



City of Tigard
Tigard Business Meeting – Agenda

TIGARD CITY COUNCIL & LOCAL CONTRACT REVIEW BOARD Agenda Revised 2/5/2015 to add Agenda Item No. 5 materials and reorder Consent Agenda, adding Item 3.A

MEETING DATE AND TIME: February 10, 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.



City of Tigard

Tigard Business Meeting – Agenda

TIGARD CITY COUNCIL & LOCAL CONTRACT REVIEW BOARD Agenda Revised 2/5/2015 to add Agenda Item No. 5 materials and reorder Consent Agenda, adding Item 3.A

MEETING DATE AND TIME: February 10, 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

6:30 PM

- STUDY SESSION

A. EXECUTIVE SESSION: The Tigard City Council will go into Executive Session to discuss pending litigation, under ORS 192.660(2) (h). All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(4), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.

B. COUNCIL LIAISON REPORTS

C. BRIEFING ON AN AGREEMENT WITH PGE FOR A BACK-UP POWER SOURCE FOR A WATER PARTNERSHIP FACILITY

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. Tigard High School Student Envoy

C. Tigard Area Chamber of Commerce

- D. 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**
- A. RECEIVE AND FILE:
1. Council Calendar
 2. Council Tentative Agenda for Future Meeting Topics
- B. APPROVE CITY COUNCIL MINUTES:
- November 18, 2014
 - December 9, 2014
 - January 6, 2015
- C. CONSIDER APPROVAL OF METRO INTERGOVERNMENTAL AGREEMENT FOR PLANNING AND PUBLIC INVOLVEMENT WORK - SOUTHWEST CORRIDOR PLAN
- D. LOCAL CONTRACT REVIEW BOARD - CONSIDERATION OF BROWNFIELDS INITIATIVE CONTRACT AWARD

• *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. CONSIDER A RESOLUTION TO ADD TWO CITY-OWNED PROPERTIES TO WOODARD PARK **7:45 p.m. estimated time**
5. DISCUSSION ON ANNEXATIONS **7:50 p.m. estimated time**
6. RENEW ANNEXATION INCENTIVES - RESOLUTION **8:30 p.m. estimated time**
7. QUASI-JUDICIAL PUBLIC HEARING - ZCA2014-00002 SUMMIT RIDGE NO 5. ANNEXATION **8:45 p.m. estimated time**
8. CONSIDER AMENDMENT TO CITY MANAGER EMPLOYMENT CONTRACT **9:05 p.m. estimated time**
9. NON AGENDA ITEMS **9:15 p.m. estimated time**
10. EXECUTIVE SESSION: The Tigard City Council may go into Executive Session. If an Executive Session is called to order, the appropriate ORS citation will be announced identifying the applicable statute. All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(4), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.

11. ADJOURNMENT **9:20 p.m. estimated time**

AIS-1992

B.

Business Meeting

Meeting Date: 02/10/2015

Length (in minutes): 15 Minutes

Agenda Title: Council Liaison Reports

Submitted By: Norma Alley, 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

N/A

KEY FACTS AND INFORMATION SUMMARY

N/A

OTHER ALTERNATIVES

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

DATES OF PREVIOUS COUNCIL CONSIDERATION

N/A

Attachments

No file(s) attached.

AIS-2046

C.

Business Meeting

Meeting Date: 02/10/2015

Length (in minutes): 10 Minutes

Agenda Title: Briefing on an Agreement with PGE for a Back-up Power Source for a Water Partnership Facility

Prepared For: Dennis Koellermeier **Submitted By:** Greer Gaston, Public Works

Item Type: Update, Discussion, Direct Staff **Meeting Type:** Council Business Mtg - Study Sess.

Public Hearing No

Newspaper Legal Ad Required?:

Public Hearing Publication

Date in Newspaper:

Information

ISSUE

Staff will brief the council on an agreement with Portland General Electric Company (PGE) for a back-up power source for the water partnership's water treatment plant (WTP).

STAFF RECOMMENDATION / ACTION REQUEST

No action is requested; the council will be asked to formally consider the agreement at a future meeting.

KEY FACTS AND INFORMATION SUMMARY

The Lake Oswego Tigard Water Partnership is undertaking a renewal and replacement of Lake Oswego's existing water supply system ("Program"). In the early planning phase for the Program, the partner cities established design criteria and performance objectives that the new supply system must achieve, on a facility-specific basis and on a Program-wide basis. Arguably, the single most important performance objective for the new system was that it be designed to be resilient against a variety of potential human-caused and "act of God" events that could disrupt the water supply.

The local provider of electrical service, PGE, works hard to make sure it can reliably provide electrical power to homes, businesses and other public utilities, like Lake Oswego and Tigard. Despite these efforts, their systems are vulnerable to windstorms, equipment failure, and

human-caused events (e.g., car crashes into utility poles). To achieve its supply system resiliency objectives, the partnership identified the need to provide a back-up source of electrical power to the system's major pumping facilities – the water treatment plant (WTP) and the River Intake Pump Station (RIPS). (The council approved the back-up power source for the RIPS on August 12, 2014.)

During design of the WTP, an evaluation of alternatives to provide a back-up supply of power to this facility was undertaken. Alternatives included:

- Do nothing – no alternate source of back-up power supply.
- On-site, permanent, engine driven generator (fueled by diesel, propane, or natural gas).
- Connection to a second, electrical feeder sub-station separate from the primary PGE feeder sub-station.

The do nothing alternative was dismissed for obvious reasons, leaving the back-up generator and alternate electrical supply as viable options for further evaluation. In the end, the alternate electrical service at the WTP site was selected as the preferred option for the following reasons:

- The need to acquire additional property to site the large one-megawatt (1MW) engine generator is avoided.
- The need for a large on-site fuel storage tank (propane/diesel fuel) is avoided.
- Noise and additional traffic associated with refueling the tank, maintenance and monthly testing of the generator under load is avoided.
- The conditional use and design review approvals needed from West Linn for the WTP facility were easier to secure.
- It is more “carbon friendly” than the engine generator option.
- It is less expensive on a net present value basis when considering the 75-year design life of the WTP facility.

The agreement (Attachment 1 to the resolution) was developed jointly by partnership staff and PGE and contains terms and conditions agreeable to the parties. In brief, the agreement stipulates that:

- In exchange for a one-time lump sum payment of \$530,698, PGE commits to making 4,000 kVA of alternate electrical service available to operate the WTP on demand and in perpetuity, unless the agreement is terminated.
- The agreement cannot be terminated by PGE.

On August 12, 2014, the council approved another agreement—nearly identical to this one—regarding the back-up power source for the river intake pump station. During discussion of that agreement, staff informed council that a similar agreement, regarding a back-up power source for the water treatment plant. This is the item now before council.

OTHER ALTERNATIVES

The council could:

- Choose not to adopt the resolution; this would not achieve the partnership's “resiliency in performance” objectives for the new water system.
- Direct staff to re-negotiate the terms of the agreement.

COUNCIL OR CCDA GOALS, POLICIES, MASTER PLANS

This agreement is consistent with the 2010 Water System Master Plan.

DATES OF PREVIOUS CONSIDERATION

This is the first time this agreement has come before council. However, the council approved a similar agreement for another water partnership facility—the River Intake Pump Station—on Aug. 12, 2014.

Fiscal Impact

Cost: \$327,971

Budgeted (yes or no): Yes

Where Budgeted (department/program): Capital Improvement Plan project #96018

Additional Fiscal Notes:

Tigard's share of the \$530,698 lump payment—based on the recently revised capacity allocation ratio between Lake Oswego and Tigard—is \$327,971. This expenditure is included in the city's \$79-million water partnership budget for fiscal year 2014-2015.

Attachments

Resolution

Agreement - Attachment 1 to Resolution

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

A RESOLUTION OF THE TIGARD CITY COUNCIL APPROVING AN AGREEMENT FOR ALTERNATE SERVICE BETWEEN PORTLAND GENERAL ELECTRIC COMPANY, THE CITY OF LAKE OSWEGO AND THE CITY OF TIGARD RELATING TO CONSTRUCTION OF THE NEW WATER TREATMENT PLANT, AND AUTHORIZING THE CITY MANAGER TO SIGN THE AGREEMENT

WHEREAS, on August 6, 2008, the cities of Lake Oswego and Tigard (the "cities") executed an Intergovernmental Agreement Regarding Water Supply Facilities, Design, Construction, and Operation; and

WHEREAS, the cities have determined that that it is in the best interests of both that the design and construction of certain water supply facilities include a back-up source of electrical power for planned and emergency interruptions of the primary electrical power over the operating life of such facilities; and

WHEREAS, through analysis of alternatives for providing a back-up source of electrical power, the cities have determined that entering into an agreement for alternate power service (Agreement) with Portland General Electric (PGE) best meets the cities' objective of providing an reliable supply of water to their citizens for public health, fire suppression, sanitation and economic development; and

WHEREAS, the Agreement with PGE is providing the cities on-demand access to a second power source of electrical power from its supply system in perpetuity, in exchange for a one-time lump sum payment of \$530,698.

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

SECTION 1: The city manager is authorized to sign the Agreement substantially in the form attached hereto as Attachment 1.

SECTION 2: This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2015.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard

CITY OF LAKE OSWEGO; CITY OF TIGARD
AND
PORTLAND GENERAL ELECTRIC COMPANY

AGREEMENT FOR ALTERNATE SERVICE

(Water Treatment Plant in West Linn)

2014

This Agreement for Alternate Electric Service ("Agreement") is between the City of Lake Oswego, an Oregon municipal corporation; the City of Tigard, an Oregon municipal corporation; both hereinafter referred to as "Customer" and PORTLAND GENERAL ELECTRIC ("PGE"), an Oregon corporation. PGE and Customer are hereinafter sometimes referred to individually as "Party" and collectively as the "Parties".

The Parties agree as follows:

1. Term of Agreement

This Agreement shall commence on the date of execution and remain in effect for as long as Customer requires alternate electric service at the location described below, or until Customer provides written notice to PGE in accordance with paragraph 10a) herein, whichever is earlier.

2. Conditions of Service

PGE reserves the right to test, operate, and maintain the PGE equipment involved. Customer will be notified, in writing or by using another mutually agreeable method of communications, in advance, to the extent practicable, if the alternate service will be unavailable for more than 24 hours. This Agreement does not provide for increases in PGE's alternate service capacity and service may, therefore, be interrupted if actual kVA demand, by Customer, on the alternate service facilities exceeds the contracted maximum kVA demand.

3. Location to be Served and Point of Delivery

a) The alternate electric service capacity, agreed to herein, shall be available for use at Customer's premises located at:

4260 Kenthorpe Way, West Linn, OR 97068.

b) The point of delivery of the alternate electric service is specifically described as:

Termination lugs for the 750 kcmil AL XLP cable contained within the EUSERC-compliant (section 400 of the 2012 Electric Utility Service Equipment Requirements Committee standards manual), 15 kV-rated, revenue metering cabinet located at Lake Oswego/Tigard Water Partnership Water Treatment Plant (4260 Kenthorpe Way, West Linn, OR 97068). See Exhibit 1.

4. Payment

a. Contracted Demand:

Customer agrees to pay PGE a one-time lump-sum payment of \$530,698. Subject to timely receipt of the one-time lump-sum payment to PGE and following completion of construction of the necessary facilities, PGE agrees to provide 4,000 kVA of alternate service capacity pursuant to the terms and conditions of this Agreement.

b. Demand in Excess of Contracted Amount:

When the alternate service is utilized, Customer's monthly billing will consist of: i) the standard kW and kVAR demand charges on either the preferred or alternate service, whichever is the greater; ii) the sum total kWh charge for both services; and, iii) in the event that Customer imposes a kVA demand on the alternate service facilities in excess of the above-listed, Customer will pay PGE an additional monthly amount for that month and the succeeding 11 months. The additional monthly amount, discussed in (iii) above, will be determined by multiplying the excess kVA demand by the then-current tariff sum of transmission and distribution demand charges and the applicable facilities capacity charges. For informational purposes only, currently, the sum of these monthly charges is \$4.75 per kVA for a Schedule 85 primary voltage customer at 4,000 kVA, however, this rate is subject to change. Should a condition of kVA demand occur, which exceeds the maximum kVA contracted for under this Agreement, Customer shall either modify operations to prevent excess kVA demand or execute a supplemental Agreement with PGE for the additional amount of alternate service required. It is understood and agreed that the cost of accommodating additional alternate service for Customer will be based on the costs of PGE in effect at that time. Customer will also be billed actual cost of any damage to PGE's alternate service facilities caused by Customer's alternate service demand in excess of the contracted amount.

5. Advanced Notice for Using Alternate Facilities

Either PGE or Customer may arrange for service to be provided through the alternate service facilities. Customer must gain prior approval for non-emergency usage by providing written notice to PGE five (5) days in advance of the desired switch. Notice to PGE shall be provided to Andrew Schafer, Key Customer Manager (503-464-2583).

6. Indemnification

Customer shall, to the fullest extent permitted by law, protect, defend, indemnify and hold harmless PGE and its affiliates and their respective employees, directors, and agents (“Indemnitees”) from and against any losses, costs, claims, penalties, fines, liens, demands, liabilities, legal actions, judgments, and expenses of every kind (including, without limitation, reasonable attorney fees, including at trial and on appeal) asserted or imposed against any Indemnitees by any third party (including, without limitation, employees of Customer or PGE) and arising out of the negligent or wrongful acts or omissions of Customer or any subcontractor of or consultant to Customer or any of their respective employees, directors or agents arising out of or in any way related to the performance or nonperformance of this Agreement (“Indemnified Losses”), except to the extent such Indemnified Losses are caused by the sole negligence or willful misconduct of the Indemnitees. Customer warrants to PGE that its indemnity obligation will be supported by liability insurance to be furnished by it, or self-insurance approved by PGE for these purposes; provided that recovery under or in respect of this indemnity shall not be limited to the proceeds of any insurance.

7. Disclaimer of Consequential Damages

EXCEPT TO THE EXTENT REQUIRED BY LAW, PGE SHALL NOT BE LIABLE TO CUSTOMER FOR ANY LOST OR PROSPECTIVE PROFITS OR ANY OTHER SPECIAL, PUNITIVE, EXEMPLARY, CONSEQUENTIAL, INCIDENTAL OR INDIRECT LOSSES OR DAMAGES (IN TORT, CONTRACT OR OTHERWISE) UNDER OR IN RESPECT OF THIS AGREEMENT.

8. Successors and Assigns

Customer may assign this Agreement to a third party or a successor in interest as long as a) in PGE’s reasonable judgment such third party’s or successor’s creditworthiness and ability to perform Customer’s obligations under this Agreement are at least as good as that of Customer; and b) the assignee or successor agrees to be bound by all the terms of conditions of this Agreement.

9. Cancellation of Previous Agreements

Any and all former agreements between Customer and PGE for the alternate electric service covered by this Agreement are hereby canceled and terminated.

10. Termination of This Agreement

- a) This Agreement may be terminated by Customer upon 30 days' written notice to PGE. The subsequent availability of alternate electric service is subject to all changes in applicable tariffs, including Utility Rules and Regulations and all lawful orders of the Public Utility Commission of Oregon.
- b) Should the payment for alternate service be on a monthly basis, upon termination Customer will pay to PGE the amount that PGE's depreciated investment in such alternate service facilities exceeds the current value of the facilities to PGE.
- c) If the Customer has made a lump-sum prepayment to PGE for the alternate service facilities, upon termination PGE will pay to the Customer an amount equal to the current value to PGE for said facilities. This amount will not exceed the undepreciated amount of said facilities at the time of such termination.
- d) In the event that the Customer fails to prevent excess kVA demand and refuses to timely execute a supplemental agreement with PGE for the additional amount of alternate service required by it, upon written notice to Customer, PGE may terminate this Agreement and Customer shall be responsible for all outstanding amounts owed to PGE including the payment under section 10b), to the extent applicable.

