this project will increase by \$1,100,000 to pay for the post-bid funding gap as required by IGA.

	Life to FY 2014		This change	New Budget			Project Total
	Unaudited Actuals	Original Budget 2015		2015	2016	2017	
Internal Expenses							
Project Management	-	40,000	-	40,000	-	-	40,000
Construction Management	-	10,000	-	10,000	-	-	10,000
Prior Life-to-Date	283,476	-	-	-	-	-	283,476
Total	283,476	50,000	-	50,000	-	-	333,476
External Expenses							
Construction	-	255,000	1,100,000	1,355,000	400,000	-	1,755,000
Prior Life-to-Date	945,009	-	-	-	-	-	945,009
Total	945,009	255,000	1,100,000	1,355,000	400,000	-	2,700,009
Total Project Expense	1,228,485	305,000	1,100,000	1,405,000	400,000	-	3,033,485
Revenue Funding Source							
City Gas Tax Fund	-	-	1,100,000	1,100,000	-	-	1,100,000
Transportation Dev Tax Fund	1,228,485	228,750	-	228,750	-	-	1,457,235
Traffic Impact Fee Fund	-	76,250	-	76,250	-	-	76,250
Transportation CIP Fund	-	-	-	-	400,000	-	400,000
Total Project Revenues	1,228,485	305,000	1,100,000	1,405,000	400,000	-	3,033,485

94022: Copper Creek Bank Stabilization

This project will be delayed in order to use the funding for the River Terrace Stormwater Master Plan. No budgetary impact.

	Life to FY 2014						Project Total
	Unaudited Actuals	Original Budget 2015	This change	New Budget 2015	2016	2017	
Internal Expenses							
Project Management	-	12,000	(12,000)	-	-	-	-
Construction Management	-	12,000	(12,000)	-	-	-	-
Prior Life-to-Date	30,834	-	-	-	-	-	-
Total	30,834	24,000	(24,000)	-	-	-	-
External Expenses							
Construction Management	-	20,000	(20,000)	-	-	-	-
Design and Engineering	-	10,000	(10,000)	-	-	-	-
Construction	-	120,000	(120,000)	-	-	-	-
Total	-	150,000	(150,000)	-	-	-	-
Total Project Expense	30,834	174,000	(174,000)	-	-	-	-
Revenue Funding Source							
Stormwater Fund	30,834	174,000	(174,000)	-	-	-	-
Total Project Revenues	30,834	174,000	(174,000)	-	-	-	-

94030: River Terrace Stormwater

Funding for this project has been transferred from 94022-Copper Creek Bank Stabilization. No budgetary impact.

	Life to FY 2014						Project Total
	Unaudited Actuals	Original Budget 2015	This change	New Budget 2015	2016	2017	
Internal Expenses							
Project Management	-	-	-	-	-	-	-
Design and Engineering	-	-	-	-	-	-	-
Construction Management	-	-	-	-	-	-	-
Prior Life-to-Date	-	-	-	-	-	-	-
Total	-	-	-	-	-	-	-
External Expenses							
Construction Management	-	-	-	-	-	-	-
Design and Engineering	-	-	-	174,000	-	-	174,000
Construction	-	-	-	-	-	-	-
Total	-	-	-	174,000	-	-	174,000
Total Project Expense	-	-	-	174,000	-	-	174,000
Revenue Funding Source							
Stormwater Fund	-	-	-	174,000	-	-	174,000
Total Project Revenues	-	-	-	174,000	-	-	174,000

FY 2015 Second Quarter Supplemental
Summary of Budget Changes

Affected City Funds	Q1		Q2
	Revised Budget	Amendment	Revised Budget
Resources			
Beginning Fund Balance	\$ 33,876,441	\$ 178,000	\$ 34,054,441
Property Taxes	\$ 13,404,815	\$ -	\$ 13,404,815
Franchise Fees	\$ 5,799,632	\$ -	\$ 5,799,632
Special Assessments	\$ -	\$ -	\$ -
Licenses & Permits	\$ 1,700,942	\$ -	\$ 1,700,942
Intergovernmental	\$ 9,690,483	\$ 49,515	\$ 9,739,998
Charges for Services	\$ 27,534,090	\$ 5,800	\$ 27,539,890
Fines & Forfeitures	\$ 993,232	\$ -	\$ 993,232
Interest Earnings	\$ 255,304	\$ -	\$ 255,304
Miscellaneous	\$ 201,447	\$ 15,000	\$ 216,447
Other Financing Sources	\$ 254,000	\$ 11,500	\$ 265,500
Transfers In from Other Funds	\$ 7,924,226	\$ 1,492,250	\$ 9,416,476
Total Resources	\$ 101,634,612	\$ 1,752,065	\$ 103,386,677
Requirements			
Community Development	\$ 3,047,095	\$ 185,000	\$ 3,232,095
Community Services	\$ 21,525,260	\$ 157,351	\$ 21,682,611
Policy & Administration	\$ 7,927,193	\$ 132,964	\$ 8,060,157
Public Works	\$ 18,113,652	\$ 72,500	\$ 18,186,152
Program Expenditures Total	\$ 50,613,200	\$ 547,815	\$ 51,161,015
Debt Service	\$ 915,536	\$ -	\$ 915,536
Loans	\$ -	\$ -	\$ -
Work-In-Progress	\$ 7,647,214	\$ 1,683,000	\$ 9,330,214
Transfers to Other Funds	\$ 11,775,673	\$ 1,492,250	\$ 13,267,923
Contingency	\$ 2,154,427	\$ (571,000)	\$ 1,583,427
Total Budget	\$ 73,106,050	\$ 3,152,065	\$ 76,258,115
Reserve For Future Expenditure	\$ 28,528,562	\$ (1,400,000)	\$ 27,128,562
Total Requirements	\$ 101,634,612	\$ 1,752,065	\$ 103,386,677

FY 2015 Second Quarter Supplemental
Summary of Budget Changes

Reference Budget Items: 1-8

General Fund Resources	Q1	Amendment	Q2
	Revised Budget		Revised Budget
Beginning Fund Balance	\$ 10,192,493	\$ -	\$ 10,192,493
Property Taxes	\$ 13,404,815	\$ -	\$ 13,404,815
Franchise Fees	\$ 5,799,632	\$ -	\$ 5,799,632
Special Assessments	\$ -	\$ -	\$ -
Licenses & Permits	\$ 1,177,412	\$ -	\$ 1,177,412
Intergovernmental	\$ 5,718,600	\$ (24,949)	\$ 5,693,651
Charges for Services	\$ 2,688,234	\$ 5,800	\$ 2,694,034
Fines & Forfeitures	\$ 993,232	\$ -	\$ 993,232
Interest Earnings	\$ 103,722	\$ -	\$ 103,722
Miscellaneous	\$ 55,873	\$ 15,000	\$ 70,873
Other Financing Sources	\$ 254,000	\$ 11,500	\$ 265,500
Transfers In from Other Funds	\$ -	\$ -	\$ -
Total Resources	\$ 40,388,013	\$ 7,351	\$ 40,395,364
Requirements			
Community Development	\$ 3,047,095	\$ 185,000	\$ 3,232,095
Community Services	\$ 21,525,260	\$ 157,351	\$ 21,682,611
Policy & Administration	\$ 854,155	\$ -	\$ 854,155
Public Works	\$ 5,881,563	\$ -	\$ 5,881,563
Program Expenditures Total	\$ 31,308,073	\$ 342,351	\$ 31,650,424
Debt Service	\$ -	\$ -	\$ -
Loans	\$ -	\$ -	\$ -
Work-In-Progress	\$ 254,000	\$ -	\$ 254,000
Transfers to Other Funds	\$ 879,467	\$ 9,425	\$ 888,892
Contingency	\$ 1,250,202	\$ (344,425)	\$ 905,777
Total Budget	\$ 33,691,742	\$ 7,351	\$ 33,699,093
Reserve For Future Expenditure	\$ 6,696,271	\$ -	\$ 6,696,271
Total Requirements	\$ 40,388,013	\$ 7,351	\$ 40,395,364

FY 2015 Second Quarter Supplemental
Summary of Budget Changes

Exhibit-C

Reference Budget Items: 8

Gas Tax Fund		Q1		Q2
		Revised Budget	Amendment	Revised Budget
Resources				
	Beginning Fund Balance	\$ 571,900	\$ -	\$ 571,900
	Property Taxes	\$ -	\$ -	\$ -
	Franchise Fees	\$ -	\$ -	\$ -
	Licenses & Permits	\$ 225	\$ -	\$ 225
	Intergovernmental	\$ 2,990,443	\$ -	\$ 2,990,443
	Charges for Services	\$ -	\$ -	\$ -
	Fines & Forfeitures	\$ -	\$ -	\$ -
	Interest Earnings	\$ 55,732	\$ -	\$ 55,732
	Miscellaneous	\$ 61,345	\$ -	\$ 61,345
	Other Financing Sources	\$ -	\$ -	\$ -
	Transfers In from Other Funds	\$ 100,000	\$ -	\$ 100,000
	Total Resources	\$3,779,645	\$ -	\$3,779,645
Requirements				
	Community Development	\$ -	\$ -	\$ -
	Community Services	\$ -	\$ -	\$ -
	Policy and Administration	\$ -	\$ -	\$ -
	Public Works	\$ 2,205,002	\$ -	\$ 2,205,002
	Program Expenditures Total	\$2,205,002	\$ -	\$2,205,002
	Debt Service	\$ 599,676	\$ -	\$ 599,676
	Loans	\$ -	\$ -	\$ -
	Work-In-Progress	\$ -	\$ -	\$ -
	Transfers to Other Funds	\$ 907,023	\$ 41,325	\$ 948,348
	Contingency	\$ 57,610	\$ (41,325)	\$ 16,285
	Total Budget	\$3,769,311	\$ -	\$3,769,311
	Reserve For Future Expenditure	\$ 10,334	\$ -	\$ 10,334
	Total Requirements	\$3,779,645	\$ -	\$3,779,645

