

City of Tigard  
Tigard City Council Meeting Minutes  
December 9, 2014

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6:30 p.m.

STUDY SESSION - Mayor Cook called the Study Session to order at 6:30 p.m.

1. RECEIVE COUNCIL LIAISON REPORTS

Councilor Snider reported the water and pipeline project for the Lake Oswego-Tigard Water Project was \$1.4 million below the design estimate. The last pipeline bid was delayed from the planned date, but everything is still on track for delivery of water in summer 2016.

Councilor Woodard reported the Metro Steering Committee has moved the SW Corridor Project out 18 months. During the Park and Recreation Advisory Board (PRAB) meetings the PRAB requested to be included in any plaza designs, expressed desire to have executive decision making authority and would like to sit in on council's executive sessions regarding matters using parks bond. Ms. Wine said all these are possible if it is the wish of the council. Community Development Director Kenny Asher briefed the council saying the process has been routine to date. The project is in review under the Federal Environmental Protection Act based on the tunnels. There should not be a delay in the timeline due to this reevaluation. The critical impact is the funding versus the technical impacts of the project. Tigard should anticipate providing feedback in March or April.

2. UPDATE ON PRE-DEVELOPMENT OF THE FIELDS INDUSTRIAL PROPERTY

Economic Development Manager Purdy reported about a year ago the city began discussions with McKenzie and Fields Trust to talk about development of the Fields industrial property. In August the DLCD funded an infrastructure analysis, which is now completed. An industrial developer has purchased the sale agreement for the 18 acre Wall Street lowlands development. There was a pre-development application meeting last week proposing a 225,000 square foot development with three pads and possibly one more dependent on the ability to fill with tenants. The construction cost is \$22 million providing a \$344,000 property tax value. This development is speculated to support 115 full-time distribution center jobs. These are all signs things are moving in the right direction. The project is in the phase where council needs to look at rezoning the residential area on the hill side. With one more year of work, the 42 acre site will be ready for development.

Community Development Director Asher stated city staff is not party to the sales agreement, so the way the industrial developer, Trammel Crow, comes in weighs on the ability for residential to be developed. He asked the council to be aware that it may be difficult to rezone industrial land into residential.

Mr. Purdy stated post acknowledgement will be in the end of the February or early March. The legislative process is for council to acknowledge specific policy about zoning and amend the comprehensive plan and economic opportunity analysis. Staff is being proactive and clearing the way for this to be successful.

### 3. EXECUTIVE SESSION

Mayor Cook called the Executive Session to order at 7:08 p.m. City Council, City Manager Wine, City Attorney Shelby Rihala, Assistant City Manager Liz Newton and Deputy City Recorder Alley were present. Discussion was held to consult with legal counsel concerning legal rights and duties under ORS 192.660(2)(h). Mayor Cook closed the executive session at 7:35 p.m. and reconvened the study session.

### 4. ADMINISTRATION ITEMS

City Manager Wine announced she will have follow-up on citizen communication during the Business Meeting. She asked the council to provide staff with a list of people they would like invitations sent to for the Inauguration on January 6, 2015.

Mayor Cook adjourned the Study Session at 7:35 p.m.

### 1. BUSINESS MEETING

A. Mayor Cook called the City Council meeting to order at 7:38 p.m.

B. Deputy City Recorder Alley called the roll:

<u>Name</u>	<u>Present</u>	<u>Absent</u>
Mayor Cook	✓	(Left the meeting at 8:44 p.m.)
Council President Henderson	✓	
Councilor Buehner	✓	
Councilor Snider	✓	
Councilor Woodard	✓	

C. Mayor Cook led the Pledge of Allegiance.

D. Mayor Cook announced the council liaison reports were given during study session.

E. Mayor Cook asked council and staff for any Non-Agenda Items. City Manager Wine announced she had one matter to be discussed under Item 15.