INTENTIONAL BREAK
SIGNATURE PAGE TO FOLLOW

CUSTOMER: CITY OF LAKE OSWEGO

Scott Lagacy CITY MANAGER

(Signature, Title)

1/21/15

(Date)

LAKE OSWEGO – Approval as to Form

GM P. Beene 12-22-14

(Initials, Date)

CUSTOMER: CITY OF TIGARD

(Signature, Title)

(Date)

TIGARD – Approval as to Form

(Initials, Date)

COMPANY: PORTLAND GENERAL ELECTRIC COMPANY

(Signature, Title)

(Date)

PGE – Rates and Regulatory Affairs

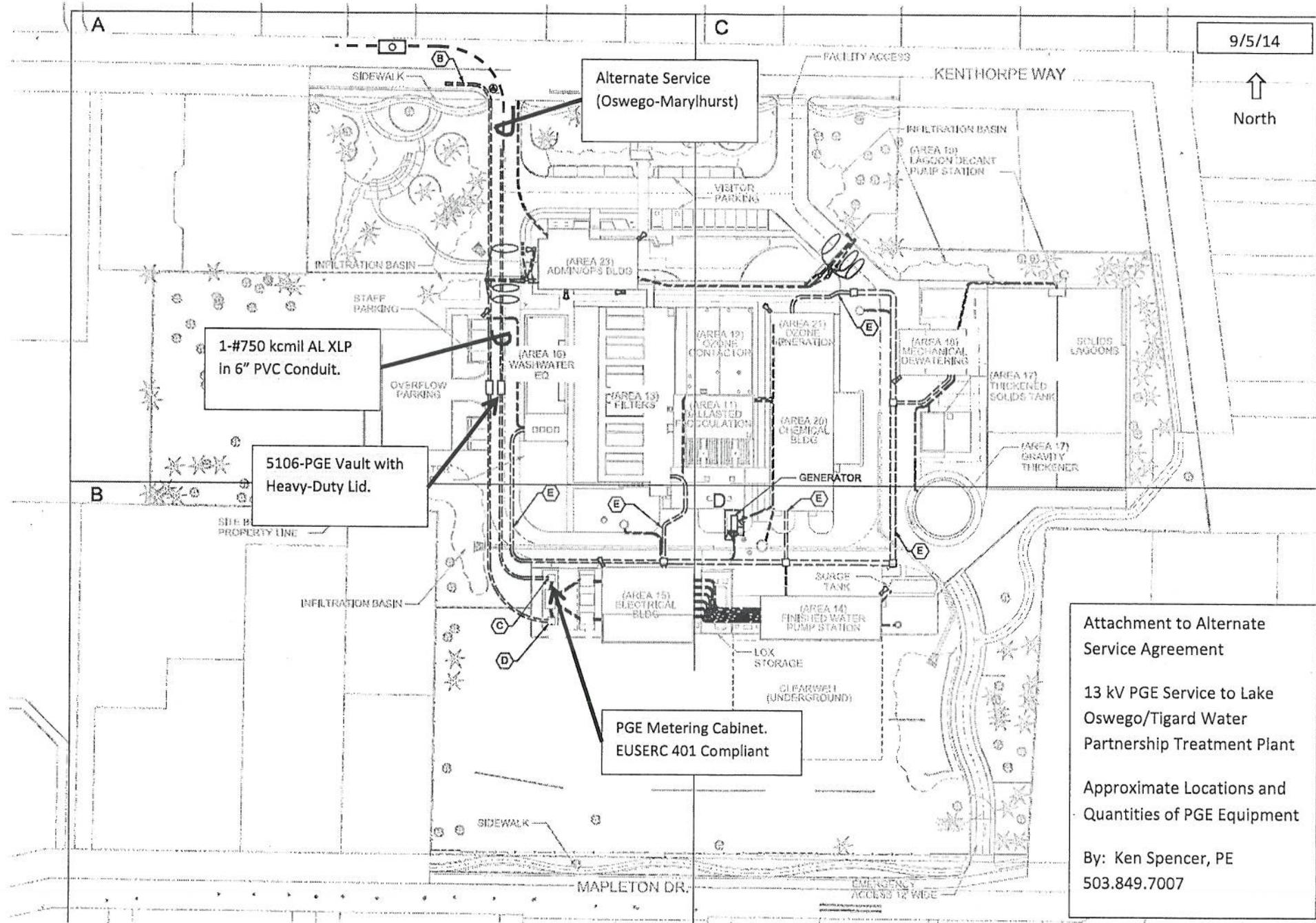
(Signature, Title)

(Date)

PGE – Legal Review

dc 12/10/14
(Initials, Date)

9/5/14



Attachment to Alternate Service Agreement

13 kV PGE Service to Lake Oswego/Tigard Water Partnership Treatment Plant

Approximate Locations and Quantities of PGE Equipment

By: Ken Spencer, PE
503.849.7007

Partial Site Plan – No Scale

AIS-2157

3. A.

Business Meeting

Meeting Date: 02/10/2015

Length (in minutes): Consent Item

Agenda Title: Receive and File: Council Calendar and Council Tentative Agenda

Submitted By: Carol Krager, City Management

Item Type: Receive and File

Meeting Type: Consent -
Receive and
File

Public Hearing: No

Publication Date:

Information

ISSUE

Receive and file the Council Calendar and the Tentative Agenda for future council meetings.

STAFF RECOMMENDATION / ACTION REQUEST

No action is requested; these are for information purposes.

KEY FACTS AND INFORMATION SUMMARY

Attached are the Council Calendar and the Tentative agenda for future Council meetings.

OTHER ALTERNATIVES

N/A

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

N/A

DATES OF PREVIOUS COUNCIL CONSIDERATION

N/A - Receive and File Items

Attachments

Three-month Council Calendar

Tentative Agenda



MEMORANDUM

TO: Honorable Mayor & City Council/City Center Development Agency Board

FROM: Carol A. Krager, City Recorder

RE: Three-Month Council/CCDA Meeting Calendar

DATE: February 5, 2015

February

3	Tuesday	City Center Development Agency/City Council Meeting – 6:30 p.m., Town Hall
10*	Tuesday	Council Business Meeting – 6:30 p.m., Town Hall
16	Monday	President's Day – City Hall Offices Closed
17*	Tuesday	Council Workshop Meeting – 6:30 p.m., Town Hall
24*	Tuesday	Council Business Meeting – 6:30 p.m., Town Hall

March

3	Tuesday	City Center Development Agency Meeting – 6:30 p.m., Town Hall
10*	Tuesday	Council Business Meeting – 6:30 p.m., Town Hall
17*	Tuesday	Council Workshop Meeting – 6:30 p.m., Town Hall
24*	Tuesday	Council Business Meeting – 6:30 p.m., Town Hall

April

7	Tuesday	City Center Development Agency Meeting – 6:30 p.m., Town Hall
14*	Tuesday	Council Business Meeting – 6:30 p.m., Town Hall
21*	Tuesday	Council Workshop Meeting – 6:30 p.m., Town Hall
28*	Tuesday	Council Business Meeting – 6:30 p.m., Town Hall

Regularly scheduled Council meetings are marked with an asterisk (*).

Meeting Banner Business Meeting
 Study Session Special Meeting
 Consent Agenda Meeting is Full
 Workshop Meeting CCDA Meeting

**City Council Tentative Agenda
 2/5/2015 9:40 AM - Updated**

Form #	Meeting Date	Submitted By	Meeting Type	-----Title-----	Department	Inbox or Finalized
1898	02/17/2015	Carol Krager	AAA	February 17, 2015 Workshop Meeting		
2005	02/17/2015	Nadine Robinson	CCWKSHOP	1 20 Minutes - Tigard Municipal Court Annual Report to City Council	Administrative Services	Alley, N, Deputy City Recorder
2100	02/17/2015	Carol Krager	CCWKSHOP	2 15 Minutes - RECEIVE TVF&R STATE OF THE DISTRICT PRESENTATION FROM CHIEF DUYCK	City Management	Krager C, City Recorder
1998	02/17/2015	Debbie Smith-Wagar	CCWKSHOP	3 60 Minutes - Discussion on Parks and Transportation SDCs and Fees	Financial and Information Services	Alley, N, Deputy City Recorder
2105	02/17/2015	Joseph Barrett	CCWKSHOP	4 10 Minutes - Pacific Highway/Gaarde/McDonald Waterline Contract Discussion	Financial and Information Services	McCarthy M, St/Trans Sr Proj Eng
2049	02/17/2015	Judy Lawhead	CCWKSHOP	5 10 Minutes - Briefing on an Agreement to Facilitate Governance of the Willamette River Water Supply	Public Works	02/03/2015
2055	02/17/2015	Judy Lawhead	CCWKSHOP	6 10 Minutes - Briefing on an Agreement with CWS Regarding the Right of Way at the Southern End of 85th Avenue	Public Works	Alley, N, Deputy City Recorder
1887	02/17/2015	Judy Lawhead	CCWKSHOP	7 15 Minutes - Briefing on Capital Improvement Plan (CIP) Projects	Public Works	McMillan K, Engineering Manager
2148	02/17/2015	Dana Bennett	CCWKSHOP	8 30 Minutes - Discuss changes to the City Manager Evaluation for 2015	City Management	Alley, N, Deputy City Recorder
				Total Time: 170 of 180 Minutes Scheduled		
1929	02/24/2015	Carol Krager	AAA	February 24, 2015 Business Meeting		

Meeting Banner		Business Meeting	
Study Session		Special Meeting	
Consent Agenda		Meeting is Full	
Workshop Meeting		CCDA Meeting	

**City Council Tentative Agenda
2/5/2015 9:40 AM - Updated**

1993	02/24/2015	Norma Alley	ACCSTUDY	15 Minutes - Council Liaison Reports	City Management	11/24/2014
2084	02/24/2015	Carol Krager	ACCSTUDY	15 Minutes - RECEIVE UPDATE FROM METRO COUNCILOR DIRKSEN	City Management	Krager C, City Recorder
2080	02/24/2015	John Goodrich	ACCSTUDY	15 Minutes - Briefing on Potential Lease for Public Works Bulk Storage	Public Works	Rager B, PW Director
Total Time: 45 of 45 Minutes Scheduled STUDY SESSION FULL						
1877	02/24/2015	Judy Lawhead	ACONSENT	Consent Item - Adopt a Resolution Authorizing the City Manager to Execute an Agreement with PGE for a Back-up Power Source for a Water Partnership Facility	Public Works	Gaston G, Conf Executive Asst
2050	02/24/2015	Judy Lawhead	ACONSENT	Consent Item - Authorize the City Manager to Sign an Agreement to Facilitate Governance of the Willamette River Water Supply.	Public Works	Rager B, PW Director
2056	02/24/2015	Judy Lawhead	ACONSENT	Consent Item - Authorize the City Manager to Sign an Agreement with CWS Regarding the Right of Way at the Southern End of 85th Avenue	Public Works	Lawhead, J, Sr. Admin Spec.
1977	02/24/2015	Joanne Bengtson	CCBSNS	1 5 Minutes - Request for Permit Fee Refund on Stevie Levin Eagle Project	City Management	02/04/2015
1986	02/24/2015	Agnes Kowacz	CCBSNS	2 90 Minutes - River Terrace Code Amendments	Community Development	Floyd J, Associate Planner
2153	02/24/2015	Greer Gaston	CCBSNS	3 15 Minutes - Executive Session - Legal Counsel Current and Pending Litigation	Public Works	Gaston G, Conf Executive Asst
2156	02/24/2015	Carol Krager	CCBSNS	4 15 Minutes - Executive Session – Exempt public records	City Management	Krager C, City Recorder
2155	02/24/2015	Sean Farrelly	CCBSNS	5 60 Minutes - CCDA Executive Session- Real Property Negotiations	Community Development	Krager C, City Recorder
Total Time: 185 of 100 Minutes MEETING OVERSCHEDULED						

Meeting Banner Business Meeting
 Study Session Special Meeting
 Consent Agenda Meeting is Full
 Workshop Meeting CCDA Meeting

**City Council Tentative Agenda
2/5/2015 9:40 AM - Updated**

2012	03/03/2015	Carol Krager	AAA	March 3, 2015 CCDA and Council Meeting		
2089	03/03/2015	Sean Farrelly	CCDA	20 Minutes - Update on Saxony Property Prospective Purchaser Agreement and Future of Site	Community Development	Farrelly S, Redev Project Manager
2115	03/03/2015	Sean Farrelly	CCDA	15 Minutes - Art/Gateway Update	Community Development	Farrelly S, Redev Project Manager
2116	03/03/2015	Sean Farrelly	CCDA	60 Minutes - Executive Session - Real Property Negotiations per ORS 192.660(2)(e)	Community Development	01/21/2015
2154	03/03/2015	Sean Farrelly	CCDA	30 Minutes - Ash Burnham Development Agreement	Community Development	Farrelly S, Redev Project Manager
2151	03/03/2015	Carol Krager	CCDA	60 Minutes - Continuation of A+O Apartments Comprehensive Plan Amendment/Planned Development	Community Development	Pagenstecher G, Assoc Planner
				Total Time: 185 of 180 Minutes Scheduled		
1988	03/10/2015	Carol Krager	AAA	March 10, 2015 Business Meeting		
2051	03/10/2015	Norma Alley	ACCSTUDY	15 Minutes - Council Liaison Reports	City Management	12/16/2014
2011	03/10/2015	Liz Lutz	ACCSTUDY	30 Minutes - Review of 2015 Community Grant Funding Requests	Financial and Information Services	Lutz L, Conf Exec Asst
				Total Time: 45 of Minutes Scheduled STUDY SESSION FULL		
2006	03/10/2015	John Floyd	CCBSNS	1 60 Minutes - Marijuana Facilities Development Code Amendments	Community Development	Floyd J, Associate Planner
2013	03/10/2015	John Floyd	CCBSNS	2 25 Minutes - RIVER TERRACE DEVELOPMENT CODE AMENDMENTS CONTINUANCE DATE	Community Development	Floyd J, Associate Planner
2106	03/10/2015	Joseph Barrett	CCBSNS	3 5 Minutes - Contracts Placeholder (PGM Water)	Financial and Information Services	Barrett J, Sr Mgmt Analyst - Finance
				Total Time: 90 of 100 Minutes Scheduled		

Meeting Banner		Business Meeting	
Study Session		Special Meeting	
Consent Agenda		Meeting is Full	
Workshop Meeting		CCDA Meeting	

**City Council Tentative Agenda
2/5/2015 9:40 AM - Updated**

1989	03/17/2015	Carol Krager	AAA	March 17, 2015 Workshop Meeting		
2086	03/17/2015	Tom McGuire	CCWKSHOP	1 45 Minutes - Joint Meeting with the Planning Commission to Receive a Briefing on the Tigard Triangle	Community Development	Caines C, Assoc Planner
2060	03/17/2015	John Goodrich	CCWKSHOP	2 20 Minutes - Willamette Water Supply Project - Pipeline Project by Other Agencies - Update	Public Works	Goodrich J, Utility Div Manager
2096	03/17/2015	Norma Alley	CCWKSHOP	3 30 Minutes - Discussion on Infrastructure Financing	Financial and Information Services	LaFrance T, Fin/Info Svcs Director
2097	03/17/2015	Norma Alley	CCWKSHOP	4 30 Minutes - Discussion on Charter Review	City Management	Newton L, Assistant City Manager
2057	03/17/2015	Judy Lawhead	CCWKSHOP	5 10 Minutes - Briefing on an Agreement Regarding Revised Funding for the Pacific Highway/Gaarde Street/McDonald Street Intersection Improvements	Public Works	McCarthy M, St/Trans Sr Proj Eng
2145	03/17/2015	Steve Martin	CCWKSHOP	10 Minutes - Briefing on a Property Use Agreement with the Tigard Tualatin School District	Public Works	Martin S, Parks Manager
2152	03/17/2015	Toby LaFrance	CCWKSHOP	35 Minutes - Continued Discussion on the Street Maintenance Fee	Financial and Information Services	LaFrance T, Fin/Info Svcs Director
				Total Time: 180 Minutes Scheduled	MEETING FULL	
1990	03/24/2015	Carol Krager	AAA	March 24, 2015 Business Meeting		
2052	03/24/2015	Norma Alley	ACCSTUDY	15 Minutes - Council Liaison Reports	City Management	12/16/2014
1966	03/24/2015	Judy Lawhead	ACCSTUDY	15 Minutes - Briefing on Sanitary Sewer Reimbursement Districts	Public Works	Berry G, Project Engineer
2101	03/24/2015	Lloyd Purdy	ACCSTUDY	15 Minutes - Economic Development Quarterly Update	Community Development	Purdy, L, Econ Development Mgr

Meeting Banner Business Meeting
 Study Session Special Meeting
 Consent Agenda Meeting is Full
 Workshop Meeting CCDA Meeting

City Council Tentative Agenda
2/5/2015 9:40 AM - Updated

Total Time: 45 of 45 Minutes Scheduled STUDY SESSION FULL						
2058	03/24/2015	Judy Lawhead	ACONSENT	Consent Item - Authorize the City Manager to Sign an Agreement Regarding Revised Funding for the Pacific Highway/Gaarde St./McDonald St. Intersection Improvements	Public Works	Lawhead, J, Sr. Admin Spec.
2146	03/24/2015	Steve Martin	ACONSENT	Consent Item - Authorize the City Manager to sign an agreement with the Tigard Tualatin School District regarding joint use of property	Public Works	Martin S, Parks Manager
1874	03/24/2015	Judy Lawhead	CCBSNS	1 15 Minutes - Informational Public Hearing to Consider a Resolution Establishing Walnut Street & 112th Avenue Sanitary Sewer Reimbursement	Public Works	Berry G, Project Engineer
2009	03/24/2015	John Floyd	CCBSNS	2 45 Minutes - Development Code Amendments: Trails, Electronic Signs, and Utility Cabinets	Community Development	Floyd J, Associate Planner
2045	03/24/2015	Lloyd Purdy	CCBSNS	3 25 Minutes - Economic Opportunity Analysis: Post Acknowledgement Plan Amendment	Community Development	Pagenstecher G, Assoc Planner
2143	03/24/2015	Liz Lutz	CCBSNS	10 Minutes - Consider a Resolution Granting Exemption from Property Taxes under TMC 3.50 for Five Non-Profit Low Income Housing Properties	Financial and Information Services	Lutz L, Conf Exec Asst
2144	03/24/2015	Steve Martin	CCBSNS	10 Minutes – Executive Session - Real Property acquisition	Public Works	02/03/2015
Total Time: 105 of 100 Minutes Scheduled MEETING FULL						
2014	04/07/2015	Carol Krager	AAA	April 7, 2014 CCDA Meeting		
2117	04/07/2015	Sean Farrelly	CCDA	20 Minutes - Brownfield Initiative Update	Community Development	Farrelly S, Redev Project Manager
2118	04/07/2015	Sean Farrelly	CCDA	15 Minutes - Strolling Street Program Update	Community Development	Farrelly S, Redev Project Manager
2119	04/07/2015	Sean Farrelly	CCDA	10 Minutes - Update on Downtown Dog Park	Community Development	Farrelly S, Redev Project Manager