FY 2015 Second Quarter Supplemental
Summary of Budget Changes

Exhibit-C

Reference Budget Items: 8

Fleet/Property Management Fund	Adopted		Q2
	Budget	Amendment	Revised Budget
Resources			
Beginning Fund Balance	\$ 60,269	\$ -	\$ 60,269
Property Taxes	\$ -	\$ -	\$ -
Franchise Fees	\$ -	\$ -	\$ -
Licenses & Permits	\$ -	\$ -	\$ -
Intergovernmental	\$ -	\$ -	\$ -
Charges for Services	\$ 1,646,995	\$ -	\$ 1,646,995
Fines & Forfeitures	\$ -	\$ -	\$ -
Interest Earnings	\$ -	\$ -	\$ -
Miscellaneous	\$ 29,392	\$ -	\$ 29,392
Other Financing Sources	\$ -	\$ -	\$ -
Transfers In from Other Funds	\$ -	\$ 50,750	\$ 50,750
Total Resources	\$1,736,656	\$ 50,750	\$1,787,406
Requirements			
Community Development	\$ -	\$ -	\$ -
Community Services	\$ -	\$ -	\$ -
Policy and Administration	\$ -	\$ -	\$ -
Public Works	\$ 1,650,805	\$ 72,500	\$ 1,723,305
Program Expenditures Total	\$1,650,805	\$ 72,500	\$1,723,305
Debt Service	\$ -	\$ -	\$ -
Loans	\$ -	\$ -	\$ -
Work-In-Progress	\$ -	\$ -	\$ -
Transfers to Other Funds	\$ -	\$ -	\$ -
Contingency	\$ 75,000	\$ (21,750)	\$ 53,250
Total Budget	\$1,725,805	\$ 50,750	\$1,776,555
Reserve For Future Expenditure	\$ 10,851	\$ -	\$ 10,851
Total Requirements	\$1,736,656	\$ 50,750	\$1,787,406

Reference Budget Items: 12

	Adopted Budget	Amendment	Q2 Revised Budget
General Capital Facilities Fund			
Resources			
Beginning Fund Balance	\$ 878,435	\$ -	\$ 878,435
Property Taxes	\$ -	\$ -	\$ -
Franchise Fees	\$ -	\$ -	\$ -
Licenses & Permits	\$ -	\$ -	\$ -
Intergovernmental	\$ -	\$ -	\$ -
Charges for Services	\$ -	\$ -	\$ -
Fines & Forfeitures	\$ -	\$ -	\$ -
Interest Earnings	\$ 3,212	\$ -	\$ 3,212
Miscellaneous	\$ -	\$ -	\$ -
Other Financing Sources	\$ -	\$ -	\$ -
Transfers In from Other Funds	\$ 1,031,891	\$ -	\$ 1,031,891
Total Resources	\$ 1,913,538	\$ -	\$ 1,913,538
Requirements			
Community Development	\$ -	\$ -	\$ -
Community Services	\$ -	\$ -	\$ -
Policy and Administration	\$ -	\$ -	\$ -
Public Works	\$ -	\$ -	\$ -
Program Expenditures Total	\$ -	\$ -	\$ -
Debt Service	\$ -	\$ -	\$ -
Loans	\$ -	\$ -	\$ -
Work-In-Progress	\$ 674,900	\$ 300,000	\$ 974,900
Transfers to Other Funds	\$ 8,742	\$ -	\$ 8,742
Contingency	\$ 50,000	\$ -	\$ 50,000
Total Budget	\$ 733,642	\$ 300,000	\$ 1,033,642
Reserve For Future Expenditure	\$ 1,179,896	\$ (300,000)	\$ 879,896
Total Requirements	\$ 1,913,538	\$ -	\$ 1,913,538

Reference Budget Items: 9, 10, 11

Central Services Fund	Adopted		Q2
	Budget	Amendment	Revised Budget
Resources			
Beginning Fund Balance	\$ 417,867	\$ -	\$ 417,867
Property Taxes	\$ -	\$ -	\$ -
Franchise Fees	\$ -	\$ -	\$ -
Licenses & Permits	\$ 32,569	\$ -	\$ 32,569
Intergovernmental	\$ -	\$ 58,464	\$ 58,464
Charges for Services	\$ 6,490,581	\$ -	\$ 6,490,581
Fines & Forfeitures	\$ -	\$ -	\$ -
Interest Earnings	\$ 593	\$ -	\$ 593
Miscellaneous	\$ 12,277	\$ -	\$ 12,277
Other Financing Sources	\$ -	\$ -	\$ -
Transfers In from Other Funds	\$ 224,963	\$ 74,500	\$ 299,463
Total Resources	\$ 7,178,850	\$ 132,964	\$ 7,311,814
Requirements			
Community Development	\$ -	\$ -	\$ -
Community Services	\$ -	\$ -	\$ -
Policy and Administration	\$ 7,073,038	\$ 132,964	\$ 7,206,002
Public Works	\$ -	\$ -	\$ -
Program Expenditures Total	\$ 7,073,038	\$ 132,964	\$ 7,206,002
Debt Service	\$ -	\$ -	\$ -
Loans	\$ -	\$ -	\$ -
Work-In-Progress	\$ -	\$ -	\$ -
Transfers to Other Funds	\$ -	\$ -	\$ -
Contingency	\$ 100,000	\$ -	\$ 100,000
Total Budget	\$ 7,173,038	\$ 132,964	\$ 7,306,002
Reserve For Future Expenditure	\$ 5,812	\$ -	\$ 5,812
Total Requirements	\$ 7,178,850	\$ 132,964	\$ 7,311,814

FY 2015 Second Quarter Supplemental
Summary of Budget Changes

Exhibit-C

Reference Budget Items: 10, 11

		Adopted Budget	Amendment	Q2 Revised Budget
Water Fund				
Resources	Beginning Fund Balance	\$ 16,125,957	\$ -	\$ 16,125,957
	Property Taxes	\$ -	\$ -	\$ -
	Franchise Fees	\$ -	\$ -	\$ -
	Licenses & Permits	\$ 14,400	\$ -	\$ 14,400
	Intergovernmental	\$ -	\$ -	\$ -
	Charges for Services	\$ 16,708,280	\$ -	\$ 16,708,280
	Fines & Forfeitures	\$ -	\$ -	\$ -
	Interest Earnings	\$ 30,644	\$ -	\$ 30,644
	Miscellaneous	\$ 10,825	\$ -	\$ 10,825
	Other Financing Sources	\$ -	\$ -	\$ -
	Transfers In from Other Funds	\$ 58,751	\$ -	\$ 58,751
	Total Resources	\$32,948,857	\$ -	\$32,948,857
Requirements				
	Community Development	\$ -	\$ -	\$ -
	Community Services	\$ -	\$ -	\$ -
	Policy and Administration	\$ -	\$ -	\$ -
	Public Works	\$ 8,376,282	\$ -	\$ 8,376,282
	Program Expenditures Total	\$ 8,376,282	\$ -	\$ 8,376,282
	Debt Service	\$ -	\$ -	\$ -
	Loans	\$ -	\$ -	\$ -
	Work-In-Progress	\$ -	\$ -	\$ -
	Transfers to Other Funds	\$ 5,767,077	\$ 47,590	\$ 5,814,667
	Contingency	\$ 500,000	\$ (47,590)	\$ 452,410
	Total Budget	\$14,643,359	\$ -	\$14,643,359
	Reserve For Future Expenditure	\$18,305,498	\$ -	\$18,305,498
	Total Requirements	\$32,948,857	\$ -	\$32,948,857

Reference Budget Items: 10

Sanitary Sewer Fund Resources	Q1		Q2
	Revised Budget	Amendment	Revised Budget
Beginning Fund Balance	\$ 4,618,778		\$ 4,618,778
Property Taxes	\$ -		\$ -
Franchise Fees	\$ -		\$ -
Licenses & Permits	\$ 587,133		\$ 587,133
Intergovernmental	\$ -		\$ -
Charges for Services	\$ 1,584,277		\$ 1,584,277
Fines & Forfeitures	\$ -		\$ -
Interest Earnings	\$ 100,333		\$ 100,333
Miscellaneous	\$ 141,674		\$ 141,674
Other Financing Sources	\$ -		\$ -
Transfers In from Other Funds	\$ 1,369,900		\$ 1,369,900
Total Resources	\$ 8,402,095	\$ -	\$ 8,402,095
Requirements			
Policy and Administration	\$ -		\$ -
Community Development	\$ -		\$ -
Community Services	\$ -		\$ -
Public Works	\$ 1,974,545		\$ 1,974,545
Program Expenditures Total	\$ 1,974,545	\$ -	\$ 1,974,545
Debt Service	\$ -		\$ -
Loans	\$ -		\$ -
Work-In-Progress	\$ 2,996,061		\$ 2,996,061
Transfers to Other Funds	\$ 79,849	\$ 26,910	\$ 106,759
Contingency	\$ 371,715	\$ (26,910)	\$ 344,805
Total Budget	\$ 5,422,170	\$ -	\$ 5,422,170
Reserve For Future Expenditure	\$ 2,979,925	\$ -	\$ 2,979,925
Total Requirements	\$ 8,402,095	\$ -	\$ 8,402,095

Reference Budget Items: 13

	Q1 Revised Budget	Amendment	Q2 Revised Budget
Parks Bond Fund			
Resources			
Beginning Fund Balance	\$2,293,068	\$ 178,000	\$2,471,068
Property Taxes	\$ -	\$ -	\$ -
Franchise Fees	\$ -	\$ -	\$ -
Licenses & Permits	\$ -	\$ -	\$ -
Intergovernmental	\$ -	\$ -	\$ -
Charges for Services	\$ -	\$ -	\$ -
Fines & Forfeitures	\$ -	\$ -	\$ -
Interest Earnings	\$ 4,020	\$ -	\$ 4,020
Miscellaneous	\$ -	\$ -	\$ -
Other Financing Sources	\$ -	\$ -	\$ -
Transfers In from Other Funds	\$ -	\$ -	\$ -
Total Resources	\$2,297,088	\$ 178,000	\$2,475,088
Requirements			
Community Development	\$ -	\$ -	\$ -
Community Services	\$ -	\$ -	\$ -
Policy and Administration	\$ -	\$ -	\$ -
Public Works	\$ -	\$ -	\$ -
Program Expenditures Total	\$ -	\$ -	\$ -
Debt Service	\$ -	\$ -	\$ -
Loans	\$ -	\$ -	\$ -
Work-In-Progress	\$ -	\$ -	\$ -
Transfers to Other Funds	\$ 2,099,143	\$ 178,000	\$ 2,277,143
Contingency	\$ -	\$ -	\$ -
Total Budget	\$2,099,143	\$ 178,000	\$2,277,143
Reserve For Future Expenditure	\$ 197,945	\$ -	\$ 197,945
Total Requirements	\$2,297,088	\$ 178,000	\$2,475,088