### 2. CITIZEN COMMUNICATION

A. Follow-up to Previous Citizen Communication

City Manager Wine provided follow-up on citizen communication from Robert Van Vlack's and Sandy Clark's citizen communication regarding Durham Street sidewalks. As owners of the property, Ms. Clark is working with the city to repair the sidewalk and conversation with city staff is under way. The owner is responsible unless the city can identify the sidewalk was damaged by the city. Councilor Snider said the picture council saw looked like a piece of equipment caused the damage. Ms. Wine said city staff is investigating if the city was doing construction there because the pictures did indicate it was not caused by a tree root. If the research does not produce anything it is the homeowner's responsibility. Councilor Buehner suggested Verizon may have caused the damage.

B. Tigard High School Envoy – Carter Kruse

Tigard High School Envoy Representative Kruse updated the council on activities at Tigard High School. He reported in late October the school had Halloween rooms and 300-400 kids participated in the activity. In November there was an urban table multi-cultural greet and meet highlighting the different school clubs. There were different foods for tasting and two guest speakers. A coin drive was held in November, as well, raising monies for the Tualatin-Tigard School District Fund and this will continue into December. Corrie Fusic was named the November Youth of the Month for his service project helping Alzheimers. Mr. Fusic threw pottery and raised between \$5,000.00-\$7,000.00 in sales of his work. A warm clothing drive has been held for the month of December and so far eight to ten pounds of clothes have been collected. The drive will continue for the next couple weeks. After break the clothing will be given to the NW Children's Outreach or another donation center that takes warm clothing. Tonight is a winter choir concert with five choirs represented. The high school had a band night with multiple people from outside the district accompany them. The Youth Film Society is having a film festival next Friday at the Tigard High School auditorium. With a donation of up \$5.00 in canned food, people can get in to see two movies; Pacific Rim and The Fantastic Mr. Fox. Tigard High School's random acts of kindness continues. The next implementation is to provide free hot chocolate, coffee and donuts to help students recover from coming back to school. The same was done for coming back from Thanksgiving. Students have been doing a wall of compliments where students dedicate words of kindness to one another.

Mr. Kruse announced he was accepted into the US Youth Senate Program thanks to the mayor and others who wrote letters of recommendation. He stated in March he will be in Washington DC to meet with the President and congress. He said he was one of two students in Oregon accepted into the program. In addition, there is a \$5,000.00 scholarship for students interested in pursuing a political science degree.

C. Tigard Area Chamber of Commerce - None.

D. Citizen Communication 

Mr. Tim Esau, 12247 SW 114<sup>th</sup> Terrace, Tigard, thanked the council for their thousand of hours put into the city and the commitment from everyone. He said as a resident he appreciates the council.

Mr. Toraj Khavari, 13293 SW Woodshire Lane, Tigard, and Ms. Sara Soper, 13754 SW Benchview Place, Tigard, representatives of Friends of Bull Mountain Park, shared concern regarding Bull Mountain and provided material which was entered into the record. They testified Friends of Bull Mountain Park are in the process of trying for grants and fundraising for six park projects as described in the handout. The organization is processing a grant application to be submitted by January 24, 2015, which has no matching fund requirements. Mr. Khavari stated the organization continues to keep the Park and Recreation Advisory Board up to date. Mr. Khavari asked the council for continued support of the organization, urged the council to help with the grant progress by removing city funds that represent parks and stated the organization appreciates any financial support the city can give toward grants.

Mayor Cook thanked the citizens for coming to testify and said the city will consider the requests.

3. CONSENT AGENDA 

A. RECEIVE AND FILE

1. Council Calendar
2. Council Tentative Agenda for Future Meeting Topics

B. AUTHORIZE THE CITY MANAGER TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT WITH KING CITY REGARDING WATER SYSTEM OWNERSHIP AND WATER SERVICE

C. APPROVE AN EXTENSION TO THE COMCAST FRANCHISE AGREEMENT THROUGH JUNE 30, 2015

Councilor Buehner moved for approval of the Consent Agenda. Councilor Snider seconded the motion. Motion passed unanimously.