Meeting Banner Business Meeting
 Study Session Special Meeting
 Consent Agenda Meeting is Full
 Workshop Meeting CCDA Meeting

**City Council Tentative Agenda
 2/5/2015 9:40 AM - Updated**

Total Time: 45 of 180 Minutes Scheduled						
2016	04/14/2015	Carol Krager	AAA	April 14, 2015 Business Meeting		
2053	04/14/2015	Norma Alley	ACCSTUDY	15 Minutes - Council Liaison Reports	City Management	12/16/2014
2112	04/14/2015	Norma Alley	ACCSTUDY	25 Minutes - Review Solid Waste Franchise Fee Audit and Potential TMC Changes	Financial and Information Services	LaFrance T, Fin/Info Svcs Director
Total Time: 40 of 45 Minutes Scheduled						
1889	04/14/2015	Judy Lawhead	CCBSNS	15 Minutes - Briefing on Capital Improvement Plan (CIP) Projects	Public Works	Lawhead, J, Sr. Admin Spec.
2007	04/14/2015	John Floyd	CCBSNS	30 Minutes - Marijuana Facilities Development Code Amendment - Continuance Date	Community Development	Floyd J, Associate Planner
2147	04/14/2015	Steve Martin	CCBSNS	10 Minutes - Authorize the City Manager to sign a property purchase agreement	Public Works	Martin S, Parks Manager
Total Time: 55 of 100 Minutes Scheduled						
	04/20/2015			April 20, 2015 BUDGET COMMITTEE MEETING, 6:30 p.m. Public Works Auditorium		
2017	04/21/2015	Norma Alley	AAA	April 21, 2015 Workshop Meeting		
2104	04/21/2015	Alison Grimes	CCWKSHOP	1 30 Minutes - Annual Joint Meeting with the Library Board	Library	02/03/2015
2098	04/21/2015	Norma Alley	CCWKSHOP	2 40 Minutes - Discussion on Possible Ballot Measures	City Management	Newton L, Assistant City Manager

Meeting Banner	<input type="checkbox"/>	Business Meeting	<input type="checkbox"/>
Study Session	<input type="checkbox"/>	Special Meeting	<input type="checkbox"/>
Consent Agenda	<input type="checkbox"/>	Meeting is Full	<input type="checkbox"/>
Workshop Meeting	<input type="checkbox"/>	CCDA Meeting	<input type="checkbox"/>

**City Council Tentative Agenda
2/5/2015 9:40 AM - Updated**

2110	04/21/2015	Norma Alley	CCWKSHOP	3 15 Minutes - PLACEHOLDER - Discussion on Homelessness and Panhandling	City Management	MartyW, City Manager
Total Time: 85 of 180 Minutes Scheduled						
	04/27/2015			April 27, 2015 BUDGET COMMITTEE MEETING, 6:30 p.m. Public Works Auditorium Mayor Cook Absent		
2018	04/28/2015	Norma Alley	AAA	April 28, 2015 Business Meeting		
2054	04/28/2015	Norma Alley	ACCSTUDY	15 Minutes - Council Liaison Reports	City Management	12/16/2014
Total Time: 15 of 45 Minutes Scheduled						
2000	04/28/2015	Debbie Smith-Wagar	CCBSNS	40 Minutes - Council Hearing on Storm water, Parks, and Transportation SDCs and fees	Financial and Information Services	LaFrance T, Fin/Info Svcs Director
Total Time: 40 of 100 Minutes Scheduled						
	05/04/2015			May 4, 2015 BUDGET COMMITTEE MEETING, 6:30 p.m. Public Works Auditorium		
2019	05/05/2015	Norma Alley	AAA	May 5, 2015 CCDA Meeting		
2120	05/05/2015	Sean Farrelly	CCDA	30 Minutes - Meeting with Tigard Downtown Alliance Board of Directors	Community Development	Farrelly S, Redev Project Manager
2121	05/05/2015	Sean Farrelly	CCDA	25 Minutes - Downtown Events and Programming – Assessment and Future Options	Community Development	Farrelly S, Redev Project Manager
2122	05/05/2015	Sean Farrelly	CCDA	30 Minutes - Burnham/Ash Housing Design Presentation	Community Development	Farrelly S, Redev Project Manager
Total Time: 85 of 180 Minutes Scheduled						

Meeting Banner Business Meeting
 Study Session Special Meeting
 Consent Agenda Meeting is Full
 Workshop Meeting CCDA Meeting

**City Council Tentative Agenda
 2/5/2015 9:40 AM - Updated**

	05/11/2015			May 11, 2015 BUDGET COMMITTEE MEETING, 6:30 p.m. Public Works Auditorium		
2023	05/12/2015	Norma Alley	AAA	May 12, 2015 Business Meeting		
2063	05/12/2015	Norma Alley	ACCSTUDY	15 Minutes - Council Liaison Reports	City Management	12/22/2014
				Total Time: 15 of 45 Minutes Scheduled		
2020	05/19/2015	Norma Alley	AAA	May 19, 2015 Workshop Meeting		
2099	05/19/2015	Norma Alley	CCWKSHOP	40 Minutes - Discussion on the Strategic Plan	City Management	Newton L, Assistant City Manager
				Total Time: 40 of 180 Minutes Scheduled		
2021	05/26/2015	Norma Alley	AAA	May 26, 2015 Business Meeting		
2064	05/26/2015	Norma Alley	ACCSTUDY	15 Minutes - Council Liaison Reports	City Management	12/22/2014
				Total Time: 15 of 45 Minutes Scheduled		
1758	05/26/2015	Carol Krager	CCBSNS	15 Minutes - PLACEHOLDER - Google Franchise Agreement	City Management	Mills L, Asst to City Manager
2113	05/26/2015	Norma Alley	CCBSNS	20 Minutes - Adopt Solid Waste Franchise Rates and TMC Changes	Financial and Information Services	LaFrance T, Fin/Info Svcs Director
				Total Time: 35 of 100 Minutes Scheduled		

AIS-2149

3. B.

Business Meeting

Meeting Date: 02/10/2015

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:

- November 18, 2014
- December 9, 2014
- January 6, 2015

OTHER ALTERNATIVES

N/A

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

N/A

DATES OF PREVIOUS COUNCIL CONSIDERATION

N/A

Attachments

[November 18, 2014 Minutes](#)

[December 9, 2014 Minutes](#)

[January 6, 2015 Minutes](#)

[January 20, 2015 Minutes](#)



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

1. WORKSHOP MEETING 

- A. Mayor Cook called the City Council meeting to order at 6:34 p.m.
- B. Deputy City Recorder Alley called the roll:

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

- C. Mayor Cook led the Pledge of Allegiance.
- D. Mayor Cook asked Council for Communications & Liaison Reports to be heard as Agenda Item 6. Council President Henderson provided a handout and quickly reviewed what was in the handout.
- E. Mayor Cook asked Council and Staff for any Non-Agenda Items to be heard as Agenda Item 7. City Manager Wine stated she did not have any. The mayor stated he had one item.

2. DISCUSSION OF RECREATION PROGRAMMING IN TIGARD 

Parks And Facilities Manager Martin introduced consultants Ian Stewart, EMC Research, and Ryan Mottau, MIG. Mr. Mottau provided the presentation accompanied by a PowerPoint presentation. Mr. Mottau stated MIG was contracted to look into what can be done to see this project move forward. The first phase was to have an updated understanding of what is going on and to be inclusive of all parties. Second is about refining all the things that could be and test possibilities with the public. We are now in the third phase to help facilitate the decision making process. We want to give you the opportunity to explore the different angles we have been exploring and answer questions and move forward with direction from you. We have been working with the Park and Recreation Advisory Board to understand the background story and look forward to what they would like to see. Phase 1 was to figure out the level of interest, topics and ways to provide a different type of investment in recreational opportunities. Initial stakeholders included all councilors to make sure we understood what the city's issues and challenges were around this topic, the need to determine what the next steps are and what that meant. The findings show that current services are meeting some needs and leaving some out, which is a message we heard throughout the process. We conducted an online survey to test the market for these services with people that are already connected and using the current facilities and services. We saw a very strong interest from that group for the city to play the role of providing classes, summer camps, and activities happening in their public spaces, which are already provided. We heard a desire for a central location to help provide an identity, but it was brought up that centralizing services also makes for transportation

issues by only providing to a certain area of people. The key point is the community painted a picture of Tigard as a family friendly, middle class community. There are some extremes as well and finding ways to serve those different needs is an important part of services. The take away message is the services are good for those who can afford to pay for the services, which has impacts on how you might provide services and what affordability would look like when you put them out. When we look on to what the city is already doing. We repeatedly heard interest in finding ways to make the most out of existing facilities and investments whether by the city or other parties. Phase two was to look at funding strategies to validate what we heard, which could be a local option levy, bond measure, or special districts. The general survey showed a strong commitment for a bond measure.

Mr. Ian Stewart, EMC Research, presented the results of EMC Research's online survey of registered voters and did over 300 interviews; providing a 5.7 point margin of error in the survey. Mr. Stewart stated the results showed people are relatively satisfied with facilities available, but not necessarily the programs available. 70 percent responded they expect the city to do something and could be doing something more with available space. The survey had three options. Funding Option 1 would equal \$20 a year to the tax property rolls. Option 1 received a lot of support. Option 2's cost per household is \$60, which comes with sticker shock. Option 3 is clearly not as attractive at this time. To close out the survey we asked about presenting a scenario of joining with other resources, the city doing it ourselves or keep as they are and the majority of support was to joining forces. We asked the direct question stating the Tualatin Hills Park and Recreation District provides a full range of services for an average of \$380.00 dollars a year and should Tigard do the same at that cost. The result showed support at this level.

Mr. Ryan Mottau stated it is clear there is a high level of support of doing something even if it is going to cost something, therefore, this is an important time to move. Shaping some of those options is going to be called the preferred scenario. This is outlined in the PowerPoint presentation and included in the permanent record. This recreation guide is a way to find opportunities to promote programs, get access across the entire community and find ways to bring back things that were happening prior to the recession. The next steps are to get a sense at how viable all this is and to create an implementation program of key steps, staffing, and costs.

Mayor Cook asked if the registered voters truly represented the stats as provided in the census and was it a cross representation of the city. Mr. Mottau answered the focus groups and online responders all mirrored the population and the needs being met. We go to the voters because they are the ones who will come out to vote.

Council President Henderson said to understand what the needs are he needs to know what is and is not already provided by other organizations. Ms. Wine said we are addressing the role of the city by putting together the recreation inventory, which answers what is there now. That was the foundational base for this survey and key part in the first phase of understanding what was going on.

Councilor Buehner expressed concern about the difficulty it may be to get voters to support a bond measure. She said she would need to see a much higher number in the survey in order to support this. Mr. Mottau said there is certainly the concern of how many more citizens are willing to pay and a bond is a leap, but there is motivation and desire to make something happen. The right information is here to put together a package to move forward.

Council President Henderson asked what does the \$20 equate to and will it be adequate funding. Mr. Mottau answered the \$20 is \$340,000 a year and would adequately fund the services in package one.

Mr. Mottau and Mr. Stewart closed their presentation offering to be available for any questions or needs the city has in the future.

3. JOINT MEETING WITH THE PARK AND RECREATION ADVISORY BOARD

The Park and Recreation Advisory Board (PRAB) joined the City Council for this discussion. Members present were PRAB Chair Troy Mears, Holly Polivka, Linda Shaw, Tim Pepper, Wayne Gross, and PRAB Vice Chair David Brown.

Vice Chair David Brown stated PRAB took the information from the consultants and came away with a more idealistic option. PRAB's overall recommendation is going with Option 2 shooting for Option 3 in three to five years for a recreation center. Mr. Brown suggested doing a survey on an alternate recreation center.

Chair Mears said Option 3 is not a good idea to pursue right away. PRAB has already started some things within Option 1, so it's time to move to Option 2. Once it gets going the momentum will continue to build and we can accomplish more than if we start too high and then are not able to keep the momentum; start at a safe place and get it to grow.

Councilor Snider stated he was surprised to see the amount of support for the full service options. THPRD is a nationally recognized organization as a premier program and maybe it would be wise to join with them. Chair Mears replied that joining them now may not be an option and it may not be realistic to join with them. Tigard has its own identity and we can use those resources now.

Vice Chair Brown said to be successful there is a need for a recreational manager to drive the programs, which is clearly identified as one full-time employee.

Chair Mears commented if we go out to bond, we need to show what we are going to use the money for and what we are going to give them. That needs to be built up to prove what we have and what the community will get for the bond.

Ms. Polivka said the Board had talked about THPRD and the YMCA. Mr. Mottau said joining with any organization is a three year plan with the city figuring out who is going to operate that. Mayor Cook stated 50 percent of those surveyed agreed to partner with someone else.

Councilor Snider suggested reconsidering the mindset of only putting one thing on the ballot and the city educating the community on all options. This seems to be a prime opportunity to allow voters to choose their options.

Councilor Buehner said THPRD has clearly stated they do not want to move this direction and only want to serve the Beaverton School District; therefore, this is not a viable option at this time.

Councilor Snider inquired if Option 2 would require a vote to levy fees. Ms. Wine said the city has many needs and different ways to fund those needs and one way is a voter improved bond. If we are just getting into the recreation program, we have a general fund and we can initiate fees, which are funding choices that may not be necessary to go before the voters. We do not have existing capacity in the general fund to add additional programs, so going to the voters is still a possibility.

Council President Henderson said in order to do this right the city would need to hire more staff with the skill set; it may not take just one person. He asked is the community of volunteers out there to support this. Mr. Mottau replied there are a lot of great opportunities going on, but there is not a unified function promoting the existing programs and bringing it together. He said it is a new line of business the city would be taking on that your community is interested in and there are ways to go about it that do not require new programs. This would be hiring one or two people to go find the programs already going on in the community and bringing them together or providing them in a unified facility. There are a lot of programs already in the community, but the citizens are asking where they are located. This is the missing link. The opportunities are available, but marketing those opportunities is where it is failing.

Chair Mears said additionally, activities are available all over, but you have to pay additional fees for those which means it is not accessible to everyone.

Mr. Wayne Gross said parks and recreation are essential services and there are very few cities of 50,000 that have programs. It is time Tigard starts somewhere and it seems a lot can be done in the range of \$20 to \$60 thousand a year. He suggested consultants put together a proposal of what that may provide. The low income is not being served with the programs out there because they cannot afford it and the city needs to recognize that.

Public Works Director Brian Rager said what we want to come away with is a direction from you on where to go from here. Staff wants to know what the target is so staff can come back with an implementation plan. Ms. Wine added the purpose of tonight's discussion is also for staff to receive guidance for the budget. Between now and April staff can put finer details on the budget proposal, which will be reviewed during the budget process.

Councilor Snider suggested doing a feasibility study to pursue a YMCA coming to the community. Ms. Wine said the city has agreed to fund half of the study.

Mayor Cook thanked the PRAB for coming and closed the discussion stating staff has continued work to do and has received some good guidance on the next steps.

4. UPDATE ON STRATEGIC PLAN COMMUNITY OUTREACH

Assistant City Manager Liz Newton and Community Development Director Kenny Asher provided the staff report accompanied by a PowerPoint presentation. Ms. Newton reported the purpose of tonight's meeting is to report to the council about the year-long efforts to collect public opinion about the strategic plan draft vision and goals. The strategic planning effort started in 2012 when the Mayor's Blue Ribbon Task Force suggested a strategic plan for the city's long term focus and direction. Vision and goals were developed taking the city's assets and strengths and considering

how the city would be distinctive in 20-25 years. Staff has been out over the last year testing the vision with the Tigard Community sharing the vision and plan with over 1,200 people. Staff heard:

- Positive responses to Tigard being walkable and a healthy community. Interconnection is something that resonates with people and they can aspire to.
- Number one request is sidewalks.
- Number one concern is funding and safety.
- A few people who have been with us along the way have some comments
 - Lawrence Gillespie's participation (principal at Metzger) and Troy Mears. (Troy will represent the Park Board and the Mayor's Blue Ribbon Task Force).

Councilor Snider asked if the city asked the school district or special districts what they think of the plan. Ms. Wine said TVF&R is part of the management team and the entire team is aware and involved in this vision.