Reference Budget Items: 13, 14

	Q1 Revised Budget	Amendment	Q2 Revised Budget
Parks Capital Fund			
Resources			
Beginning Fund Balance	\$ 174,509	\$ -	\$ 174,509
Property Taxes	\$ -	\$ -	\$ -
Franchise Fees	\$ -	\$ -	\$ -
Licenses & Permits	\$ -	\$ -	\$ -
Intergovernmental	\$ 41,506	\$ 16,000	\$ 57,506
Charges for Services	\$ -	\$ -	\$ -
Fines & Forfeitures	\$ -	\$ -	\$ -
Interest Earnings	\$ 3,015	\$ -	\$ 3,015
Miscellaneous	\$ -	\$ -	\$ -
Other Financing Sources	\$ -	\$ -	\$ -
Transfers In from Other Funds	\$ 3,192,834	\$ 267,000	\$ 3,459,834
Total Resources	\$ 3,411,864	\$ 283,000	\$ 3,694,864
Requirements			
Community Development	\$ -	\$ -	\$ -
Community Services	\$ -	\$ -	\$ -
Policy and Administration	\$ -	\$ -	\$ -
Public Works	\$ -	\$ -	\$ -
Program Expenditures Total	\$ -	\$ -	\$ -
Debt Service	\$ -	\$ -	\$ -
Loans	\$ -	\$ -	\$ -
Work-In-Progress	\$ 3,192,834	\$ 283,000	\$ 3,475,834
Transfers to Other Funds	\$ 55,881	\$ -	\$ 55,881
Contingency	\$ -	\$ -	\$ -
Total Budget	\$ 3,248,715	\$ 283,000	\$ 3,531,715
Reserve For Future Expenditure	\$ 163,149	\$ -	\$ 163,149
Total Requirements	\$ 3,411,864	\$ 283,000	\$ 3,694,864

Reference Budget Items: 15

Parks SDC Fund	Q1		Q2	
	Revised Budget	Amendment	Revised Budget	
Resources				
Beginning Fund Balance	\$ 1,124,011	\$ -	\$ 1,124,011	
Property Taxes	\$ -	\$ -	\$ -	
Franchise Fees	\$ -	\$ -	\$ -	
Licenses & Permits	\$ 476,336	\$ -	\$ 476,336	
Intergovernmental	\$ -	\$ -	\$ -	
Charges for Services	\$ -	\$ -	\$ -	
Fines & Forfeitures	\$ -	\$ -	\$ -	
Interest Earnings	\$ 19,782	\$ -	\$ 19,782	
Miscellaneous	\$ -	\$ -	\$ -	
Other Financing Sources	\$ -	\$ -	\$ -	
Transfers In from Other Funds	\$ -	\$ -	\$ -	
Total Resources	\$ 1,620,129	\$ -	\$ 1,620,129	
Requirements				
Community Development	\$ -	\$ -	\$ -	
Community Services	\$ -	\$ -	\$ -	
Policy and Administration	\$ -	\$ -	\$ -	
Public Works	\$ -	\$ -	\$ -	
Program Expenditures Total	\$ -	\$ -	\$ -	
Debt Service	\$ -	\$ -	\$ -	
Loans	\$ -	\$ -	\$ -	
Work-In-Progress	\$ 12,000	\$ -	\$ 12,000	
Transfers to Other Funds	\$ 1,130,602	\$ 89,000	\$ 1,219,602	
Contingency	\$ 71,615	\$ (89,000)	\$ (17,385)	
Total Budget	\$ 1,214,217	\$ -	\$ 1,214,217	
Reserve For Future Expenditure	\$ 405,912	\$ -	\$ 405,912	
Total Requirements	\$ 1,620,129	\$ -	\$ 1,620,129	

Reference Budget Items: 15

	Q1 Revised Budget	Amendment	Q2 Revised Budget
Transportation CIP Fund			
Resources			
Beginning Fund Balance	\$ 356,422	\$ -	\$ 356,422
Property Taxes	\$ -	\$ -	\$ -
Franchise Fees	\$ -	\$ -	\$ -
Licenses & Permits	\$ -	\$ -	\$ -
Intergovernmental	\$ 200,000	\$ -	\$ 200,000
Charges for Services	\$ -	\$ -	\$ -
Fines & Forfeitures	\$ -	\$ -	\$ -
Interest Earnings	\$ -	\$ -	\$ -
Miscellaneous	\$ -	\$ -	\$ -
Other Financing Sources	\$ -	\$ -	\$ -
Transfers In from Other Funds	\$ 3,315,787	\$ 1,100,000	\$ 4,415,787
Total Resources	\$3,872,209	\$ 1,100,000	\$ 4,972,209
Requirements			
Community Development	\$ -	\$ -	\$ -
Community Services	\$ -	\$ -	\$ -
Policy and Administration	\$ -	\$ -	\$ -
Public Works	\$ -	\$ -	\$ -
Program Expenditures Total	\$ -	\$ -	\$ -
Debt Service	\$ -	\$ -	\$ -
Loans	\$ -	\$ -	\$ -
Work-In-Progress	\$ 3,513,480	\$ 1,100,000	\$ 4,613,480
Transfers to Other Funds	\$ 44,613	\$ -	\$ 44,613
Contingency	\$ -	\$ -	\$ -
Total Budget	\$3,558,093	\$ 1,100,000	\$ 4,658,093
Reserve For Future Expenditure	\$ 314,116	\$ -	\$ 314,116
Total Requirements	\$3,872,209	\$ 1,100,000	\$ 4,972,209

Reference Budget Items: 15

	Q1 Revised Budget	Amendment	Q2 Revised Budget
City Gas Tax Fund			
Resources			
Beginning Fund Balance	\$ 1,681,510	\$ -	\$ 1,681,510
Property Taxes	\$ -	\$ -	\$ -
Franchise Fees	\$ -	\$ -	\$ -
Licenses & Permits	\$ -	\$ -	\$ -
Intergovernmental	\$ 739,934	\$ -	\$ 739,934
Charges for Services	\$ -	\$ -	\$ -
Fines & Forfeitures	\$ -	\$ -	\$ -
Interest Earnings	\$ 34,584	\$ -	\$ 34,584
Miscellaneous	\$ 31,735	\$ -	\$ 31,735
Other Financing Sources	\$ -	\$ -	\$ -
Transfers In from Other Funds	\$ -	\$ -	\$ -
Total Resources	\$2,487,763	\$ -	\$ 2,487,763
Requirements			
Community Development	\$ -	\$ -	\$ -
Community Services	\$ -	\$ -	\$ -
Policy and Administration	\$ -	\$ -	\$ -
Public Works	\$ -	\$ -	\$ -
Program Expenditures Total	\$ -	\$ -	\$ -
Debt Service	\$ 315,860	\$ -	\$ 315,860
Loans	\$ -	\$ -	\$ -
Work-In-Progress	\$ -	\$ -	\$ -
Transfers to Other Funds	\$ 883,125	\$ 1,100,000	\$ 1,983,125
Contingency	\$ 50,000	\$ -	\$ 50,000
Total Budget	\$1,248,985	\$ 1,100,000	\$ 2,348,985
Reserve For Future Expenditure	\$1,238,778	\$ (1,100,000)	\$ 138,778
Total Requirements	\$2,487,763	\$ -	\$ 2,487,763

AIS-1983

6.

Business Meeting

Meeting Date: 01/27/2015

Length (in minutes): 10 Minutes

Agenda Title: Adopt Ordinance adopting TVF&R Fire Code Ordinance No. 14-02

Prepared For: Kenny Asher, Community Development

Submitted By: Mark VanDomelen, Community Development

Item Type: Ordinance

Meeting Type: Council
Business
Meeting -
Main

Public Hearing: No

Publication Date:

Information

ISSUE

Shall the Tigard City Council adopt an ordinance adopting Tualatin Valley Fire & Rescue (TVF&R) Ordinance No. 14-02, thus adopting the most recent edition of the Oregon Fire Code and allowing TVF&R to provide fire prevention and firefighting services for the City of Tigard. This item is to replace the recently adopted ordinance 14-01 due to some technical changes brought on by the State of Oregon's adoption schedule of the Oregon Fire Code.

STAFF RECOMMENDATION / ACTION REQUEST

Staff recommends adopting the City of Tigard Ordinance adopting TVF&R ordinance 14-02 and the Oregon Fire Code.

KEY FACTS AND INFORMATION SUMMARY

The Building Division enforces the State Specialty Codes in the City of Tigard as identified in Chapter 14.04 of the Tigard Municipal Code. Under authority of ORS 455.150, the City administers the Specialty Codes (structural, plumbing, electrical, mechanical, and residential) as adopted by the State of Oregon.

Fire prevention and firefighting services are provided to the City of Tigard by Tualatin Valley Fire and Rescue (TVF&R). Oregon law, under ORS 478.924, requires local fire districts to adopt the Oregon Fire Code by local ordinance. This allows the fire district to review appeals to code rulings and issue interpretations at the local level.

The City of Tigard Building Division works in partnership with TVF&R by reviewing plans and performing inspections to ensure all new construction complies with the requirements of the most recently adopted Oregon Fire Code. TVF&R provides a liaison to work with the Current Planning Division to review land use development cases and assist the Building

Division with Fire Code requirements.

TVF&R has adopted the most recent Oregon Fire Code through TVF&R ordinance No. 14-02. Tigard has historically adopted TVF&R's ordinance with a City of Tigard Ordinance. The most recent City of Tigard ordinance No. 14-10 would be repealed with the adoption of the new ordinance.

Attachment 3 is a Q&A document provided by TVF&R regarding the above requirements.

OTHER ALTERNATIVES

There are no alternatives under the current City agreement with TVF&R.

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

N/A

DATES OF PREVIOUS COUNCIL CONSIDERATION

October 23, 2007; September 28, 2010; May 13, 2014

Fiscal Impact

Fiscal Information:

N/A

Attachments

Ordinance

Exhibit A -TVF&R Ordinance 14-02

TVF&R Fire Code Ordinance 14-01 Q&A

CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
ORDINANCE NO. 15-

AN ORDINANCE ADOPTING TUALATIN VALLEY FIRE & RESCUE ORDINANCE NO. 14-02 ADOPTING THE 2014 OREGON FIRE CODE AND REPEALING CITY OF TIGARD ORDINANCE NO. 14-10

WHEREAS, the City of Tigard enforces the State Building Code under the authority of ORS 455.150 within in the City of Tigard; and

WHEREAS, Tualatin Valley Fire & Rescue (TVF&R) provides fire prevention and firefighting services to the City of Tigard; and

WHEREAS, it is necessary to adopt TVF&R Ordinance No. 14-02 in order for TVF&R to apply the Oregon Fire Code within the City of Tigard.