<u>Name</u>	<u>Yes</u>	<u>No</u>	<u>Absent</u>
Mayor Cook	✓		
Council President Henderson	✓		
Councilor Buehner	✓		
Councilor Snider	✓		
Councilor Woodard	✓		

4. INFORMATIONAL PUBLIC HEARING: APPROVE NEW WATER RATES 

- a. Open Public Hearing - Mayor Cook opened the public hearing.
- b. Staff Report

Finance and Informational Services Director LaFrance and Interim Assistant Public Works Director Goodrich provided the staff report. Mr. LaFrance reported that in 2008 Tigard entered into an agreement with Lake Oswego to provide water to both communities. The process to decide the best and most sufficient funding was lengthy and in 2012 the city issued \$97 million in bonds to finance the project. Tigard had an opportunity in 2013 to secure a larger water share with an additional four million gallon a day share. In order for that to happen, council realized the water rates in place would have to be adjusted and approved an 8-9 percent increase spread out over three years. Since then the city contracted with HDR to do a water revenue and rate analysis. On November 18, 2014 that analysis was presented to the council where two options were presented. The council asked for a third option of increasing rates to fully fund the projected \$7 million in funds needed for projects during the 2019-2021 fiscal years instead of going out for additional bonds.

 Mr. Goodrich reported that in 2010 staff put together a communications plan. In 2014 it was reworked to provide a strategic plan on how to roll out communications regarding the additional rate increase. On November 12, 2014 city staff approached the Intergovernmental Water Board (IWB), an advisory board to the council made up of representatives from the city of Durham, city of King City, Tigard Water District, city of Tigard and one at large member, seeking a recommendation of either a smooth rate increase or a one time rate hike. The IWB requested each jurisdiction be provided the presentation so they can provide individual recommendations. On December 3<sup>rd</sup> the

city of King City recommended a one time rate hike of Scenario 2 and the Tigard Water District provided approval of the one time rate hike in Option 2.

Councilor Snider asked if they were informed of Option 3. Mr. Goodrich answered we did let them know there could be a third option, but did not have the exact numbers.

Mr. Goodrich continued stating the Tigard Water District received the presentation last night, December 8<sup>th</sup>, and provided approval for a one time rate hike with subsequent lower rates. This has gone out in the Tigard Times article, website, Tigard Cityscape and tonight's presentation and a couple council meetings. Since the November 20 Tigard Times article, staff received three emails and one phone call from concerned citizens asking for clarification on the rates. Mayor Cook stated none of them provided their preference of which scenario they preferred.

Councilor Woodard stated he understands Option 2 and 3 are basically the same thing with the differentiation of percentages over a few years. He asked for clarification that in fiscal year 2019-2021 a bond would not be necessary with Option 3 and asked if all costs would be covered or would there be adjustments. Mr. LaFrance replied based on the best information we have today, Option 3 would have sufficient cash on hand in reserves to pay for capital improvement projects and additional debt would not be necessary. Under Option 2, the city would need to secure \$7 million in additional bonds; however, the two percent annual increase would be sufficient to pay for the bond debt service, but staff was not able to look at the full twenty years. 

- c. Public Testimony – No oral testimony, but written testimony was entered into the record.
- d. Staff Recommendation – Mr. LaFrance recommended approval of the resolution with the option of council's choice.
- e. Close Public Hearing – Mayor Cook closed the public hearing.
- f. Council Deliberation 

Council President Henderson commented he believed there are people out there that would benefit from a lower rate those first few years. He stated he ran numbers and found the numbers were the same for Option 2 and 3 at the end of five years; however, it is significantly different those first three years. He felt it would better serve the customers to provide a steady rate. Mayor Cook said the first five years may be similar, but over time we are still paying less with Option 3. Mr. LaFrance said one approach is add up the total amount the average residential customer would pay over five years, which is what Council President Henderson did. At the conclusion they would pay about the same amount over the five year period. Customers would pay just a little less with Option 1. Since Option 2 has the two percent increase that starts sooner, you wind up with a lower rate paid a few years out. Extending Council President Henderson's calculations out another year it is about the same, but would get more extreme over time. The options presented before you today do not look at year six or beyond.