Mr. Asher said when the Strategic Plan was initially envisioned it came within the walls of our city. The city has been partnering with the Washington County Public Health Division (WCPHD), through the Brownfields program, to find out how the community perceives their environment. At these meetings, WCPHD came up with a word cloud, as shown in the PowerPoint, from what WCPHD heard when they asked the community 'how do you experience your environment'. This shows that we are on the right track with this Strategic Plan. No matter which neighborhood you are in, people want more sidewalks whether the neighborhood is sidewalk rich or sidewalk poor. We went all around the city in new neighborhoods with complete sidewalk networks and older ones. No matter who we talked to everyone loved their neighborhood and a universal desire is people want to walk.

Mr. Asher stated staff has started doing some things to get the plan operational including the Safe Routes to Schools Initiative and today we received three proposals to review the Zoning Code and scoping to see how it may pertain to the walkability of Tigard. We are figuring out a different way of looking at the world of transportation projects and what we could be doing. Streets and Transportation Senior Project Engineer McCarthy was asked to gather all the projects the city has and all those projects came to \$1.9 billion to fund. The five year CIP is more in the order of a few million. The manner to prioritize projects and make it affordable is tied into the transportation infrastructure and would presumably be implemented that next year after many refinements. Ms. Wine has taken the lead on lighter, quicker, cheaper projects which are things that can be done now instead of three to five years. As we are planning we are changing small things. Others on staff have completed a walk friendly community assessment. This is an organization that helps you rate your city on how walkability. There is a bit of work to complete this assessment and we talk monthly on what needs to happen for this plan to become reality.

Mr. Lawrence Gillespie, Metzger Elementary School principle, said he appreciates the partnership with several events held at Metzger. The bike to walk event was very successful. People were very appreciative the city was there to receive feedback on making our community more walkable or bikeable. They loved the idea of a safer community to get the kids to the school.

PRAB Chair Mr. Troy Mears said this has definitely been heard and many people are very excited to see what is going on.

Ms. Newton said staff will bring a resolution to Council next week for adoption. Staff can then develop a budget to align with the vision and develop additional initiatives and milestones to implement the plan.

Mayor Cook thanked the staff for all their time and effort put into the plan so far. As found in staff and council's outreach, the community is positive. It is good to do a variety of outreach and receive opinions from a number of members in the community.

5. REVIEW OF THE RESULTS OF THE WATER AND SEWER RATE STUDIES

Finance and Information Services Director LaFrance, Assistant Finance Director Smith-Wagar, Utility Division Manager Goodrich and HDR Consultant Healy provided the report accompanied by a PowerPoint presentation.

Mr. LaFrance reported in 2010 a water financing plan was done resulting in proposed water rate increases. Instead of renewing our agreement with Portland, the city chose to partner with Lake Oswego providing ownership in a water source. We finalized that agreement, updated finance plans, and created a rate structure with fee increases over the next five years. This allowed us to finance the first of two bonds of \$97 billion. The first was sold in 2012 allowing us to fund the Lake Oswego-Tigard Water Partnership Project. The proceeds of that bond will be fully utilized in early spring of 2015, so the second bond sale will occur in February 2015. In the interim there was a change in the project opportunity to secure an additional four million gallons per day. In July 2013 Council was presented a high level analysis of the impact in fee increases of less than nine percent. With that information council changed the intergovernmental agreement and increased fees.

Mr. Healy presented the findings and recommendation as outlined in the PowerPoint of what was provided in the packet summarizing the survey. The preliminary conclusion is two scenarios, Scenario A with a smoothed rate impact and Scenario B a one-time rate hike in 2015. Both scenarios will meet city revenue requirements and are just different in how they get there.

Councilor Snider asked why an option is considered a smooth rate when they not even. Mr. Healy answered the city needs to make up a deficit with a decrease in the rate of increase.

Mr. Healy pointed out in Scenario A the 5.3 percent measures out to \$2.40 for the average residential bill. In Scenario B, the 10.5 percent amounts to about \$4.80. After the large initial increase the city would look at a much reduced increase rate.

Councilor Snider asked if the bill is about the same at the end of 2019. Mr. Healy answered it is less in Scenario B.

Councilor Snider said when he thinks of debt services he specifically thinks of the actual service on the debt, not the principle. Mr. LaFrance said this would be principle and interest payments. He clarified the payments are only interest up through the time the city stop making payments to the city of Portland and then payments will be on principle and interest.

Councilor Buehner stated in 1995 the city adopted a policy having an annual increase of about seven percent. Roughly four percent went to Portland and the remaining went into the capital fund for payment of projects. City residents were comfortable with this and it became the standard until we got involved with the partnership in 2010. Councilor Buehner proposed going to 7-7.5 percent, look at higher rate increases after 2017 and start refunding the capital fund for future improvements without having to go out for bonds.

Mr. LaFrance recommended taking another deep look at the water rates after five years. This provides five years of operating a water treatment plant and we will have numbers to really know what it is going to cost to operate the system.

Councilor Snider asked if any assumptions have been made to sell wholesale water to raise capital and supplement rates. Mr. LaFrance replied there was no consideration within the five year horizon. He said we do not have any established agreements in place to make that assessment, but without those agreements it would not be prudent to get a financial plan together to speculate that.

Councilor Snider suggested staff consider that for the five year mark and ensure the city secures complete control over the right to sell as the city of Tigard. He said, "I am only comfortable approving with this type of rate plan to see wholesale sales; we owe it to our customers to do that."

Mayor Cook said this is the cheapest water we could have purchased, but now we have these rates. We can serve the citizens better with a steady increase because it is easier to budget for than bouncing all around in different rate percentages. When we talk about rates it gets added to the bill, which is confusing no matter how it is explained. The utility bill is comprised of many things, so Scenario A makes it less confusing, easier to understand and better to budget for.

Councilor Buehner asked how can there be a stable increase to meet the increasing demands of population growth and service and put money in reserves. Council President Henderson said if the city does not use up all the water we have in storage, we have the capacity to service the increase in the population. There is a savings in cost to produce the same amount we have been to service the increased demand. Ms. Smith-Wagar said with the two percent increase the reserves are building up after 2017. Mr. Goodhouse said that does cover investment for future capital improvements as O&M is not the driver of rate increases; debt service and big capital outlay are the drivers. Staff has taken into consideration what projects will need to occur in the next ten years based on existing statistics. These rates were developed with those considerations.

Councilor Buehner said going out to a bond issuance is a big issue as no one is expecting to have to go out as it was not communicated. Mr. LaFrance said the issuance of the bond in 2019 is factored into the proposal and would be financed with the two percent increases.

Councilor Snider asked what is the rate model would be in order to build reserves and not go out for a bond in 2019. Mr. LaFrance said staff built the model to minimize the rate impacts, not with the thought of cash financing all our capital. Staff could come with a proposal to cash finance the project in the 2019 timeframe.

Council President Henderson said a six percent increase would assure covering what everyone desires.

TIGARD CITY COUNCIL MEETING MINUTES – NOVEMBER 18, 2014

Mayor Cook stated he liked a flat model because it has less impact.

Councilor Snider proposed looking at the ten percent and a second model of cash financing versus the bond issuance.

Mr. LaFrance clarified that staff will bring to the public hearing two options. Scenario A with a 10.5 percent with a two percent increase and Scenario B a 10.5 increase with an unknown going forward in order to cash finance capital improvements.

Mr. LaFrance provided the sewer presentation accompanied by a PowerPoint presentation. Our operations cannot be cut and there are capitals we need to do. There is not enough money to fund operations and capital. We have enough for operations, but not for capital. Clean Water Services (CWS) is our provider and they set the charges and divisions of funds. Currently, for every dollar paid by a rate payer \$0.84 goes to CWS. Current revenues are inadequate and the city would be looking at a \$1.25 million deficit. In order to cover this deficit under Scenario 1, the city will need to charge \$3.55 per dwelling unit local sewer charge and under Scenario 2 the city will need to charge less than \$2 per dwelling unit per month. The longer we delay the more we use our cash on hand from our reserve fund and eventually that deficit is growing. Both scenarios are presented because to go with Scenario 2 there will need to be some contract negotiations with CWS to make changes. There has been some case law that will support cities with home rule charters to charge an overlapping franchise fee.

Councilor Snider asked do other cities charge. Mr. LaFrance said according the LOC data Banks and Hillsboro are currently charging the additional fee.

Mayor Cook requested a comparison of what other jurisdictions are charging and what their rates are. Mr. LaFrance entered a document with this information into the record.

Mayor said he liked scenario 2 assuming we can get through the issues with CWS.

Councilor Snider asked what there was to negotiate with CWS. Ms. Wine said cities do not know all the implication to charge this additional fee and entering into discussions with help us identify those. Also, CWS may not ascent to being charged the franchise fee. Public Works Director Brian Rager said staff has worked very hard for a number of years to work in concert with CWS through participation on a variety of committees focused mostly in the operation and maintenance side. CWS acts as the permit holder for our storm and sanitary permits so they have the first hit when regulatory agencies come along. Many cities operate under their umbrella when it comes to agreeing on how infrastructure is maintained and development regulations. In trying to maintain a healthy and positive relationship it is worth having the conversation with them as they may offer other solutions in dealing with this situation. Mr. LaFrance said we have not had this conversation because we wanted to see if council wanted to pursue this first.

Council President Henderson asked how the deficiency is going to be made up. Mr. LaFrance answered that the additional revenue imposed by the local surcharge, which currently does not exist, is enough to stay in the black and pay for the operations and capital needs.

Councilor President asked who is paying the deficit right now. Mr. LaFrance said the sewer fund is currently with the healthy beginning fund balance, which is going into a negative spiral.

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Mr. LaFrance said staff received council's recommendation to start discussion with CWS and report back in order for council to select a scenario. Discussions will be held in late spring.

6. COUNCIL LIAISON REPORTS – None.

7. NON AGENDA ITEMS 

Mayor Cook suggested the Woodard Park name be expanded to include the surrounding areas. Consensus by the council was met to bring a formal proposal to the council for approval.

8. EXECUTIVE SESSION

Mayor Cook called the executive session to order at 9:05 p.m. to consider information or records exempt by law from public inspection under ORS 192.660(2)(f). Mayor Cook closed the executive session at 10:25 and reconvened the public meeting.

9. ADJOURNMENT

Motion by Councilor Buehner seconded by Councilor Snider to adjourn the meeting at 10:25 p.m.

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

Norma I. Alley, Deputy City Recorder

Attest:

Mayor, City of Tigard

Date: _____



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

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 DLCDD 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 114th 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 3rd 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 8th, 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.

<u>Name</u>	<u>Yes</u>	<u>No</u>	<u>Absent</u>
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.

<u>Name</u>	<u>Yes</u>	<u>No</u>	<u>Absent</u>
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.

<u>Name</u>	<u>Yes</u>	<u>No</u>	<u>Absent</u>
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.

<u>Name</u>	<u>Yes</u>	<u>No</u>	<u>Absent</u>
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/Garde 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	✓		

Norma I. Alley, Deputy City Recorder

Attest:

Mayor, City of Tigard

Date: _____



City of Tigard

**Tigard City Council Special Meeting Minutes
January 6, 2015**



6:00 p.m. *RECEPTION FOR NEWLY ELECTED OFFICIALS*

- Mayor John Cook
- Councilor John Goodhouse
- Councilor Marc Woodard

6:30 p.m.

1. SPECIAL MEETING

A. At 6:34 p.m. Council President Henderson called the city council to order.

B. City Recorder Krager called the roll.

	Present	Absent
Councilor-elect Goodhouse	x	
Council President Henderson	x	
Councilor Snider	x	
Councilor-elect Woodard	x	
Mayor-elect Cook	x	

C. Pledge of Allegiance – Council President Henderson asked everyone to stand and join him in the Pledge of Allegiance

2. ADMINISTER OATHS OF OFFICE TO MAYOR JOHN COOK, COUNCILOR JOHN GOODHOUSE AND COUNCILOR MARC WOODARD

Judge Michael O’Brien administered oaths of office to Councilor John Goodhouse, Councilor Marc Woodard, and Mayor John Cook. After being sworn in each elected official signed an oath form.

From this point forward Mayor Cook presided over the meeting.

3. INAUGURAL REMARKS:

- Mayor Cook thanked everyone for attending and introduced some special guests: 105-year old Curtis Tigard, whose grandfather was the namesake of the city, former mayors John Cook and Gerry Edwards, Washington County Commissioner Rogers, former Tigard City Councilor

TIGARD CITY COUNCIL MINUTES – JANUARY 6, 2015

Gretchen Buehner, Forest Grove Mayor Truax, a representative from Congresswoman Bonamici's office, and Ken Henschel from the Tigard Water District.

- Councilor John Goodhouse thanked his family, including his wife and children for being by his side supporting him while he was campaigning for office. It required a lot of time away from his family. He said the main message from his campaign is to not let failure get you down. There were times he ran for office and did not win. Some people would stop trying but with persistence and hard work he achieved success.
- Councilor Marc Woodard remarked that he agreed with Councilor Goodhouse's comments on campaigning. It is grueling but it can lead to huge benefits. He thanked his wife and others, including Elise Shearer, who helped with his campaign. He thanked everyone that reelected him and said when he was elected for his first term he had a lot of ideas, but the two he was most passionate about were economic development and city recreation. These are now city council goals. He said the city is on the right track and it is an exciting time. He added that the city is moving at a good clip and he looked forward to seeing what can be accomplished in the next four years. He thanked the staff, noting that people may not understand how hard they work. He said, "Stay positive, support us, and we will continue to do the best for you."

4. STATE OF THE CITY ADDRESS

Mayor Cook mentioned that many members of Tigard's boards and committees were present including five members from the newest board, the Youth Advisory Council. He thanked TVCTV for taping the State of the City video as well as filming the council meetings each month for public access viewing. He also thanked Assistant City Manager Newton for her work on the script and the photos. He presented the State of the City video. It will be made available on the city's website.

Mayor Cook asked his wife to come up and presented her with flowers, thanking her and acknowledging the time he is required to be away from family while serving as mayor.

5. ELECT A COUNCIL PRESIDENT TO SERVE JANUARY 6, 2015 TO DECEMBER 31, 2016

Mayor Cook said Tigard was not the only city with elected officials being sworn in tonight. He mentioned that Metro, the City of Hillsboro, and the City of Sherwood were doing so and even the United States Congress was electing a Speaker of the House today.

He said the council would now elect a council president and described the process. City Recorder Krager distributed ballots for a written vote. She counted the ballots and announced that Councilor Snider had a majority of votes and would serve as the new council president.

6. EXECUTIVE SESSION: None.

TIGARD CITY COUNCIL MINUTES – JANUARY 6, 2015

7 ADJOURNMENT

At 7:04 p.m. Councilor Henderson moved for adjournment. Councilor Woodard seconded the motion and all voted in favor.

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

Carol A. Krager, City Recorder

Attest:

John L. Cook, Mayor

Date



City of Tigard

Tigard City Council Meeting Minutes

January 20, 2015

1. WORKSHOP MEETING

- A. Council President Snider called the City Council meeting to order at 6:35 p.m.
- B. Deputy City Recorder Alley called the roll:

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

- C. Council President Snider led the Pledge of Allegiance.
- D. Council President Snider asked Council and Staff for any Non-Agenda Items to be heard as Agenda Item 6. City Manager stated she had one item to report.

2. BUDGET COMMITTEE SECOND QUARTER REPORT

Finance and Information Services Director LaFrance, Assistant Finance Director Smith-Wagar, Senior Management Analyst Collins and Confidential Executive Assistant Lutz presented the staff report. Mr. LaFrance provided an additional handout for the meeting, which was entered into the record. Budget Committee members Zoe Monahan, Clifford Rone, Julie Plotz, Bill Bigcraft and Melody Graeber also attended and participated in the discussion.

Ms. Smith-Wagar reported the audit is done and the report is available on the website with print available soon. It was unmodified, which is desirable. There were no significant findings. The Audit Committee will be called together in the next month to meet with the auditors for their exit meeting. Councilor Snider will report back to council what will happen at that meeting. Mr. LaFrance said there was an enormous amount of work done by staff to prepare and finish this audit. This audit will be attached to our official revenue bond statements.

Council President Snider asked what the main recommendations were. Ms. Smith-Wagar answered there really were not any recommendations this year. There were a few adjustments to the materiality, which would change an investor's opinion for relying on the financial statements. There were some questions on which year some expenses were reported, but were so minor the auditors did not even research them.

Mr. LaFrance reported the second quarter financial report discusses each of the city funds and presents it in a format similar to the budget document. Mr. LaFrance reviewed the highlights of the eight findings on page two of the report. Follow-up from the last report regarding the decrease in

building permits issued, the city can still support current services and staffing levels even with the decrease.

Council President Snider asked if builders are waiting for River Terrace and choosing not to build. Mr. LaFrance responded that may be a factor. Staff is not worried because this is a trend that will turn around with the River Terrace construction. The city had some big projects the last couple years which has not been seen as of this fiscal year.

Councilor Henderson asked if any of the increase of revenue was unpaid taxes. Mr. LaFrance answered those unpaid taxes were mostly paid during the recession. One thing related to that is the increase of assessed value by 4.4 percent seen throughout Tigard. Even though the assessed value went up it does not mean our collection was at the same percentage.