NOW, THEREFORE, THE CITY OF TIGARD ORDAINS AS FOLLOWS:

SECTION 1: Pursuant to ORS 478.924, the 2014 Oregon Fire Code as adopted by Tualatin Valley Fire and Rescue, a Rural Fire Protection District as Ordinance 14-02 (Exhibit A), is hereby adopted by the City of Tigard as the City's Fire Code.

SECTION 2: Ordinance No. 14-10 is hereby repealed.

SECTION 3: This ordinance shall be effective 30 days after its passage by the Council, signature by the Mayor, and posting by the City Recorder.

PASSED: By _____ vote of all Council members present after being read by number and title only, this ____ day of _____, 2015.

Carol A. Krager, Deputy City Recorder

APPROVED: By Tigard City Council this ____ day of _____, 2015.

John L. Cook, Mayor

Approved as to form:

City Attorney

Date

ORDINANCE 14-02

AN ORDINANCE ADOPTING FIRE CODES AND STANDARDS FOR TUALATIN VALLEY FIRE AND RESCUE, A RURAL FIRE PROTECTION DISTRICT, PROVIDING FOR A REASONABLE LEVEL OF LIFE SAFETY AND PROPERTY PROTECTION FROM THE HAZARDS OF FIRE, EXPLOSION OR DANGEROUS CONDITIONS IN NEW AND EXISTING BUILDINGS, STRUCTURES, AND PREMISES AND TO PROVIDE SAFETY TO FIREFIGHTERS AND EMERGENCY RESPONDERS DURING EMERGENCY OPERATIONS, AND REPEALING ORDINANCE 10-02 AND 14-01.

WHEREAS, Tualatin Valley Fire & Rescue, A Rural Fire Protection District, has developed uniform fire regulations for the jurisdictions served; and

WHEREAS, Tualatin Valley Fire and Rescue, A Rural Fire Protection District, hereinafter referred to as the District, finds it necessary to adopt regulations that establish a minimum level of fire safety, thus does hereby adopt the following regulations; and now, therefore;

IT IS ORDAINED AS FOLLOWS:

TITLE AND FILING:

This ordinance, including the codes hereby adopted, shall be filed in the records of the District and in the office of Washington, Multnomah, and Clackamas County Clerks and Oregon State Fire Marshal's office as prescribed by ORS 478.940. A copy shall be posted at each fire station within the District. From the date on which this ordinance shall take effect, provisions thereof shall be controlling within the territorial limits of the District and within each city and county within the District approving pursuant to ORS 478.924. The whole of this ordinance shall be known as the Fire Prevention Code and may be referred to as the Fire Code and shall be enforced by the Fire Marshal's Office created by Ordinance 91-02.

SCOPE:

The purpose of this code is to establish the minimum requirements consistent with nationally recognized good practice for providing a reasonable level of life safety and property protection from the hazards of fire, explosion or dangerous conditions in new and existing buildings, structures and premises and to provide safety to firefighters and emergency responders during emergency operations as authorized by ORS 478.910.

SECTION I – ADOPTION OF THE DISTRICT'S FIRE CODE:

For the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, except as amended under Sections II and III below, the Oregon Fire Code adopted by the Oregon State Fire Marshal, as it may be amended from time to time, is hereby adopted as the District's Fire Code.

SECTION II – ENFORCEMENT OF FIRE CODE

Notwithstanding provisions in the Oregon Fire Code authorizing or requiring inspections of buildings and premises or testing of fire protection systems and equipment, e.g., Sections 106, or provisions providing for enforcement of the Code, such inspections, testing, and enforcement of the Code shall be discretionary by the Chief and other individuals charged by the Chief with such activities. The District recognizes that it has limited financial resources with which to provide fire, rescue, and other services and functions and is forced to make public policy decisions as to allocation of District resources. Although the District places a high

priority on prevention, inspection, and maintenance of fire systems, due to financial limitations, it is the Board's policy to require inspections only so often as necessary to provide a reasonable level of fire and life safety. Accordingly, although the Fire Chief and other individuals charged by the Chief with these activities are encouraged to pursue them, performing such activities, as well as the scope and frequency of such activities, shall be within the discretion of the Fire Chief. It is the intention of the District to make clear that the District's duty to perform the inspections and testing, or to take enforcement actions as set forth in the Code, is limited to providing a reasonable level of fire and life safety. Such actions are discretionary.

SECTION III – AMENDMENTS TO THE OREGON FIRE CODE:

The Oregon Fire Code is hereby amended as follows:

1. The following new SECTION 907.7.6 is added:

907.6.5.3 Alarm Verification. Supervising Stations shall not retransmit alarm signals to Public Fire Service Dispatch and Communications Centers until an attempt is made to verify the accuracy of the alarm signal at the Protected Premises. Verification attempt shall be made within 90 seconds of receipt of alarm signal. If the Protected Premises is contacted and can confirm that no fire or emergency condition exists, then the alarm signal shall not be retransmitted. In all other situations, the alarm signal shall be immediately retransmitted. This section modifies the retransmission requirements of NFPA 72. Nothing in this section is intended to permit delay of notification devices and evacuation at the Protected Premises.

Exception: Waterflow alarms and Manual Pull Station alarms shall be immediately retransmitted without verification where they can be distinguished by the Supervising Station from other alarm initiating devices at the Protected Premises.

SECTION IV – PENALTIES

Any person who violates any of the provisions of these regulations hereby adopted or fails to comply therewith, or violates or fails to comply with any order made thereunder, or who builds in violation of any detailed statements, specification or plans submitted and approved thereunder and from which no appeal has been taken, or shall fail to comply with such an order as affirmed or modified by the Board of Appeals or by a court of competent jurisdiction within the time affixed herein, shall severally, for each and every such violation and non-compliance respectively, be guilty of a violation of the Fire Prevention Code as provided in ORS 478.930, punishable upon conviction as prescribed by ORS 478.990. All fines or punishments authorized upon conviction shall include the costs to the District to remedy the violation including costs of towing, storage, or removal of the hazard or obstruction if necessary.

The Chief or designated representative may bring a complaint in law or in equity to alleviate a violation of this ordinance as well as in addition to the rights to enforce said ordinance under the provisions of ORS 478.930 and ORS 478.990.

SECTION V – FIRE CODE BOARD OF APPEALS

As authorized by ORS 479.180, the District may establish a board of appeals. Such board of appeals may be implemented through bylaws and other procedures adopted by ordinance of the District. In the event that the District Board adopts a board of appeals, the provisions of this ordinance, where appropriate, are subject to the board of appeals procedures.

SECTION VI – REPEAL OF CONFLICTING ORDINANCES

The provisions of this ordinance, i.e., the Fire Code, shall be controlling within the territorial limits of the District and within each city and county within the District approving pursuant to ORS 478.924. An existing fire code ordinance has been approved within each city and county within the District. The District desires that the existing fire code continue in effect until such time as the cities and counties within the District have approved this new Fire Code pursuant to ORS 478.924. Accordingly, all former ordinances or parts thereof, which are conflicting or inconsistent with the provisions of this ordinance or of the code or standards hereby adopted, are hereby repealed, effective on the effective date of this ordinance; provided, however, that Ordinance 10-02 or 14-01 shall continue in effect in each city or county which has approved it until the city or county approves this Ordinance 14-02. Further, prosecutions or violations under repealed ordinances may continue after the effective date of this ordinance.

SECTION VII – VALIDITY

The District hereby declares that should any section, paragraph, sentence, or word of this ordinance or of the Codes or Standards hereby adopted be declared for any reason to be invalid, it is the intent of the District that it would have passed all other portions of this ordinance independent of the elimination of any such portion as may be declared invalid.

SECTION VIII – DATE OF EFFECT

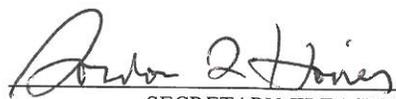
The Board of Directors of the Fire District finds and determines that it is necessary and expedient that the provisions of this ordinance become effective 30 days following adoption, as authorized by ORS 198.570.

First reading by Title only this 22nd day of July, 2014.

Second reading by Title only this 26th day of August, 2014.

PASSED by the District this 26th day of August, 2014.


PRESIDENT


SECRETARY-TREASURER

Fire Code Ordinance 14-01 Q&A

- Q:** If the State of Oregon already adopts the 2014 Oregon Fire Code, why do cities and counties served by TVF&R need to pass a resolution approving this TVF&R Ordinance?
- A:** ORS 478.910 requires a fire district board to adopt their fire prevention code in accordance with ORS 198.510 to 198.600. Following adoption by TVF&R's Board, ORS 478.924 further mandates that any city or county within the district must also approve the fire code by resolution. If not adopted in a city or county, a legal uncertainty would exist about which agency has jurisdiction over fire code enforcement, plan review services, application of local amendments, appeals board proceedings, and more.
- Q:** Why did TVF&R adopt a new fire code ordinance? What's wrong with the existing one?
- A:** Nothing is wrong, per se, with our current fire code ordinance. The International Code Council develops and publishes a new edition of the International Fire Code every three years, which is subsequently adopted by the Oregon Office of State Fire Marshal. In order for TVF&R to maintain exempt fire district status with the State of Oregon, we are required by OAR 837-039-0015 to adopt regulations that are consistent with minimum state fire code standards. This is nearly identical to the process by which the state adopts other construction codes, such as building, mechanical, plumbing, etc.
- Q:** What is "Exempt Status?"
- A:** TVF&R is an Exempt Jurisdiction per OAR 837, Division 39, meaning that, in the opinion of the State Fire Marshal, we have enacted adequate regulations generally conforming to state and national standards concerning fire prevention, fire safety measures, and building construction requirements for safety. We also provide reasonable enforcement of those regulations.

Exempt status allows TVF&R to maintain local control and local delivery of all services related to fire code compliance within our Fire District, including required input on construction plans, providing fire code enforcement and assistance, fire safety inspections of commercial buildings, and more. If TVF&R were not an Exempt Jurisdiction, the State Fire Marshal's Office, headquartered in Salem, would have jurisdiction over fire code enforcement. We believe that fire code services are best delivered at the local level, where TVF&R is able to provide the highest degree of customer service to our local government partners, residents, and business community.