Mayor Cook said it is hard to explain to customers why rates doubled and also told it would get steady. Another aspect hard to explain and understand is the makeup of the utility bill, which is water, sewer and a street maintenance fee. Customers hear the rates are doubling and think it is the entire bill, but the increase is only on the water portion, on which a ten percent increase of a \$28 bill is \$2.

Councilor Buehner said it has been past practice to collect funds and then pay cash for improvements so the city did not have to borrow money. The residents might prefer to not go into any more debt. The difference in payment is \$3.25 versus \$2 which allows us to save money by not having to borrow money down the road. The odds of interest rates remaining as low as they have been is probably pretty small. If the city goes out for another bond in 2019, the odds are the interest rates will have gone up quite a bit. We need to consider that risk.

Mayor Cook requested if Option 3 is approved a transparent fund be set up showing the principle is set aside and does not get spent on operations.

Councilor Woodard stated there is something to be said for Option 3 as a good option to not have to go out for a future bond. Option 1 is still there, but the city would have to go out for a bond and ends up being the same value as Option 2.

g. Council Vote

Councilor Snider moved for adoption of Resolution No. 14-55 with adoption of Option 3. Councilor Buehner seconded the motion. Deputy City Recorder Alley read the number and title of the resolution.

**RESOLUTION NO. 14-55 - A RESOLUTION TO AMEND THE MASTER FEES AND CHARGES SCHEDULE, AS ADOPTED BY RESOLUTION 14-31, TO INCREASE WATER RATES TO FUND THE LAKE OSWEGO – TIGARD WATER PARTNERSHIP AND OTHER CAPITAL IMPROVEMENTS**

The motion passed with the following votes.

<u>Name</u>	<u>Yes</u>	<u>No</u>	<u>Absent</u>
Mayor Cook	✓		
Council President Henderson		✓	
Councilor Buehner	✓		
Councilor Snider	✓		
Councilor Woodard	✓		

Mayor Cook excused himself from the meeting and exited at 8:44 p.m. Council President Henderson presided over the meeting.

5. APPROVE TIGARD TRANSPORTATION ADVISORY COMMITTEE (TTAC) BYLAWS AMENDMENT 

Community Development Director Asher and Streets and Transportation Senior Project Engineer McCarthy reported the last TTAC Bylaws update was in 2009. The ones presented tonight are brought up to city standards and conformity; therefore, staff recommends adoption of the resolution as presented.

Councilor Woodard recommended correcting page two, Section III, Subsection B where the sentence reads “appointments of large members shall be made the city council” to add the word by so it reads “appointments of large members shall be made by the city council.”

Councilor Woodard moved for adoption of Resolution No. 14-56 as amended. Councilor Buehner seconded the motion. Deputy City Recorder Alley read the number and title of the resolution.

**RESOLUTION NO. 14-56 - A RESOLUTION OF THE CITY COUNCIL AMENDING THE BYLAWS OF THE TIGARD TRANSPORTATION ADVISORY COMMITTEE (TTAC)**

The motion passed with the following votes.

<u>Name</u>	<u>Yes</u>	<u>No</u>	<u>Absent</u>
Mayor Cook			✓
Council President Henderson	✓		
Councilor Buehner	✓		
Councilor Snider	✓		
Councilor Woodard	✓		

**6. APPOINT CLIFFORD RONE AND ZOE MONAHAN TO THE BUDGET COMMITTEE**

Finance and Information Services Director LaFrance reported he is very pleased with the recommended appointments before the council. The appointment committee met a couple weeks ago interviewing four citizens and the recommendation is before the council.

Councilor Snider moved for adoption of Resolution No. 14-57. Councilor Buehner seconded the motion. Deputy City Recorder Alley read the number and title of the resolution.

**RESOLUTION NO. 14-57 - A RESOLUTION APPOINTING CLIFFORD RONE TO THE BUDGET COMMITTEE AND APPOINTING ZOE MONAHAN AS AN ALTERNATE MEMBER**

The motion passed with the following votes.