Ms. Collins reported the second quarter supplemental budget hearing is scheduled for January 27. Some of the key items in the supplemental are the TPOA contract negotiations for salary and overtime increases, a \$15,000 recognition of donations from the Rotary Club for another K9 unit, community development received the second payment for the SW Corridor Plan IGA of \$185,000.00 and budget adjustments within the CIP for a Facilities Plan.

Mr. Rone asked if the \$300,000 plan was approved through the budget process. Ms. Smith-Wagar replied it was approved through the budget process because staff had been putting money in contingencies each year in anticipation of this project.

Ms. Collins continued reporting that the supplemental includes an increase in the gas tax, as approved by TTAC, for the Pacific Highway/Gaarde/McDonald Project that will provide \$1.1 million in additional revenue. Lastly, monies are being moved from the Copper Creek Stabilization Project to the River Terrace Storm Water Master Plan.

Mr. Rone asked if the \$1.1 million was anticipated in the budget. Ms. Wine said the primary reason for the additional expenditure was cost of materials. Mr. Rone said he was surprised to see there was an extra \$1.1 million and assumed the other costs were CIP budgeting costs from the last several years.

Ms. Plotz asked how some of the other CIP were going to be prioritized. Ms. Collins responded about the Copper Creek Project to River Terrace. All the funds were approved so it does not impact the budget; rather, it does impact the capital improvement plan. There are also times when there is a single project and there is no way to manage that with current appropriations, so staff looks at what can be done to manage it; in this case, the city gas tax was considered.

Mr. LaFrance said it is not uncommon for unanticipated expenses to occur. ODOT and Tigard are working with the construction company to manage the remaining funds.

Mr. Rone stated the city is proposing to use a reserve from the gas tax funds. He asked how long it took to build up that reserve. Mr. LaFrance answered since 2007 with the initiation of the gas tax. The funds have been used for the Main Street Beautification and 72nd and Dartmouth Intersection Improvements Projects.

Ms. Monahan asked if the \$1.1 million is anticipated for unforeseen expenses. Mr. LaFrance answered yes, the \$1.1 million should take care of it if the project stays within the budget. It has been the city's experience that this should cover it.

Mr. LaFrance stated it is staff's expectation a proposed budget will be published on or about April 9. The week of April 6 there will be budget training with a focus on Oregon budget law and navigating the city's budget document. April 20 will be the first Budget Committee meeting. Lastly, in the packet is the general fund forecast. Please pay attention to the blue bars and orange line. This is a six year forecast that expenditures and revenues are close and a reserve that is ever so slightly decreasing over time. Over the last several years staff has been talking about bending down the curve. Staff has done a lot of work renegotiating contracts, paying benefits, and more and with that hard work this curve is changing. In the long term there will be slowly eroding service levels. The last piece is the capital improvement plan and resources the city can use for capital improvements. It does not assume any decisions council has yet to make with things like SDCs or River Terrace.

Mr Rone asked for clarification in the increase of gas tax figures around 2021. Mr. LaFrance replied the city will no longer be paying debt service therefore will have additional revenue available.

Mr. LaFrance closed with saying staff completed their requested base budgets and the next step will be for the city manager to review the proposed budget before publishing. Factors considered in the city manager's review will be things like the strategic plan and any needed changes to the base budget.

3. UPDATE ON THE TIGARD STREET TRAIL DESIGN CONCEPTS

Community Development Director Asher and Economic Development Manager Purdy presented the staff report along with guest speaker Resolve Architecture & Planning Principal Urban Designer Suenn Ho which was accompanied by a PowerPoint presentation.

Mr. Asher said the Tigard trail is one of the most important projects for Tigard connecting the downtown to the industrial areas. The Tigard street trail has a chance to be something different and a Tigard landmark. Staff has diligently been working on securing grants for the project, but has not been able to secure any funding. Mr. Asher introduced Ms. Ho stating she partnered with the Astoria community to build a project through funding only from city resources and donations. Because this project is so important, to keep the positive momentum and for grant proposals, staff is continuing work on the Tigard Street Trail.

Ms. Ho presented the PowerPoint presentation and reported work started in November with brainstorming and receiving guidance. She provided background of the project in Astoria reporting it lasted eight years because it was built as monies were available and was completed with no issuance of any bonds. The key piece is a fifty foot wide-thirteen foot tall story screen with quotes from the community recalling Astoria's history. This is out in the public and is freely accessible by everyone. There has been no vandalism as it has been shown when something is built with care the community takes care of it.

Ms. Ho summarized her finding with saying in Tigard, she noticed there is no sidewalk to get downtown from some of the trails. As shown in slide nine of the presentation, area number five has

a lot of homeless people setting up camp, which is where people come out from Fanno Creek. Areas three and four are narrow and four is where people come out from Tigard Street; yet there is not a crossing. There was a very eclectic experience through this corridor and there needs to be something to lengthen it and motivate people to move from one end to the other. One end is Main Street which has positive vibrant things happening; the other end provides a lot of modes of transportation and the middle highlights Fanno Creek. The question is how to use the center as a connector instead of a stand-alone piece. Things to consider are using it as a boardwalk, trail walk, or art walk. Tigard already has a lot of boardwalks, but a different kind of boardwalk could be considered. Another option is a nature walk utilizing the existing trails systems that are quite present. There is a tremendous amount of layers of rock formation in this area, which provide a sense of place and façade. Rocks are cost effective as they are free to come by and you just pay for movement. Another option is an art walk. This is important because art evokes emotions and invokes ideas and a whimsical nature makes a place special. There is a place under the bridge and she asked why not use it. In a conversation with ODOT, they agreed they have a desire to make the bridge nicer. The west end of the trail is not inviting.

Ms. Ho proposed integrating Tigard's rich history in the railroad by tapping into art, nature and boardwalk and using the train as the substance. There are a lot of resources available with people in the community who are very proud of their heritage. Tapping into some of the old signage and graphics to tell stories becomes an extension of the whole street. Clean up the green space in the center to begin appreciating the old growth. This is the stomach and some of the artifacts can be put here making use as the central connection with the neighborhoods. It will be important to have activities in this area. The two large buildings west of the area may be able to be used as projection screens for movies and some kind of lighting. For the east end, Tigard has a successful farmers market but not near Main Street. Use under the bridge on the east for the farmers market and maybe some performers. This could be easily accessible from people on Main Street and all the way down the trail. She suggested making the entrance at the west end a plaza and a welcoming panel with a story screen. These are great concepts, but it all comes to the dollars and sense. Ms. Ho recommended the city create a budget and work backwards to what is affordable. She said she is hoping everyone sees this strip providing a variety of opportunities to have gatherings, seating and activities.

Mr. Asher said staff has already lined up matching funds from the county and a couple hundred thousand dollars have been set aside for future grants with matching funds requirements. At the moment we do not have our next target for funding, but we are looking for that. We have one more meeting with the stakeholders. When we get to the end we will have more materials to get that next grant application.

Councilor Woodard suggested adding a BMX park area and a Parkour course utilizing the belly area to expand family activities.

Discussion commenced on adding some parking to be used as a safe buffer between the trails and the street.

Councilor Goodhouse said he liked the idea of making a learning history of Tigard from each end. He asked for clarification on what would be at the western end. Ms. Ho said that all depends on the property lines and what can be accommodated with the change in elevation. She suggested

TIGARD CITY COUNCIL MEETING MINUTES – JANUARY 20, 2015

considering doing an urban study on that area alone focusing on getting people moving in a safe way.

Councilor Woodard commented he liked the idea of the projection on the east end and integrating multiple events as there is such a large amount of earth to work with there. Councilor Goodhouse said he liked the idea of the farmers market in downtown.

Councilor Snider closed by thanking staff and Ms. Ho for the presentation and stated council looks forward to the possibilities.

4. REVIEW OF THE CITY COUNCIL'S 2015/2016 FY BUDGET

Assistant City Manager Newton presented the staff report noting the budget increased to incorporate the technology and vehicle stipends, there was a decrease in benefits because council is not eligible for retirement and VEBA which was being accounted for in previous budgets, an increase in dues and subscriptions are based on population and goes up outside of Tigard's control, the council is holding the line in training, and there has been additional funding in special department expenses for events such as the inauguration.

Discussion commenced on the current funding level in travel and training being inadequate for each of the councilors. Consensus was met to increase the line item to around \$7,500 a year per councilor and increasing the Mayor's funding appropriately as well.

Councilor Henderson suggested adding money for a Youth Summit. Ms. Wine commented there has been monies set aside in the city manager's budget for a youth summit and to support other TYAC activities.

Ms. Newton closed summarizing staff will look into costs of hosting a youth summit and increasing the council's travel and training line item to adequately cover current travel costs.

5. DISCUSSION ON PACIFIC HIGHWAY

Assistant City Manager Newton, Police Lieutenant Frisendahl and Streets & Transportation Senior Project Engineer McCarthy presented the staff report.

Mr. McCarthy reported the traffic engineering analysis shows what others basically know. Engineers look at crash data, which the state has a database compiled from accident reports, and look for pedestrian crossing issues. The city has done big projects on 99W with the Hall/Greenburg/Main Project and is currently starting the Gaarde/McDonald/Pacific Highway Project. There has been a lot of behind the scene work with upgrading traffic signal controllers for remote access at the ODOT main office.

Council President Snider explained the City Council requested further discussions on this topic because citizens have been approaching the council about the congestion on 99W and wanting to know what the city is doing about it. The council would be remiss in their duties if we did not continue to have discussion of what we can do next and plan ahead.

Councilor Woodard said 99W uses a lot of resources and the city needs to find a comprehensive solution to share these resources and fund other projects. No idea is beyond the scope of concept or invaluable.

Lieutenant Friesendahl reported the police department puts together traffic data and enforces trouble intersections to facilitate flow of traffic. Officers observe and watch where the trouble areas are and work with engineering to get people on the roadway to where they want to go. Officers also look at signage and work with people to educate them on traffic laws.

Council President Snider asked if there are big plays that can be done such as a double decker, widening, or a bypass. Mr. McCarthy replied there is a large cost and visual impacts to a double decker. He recommended focusing more on the hot spots and intersection improvements, because those tend to be in the range where ODOT can come up with the funding.

Council President Snider asked about doing some appropriate and safe diverting. Mr. McCarthy answered there was discussion of a west side bypass, which got paired down quite a bit and died about five years ago. Discussions went to a three arterial and that did not go forward because there is a fair amount of alternate traffic routes of eight to ten thousand trips a day on Durham Road. Staff figures about half the traffic is just going through Tigard.

Councilor Goodhouse said more people are starting to take alternate roads and these areas are getting backed up; especially near schools. Councilor Goodhouse suggested more barriers or planter strips in the middle of the road be placed on these alternate routes. Lieutenant Friesendahl said there has already been quite a reduction in motor vehicle accidents on 99W near Costco where the median barrier has been placed.

Mr. McCarthy added the cut through traffic is an issue and staff gets calls for people diverting off 99W into neighborhood streets estimated at 20 to 30 thousand cars a day. Since completion of some projects, he estimated it dropped to 15-20 thousand a day.

Council President Snider said this is a political problem and council should be advocating for it at different levels. This is an issue the council and mayor should be advocating for.

Councilor Woodard said the city needs to get better at negotiating for its fair share of dollars. There are projects other interested parties would like to get involved in so the city should assess tradeoffs. From past experience, the city could have done a better job negotiating contract prices and possible tradeoffs.

Council President Snider suggested council develop two or three big play options and figure out how to start pushing this as one of the city's biggest legislative agenda items. Mr. McCarthy said the state does quite a bit of this on their own and tells jurisdictions where the hot spots are. He suggested city efforts match those priorities.

Ms. Newton stated the biggest issues are the volume of pass through traffic to other cities and the neighborhood cut through. There is a need to figure out how to fix those. Council President Snider said those are symptoms of a bigger problem and we need to fix the true problem.

Councilor Woodard said putting a crosswalk in on Walnut Street slowed traffic down and people are using caution. If you put things in place that call for caution it might deter the cut through traffic.

Councilor Goodhouse stated we need to find ways to push people through Tigard.

Ms. Wine said there are things being done that speak to this being a political issue such as the Transportation Strategy Team doing a better job of being intentional in prioritizing transportation issues. Thinking bigger, we can use our legislature to ask for the political support to leverage grants and bring visibility to our issues.

Ms. Wine summarized the discussion for staff to locate where the safety and hot spots are, council to hold further discussions on the priority of the hot spots with potential solutions and figure out a way to advocate how to change them through partnerships and relationships with other agencies.

Mr. McCarthy said as to project solutions he heard focus on alternate routes through Tigard and getting traffic moving through Tigard by means of alternate routes. Council President Snider said he felt those have been optimized. Unless we are talking about widening, double deckers or tunneling the other stuff is fringe projects; not big solutions. Councilor Woodard also added a bypass would be a big solution, but is unsure of the possibilities, how that looks or even how it would come about.

6. NON AGENDA ITEMS 

City Manager Wine said she sent an email to launch the new website. Collaborative efforts were made to improve navigation and optimization for mobile devices.

7. EXECUTIVE SESSION - None

8. ADJOURNMENT

Motion by Councilor Woodard seconded by Councilor Goodhouse to adjourn the meeting at 9:05 p.m. The motion was approved by a unanimous vote of City Council present.

Mayor Cook	Absent
Council President Snider	Yes
Councilor Goodhouse	Yes
Councilor Henderson	Yes
Councilor Woodard	Yes

Norma I. Alley, Deputy City Recorder

Attest:

Mayor, City of Tigard

Date: _____

TIGARD CITY COUNCIL MEETING MINUTES – JANUARY 20, 2015

AIS-2107

3. C.

Business Meeting

Meeting Date: 02/10/2015

Length (in minutes): Consent Item

Agenda Title: Metro Intergovernmental Agreement for Planning and Public Involvement Work - Southwest Corridor Plan

Prepared For: Mark Bernard **Submitted By:** Mark Bernard, Community Development

Item Type: Resolution **Meeting Type:** Consent Agenda

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?

STAFF RECOMMENDATION / ACTION REQUEST

Approve the IGA and authorize the City Manager to sign it.

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 address 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 that would employ 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, including Tigard's, guides the planning effort. The Steering Committee has accepted several recommendations from regional staff to: pursue shared investment strategy (July 2013) 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 design option has been selected. Delaying the 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 approved on January 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.

Tigard and Metro staff developed 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.

OTHER ALTERNATIVES

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 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

SWCP IGA Resolution

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

A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH METRO TO FUND THE SECOND PHASE OF PLANNING ACTIVITIES RELATED TO THE SOUTHWEST CORRIDOR PLAN AND AUTHORIZING THE CITY MANAGER TO SIGN THE AGREEMENT

WHEREAS, Tigard and Metro have been engaged in multi-modal corridor planning, including High Capacity Transit (HCT), since the Southwest Corridor was identified as the top regional priority for transit improvements in 2010; and

WHEREAS, Collaboration between Tigard and Metro on the Southwest Corridor Plan (“Plan”) has continued since adoption of the Southwest Corridor Plan Charter in December 2011; and

WHEREAS, the Plan is advancing in two phases, the first of which has been completed, resulting in a regional Shared Investment Strategy to further study HCT options, include over 60 supportive roadway and active transportation projects, and enhance over 400 parks and natural resource assets; and

WHEREAS, the Plan’s Steering Committee accepted regional staff recommendations to enter Phase 2 of the project prior to entering into the federal Draft Environmental Impact Statement (“DEIS”) process in December, 2014; and,

WHEREAS, Phase 2 of Southwest Corridor Plan involves renewed public outreach, further HCT design option refinement during a Focused Refinement Period to produce a Locally Preferred Alternative (LPA), a decision about Light Rail or Bus Rapid Transit mode, and delivery of a DEIS; and,

WHEREAS, an intergovernmental agreement (IGA) between Metro and Tigard memorializes services to be performed and the obligations of the parties in Phase 2 of the Southwest Corridor Plan process, including two payments by Tigard to Metro amounting to \$375,000.

WHEREAS, the initial \$185,000 payment to Metro pursuant to the IGA has been authorized in the FY 14-15 budget and the second payment of \$190,000 will be included in the FY 15-16 budget.

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

SECTION 1: The Tigard City Council approves the IGA with Metro to fund Phase 2 of planning activities related to the Southwest Corridor Plan and authorizes the City Manager to sign the IGA.

SECTION 2: This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2015.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard

AIS-2137

3. D.

Business Meeting

Meeting Date: 02/10/2015
Length (in minutes): Consent Item
Agenda Title: Contract Award - Brownfields Initiative
Prepared For: Joseph Barrett
Submitted By: Joseph Barrett, Financial and Information Services
Item Type: Motion Requested **Meeting Type:** Local Contract Review Board

Public Hearing No

Newspaper Legal Ad Required?:

Public Hearing Publication

Date in Newspaper:

Information

ISSUE

Shall the Local Contract Review Board award a contract for the city's Brownfields Initiative project to AMEC Environment & Infrastructure, Inc.?

STAFF RECOMMENDATION / ACTION REQUEST

Staff recommends the Local Contract Review Board award a contract for the city's Brownfields Initiative project to AMEC Environment & Infrastructure, Inc. for a not to exceed amount of \$310,000 and authorize the City Manager to take the necessary steps to execute the contract.