- Q:** Why does TVF&R have local amendments to the Fire Code?
- A:** State law allows local fire districts to modify the fire code as deemed appropriate. There is only amendment in this Ordinance, targeting the significant problem of false automatic alarms in our region. Historically, nearly 1 in 10 emergency calls are false alarms dispatched by automatic alarm systems primarily at commercial occupancies - resulting in a huge cost to our taxpayers. False alarms take emergency crews out of service, so they are unavailable for true emergencies, and responding to thousands of false alarms puts emergency apparatus on the road unnecessarily, adding risk to both responders and the public.

The amendment of the fire code requires that alarm monitoring companies attempt to verify the accuracy of alarms in commercial buildings prior to retransmitting to 911 centers, a precaution already taken in household alarm systems for nearly 20 years. This has no impact on the design or construction of buildings – it only impacts how alarm signals are handled by the offsite alarm monitoring companies. This is simply a continuation of a requirement placed in the last ordinance that has helped reduce false alarms by approximately 30%.

AIS-1995

7.

Business Meeting

Meeting Date: 01/27/2015

Length (in minutes): 10 Minutes

Agenda Title: Transfer three city-owned properties to the City Center Development Agency

Submitted By: Sean Farrelly, Community Development

Item Type: Resolution

Meeting Type: Council Business Meeting - Main

Public Hearing No

Newspaper Legal Ad Required?:

Public Hearing Publication

Date in Newspaper:

Information

ISSUE

Council is requested to consider transfer of three city-owned contiguous parcels in the vicinity of Burnham Street and Ash Avenue to the City Center Development Agency.

STAFF RECOMMENDATION / ACTION REQUEST

Staff recommends that Council approve the resolution to transfer three contiguous parcels to the Tigard City Center Development Agency.

KEY FACTS AND INFORMATION SUMMARY

Municipal Code Chapter 3.44 allows the transfer of city property to an established urban renewal agency under certain conditions. Council can transfer city property to the urban renewal agency provided the council makes these findings:

1. Transfer to the urban renewal agency for redevelopment or other purpose is consistent with and will further the goals and objectives of the adopted urban renewal plan for the agency;
2. The property is not needed for public use by the city or the public interest would be furthered by such transfer; and
3. Transfer of the property is otherwise permitted by law.

Three city-owned contiguous properties (Tax lots 2S102AD02800, 2S102AD02900, and 2S102AD03000), which currently comprise the Ash Avenue Public Works Yard and the Ash

Avenue Dog Park, are recommended for transfer to the City Center Development Agency (CCDA).

This transfer is supported by these findings:

1. Goal 5 of the City Center Urban Renewal Plan is to “Promote high quality development of retail, office and residential uses that support and are supported by public streetscape, transportation, recreation and open space investments”. The City Center Development Agency intends to induce redevelopment on these parcels to bring new residents to Downtown, promote revitalization and increase property tax revenue. Transfer to the urban renewal agency for redevelopment or other purpose is consistent with, and furthers the goals and objectives of, the adopted urban renewal plan.
2. Transfer to the Agency furthers the public interest as it will enable private sector investment and development, promote an economically vibrant downtown area, provide residential housing opportunities, proximity to transit service, and increase property tax revenues benefitting all city residents.
3. The City has authority under Oregon State law (ORS 271.310) to dispose of real property when the public interest would be furthered.

These properties were not purchased by funds that need to be reimbursed (for example, gas tax), so staff recommends that the property be transferred to the Tigard City Center Development Agency without compensation (see Fiscal Impact section).

OTHER ALTERNATIVES

Council could choose not to transfer the property, which would delay redevelopment in the urban renewal district.

COUNCIL OR CCDA GOALS, POLICIES, MASTER PLANS

City Center Urban Renewal Plan

Tigard City Council 2015-2017 Goals

Make Downtown Tigard a Place Where People Want to Be

-Support residential and mixed use development in walkable and transit-supported areas by completing the Ash Ave/Burnham Redevelopment project

Tigard Comprehensive Plan

Economic Development

Goal 9.1 Develop and maintain a strong, diversified, and sustainable local economy

Goal 9.3 Make Tigard a prosperous and desirable place to live and do business

Housing

Goal 10.1 Provide opportunities for a variety of housing types to meet the diverse housing needs of current and future City residents.

Special Planning Areas- Downtown
Goal 15.2 Facilitate the development of an urban village.

DATES OF PREVIOUS CONSIDERATION

Tigard Municipal Code amendment, November 25, 2014

Fiscal Impact

Cost: n/a

Budgeted (yes or no): n/a

Where Budgeted (department/program): n/a

Additional Fiscal Notes:

The three properties have an appraised value of \$1.6 million. The redevelopment of the currently tax-exempt properties will result in an increase in property taxes for all taxing jurisdictions, including the city and urban renewal agency.

Attachments

Resolution

Map

CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
RESOLUTION NO. 15-

A RESOLUTION TRANSFERRING OWNERSHIP OF THREE CITY-OWNED CONTIGUOUS PARCELS (TAX LOTS 2S102AD02800, 2S102AD02900, AND 2S102AD03000) TO THE TIGARD CITY CENTER DEVELOPMENT AGENCY

WHEREAS, Section 3.44.30 of the Tigard Municipal Code authorizes Council to transfer real property to an urban renewal agency established by the Council pursuant to ORS Chapter 457 on such terms and conditions as the Council deems appropriate and upon making the required findings; and

WHEREAS, staff has proposed and recommends that the above-referenced properties be transferred to the City Center Development Agency and the Council being fully apprised of the relevant facts and considerations,

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

SECTION 1. Findings:

- A. The City Center Development Agency was established by Council pursuant to ORS Chapter 457;
- B. Goal 5 of the City Center Urban Renewal Plan is to “Promote high quality development of retail, office and residential uses that support and are supported by public streetscape, transportation, recreation and open space investments”. The City Center Development Agency intends to induce redevelopment on these parcels to bring new residents to Downtown, promote revitalization and increase property tax revenue. Transfer to the urban renewal agency for redevelopment or other purpose is consistent with, and furthers the goals and objectives of, the adopted urban renewal plan;
- C. Transfer to the Agency furthers the public interest as it will enable private sector investment and development, promote an economically vibrant downtown area, provide residential housing opportunities, proximity to transit service, and increase property tax revenues benefitting all city residents.
- D. The City has authority under Oregon State law (ORS 271.310) to dispose of real property when the public interest would be furthered.

SECTION 2. Ownership of tax lots 2S102AD02800, 2S102AD02900, and 2S102AD03000) hereby is authorized to be transferred to the Tigard City Center Development Agency.

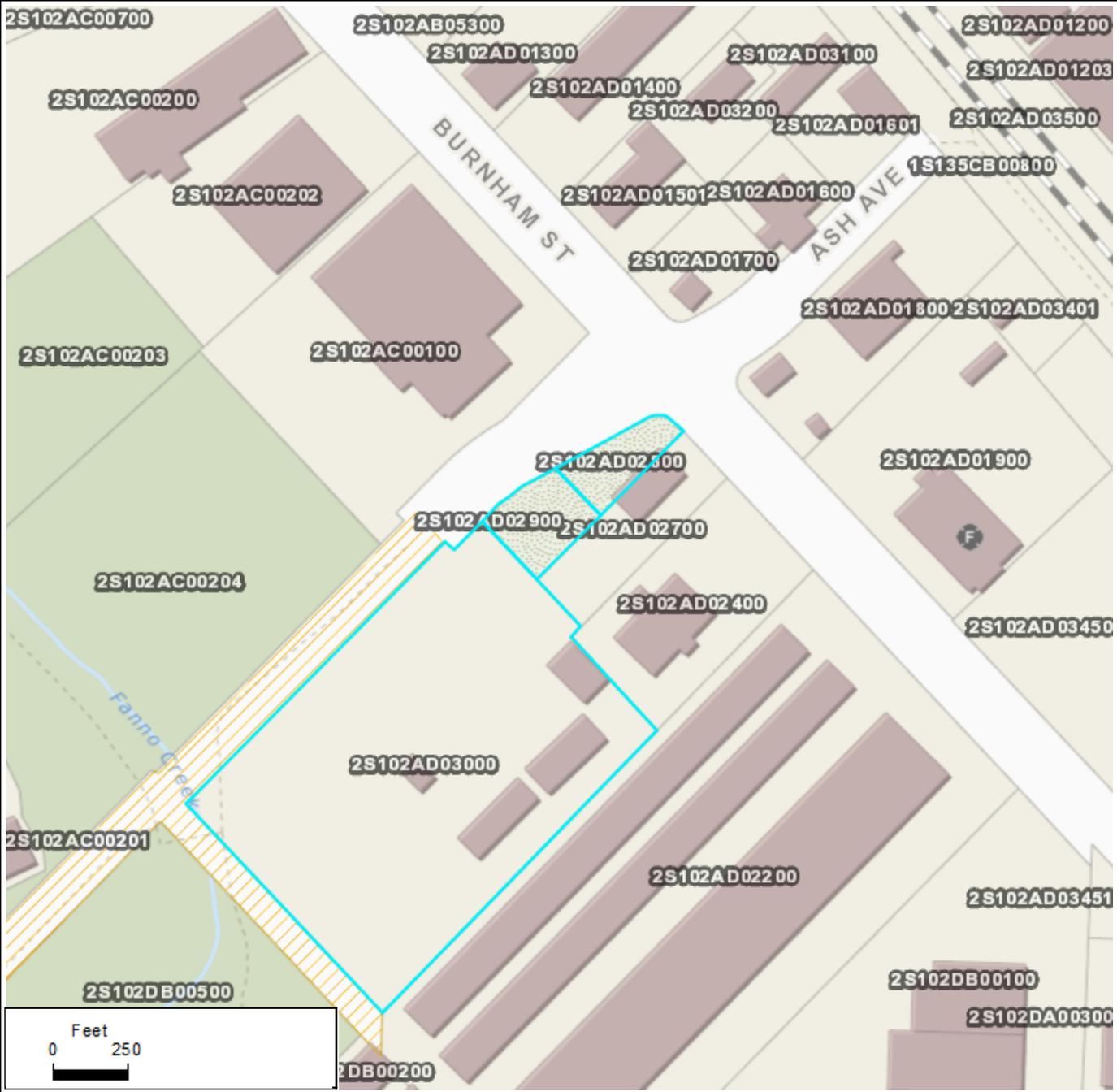
SECTION 3: This Resolution is effective immediately upon passage. The City Manager hereby is authorized to execute a deed and such other documents as are necessary to effectuate the transfer, in consultation with the City Attorney.