<u>Name</u>	<u>Yes</u>	<u>No</u>	<u>Absent</u>
Mayor Cook			✓
Council President Henderson	✓		
Councilor Buehner	✓		
Councilor Snider	✓		
Councilor Woodard	✓		

**7. APPOINT MELODY GRAEBER AND CHRIS MIDDAUGH TO THE AUDIT COMMITTEE**

Assistant Finance Director Smith-Wagar reported interviews were held for the audit committee and the committee's recommendation is before the council tonight.

Councilor Buehner moved for adoption of Resolution No. 14-58. Councilor Snider seconded the motion. Deputy City Recorder Alley read the number and title of the resolution.

**RESOLUTION NO. 14-58 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TIGARD, OREGON APPOINTING MELODY GRAEBER AS A VOTING MEMBER AND CHRIS MIDDAUGH AS AN ALTERNATE TO THE AUDIT COMMITTEE**

The motion passed with the following votes.

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

8. APPOINT ERIK HALSTEAD, BENJAMIN GOOLEY, STEPHANIE MCKEE, JOSEPH VASICEK, TIMOTHY ESAU AND RAVIPRAKASH NAGARAJ TO THE TIGARD TRANSPORTATION ADVISORY COMMITTEE (TTAC)

Streets and Transportation Senior Project Engineer McCarthy reported the interview committee interviewed ten applicants and the recommendation is before the council tonight.

Councilor Snider moved for adoption of Resolution No. 14-59. Councilor Buehner seconded the motion. Deputy City Recorder Alley read the number and title of the resolution.

**RESOLUTION NO. 14-59 - A RESOLUTION APPOINTING ERIK HALSTEAD, BENJAMIN GOOLEY, AND STEPHANIE MCKEE AS VOTING MEMBERS AND JOSEPH VASICEK, TIMOTHY ESAU, AND RAVIPRAKASH NAGARAJ AS ALTERNATES TO THE TIGARD TRANSPORTATION ADVISORY COMMITTEE (TTAC)**

The motion passed with the following votes.

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

9. INFORMATIONAL PUBLIC HEARING: RECEIVE PUBLIC INPUT REGARDING THE CRITERIA AND/OR PROCESS TO BE USED FOR THE CITY MANAGER'S PERFORMANCE EVALUATION 

- a. Open Public Hearing - Council President Henderson opened the public hearing.
- b. Staff Report - Human Resources Director Bennett reported barring no public comment, staff and council is authorized to proceed with the next step of the performance evaluation.
- c. Public Testimony - None
- d. Staff Recommendation - Ms. Bennett recommended proceeding with the process.
- e. Close Public Hearing - Council President Henderson closed the public hearing.
- f. Council Deliberation - none.

10. LEGISLATIVE PUBLIC HEARING: APPROVING AN AMENDMENT TO THE TIGARD MUNICIPAL CODE TITLE 15.06 FRANCHISED UTILITY ORDINANCE 

- a. Open Public Hearing - Council President Henderson opened the public hearing.
- b. Staff Report

Assistant to the City Manager Mills reported the Tigard Municipal Code is in need of some amendments to provide further clarification of gross revenue ensuring sufficient revenue derived from use of the system. Tonight's request is also for a reduction to the minimum annual fee. Current language may create barriers from telecommunication companies coming into the city and has potential for litigation. Staff is recommending a reduction in the minimum annual fee from \$10,000 to \$4,000 and creation of a new five percent fee on gross revenue for utilities used by a non-owner. There would be no fiscal impact as the companies currently paying would continue to pay what they have been.

- c. Public Testimony
  - Proponents

Mr. Fred Miller, Wave Broadband Astound Networks, 401 Kirkland Place, Kirkland, Washington, thanked the council for their consideration and testified Astound's plans were to build the first network through Tigard and then expand off that through the region. Astound is a small business and reducing the minimum fee makes a big difference.

- Opponents - None
- Response to testimony by staff - None.