KEY FACTS AND INFORMATION SUMMARY

In 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. As such, staff is recommending a contract be awarded to AMEC Environment & Infrastructure, Inc. for a not to exceed amount of \$310,000 for the work under this project.

OTHER ALTERNATIVES

The Local Contract Review Board can reject this contract and direct staff to carryout a new formal request for proposal process.

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

The Local Contract Review Board was briefed on this contract at their January 27th business meeting.

Fiscal Impact

Cost: \$310,000

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-2001

4.

Business Meeting

Meeting Date: 02/10/2015

Length (in minutes): 5 Minutes

Agenda Title: Consider a Resolution to Add Two City-owned Properties to Woodard Park

Prepared For: Steve Martin, Public Works

Submitted By: Steve Martin, Public Works

Item Type: Resolution

Meeting Type: Council Business Meeting - Main

Public Hearing: No

Publication Date:

Information

ISSUE

Shall council consider a resolution to add two city-owned properties to Woodard Park?

STAFF RECOMMENDATION / ACTION REQUEST

Staff recommends the council adopts the resolution that would add the two properties to Woodard Park.

KEY FACTS AND INFORMATION SUMMARY

Woodard Park is a 9.7-acre neighborhood park along the Fanno Creek Trail in central Tigard. The resolution before the council would allow the addition of two properties to Woodard Park. Attached is a map (Exhibit A to the resolution) that shows Woodard Park as it exists today, as well as the two properties in question. The first property, known previously as the 5.5-acre Skelton property, is adjacent to Woodard Park's southern boundary. The second property is 0.3 acres in size and is sandwiched between the Skelton property and private residential properties. Both properties are currently included in the Parks and Open Space Zone.

These properties were a part of a large sewer replacement and stream restoration project managed by Clean Water Services (CWS). The Skelton property was purchased for ease of access to accomplish that work, with the added benefit of providing parkland and trail access when the project was over. The smaller property has been owned by the City of Tigard for a longer period of time with almost no public access. The acquisition of the Skelton property for the Derry Dell Creek project allowed this small piece of land to be included in the

restoration work.

The Skelton property was previously owned and farmed by Edward Woodard Sr. and three generations of the Woodard family lived in the residence that used to be on the property. Nearby Woodard Park was named after Edward Woodard Sr. All three generations of the Woodard family served their country in military service, and Edward Woodard Jr. lost his life while in military service to his country. His brother Charles served in the military, as did all four of his sons.

The Woodard family also has a long history of civic service in Tigard. Edward Woodard Sr. was one of the original Tigard City Council members and served as mayor from 1961 to 1965. His son Charles coordinated the placement of many amenities in the downtown area, including benches, flower pots, and business banisters. And the history of civic service continues with Edward Woodard Sr.'s grandson, Marc Woodard, currently serving as a city councilor.

A letter from Jennifer Woodard is attached; the Woodard family supports the addition of the two properties to Woodard Park.

OTHER ALTERNATIVES

The council could choose to not adopt the resolution and provide other direction to staff with respect to the two properties in question.

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

This does not apply to any specific council goals or policies. The Skelton property was not owned by the City of Tigard at the time of the approved Woodard Park concept plan, and the smaller property was not adjacent to any city property until the acquisition of the Skelton property.

DATES OF PREVIOUS COUNCIL CONSIDERATION

Council has not considered this issue before.

Fiscal Impact

Fiscal Information:

There is no financial impact for adding the properties to Woodard Park. Two Woodard Park signs should be added at park entrances at an approximate cost of \$600 each.

Attachments

Resolution

Exhibit A to Resolution - Park Map with Additional Properties

Family Request Woodard Park

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

A RESOLUTION TO ADD TWO CITY-OWNED PROPERTIES, TAX LOTS 2S102BB00700 AND 2S103AA02900, TO WOODARD PARK

WHEREAS, the City of Tigard purchased a property, formerly known as the Skelton property, that abuts the property known as Woodard Park; and

WHEREAS, another small property is adjacent to this newly acquired property; and

WHEREAS, the adjacent properties have been the site of major stream and wetland restoration work, with a newly constructed trail and boardwalk; and

WHEREAS, in the future, the properties will be improved with neighborhood park amenities; and

WHEREAS, the adjacent property was formerly the residence and farm of the Woodard family and has significant family history related to the property; and

WHEREAS, Edward Woodard Sr. served as mayor of Tigard and had Woodard Park named in his honor; and

WHEREAS, the Woodard family has a long history of military service to their country with honor and distinction; and

WHEREAS, Edward A. Woodard Jr. gave his life in service to his country; and

WHEREAS, the Woodard family has a long history of service to the City of Tigard, in elected positions and in community involvement; and

WHEREAS, the Woodard family supports the addition of the two properties to Woodard Park; and

WHEREAS, to further honor the Woodard family's commitment to Tigard, the City Council wishes to add two adjacent, city-owned properties to Woodard Park.

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

SECTION 1: The property known as the Skelton property (Property #1 - tax lot 2S102BB00700) and the small property to the west of the Skelton property (Property #2 - tax lot 2S103AA02900) are added to Woodard Park. A map depicting these properties is included as Exhibit A.

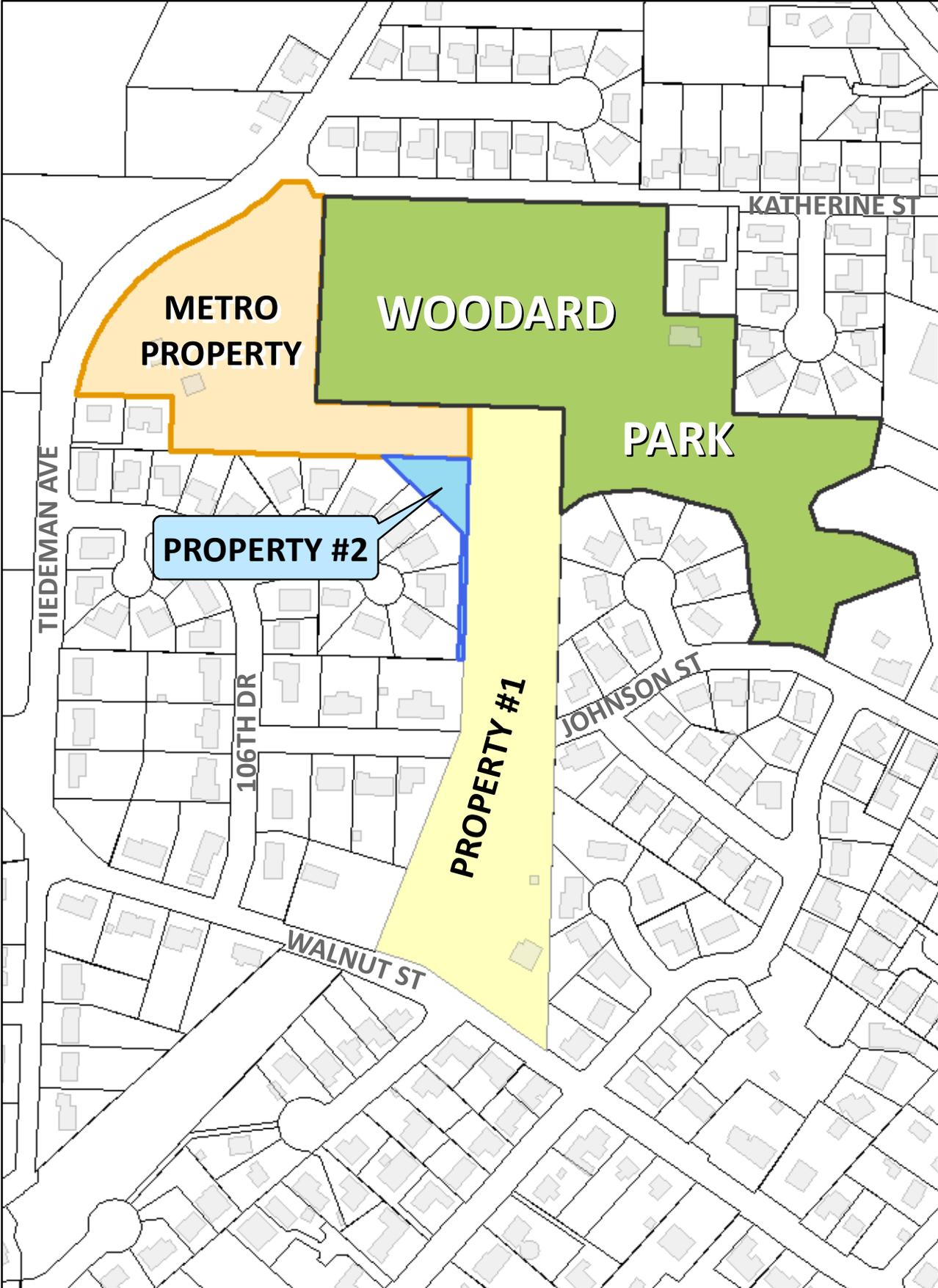
SECTION 2: This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2015.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard



To: City of Tigard (Attention Steve Martin)

From: Jennifer Woodard (Daughter-In-Law of Charles and Arlie Woodard)

Subject: Request Skeleton Property a City Park be extended the name of Woodard Park

It is the desire of the Woodard family the newly purchased park land [Skeleton Property] off of Walnut Street retain its namesake as an extension of Woodard Park.

Where the two land masses [Woodard Park and Skeleton property] are abutted by Fanno Creek and connected by Johnson Street and genesis loop trail system; and where there is a significant history regarding the Woodard family origins associated with this property.

The family humbly requests the city extend Woodard Park naming convention to newly acquired city park, once owned by Edward Woodard family [Former Mayor].

This newly acquired parks land has significant family civil and military service history where Edward and Veronica Woodard raised their family and where 3 generations of family members have served the citizens of Tigard and service to country. And Where Edward A. Woodard, Jr., paid the ultimate price in service to this country.

Detailed Woodard Homestead Origins and History: From a historical roots and public service perspective, 3 generations of family members have origins to this new parks land where family members selflessly served community and country with distinction and honor.

Edward Woodard Sr., born in 1892, was enlisted in the Army infantry for 3 years during WW1 and served in France. He was a charter member of Tigard City Council and was Mayor from 1961-1965. Woodard Park is named after him for public service exceptionalism after his service on council. He owned the first beer brew pub in Downtown Tigard, which then became the Tigard liquor store in 1939. He built the brick building to operate these businesses and today is used as a computer learning center next to the newly developed Geffory Allen Gallery. Chuck, Edward's son took over the Tigard Liquor Store in 1957 and ran it until he retired in 2011.

Edward Sr., raised his family on this Walnut Street [Skeleton] property in a two story home from ~1925-1954 [now demolished and designated park land]. From this Derry Dell residence, Edwards two sons and 3 daughters were raised, they farmed the land in the rich wetland soil to subsidized their meals and attended St. Anthony's grade school and church.

To give a few examples of the type of person the former mayor was; when the city couldn't pay the electric bills at one point, he walked door-to-door collecting donations to keep the city Street lights turned on.

He also planted the Walnut trees on a familiar street in town [Walnut Street] where a few still stand on the newly acquired park property. He did this because he thought it important for someone to lead by example to improve the appearance of the entire street and attract more residents to Tigard. He was truly for the people.

In early summer of 2014, the city began making improvements on this land after purchasing it. First by demolishing the old family home to make room for a newly acquired park and connected trail system to provide more park lands activities, including preservation of wildlife areas for residents, families and students as part of the cities healthy connectivity and development vision; while upgrading badly needed city services infrastructure.

The Woodard family origin, history and culture throughout three generations included civil and military service exceptionalism, where this tradition continues on today spanning generations after Edwards passing.

For example, Edward's son Charles served in the Navy as a Chief Petty Officer 2nd Class during the Korean War as an Anti-Submarine Radar Flight crew member on P2V Air Craft for 4 years. Then his public service included approximately 6 years on the Tigard Planning Commission and numerous community service projects while he ran the Tigard Liquor Store for more than half a century. He was the first public service volunteer to coordinate the first City, County and State Intergovernmental agreement project and work with a coastal corrections institution for labor resources Chuck supervised. This project scope entailed clearing all the black berry bushes along and around 99HWY overpass and Fanno Creek areas.

This was quite a project and undertaking to remove invasive species 8-10' thick throughout the area. The project expanse ran from the Main Street Bridge covering both sides of the overpass up to Greenburg and North Main Street gateway. And from the bridge heading East on Fanno Creek along both banks to where City Hall sits.

Chuck also coordinated and project managed the materials and installation of 10 bench seats throughout Main Street where 4 are still in use. He also acquired the first waste receptacles with pole stand and business banister and flower hangers which were recently removed to make room for new green street amenities. He was also a staunch advocate, contributor and donator of the Skate Park and team player for the Down Town improvement plans.

For years throughout the late 80's and early 90's he and his family maintained all the flowers attached to the granulated rock trash receptacles on Main Street, using golf carts Chuck purchased and serviced. Family members and employees of the Tigard Liquor Store watered these plants for nearly 4 years and sometimes watering them twice a day on hot days. Chuck and his families commitment to beautifying the Down Town area and sustain it was the

leadership model and vision Mayor Edward Woodard had for the Down Town area years ago. Giving back to the community was ingrained within Chuck through his father's example.

Chuck's brother Edward A. Woodard, Jr., was drafted for 2 years in the Navy. At the break of WW2, he became an aircraft mechanic and shortly thereafter was picked to become a fighter pilot in the Navy and commissioned lieutenant for which he served a total time of 6 years active duty. Thereafter he spent another 3 years in the Air National Guard as Captain. He flew a classified mission to the Pentagon. On his way back from this mission his aircraft had a flame out where power and propulsion were lost. From the records, it showed he attempted to correct the loss of power and momentarily regained control before he crashed. Edward Jr., ultimately and unfortunately lost his life in service to country on this day.

Chuck raised 4 sons who followed in similar family service paths. Chuck's father definitely had an influence on his family. Steve the eldest son served 15 years in the Navy with a similar job as his father during service as an "Anti-Submarine Radar Flight crew member." Mike served 5 years in the Navy. Nick served 6 years in the Marines. All of Chuck's children including Terry who now operates the Tigard liquor store volunteered one way or the other during the early Main Street beautification efforts in support of small business and community.

My brother-in-law Marc Woodard which you know well has completed his 1st term and recently won a 2nd term on city council. He served in the military and within two branches: enlisted Air Force for 9 years and then commissioned lieutenant through Oregon Military Academy and served in the US Army medical services corp. He retired as Captain in the Army National Guard with nearly 21 years of combined military service.

There is over 100 years combined family history of service to country and community where the roots of this heritage and example of public service tells a story of leadership, community building, civil volunteerism and dedication to service for the good of the public at large. I can't think of anything more fitting to honor this family and their contributions in service to the city and country then to keep these two adjoined land masses named as one park identity.

It is the family's desire and hope that Tigard City council recognize this family's leadership, contributions to community and selfless sacrifice in service to country for 3 generations and request extending Woodard Park name to the newly acquired park land on Walnut Street.

Sincerely,

Jennifer Woodard, family representative

AIS-2095

5.

Business Meeting

Meeting Date: 02/10/2015

Length (in minutes): 40 Minutes

Agenda Title: Discussion on Annexations

Prepared For: Liz Newton, City Management

Submitted By: Norma Alley, City Management

Item Type: Update, Discussion, Direct Staff

Meeting Type: Council Business Meeting - Main

Public Hearing: No

Publication Date:

Information

ISSUE

Council discussion on annexation strategy.

STAFF RECOMMENDATION / ACTION REQUEST

The preparation for Council goal-setting included issues that the Council would discuss to decide how to proceed on in the future. Discuss annexation strategy, reach consensus and provide direction to staff on next steps, if any.

KEY FACTS AND INFORMATION SUMMARY

At the City Council goal setting on December 22, 2014 the council identified six topics to schedule for further council discussion. One is Annexation, including the Incentives Resolution, to be discussed later in this meeting's agenda. On January 27, 2015 the City Council adopted their goals for 2015-17 including the list of Issues for Further Discussion.

In preparation for council's discussion on annexation strategy, staff updated a memo that was presented to council in July, 2012 for a discussion on annexation policy. The attached memo includes information on:

- The legal framework for annexation;
 - The history of the city's annexations;
 - Unincorporated territory within the city's boundaries (islands) and large urban unincorporated areas including process and incentives;
- Information and effect on city assets and services.

There are a few issues worth noting:

- Property with signed consent and waiver to annex that is now contiguous to the city;

- 2012 council discussion on Island Annexations;
- Annexation of large Urban Unincorporated Areas;
- City/county coordination on annexation.

Staff will briefly summarize the attached memo and be prepared to answer any questions raised by council during the discussion.