PASSED: This _____ day of _____ 2015.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard



**2S102AD02800,
2S102AD02900, and
2S102AD03000**

Map printed at 04:59 PM on 12-Jan-15

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City of Tigard
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Tigard, OR 97223
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AIS-2091

8.

Business Meeting

Meeting Date: 01/27/2015

Length (in minutes): 10 Minutes

Agenda Title: Briefing on an IGA with Metro for Planning and Public Involvement Work Related to the Southwest Corridor Plan

Prepared For: Mark Bernard

Submitted By: Mark Bernard, Community Development

Item Type: Update, Discussion, Direct Staff

Meeting Type: Council Business Meeting - Main

Public Hearing No

Newspaper Legal Ad Required?:

Public Hearing Publication

Date in Newspaper:

Information

ISSUE

Shall the Council approve an intergovernmental agreement (IGA) with Metro for ongoing planning and public involvement work related to the Southwest Corridor Plan and authorize the City Manager to sign the IGA at the February 10, 2015 City Council meeting?

STAFF RECOMMENDATION / ACTION REQUEST

Approve the IGA and authorize the City Manager to sign it at the February 10, 2015 meeting.

KEY FACTS AND INFORMATION SUMMARY

Planning for high capacity transit (HCT) along the Southwest Corridor from downtown Portland to Tigard and Tualatin has been underway since the adoption of the Corridor Plan Charter in December 2011. Metro identified the Southwest Corridor as the highest priority in the region for HCT planning in 2010 to relieve congestion on I-5 and along Hwy 99W through Tigard, improve transit service, and enhance quality of life for those who live, work and recreate in the area. The planning process to date has considered several HCT alignments along the corridor involving Bus Rapid Transit (BRT) and Light Rail transit (LRT) with complimentary parks access, and bicycle and pedestrian connections.

A Steering Committee of elected officials and agency representatives has guided the planning

effort. It has accepted several recommendations from regional staff to: pursue a shared investment strategy in July 2013 with investments in roadway, bicycle, pedestrian, parks, trails and natural area projects that support community visions, while considering HCT options; accept a narrowed set of HCT design options in June 2014; and delay the required Draft Environmental Impact Statement (DEIS) process until a single HCT design option has been selected.

Delaying the DEIS process until the selection of a Locally Preferred Alternative (LPA) reduces planning costs by limiting the design options that will undergo the federal comprehensive environmental review.

This IGA with Metro covers Phase 2 of Southwest Corridor planning activities, including renewed public outreach, further design option refinement during a Focused Refinement Period (including a determination of LRT or BRT transit mode), and delivery of a DEIS. This matter is related to the Second Quarter Supplemental Amendment agenda item (Form No. 1953) to authorize \$185,000 for FY 14/15 as Tigard's share of the regional allocation for Southwest Corridor planning work. Payment will be due to Metro within thirty (30) days of the execution of the IGA. The remaining \$190,000 included in the IGA for FY 15/16 will be due to Metro on or before July 15, 2015.

Staff worked with Metro staff on developing Exhibit A to the IGA, which outlines the process to develop the LPA, and completes the subsequent DEIS.

The IGA and Exhibit A have been reviewed by the City Attorney. A resolution approving the IGA and authorizing the City Manager to sign it has been added to the February 10th Consent agenda for council consideration.

OTHER ALTERNATIVES

The council could propose changes to the IGA.

COUNCIL OR CCDA GOALS, POLICIES, MASTER PLANS

Tigard Strategic Plan:

Goal 1 "Facilitate walking connections to develop an identity."

Objective 2 "The trail system is used for all kinds of trips."

- "The walking/transit connection is creatively engaged."
- "The transit waiting experience is improved."
- "Sidewalks are a part of the plan, especially in relation to connections to transit stops."

Tigard Comprehensive Plan:

Goal 12.1 "Develop mutually supportive land use and transportation plans to enhance the livability of the community."

Policy 3 "The City shall maintain and enhance transportation functionality by emphasizing multi-modal travel options for all types of land uses."

Policy 4 "The City shall promote land uses and transportation investments that promote balanced transportation options."

Policy 5 "The City shall develop plans for major transportation corridors and provide

appropriate land uses in and adjacent to those corridors."

Goal 15.4 "Develop comprehensive street and circulation improvements for pedestrians, automobiles, bicycles and transit."

Policy 1 "The downtown shall be served by a complete array of multi-modal transportation services including auto, transit, bike and pedestrian facilities."

Policy 2 "The downtown shall be Tigard's primary transit center for rail and bus transit service and supporting land uses."

Tigard Transportation System Plan:

Goal 3: Multi-modal Transportation System "Provide an accessible, multi-modal transportation system that meets the mobility needs of the community."

Policy 2 "The city shall engage with regional partners to support development of high capacity transit serving the Tigard area."

Policy 10 "The city shall require appropriate access to bicycle and pedestrian facilities for all schools, parks, public facilities and commercial areas."

Tigard High Capacity Transit Land Use Plan:

Serves as a tool for implementing Tigard's vision for HCT station communities consistent with Southwest Corridor planning and local adopted plans.

Tigard City Center Urban Renewal Plan:

Goal 3: "Downtown's transportation system should be multi-modal, connecting people, places and activities safely and conveniently."

Tigard Greenway Trail System Master Plan:

Has an objective to "increase opportunities for walking, bicycling and accessing transit by identifying and developing trail improvement projects that complete the greenway trail system."

Tigard Neighborhood Trails Plan:

Has an objective to "focus on connections that enhance the broader transportation network, including sidewalks, trails and transit routes."

DATES OF PREVIOUS CONSIDERATION

Resolution No. 12-33 on August 21, 2012, submitting to the voters a proposed charter amendment which would require a public vote prior to imposing new local taxes or fees to fund light rail construction.

Resolution No. 13-42 on September 24, 2013, submitting to the voters a proposed charter amendment to be considered at the March 11, 2014 special election.

Resolution No. 13-43 on October 8, 2013, endorsing the Southwest Corridor Plan and shared investment strategy.

Resolution No. 14-11 on February 11, 2014, opposing ballot measure 34-210, a measure to adopt Tigard policy opposing new HCT projects.

Fiscal Impact

Cost: \$375,000

Budgeted (yes or no): Partially

Where Budgeted (department/program): General Fund/Community Development

Additional Fiscal Notes:

The FY 2015 budget includes \$185,000 in General Fund Contingency. That Contingency was set aside for the DEIS during the budget process. The Second Quarter Supplemental for FY 2015 includes a request to move the \$185,000 from General Fund Contingency to the Community Development Department budget within the General Fund. The budget for FY 2016 will include a request for the \$190,000 due on July 15, 2015.

Attachments

Tigard DEIS IGA

**INTERGOVERNMENTAL AGREEMENT
TRANSPORTATION PROJECT FUNDING AGREEMENT**

This Intergovernmental Agreement (“Agreement”) is made and entered into by and between the City of Tigard (“Tigard”) and Metro, effective as of the date of last signature below.

RECITALS

- A. Tigard is a city organized under the laws of the State of Oregon and the Tigard Charter.
- B. Metro is an Oregon metropolitan service district organized under the laws of the State of Oregon and the Metro Charter.
- C. The “Southwest Corridor” is a transportation corridor located between downtown Portland and Sherwood, in Oregon. Metro and its regional partners, including TriMet, have initiated a comprehensive land use and transportation planning study to create a plan that will identify and prioritize public investments in the Southwest Corridor (the “Southwest Corridor Plan” or “Plan”).
- D. The Southwest Corridor Plan is advancing in two phases. The first phase of the Plan is complete and resulted in the creation of the Southwest Corridor Shared Investment Strategy (the “Shared Investment Strategy”) endorsed by the Southwest Corridor Plan Steering Committee (“Steering Committee”).
- E. The Shared Investment Strategy identifies a need for enhanced local transit service, further study of high capacity transit (“HCT”) from Portland to Tualatin via Tigard, over 60 roadway and active transportation projects that support the transit and the land use vision endorsed by the Steering Committee (the “Land Use Vision”), over 400 parks and natural resource projects that support the Land Use Vision, and a toolkit of policies and incentives to support development characteristic of the Land Use Vision.
- F. In December 2014, the Steering Committee decided to develop a locally-driven package of transportation solutions prior to entering the federal planning process. During this second phase of the Southwest Corridor planning process (“Phase 2”), Metro will refine the projects and strategies identified in Phase 1, including the HCT element of the Shared Investment Strategy, which will require refinement prior to commencing analysis of the environmental impacts of the Southwest Corridor Plan.
- G. Tigard and Metro collaborated on Phase 1 of the Plan, as agreed in the Southwest Corridor Plan Charter adopted by the Steering Committee in December 2011 and endorsed by project partner jurisdictions. Now, Tigard and Metro desire to work together during Phase 2 of the Plan to, define a preferred alternative for HCT and priority multimodal projects, and complete a Draft Environmental Impact Statement for the Southwest Corridor HCT project that will enable TriMet to be

ready to construct an HCT project in the final phase of the Plan, if the project is otherwise approved by government entities with jurisdiction.

- H. The parties are entering into this Agreement to document each Party's understanding as to the services to be performed and obligations of each Party during this Phase 2.