- d. Staff Recommendation - Ms. Mills recommended approval of the ordinance as presented.
- e. Close Public Hearing - Council President Henderson closed the public hearing.
- f. Council Deliberation - None

g. Council Vote - Councilor Buehner moved for adoption of Ordinance No. 14-14. Councilor Woodard seconded the motion. Deputy City Recorder Alley took roll call vote and read the ordinance by title only.

**ORDINANCE NO. 14-14 - AN ORDINANCE AMENDING TIGARD MUNICIPAL CODE CHAPTER 15.06 "FRANCHISED UTILITY ORDINANCE" TO MODIFY THE UTILITY RIGHT-OF-WAY USAGE FEE STRUCTURE**

The motion passed with the following votes.

<u>Name</u>	<u>Yes</u>	<u>No</u>	<u>Absent</u>
Mayor Cook			✓
Council President Henderson	✓		
Councilor Buehner	✓		
Councilor Snider	✓		
Councilor Woodard	✓		

11. ADOPT A REVISED UTILITY FRANCHISE MASTER FEES AND CHARGES SCHEDULE

Assistant to the City Manager Mills presented the staff report on this item and recommended approval.

Councilor Snider moved for adoption of Resolution No. 14-61. Councilor Buehner seconded the motion. Deputy City Recorder Alley read the number and title of the resolution.

**RESOLUTION NO. 14-61 - A RESOLUTION AMENDING THE CITYWIDE MASTER FEES AND CHARGES SCHEDULE TO MODIFY THE MINIMUM UTILITY FRANCHISE FEE**

The motion passed with the following vote.

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

12. APPROVE A RESOLUTION ESTABLISHING A 10 YEAR FRANCHISE AGREEMENT WITH WINDSTREAM COMMUNICATIONS (d.b.a. MCLEODUSA TELECOMMUNICATIONS)

Senior Management Analyst Wyatt reported McLeodUSA contacted the city requesting a renewal of the franchise agreement as they have been paying the city for years and desired to continue services. After some research, staff found the city did not have a formal franchise agreement with McLeodUSA. The resolution before establishes a formal agreement.

Councilor Woodard moved for adoption of Resolution No. 14-62. Councilor Snider seconded the motion. Deputy City Recorder Alley read the number and title of the resolution.

**RESOLUTION NO. 14-62 - A RESOLUTION GRANTING A NON-EXCLUSIVE UTILITY FRANCHISE TO WINDSTREAM COMMUNICATIONS, LLC (d.b.a. MCLEODUSA TELECOMMUNICATIONS SERVICES, LLC) PURSUANT TO TIGARD MUNICIPAL CODE SECTION 15.06.**

The motion passed with the following vote.

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

13. LOCAL CONTRACT REVIEW BOARD: AWARD A CONTRACT TO MURRAY, SMITH & ASSOCIATES, INC. FOR PAVEMENT OVERLAY ENGINEERING DESIGN SERVICES

Council President Henderson announced this item as a Local Contract Review Board item.

Public Contracting Manager Joe Barrett and Streets and Transportation Senior Project Engineer Mike McCarthy reported this is the formal council action awarding five one year contracts. Staff recommended approval of the resolution as presented.

Board Member Snider moved to award a contract to Murray, Smith & Associates, Inc. for pavement overlay engineering design services. Board Member Buehner seconded the motion. The motion passed with the following vote.

<u>Name</u>	<u>Yes</u>	<u>No</u>	<u>Absent</u>
Chair Cook			✓
Board Member Henderson		✓	
Board Member Buehner	✓		
Board Member Snider	✓		
Board Member Woodard	✓		

14. COUNCIL LIAISON REPORTS

City Manager Wine announced the reports were given during the Study Session.

15. NON AGENDA ITEMS 

City Manager Wine and Public Works Director Rager provided an update on the Hwy 99W/McDonald/Gaarde Project (HMGP) and requested a motion authorizing the mayor to send a letter to ODOT confirming Tigard's commitment to the HMGP at this phase, including the future commitment of city gas tax funds per TTAC recommendation.