OTHER ALTERNATIVES

N/A

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

Adopted 2015-17 City Council Goals

DATES OF PREVIOUS COUNCIL CONSIDERATION

December 22, 2014, Council Goals discussion

January 27, 2015 Council goal adoption

Attachments

Annexation Background Report

Tuscany Annexation Consent and Waiver



City of Tigard Memorandum

To: Mayor Cook and Honorable members of the City Council
From: Liz Newton, Assistant City Manager
Gary Pagenstecher, Associate Planner
Date: February 5, 2015
Re: Background Annexation Report for July 17th Workshop Discussion

Introduction

Annexation is used to incorporate territory into the city to ensure the efficient provision of municipal services and to incorporate urbanizing lands into the city. Experience has shown that property owners are often reluctant to annex when they have access to urban services and benefits; those provided by the county and service districts and those located within Tigard such as parks, library, employment and shopping opportunities. City Council's goals for 2015 identify issues for further discussion including annexation strategy.

The purpose of this report is to provide background information for Council's discussion. The report aims to provide legal, historical and policy context for deliberation and decisions to revise or reaffirm Tigard's annexation strategy.

This report includes information on:

1. The legal framework for annexation established in state statute and the city's intergovernmental agreements, comprehensive plan, development code, and administrative procedures;
2. The history of the city's annexations from incorporation in 1961 to the present;
3. Unincorporated territory within the city's boundary (islands) and large urban unincorporated areas including process and incentives;
4. The effect on city assets and services including finances, public safety, and infrastructure.

Legal Framework

The city's policies on annexation are based on state law and are found in the Comprehensive Plan. These policies are implemented through the Tigard Development Code and ordinances approving several Intergovernmental Agreements (IGAs). These IGAs are primarily between the city and Washington County, but also include the city and Metro and a number of service provider districts such as Tigard Water District, Clean Water Services for sewer and storm sewer service and Tualatin Valley Fire and Rescue.

State Law

Oregon state law contains a number of regulations related to annexation.

Limitations on Annexation

A city may only annex territory that is contiguous to the city unless, the territory to be annexed is separated from the city by a public right of way or a body of water (ORS 222.111(1)). Additionally, case law imposes a requirement that annexations must be reasonable. Factors which courts consider in determining if an annexation is reasonable include:

- The contiguous properties represent the actual growth of the city beyond its boundaries;
- The properties are valuable because they can be put to city uses; and the properties are needed for the extension of city streets or services.

A proposal for annexation of territory to a city may be initiated by the legislative body of the city, on its own motion, or by petition to the legislative body of the city by owners of real property in the territory to be annexed (ORS 222.11(2)).

Election-Based Annexation

Unless otherwise provided for under state law, annexations require an election. The statutory exceptions are addressed in the sections below. In the absence of an exception, a vote in the territory to be annexed and the annexing city is required. When an election is required, a majority of the electors in the city and in the annexing territory must approve the annexation (ORS 222.160). The two elections do not need to take place concurrently, but cannot be more than 12 months apart (ORS 222.111(6)). One policy reason for having separate elections is that it can be more efficient to have the smaller election in the territory first, to see if it passes, and only then have a more costly citywide election. The City of Tigard used a concurrent election process in 2004 in attempting to annex the unincorporated Bull Mountain area. In general, other than the West Bull Mountain and Metzger annexations, Tigard's experience has primarily been with consent annexations, which are described in the next section.

Consent-Based Annexation

State law allows annexation without an election when certain consent of the property owners is obtained. Three such consent standards are 100% landowner consent, double majority, and triple majority. The city has relied on these consent annexations for annexations related to adjacent properties needing city services in order to develop.

- Annexation may occur with the consent of 100% of the landowners and not less than 50% of the electors living in the territory to be annexed. (ORS 222.125)
- A double-majority annexation may occur without election if there is written consent from:
 1. more than half of the electors in the territory to be annexed, and
 2. more than half of the owners of land in the territory to be annexed (ORS 222.170(2)).
- A triple-majority annexation may occur without election if there is written consent from:
 1. more than half of the landowners in the territory to be annexed,
 2. who own more than half of the land in the territory to be annexed, and
 3. who represent more than half of the assessed value in the territory (ORS 222.170(1)).

Island Annexation

A city may annex unincorporated territory that is surrounded by the city. Such territories are often referred to as "islands," and may be unilaterally annexed without consent of the owner(s).

A property is surrounded if it is bounded by the city on all sides, or by the city and a body of water or Interstate 5 (ORS 222.750(2)). The city's Walnut Street Island was annexed in this manner.

Intergovernmental Agreements (IGA)

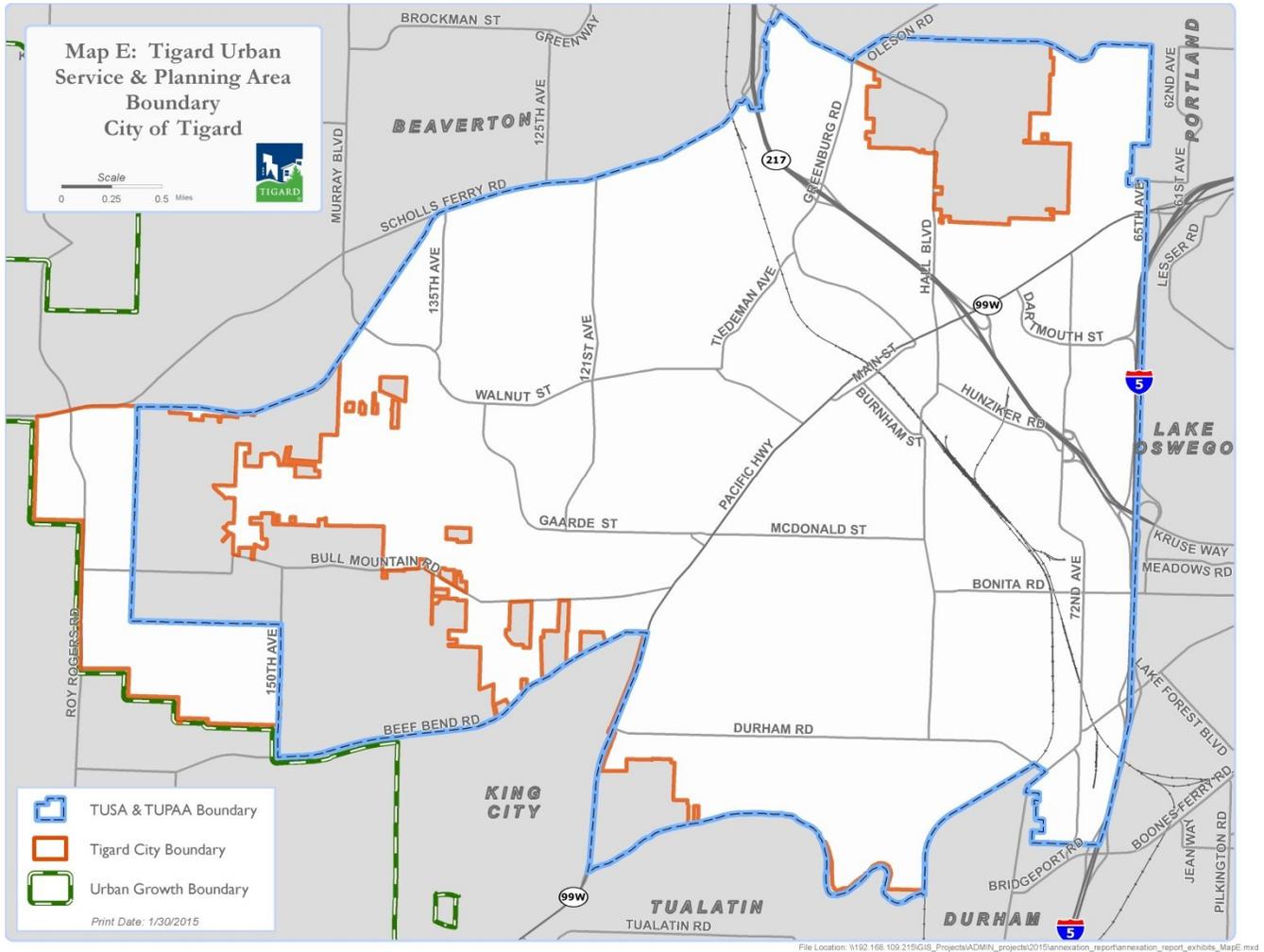
Several Intergovernmental Agreements are relevant to the city's expansion into areas added to or within the Urban Growth Boundary (UGB). An Urban Planning Area Agreement and Urban Services Agreement are both required by state law

Statewide Planning Goal 2 requires city, county, state, federal agency and special district plans and actions to be consistent with city and county comprehensive plans and regional plans adopted under ORS 197. This goal also requires the comprehensive plans to be coordinated for the efficient transition of land to urban uses. To achieve this, the Oregon Land Conservation and Development Commission requires each jurisdiction to submit an agreement setting forth the means by which comprehensive planning coordination within the regional urban growth boundary will be implemented.

The City of Tigard has operated under an Urban Planning Area Agreement (UPAA) with Washington County since 1983 that recognizes Tigard as the ultimate governance provider within the Urban Planning Area (UPA). However, almost all of the unincorporated area has been urbanized by Washington County. The current UPA encompasses the unincorporated areas of Bull Mountain and Metzger, but does not include the 2002 West Bull Mountain additions to the UGB (Areas 63 and 64).

An Urban Services Agreement, which is required by ORS 195, ensures the county, city, and special districts can effectively plan for and provide a continued, adequate level of urban services into the future. The agreement outlines the roles and responsibilities for planning, constructing, maintaining and coordinating urban services to a defined area. The current Tigard Urban Services Agreement (TUSA), which was initially created in 2002 and last updated in July 2006, identifies Tigard as the ultimate governance provider to the UPA. Updates to the TUSA are initiated by Washington County and all the signing agencies must concur with any proposed changes.

The area covered by the TUSA coincides with the UPA but no longer encompasses all of the city's incorporated area as shown in Map E: TIGARD URBAN SERVICES & PLANNING AREA BOUNDARY.



The Urban Planning Area Agreement acknowledges the TUSA and specifies a process for coordinating comprehensive planning and development.

Section III.C.1 Annexations, states:

The county and city recognize the City as the ultimate service provider of the urban services specified in the Tigard Urban Services Agreement. The County also recognizes the City as the ultimate local governance provider to all the territory in the TUSA, including unincorporated properties. So that all properties within the TUSA will be served by the City, the County and City will be supportive of annexations to the City.

Section III.C.3 states:

... Annexations to the City ... shall not be limited to an annexation plan and the City and County recognize the right of the City and property owners to annex properties using the other provisions provided by the Oregon Revised Statutes.

The 2002 TUSA language calls for the City and County to be supportive of annexations to the city over time and included a 12 month schedule to annex the Bull Mountain and Metzger areas. These agreements provided the foundation for the city's West Bull Mountain annexation initiative.

In March of 2012, council approved the Coordination in Urbanizing Areas and Transfer of County Road Ownership Intergovernmental Agreement and the Assignment of Rights and Delegation of Duties under Construction Excise Tax Grant to advance the River Terrace Community planning effort.

Tigard Comprehensive Plan

The Comprehensive Plan policies provide for, but do not facilitate annexation. The city's annexation policy is included within the Urbanization goal of its Comprehensive Plan. The Urbanization goal is mandated by state statute. It provides a framework within which all development activities are coordinated. The goal attempts to integrate and balance available land resources in terms of the needs expressed by other Comprehensive Plan goals, namely, Housing, Economy, Public Facilities and Services, Natural Features and Open Space and Transportation. Tigard's Comprehensive Plan Urbanization Goals include:

Goal 14.1. Provide and/or coordinate the full range of urban level services to lands and citizens within the Tigard City limits.

Goal 14.2. Implement the Tigard Urban Services Agreement through all reasonable and necessary steps, including the appropriate annexation of unincorporated properties.

Goal 14.3. Promote Tigard citizens' interests in urban growth boundary expansion and other regional and state growth management decision.

Tigard Development Code (TDC)

The TDC Chapter 18.320 implements the policies in the Comprehensive Plan. Annexation is processed using a Type IV procedure, which requires a public hearing before City Council and includes approval criteria requiring a) services and facilities are available to the area with sufficient capacity to provide service for the proposed annexation area, and b) the applicable comprehensive plan policies and implementing ordinance provisions have been satisfied. The code also includes a conversion table (Table 18.320.1) which assigns city comprehensive plan and zoning designations to annexing parcels.

Tigard Annexation History

The City Of Tigard was incorporated in 1961. A dearth of information on the first 20 years makes tracking annexations difficult during that period. The city made a push to annex a number of islands during the early 1980s in the vicinity of McDonald/Gaarde adding 2,200 residents primarily through annexation from 1981 to 1982. The South Metzger annexation was approved by voters on March 31, 1987 which contributed to a one-year population increase of over 2,200. Map A: ANNEXATION OVER THE YEARS, picks up where information is readily available in 1984 and shows the areas added to the city each decade thereafter. Table 1 correlates with the map, detailing the number of annexations and aggregate acres added to the city each decade, including River Terrace in 2011 and 2012.

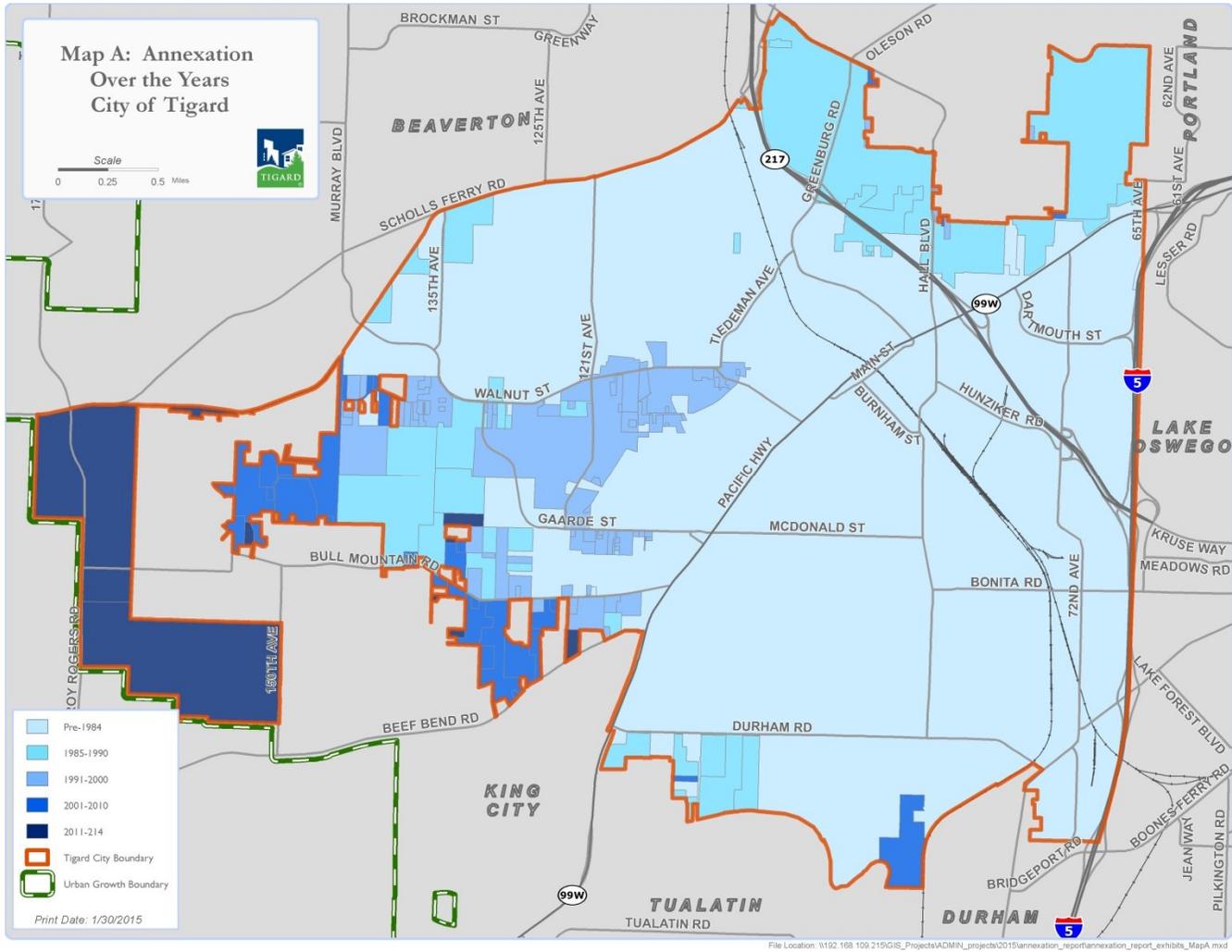


Table 1 : Annexation Over The Years

Decade	No. of Annexations	Acres
1984-1990	44	1,143
1991-2000	82	533
2001-2010	26	312
2011	11	527.73