NOW THEREFORE, the premises being in general as stated in the foregoing recitals, it is agreed by and between the parties hereto as follows:

TERMS OF AGREEMENT

- 1. SCOPE OF WORK.** Metro will complete a Focused Refinement Period, develop a Locally Preferred Alternative, and produce a Draft Environmental Impact Statement (the "Work"), consistent with the attached scope of work (Attachment A).
- 2. FUNDS TO METRO.** Recognizing the importance of implementing the Southwest Corridor Shared Investment Strategy by further study of the HCT project consistent with the Scope of Work, Tigard will pay Metro \$375,000 (hereafter "Funds") for the completion of the Work. Within thirty (30) days of execution of this IGA, Tigard will wire transfer \$185,000 to Metro. On or by July 15, 2015, Tigard will wire transfer the remaining \$190,000 to Metro.
- 3. APPLICATION OF FUNDS.** . Metro will apply the Funds, and all interest earnings on the Funds while held by Metro, if any, to pay for planning and public involvement efforts related to the Work. Any Funds and earnings on the Funds that are not so applied must be promptly returned to Tigard.
- 4. METRO RESPONSIBLE FOR CONTRACTS.** Metro is solely responsible for any and all contracts and subcontracts associated with the Work, including but not limited to procurement under applicable public contracting laws, contract management, and payments to contractors and subcontractors. Metro acknowledges that other than Tigard's payment of Funds to Metro, Tigard has no other obligation or responsibility for the Work.
- 5. INDEMNITY.** To the extent permitted by the Oregon Constitution and the Oregon Tort Claims Act, Metro agrees to defend, indemnify, and hold harmless Tigard, its officers, employees, and agents, from and against any and all claims relating to or arising out of the Work or any and all contracts related to the Work.
- 6. TERMINATION.** This Agreement may be terminated by mutual written consent of both parties. If this Agreement is terminated while Metro holds any unexpended and unobligated SW Corridor Funds or earnings, Metro will pay those proceeds and earnings to Tigard promptly after termination, proportionate to Tigard's original contribution to the Work and the amount of the total Work completed. Any termination of this Agreement does not prejudice any rights or obligations accrued to the parties prior to termination. If not earlier terminated, this Agreement will terminate when Metro completes the Work.

7. **MERGER; WAIVER.** This Agreement constitutes the entire agreement between the parties on the subject matter hereof. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Agreement. No waiver, consent, modification or change or terms of this Agreement shall bind either party unless in writing and signed by both parties and all necessary approvals have been obtained. Such waiver, consent modification or change, if made shall be effective only in the specific instance and for the specific purpose given.

IN WITNESS WHEREOF, the parties have agreed to the terms and conditions of this Agreement.

TIGARD

METRO

By: _____

By: _____

Name: Marty Wine

Name: _____

Title: City Manager

Title: _____

Date: March __, 2015

Date: _____

Approved as form:

Approved as to form:

EXHIBIT A:

Southwest Corridor Plan Preferred Package to Implement the Shared Investment Strategy and Coordinated Land Use Visions

The Southwest Corridor Plan is a comprehensive approach to achieving community visions through integrated land use and transportation planning. The Southwest Corridor Plan incorporates high capacity transit (HCT) alternatives, roadway, bicycle and pedestrian projects and adopted local land use visions, including the Barbur Concept Plan, the Tigard High Capacity Transit Land Use Plan, Linking Tualatin and the Sherwood Town Center Plan. In July 2013, the Southwest Corridor Plan Steering Committee recommended a shared investment strategy to include key investments in roadways, active transportation, parks, trails and natural areas along with options for HCT. The Plan is exploring Bus Rapid Transit (BRT) and Light Rail Transit (LRT) alternatives for several alignments that connect the Portland Central City, Southwest Portland, Tigard, and Tualatin.

A refinement study was initiated to narrow HCT options, identify a preferred alternative (PA) and create a subset of road and active transportation projects to be studied jointly in a Draft Environmental Impact Statement (DEIS) under the National Environmental Policy Act (NEPA). In June 2014, the Steering Committee accepted the recommendation of a narrowed set of HCT design options and directed staff to address specific issues in a more focused refinement. In December 2014, the Steering Committee directed project staff to integrate the work undertaken to address these additional questions into the development of a Preferred Package of transportation investments to support community land use goals that is anticipated to be defined in spring 2016.

Preferred Package:

As summarized here, project partners will work together to develop the following components in order to address needs and aspirations of corridor residents and businesses and develop a recommended Preferred Package:

- Prioritized list of key roadway, bicycle and pedestrian projects from the shared investment strategy
- Preferred High Capacity Transit options, including mode, alignment and terminus as defined in a Preferred Alternative (PA)
- Integrated Land Use and Development Strategies as part of developing a preferred package of transportation investments

Key elements of the process to develop an implementation plan for the roadway, bicycle and pedestrian projects as part of the Preferred Package:

1. Engage public discussion on the roadway, bicycle and pedestrian projects in the Shared Investment Strategy (SIS) and priorities for implementation.
2. Develop timeframes and identify potential funding sources for implementation of the SIS projects.

3. Work with TriMet to implement the Southwest Service Enhancement Plan local transit service improvement priorities.
4. Coordinate with other efforts to address mobility needs in the Southwest Corridor investment area.

Key elements of the process to develop the Preferred HCT Alternative (PA):

1. **Analysis to narrow HCT alternatives for further study.** In June 2014, the Steering Committee directed staff to address the following specific issues to further narrow the options:
 - a) **Assess alternative HCT options.** Evaluation guided by adopted Purpose and Need to inform Steering Committee recommendation on mode (BRT or LRT), terminus, and alignment choices for further study.
 - b) **Traffic analysis to assess tie-in options:** Additional traffic analysis and partner discussion to determine the best approach to tie into downtown Portland and the existing transit system.
 - c) **HCT branch service to Tigard and Tualatin:** Look at options for branched service to downtown Tigard and Tualatin to achieve operational efficiencies and reduce travel time.
 - d) **Adjacent to I-5:** Further examine and discuss the tradeoffs of providing HCT adjacent to I-5 rather than on Barbur Boulevard.
 - e) **OHSU Marquam Hill access:** Explore options for pedestrian/bicycle access to Marquam Hill from a surface alignment on Barbur or Naito, including outreach to neighborhoods, stakeholder groups, OHSU, Portland Parks and Recreation and the Veterans Hospital.
 - f) **Medium tunnel that serves Marquam Hill and Hillsdale:** Evaluate the benefits as compared to the costs of direct service with a tunnel that serves Marquam Hill with the medium tunnel that also serves Hillsdale. Outreach to communities and stakeholders regarding refined tunnel costs, construction impacts, travel time, ridership and equity issues. Explore alternative options to access important destinations.
 - g) **Hillsdale:** Evaluate the benefits as compared to the costs and travel time losses of directly or indirectly serving the town center and look at enhanced pedestrian/bicycle connections from Barbur Boulevard.
 - h) **Direct service to Portland Community College – Sylvania:** Assess the potential of a more robust pedestrian and bicycle connection from Barbur Boulevard to PCC along SW 53rd Ave while working with PCC and the neighborhood to understand the tradeoffs of direct service for the future of the campus.
 - i) **Funding strategy:** Complete a preliminary assessment of potential funding sources and a strategy for a future HCT investment and associated multimodal

projects to help inform Steering Committee and public conversations on HCT alignment choices.

2. **Preferred Alternative (PA).** Project partners will assess the positive and negative impacts of BRT and LRT options to define a Preferred Alternative to serve the needs in the Southwest Corridor, which would identify the preferred mode, alignment, and terminus. The Preferred Alternative and a select set of associated multimodal projects will be described in a Preferred Alternative Report and recommended for further study in a DEIS.
3. **Public involvement.** PA selection will include public involvement that aims to gain meaningful input from a diverse range of corridor stakeholders, and integrate this into the decision making and deliberation process in a transparent manner.

SW Corridor Plan Tangible Products Expected in FY 2014-15 and FY 2015-16:

- Work plan for development of the Preferred Alternative (PA) Package that includes an HCT package, and a set of roadway, bicycle and pedestrian projects that are coordinated with local land use vision and consider corridor and regional mobility needs.
- Staff recommendations on HCT options to advance in the Preferred Alternative:
 - HCT mode, terminus (including minimum operating segment(s)) and alignment options to study further:
 - Tie-in to the downtown
 - Tigard/Tualatin branch service
 - South Portland: Tunnels, Marquam Hill access, Naito improvements and Ross Island Bridgehead
 - Hillsdale direct service and alternatives
 - Barbur Stations/Adjacent to I-5
 - Portland Community College (PCC) Sylvania Campus service
- Staff recommendations on roadway, bicycle and pedestrian project funding as part of the Preferred Package.
- Public involvement activities to engage local communities in the development of recommendations and decisions.
- Steering Committee decisions on staff recommendations for the Preferred Package.

Project Budget:

- The total budget for the two year work plan, including FY14-15 and FY 15-16, inclusive of all partner contributions is \$9,680,000
- City of Tigard contribution: FY 14-15 \$185,000 and FY 15-16 \$190,000

Entities Responsible for Activities

- Metro: Lead Agency – Overall Southwest Corridor Plan and technical work, including:
 - Project Management
 - FTA Coordination
 - Committee Support
 - Technical Work and Consultant Management
 - Lead Public Involvement
 - Decision Process
- City of Tigard:
 - Committee participation
 - Technical review
 - Partner coordination and issues resolution
 - Support decision-making
 - Support Public Involvement Plan

Future work and the Draft Environmental Impact Statement (DEIS)

Following endorsement of the PA and Preferred Package by project partners and adoption by Metro Council, the PA will be studied in a DEIS along with associated multimodal projects. After this, the project will move into Project Development for more refined design and engineering while finalizing the environmental analysis (Final Environmental Impact Statement (FEIS)). With this schedule, the project could begin construction in 2019 and open for service in 2023.

SW Corridor HCT and its associated multimodal investments will undergo environmental review in accordance with NEPA, following FTA regulations and policies. The project will address related federal, state and local environmental laws, regulations and guidelines, affected environment of the potential alternatives and potential mitigation. Metro and FTA agreed that an Environmental Impact Statement (EIS) and Record of Decision (ROD) was the appropriate environmental process to follow.

AIS-2092

9.

Business Meeting

Meeting Date: 01/27/2015
Length (in minutes): 5 Minutes
Agenda Title: Upcoming Contract Discussion - Brownfields Initiative
Prepared For: Joseph Barrett
Submitted By: Joseph Barrett, Financial and Information Services
Item Type: Update, Discussion, Direct Staff
Meeting Type: Local Contract Review Board

Public Hearing No

Newspaper Legal Ad Required?:

Public Hearing Publication

Date in Newspaper:

Information

ISSUE

A discussion of an upcoming contract for the city's Brownfields Initiative that will be presented to the Local Contract Review Board for an award decision.

STAFF RECOMMENDATION / ACTION REQUEST

Staff is asking Council to provide direction and inform staff of any additional information they would like to have presented during the award presentation for this contract.

KEY FACTS AND INFORMATION SUMMARY

LOCIn May 2014, the city's Brownfields Grant proposal for Community-Wide Assessment was selected to receive funding from the U.S. Environmental Protection Agency Brownfields program. Two assessment grants were awarded, in the amount of \$400,000: \$200,000 for hazardous substances contamination and \$200,000 for petroleum contamination. On August 26, 2014, the city was issued a Cooperative Agreement for the total project cost of \$400,000 for July 7, 2014 through July 6, 2017. This grant will build on the city's 2013 \$25,000 grant from Business Oregon Brownfields Redevelopment Fund grant which funded an inventory of potential brownfields sites in downtown Tigard and two public meetings with downtown stakeholders, among other activities.