Ms. Wine said during the last week and a half staff received information that the project bid is \$10.1 million which is \$1.1 million more than estimated for the project. This project is a partnership with the city of Tigard, ODOT, and Washington County who all have invested monies into seeing it completed. ODOT is requesting a letter from the mayor confirming the city of Tigard's commitment to fund and move forward with the project. Ms. Wine asked for council's support to draft this letter.

Councilor Snider asked if it was written into the project agreement that the city is responsible for any overages of funds. Ms. Wine answered that is correct, whether the project is in the design or construction phase Tigard is responsible for overages.

Councilor Woodard said this is one of the highest injury intersections and is in desperate need of a fix. This area needs to be taken care of and this is an important project. There has been a lot in the works for this project and a lot of commitment from partners.

Councilor Buehner said this project and all of the issues on 99W the main reason the city council was urged to adopt the gas tax. The Greenburg Road intersection was looked at as the first to fix

and the Gaarde/McDonald intersection as the second project. She said she is pleased the city has a fairly stable income source to fund these types of projects.

Councilor Snider said his heartache is understanding how the estimate was off by so much. This is a big difference in the design estimate perspective. Councilor Snider said before he was prepared to act he thought the council deserved some sort of explanation.

Streets and Transportation Senior Project Engineer McCarthy introduced ODOT Project Manager Matt Freitag and ODOT Interim Area Manager Shelli Romero. Mr. Freitag reported all jurisdictions came to an agreement through the intergovernmental agreement (IGA) on the original project cost. At about 50 percent into design it was recognized the original footprint was not a good fit so the original footprint and scope of the project was reduced and funds were added through the IGA in order to move forward.

Mr. McCarthy said the project need was established in 2008 and in 2009 the city worked with the state to collect investment act funding. City staff began preliminary design and in 2010-2011 the city thought it would be best if the project was led by ODOT at which point the initial IGA came together. In 2013 it was identified that the project would not fit into the original budget so work began to scale back the scope. This brings us to today and the economy has picked up, prices are rising and cost of construction material has gone up from estimates put together four years ago. Mr. Freitag added with the scale back there has been a \$200,000.00 savings on the right-of-way.

Councilor Snider asked how much money would be left on the table from other jurisdictions if the city walked away and what the implication would be to the project. Mr. McCarthy replied there would be over \$8 million from other jurisdictions. Ms. Wine commented one of the reasons the partnership was mentioned is not only the financial commitment, but also the good will of working with the county and state.

Councilor Snider said he is going to support moving the project forward, but felt it was important for the community to understand how this decision affects them and the good of the project.

Councilor Woodard said the council could decide to not do this and wait to complete the project, but costs will get more expensive.

Council President Henderson said many dollars will be lost if the project does not get done now.

Councilor Snider moved to authorize the mayor to send a letter to ODOT confirming Tigard's commitment to the McDonald/Gaarde Project at this phase, including the future commitment of city gas tax funds per TTAC recommendation. Councilor Buehner seconded the motion. The motion passed with the following vote.

<u>Name</u>	<u>Yes</u>	<u>No</u>	<u>Absent</u>
Mayor Cook			✓
Council President Henderson	✓		
Councilor Buehner	✓		
Councilor Snider	✓		
Councilor Woodard	✓		

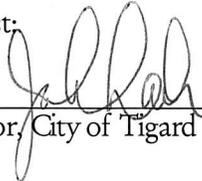
16. EXECUTIVE SESSION – None held.

17 ADJOURNMENT 

Motion by Councilor Buehner seconded by Councilor Woodard to adjourn the meeting at 9:37 p.m.  
The motion passed with the following vote.

<u>Name</u>	<u>Yes</u>	<u>No</u>	<u>Absent</u>
Mayor Cook			✓
Council President Henderson	✓		
Councilor Buehner	✓		
Councilor Snider	✓		
Councilor Woodard	✓		

  
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Norma I. Alley, Deputy City Recorder

Attest:  
  
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Mayor, City of Tigard

Date: February 10, 2015