This grant will fund the city's Brownfield Initiative. Brownfield redevelopment is necessary for Tigard to become a more livable, walkable and economically resilient community with fewer environmental health risks. The EPA Community-Wide Assessment grant funding will accelerate Tigard's goal of working with business and property owners to clean up occupied,

vacant, and/or underutilized brownfields for redevelopment. The city will focus this resource on its 193-acre downtown urban renewal district, the Vertical Housing Development Zone and sites within Tigard's approximately 1,100 acres of employment land (industrial, commercial, and mixed use zones).

EPA grant funding will allow the city to complete an inventory of its industrial and employment areas, building on the inventory that was compiled for its downtown area. The grant will also fund environmental assessments and cleanup planning at targeted properties, including the properties of interested private sector owners or developers, to ensure that contamination does not pose a barrier to productive expansion or reuse of the sites. It will also be used to support community planning to identify feasible uses of these sites, identify needed infrastructure upgrades or other improvements to support development, and build community support for redevelopment.

SCOPE OF WORK

The proposed contract is for professional environmental services to manage the project and reporting, coordinate public involvement, oversee and administer site inventory and characterization (including conducting Phase I and Phase II Assessments), and advise on cleanup planning. The consultant will be required to comply with all applicable terms and conditions of the EPA Cooperative Agreement funding the project. Consultant will work with city staff to define, develop, and refine Brownfields Program goals and objectives to effectively carry out work plan tasks below in a way that addresses regulatory guidelines, public involvement, site inventory/prioritization, public health issues, and cleanup planning.

- Know and understand all EPA requirements and regulations
- Develop an implementation plan and project management timeline for each of the tasks below

Task 1 - Project Management and Reporting

Task 2 - Community Engagement

Task 3- Site Inventory

Task 4 - Site Characterization

Task 5- Cleanup Planning

Reporting Requirements

The following reports shall be prepared by the consultant and submitted to the city for approval:

1. U.S. EPA ACRES reporting system information updates for assessed sites.
2. Draft and final work plans (as applicable by work assignment).
3. Technical memoranda.

SCHEDULE OF WORK

The city expects the consultant to start work as soon as a contract is signed. The city anticipates all work will be completed on or before July 6, 2017.

SOLICITATION PROCESS

The city issued a Request for Proposal (RFP) for the services on October 6th and placed public notice in the Daily Journal of Commerce. The evaluation criteria detailed in the RFP for selection was as follows:

- Firm and team qualifications – 32 points
- Project understanding and approach – 44 points
- Cost structure – 20 points
- Local/In-State presence – 4 points

Proposals were received from five firms by the November 3rd due date:

- AMEC Environment & Infrastructure, Inc.
- Cascade Earth Sciences
- GC Environmental, Inc.
- Terracon
- Hart Crowser, Inc.

Staff reviewed and scored the proposals with the aforementioned criteria and selected AMEC Environment & Infrastructure, Inc. and Terracon as the top two scoring firms and requesting they participate in an interview process with 25 additional points available as detailed in the RFP. Upon completion of the interviews and reviewing the total evaluation scores, AMEC Environment & Infrastructure, Inc. was determined to be the top ranking firm.

OTHER ALTERNATIVES

The Local Contract Review Board may direct staff to shelve this contract and bring the work forward at a later date. Doing so would likely create a scenario where new solicitations would be required.

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

Tigard Comprehensive Plan

Economic Development

Goal 9.1 Develop and maintain a strong, diversified, and sustainable local Economy

Goal 9.3 Make Tigard a prosperous and desirable place to live and do business

DATES OF PREVIOUS COUNCIL CONSIDERATION

This is the first time this contract has been presented to the Local Contract Review Board.

Fiscal Impact

Cost: \$400,000

Budgeted (yes or no): Yes

Where budgeted?: General Fund

Additional Fiscal Notes:

The grant was recognized in the 2014-2015 1st Quarter supplemental budget. Revenues were recognized in the General Fund with an equal increase in the Community Development program's expenditures.

Attachments

No file(s) attached.

AIS-2093

10.

Business Meeting

Meeting Date: 01/27/2015

Length (in minutes): 5 Minutes

Agenda Title: City Council Goals for 2015-17

Prepared For: Marty Wine, City Management

Submitted By: Norma Alley, City Management

Item Type: Motion Requested

Meeting Type: Council Business Meeting - Main

Public Hearing: No

Publication Date:

Information

ISSUE

Review and adopt the 2015-17 City Council Goals.

STAFF RECOMMENDATION / ACTION REQUEST

Review and adopt the 2015-17 City Council Goals.

KEY FACTS AND INFORMATION SUMMARY

On December 22, the City Council met in a goal setting session focused on the next two years. The facilitated discussion had two parts. The first was to identify and discuss four priority areas where the Council agrees that it should focus its attention and action over the next two years.

- **Downtown**
- **River Terrace**
- **Tigard Triangle**
- **Recreation**

Through its discussion, the City Council developed goals in each area including **Community Engagement**. A draft document is attached to this agenda item summary outlining the goals in more active language, and their associated milestones.

A draft of potential goals that included the key milestones in each area was presented by the City Manager. The Council reviewed draft goal language and the timelines. In addition, the City Council identified five areas that deserve fuller discussion and attention through Council workshop meeting discussion.

- *Timing of future ballot measures*
- *Southwest Corridor process*
- *Annexation strategy*
- *Charter revisions*
- *Highway 99/ congestion*

Through subsequent discussion and suggestion, the Council agreed that additional discussion about the next steps on the *Strategic Plan* and *Homelessness* were topics that should also be scheduled for discussion for a future Council workshop.

OTHER ALTERNATIVES

The Council may:

- Choose to amend these goals for the next two year period.
- Develop alternative goals for adoption.
- Not adopt council goals.

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

DATES OF PREVIOUS COUNCIL CONSIDERATION

On December 22, 2014, the City Council met to discuss 2015-17 City Council goals. While the City will focus on many things in the coming years, the Council chooses a two-year window for goal-setting regarding the priority for its energy and focus because the five current members of the Council will serve together during this time.

Attachments

[Council Goals 15-17](#)

2015-2017 Tigard City Council Goals Priorities for Council Attention and Action

1. Provide Recreation Opportunities for the People of Tigard

Objectives	Estimated Timeline
Establish city recreation program in 2015-16 adopted budget <ul style="list-style-type: none"> • Recreation clearinghouse and program guide • Grants & scholarships • Recreation coordinator – staff position • Programs and classes (beginning Year 2) • Outdoor events (Year 2) • Indoor events (Year 3) 	Begin July 2015 (Year 1)
Explore feasibility of partnership opportunities, including THPRD, YMCA, other city, or non-profit opportunities; establish facility partnership if feasible	December 2015
Consider a voter-approved measure to fund recreation	November 2016

2. Make Downtown Tigard a Place Where People Want to Be

Objectives	Estimated Timeline
<ul style="list-style-type: none"> • Support residential and mixed use development in walkable and transit-supported areas by completing the Ash Ave/Burnham Redevelopment project • Increase walkable access to open space by advancing plans for new downtown open space, including the Tigard Street Trail plaza, the Fanno Creek Overlook, and a Main Street plaza, including programming • Strengthen downtown’s identity by completing gateway improvements and install art at both Main Street entrances • Support walkability by completing two Strolling Street projects • Secure brownfields cleanup grant (if eligible) to facilitate infill or open space development enabling a more walkable and interconnected downtown • Promote downtown has a place to shop, dine and recreate Through communications and support of TDA activities. 	Throughout 2015-2017

3. Adopt Tigard Triangle Strategic Plan and Enable Future Development Capacity

Objectives	Estimated Timeline
Committee recommendation; Council consideration and adoption of Tigard Triangle Strategic Plan	Spring 2015
Begin project implementation of 1-5 year actions <ul style="list-style-type: none"> • Regulatory changes <ul style="list-style-type: none"> ○ Amend comprehensive plan, development code, Town Center designation, Transportation, Parks and Trail Plans, and parking requirements 	Summer 2015
<ul style="list-style-type: none"> • Consider Infrastructure Investment <ul style="list-style-type: none"> ○ Red Rock Creek ○ Stormwater management plan ○ Parks, Plazas and Open Space 	During 2016
<ul style="list-style-type: none"> • Develop Incentives and Public Private Partnerships <ul style="list-style-type: none"> ○ LID ○ Urban Renewal District ○ Vertical Housing ○ Business or Economic Improvement District ○ Grant Programs ○ Business/District Association 	During 2016

4. Enable Groundbreaking in River Terrace by Summer 2015

Objectives	Estimated Timeline
Infrastructure Financing Project (RT and Citywide) <ul style="list-style-type: none"> • Council Briefing • SDC Notice and Methodology • Council Hearing - SDCs 	February 2015 February 2015 April 2015
River Terrace Community Plan Implementation <ul style="list-style-type: none"> • Zoning Districts • Code Amendments 	February 2015 February 2015
Permitting <ul style="list-style-type: none"> • Early assistance for land use applications (ongoing) • Land use applications • Building and site permits 	Winter 2015 Winter 2016
Public Facilities <ul style="list-style-type: none"> • City of Tigard downstream stormwater conveyance analysis • Clean Water Services pump station • City of Tigard 550-Zone Water Improvements 	Summer 2015 Winter 2016 Summer 2016

5. Expand Opportunities to Engage People in the Community

Objectives	Estimated Timeline
Citywide Communications Plan (will include suggested engagement improvements)	Spring 2015
Continue Council 1x10 meetings	Quarterly throughout each year
Community education; identify timing and content of measures for voter approval	By end of 2015; ballot in 2016
Organize community engagement through increased work with Neighborhood Networks, in-person and online forums	

Issues for Further Council Discussion

[Schedule for 2015 workshop meetings (3rd Tuesday) or study sessions]

- SW Corridor – Mayor will brief Council at January Council Liaison reports
- Pacific Highway/congestion (January 2015)
- Annexation (Incentives Resolution in February, discussion February 2015)
- Charter review (March 2015)
- Future possible ballot measures (April 2015)
- Strategic plan – what are next steps (to be scheduled)