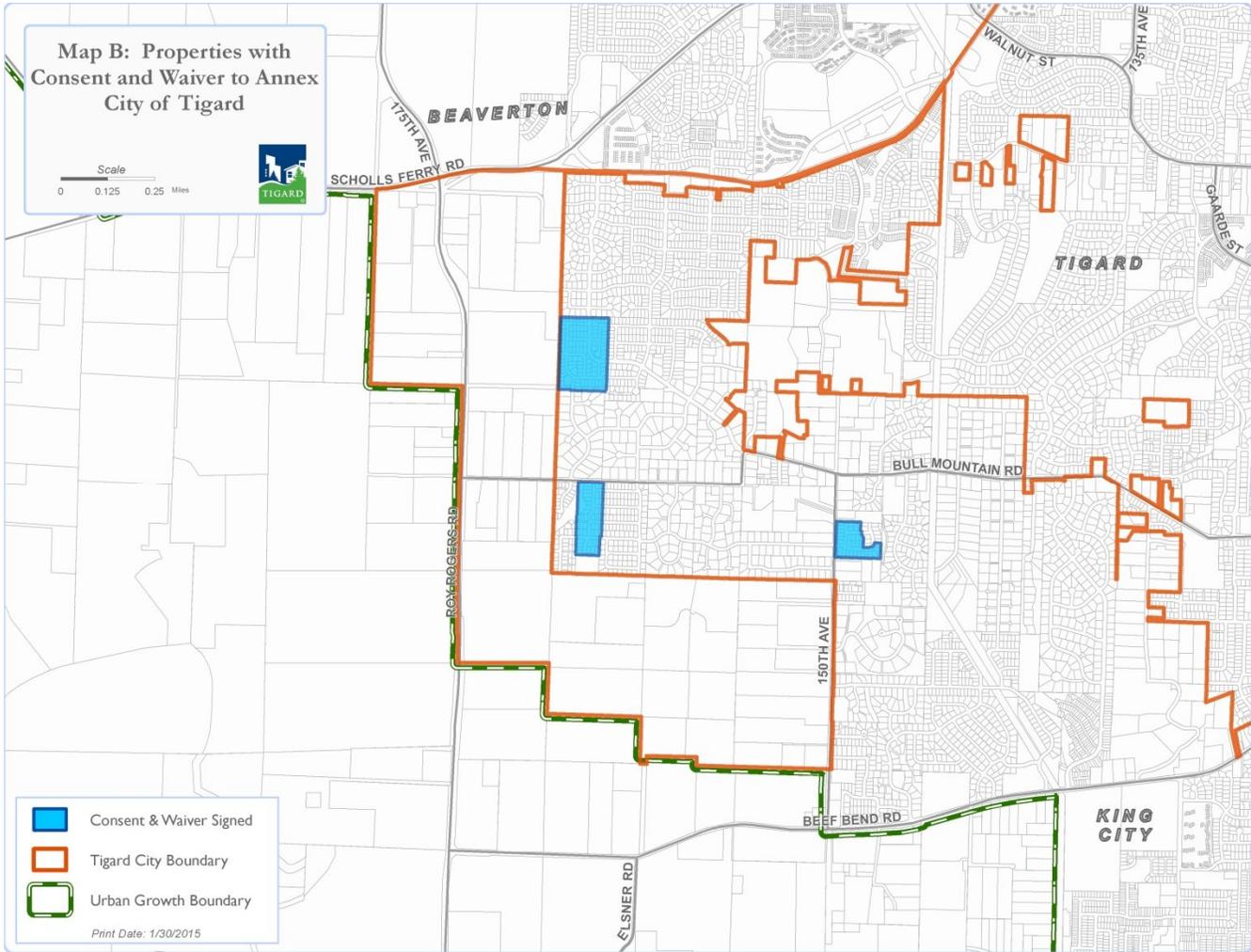
Walnut Island Annexation

In 2000, the City annexed 15 islands of unincorporated Washington County land into the City of Tigard. Combined, the 15 areas include 496 lots and 310 acres of land located generally north of SW Gaarde Street, south of SW Walnut Street, and west of SW 114th Avenue. Notice of the proposed annexation was sent to property owners in the areas under consideration for annexation, as well as the property owners within 500 feet of those areas, which generated little comment and no controversy. Staff received four (4) letters; three (3) in opposition to the annexations and one (1) in support of the annexations, and an email in support of the annexations.

West Bull Mountain Annexation

From 1997 until 2006, the city provided planning and development services for the county in the unincorporated West Bull Mountain area. When property owners contiguous to the city boundary applied for annexations, simple consents were sufficient. However, when property owners applied for development of property within the Urban Services Area, but which were not contiguous to the current city boundary,

contracts and waivers were used to ensure annexation at some point in the future when the city boundary becomes contiguous. Written consent to annex, an annexing procedure without a vote, included obtaining consents to annex by a willing property owner by contract in exchange for provision of services. The consents are binding on future property owners and good for a year, unless separate agreement waives the year limitation. Three (3) subdivisions, comprising 20.8 acres and 171 properties, are subject to these prior consents and waivers as shown in Map B: PROPERTIES WITH CONSENT AND WAIVER TO ANNEX.



With the annexation of River Terrace in 2011, the Tuscany Subdivision is now contiguous to the current city limits. In 2003, the owner of the property signed a waiver of the one year time period. (copy attached). The Council should determine how to proceed regarding annexation of this property.

In 2004, the west border of Tigard was separated from the 2002 UGB Expansion Areas (63 and 64) by the unincorporated Bull Mountain area containing urban level development. At the same time, Metro and Washington County were indicating a preference for urbanization to occur within cities to ensure adequate provision of urban services. The city put forward to voters a plan to annex the unincorporated Bull Mountain area within the TUSA. City of Tigard residents overwhelmingly passed the measure, but residents in the area to be annexed soundly defeated it, thus leaving the status quo.

In 2006, an incorporation effort took place to form the City of Bull Mountain and was turned down by West Bull Mountain voters.

City Administrative Policies to Encourage Voluntary Annexation

Since 2000, the city's administrative policy on annexation has included sending a letter of solicitation to owners in the vicinity of a proposed annexation. The city encourages participation by offering to waive the annexation application fee for owners who joined. These solicitations occasionally resulted in joiners. Solicitations by the city also advise that if an owner chooses not to participate, but a majority of the surrounding neighbors did choose to do so, their property may involuntarily be annexed by double or triple majority. Involuntary annexation has rarely occurred.

Since March, 2007, the city has promoted voluntary annexation with a city property tax phase-in and the appeal of being part of a municipal community. In addition, Council has annually passed continuing resolutions to encourage voluntary annexation through additional financial incentives including waiver of fees such that the process is now essentially free. Resolution No. 14-10, passed by council in February of 2014, continues the financial incentives to annex until February 2015.

The incentive policy has had little success to date and requests to annex have been related mostly to development activity. Between April 2007 and January 2014 the city processed 17 annexations uninitiated by private property owners totaling approximately 576 acres. Over the seven year period that the incentives have been in place, the city has foregone and spent about \$46,500. Additionally, it is estimated that the city did not receive about \$75,258 in property tax revenue, including \$66,628 from Areas 63 and 64, over the same period.

Island Annexation Initiative

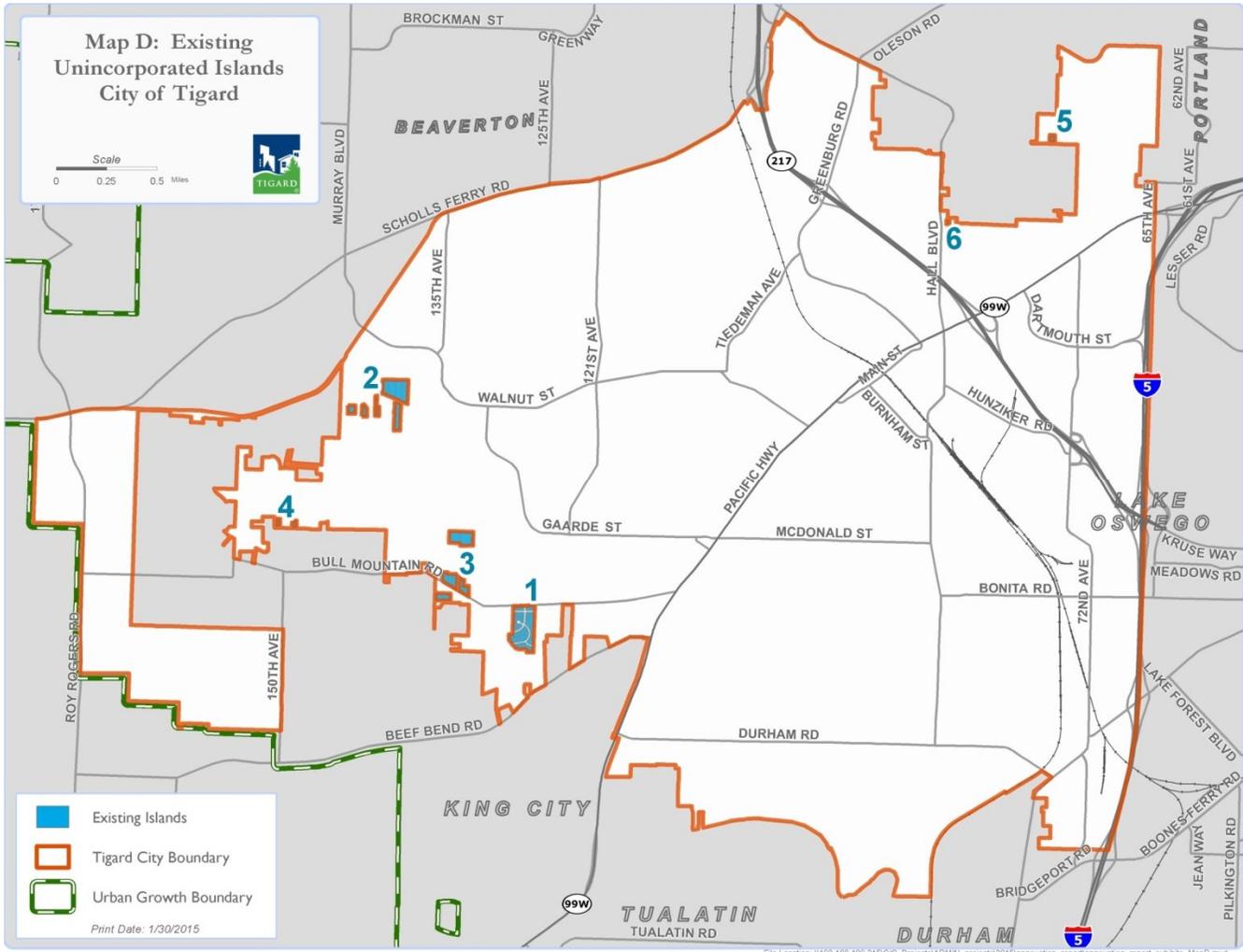
In 2009, Washington County, through informal communication with Tigard, urged annexation of unincorporated islands within the city limits to resolve County service inefficiency issues. (See Table 3, Unincorporated Island Area Profiles, and Map D, EXISTING UNINCORPORATED ISLANDS, in the Islands of Unincorporated Territory section, page 13.)

At the August 18, 2009 City Council Workshop, Council discussed options to initiate involuntary annexation of all unincorporated islands within Tigard. Council gave staff direction to develop an approach including amending the City's annexation policy to initiate involuntarily annexation within one year. Council also directed staff to design an outreach plan including personal contact with property owners to discuss individual issues and give island area property owners the opportunity to annex voluntarily before implementing the involuntary approach. Council also indicated that explicit support from Washington County should be sought before implementing a more aggressive approach to island annexation. This effort concluded in February, 2010 when the County declined to provide written support for a process for island annexation that could include involuntary annexations.

At the August 21, 2012 City Council workshop, there was Council consensus to complete annexation of the areas now known as River Terrace and provide incentives to these property owners. Council did not provide direction on the annexation of island areas or developed extraterritorial annexation areas. Absent specific direction from council, staff is not actively pursuing the annexation of unincorporated islands.

Islands of Unincorporated Territory

There are 13 islands comprised of 72 properties totaling 33.8 acres of unincorporated Washington County territory within the City's boundaries.



These island areas can be categorized into four general areas where there is more than one property, as shown on Map D: EXISTING UNINCORPORATED ISLANDS, and profiled in Table 3, Unincorporated Island Area Profiles.

Table 3: Unincorporated Island Area Profiles

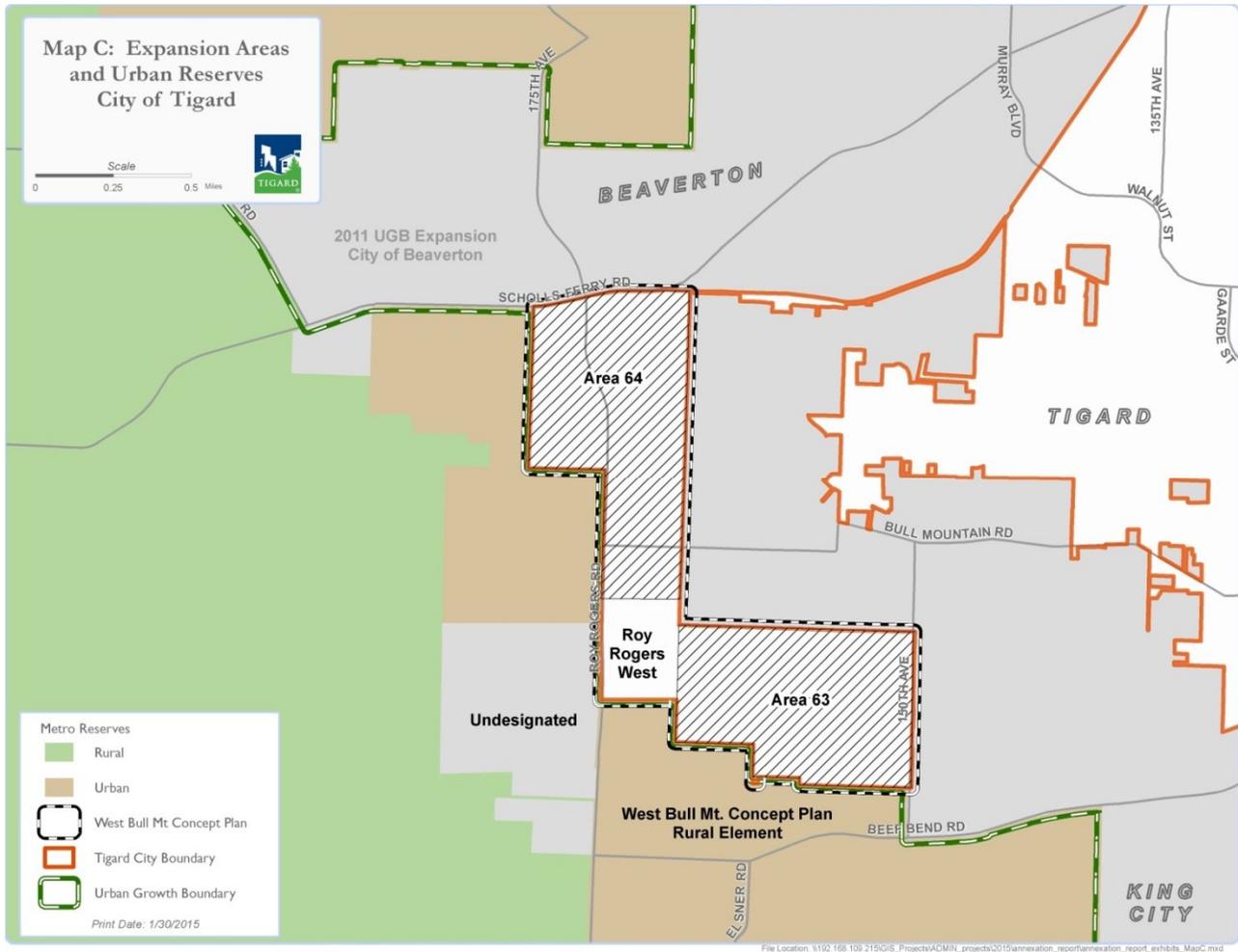
Map	Island Area	Island #	# of Acres	# of Properties	Zone	Lot Potential ^[1]
1	Arlington Heights	1	15.34	54	R-7	85 (54 actual)
2	Fern Street	5	13.61	12	R-7	76
3	Bull Mountain North	3	2.87	2	R-7	15
4	Sunrise Lane	2	1.06	2	R-7	6
5	7505 Landau Street	1	.59	1	R-4.5	2
6	8540 Spruce Street	1	.33	1	R-12	3

^[1] Lot potential is calculated on 80% of gross area of property multiplied by the number of units per acre allowed in the zone; actual number of lots would be based on net developable area, which would likely yield significantly fewer lots (e.g. 63% of calculated lot potential for Arlington Heights due to sensitive areas).

In January 2010, Council reviewed a draft approach to initiate involuntarily annexation of island territories within one year. This included an outreach plan involving personal contact with property owners to discuss individual issues and give island area property owners the opportunity to annex voluntarily before implementing the involuntary approach. Without written County support for island annexation, Council concluded the initiative.

Urban Growth Boundary (UGB) Expansion Areas and Urban Reserves

Map C: EXPANSION AREAS AND URBAN RESERVES shows Areas 63 and 64 that were added by Metro to the Urban Growth Boundary in 2002 and the recently designated reserves areas. UGB expansion areas and Tigard's urban reserves lie west of Bull Mountain, south of Scholl's Ferry Road generally along both sides of Roy Rogers Road. A concept plan for the two expansion areas and the rural element area was developed by Washington County in collaboration with stakeholders and local residents. The plan was approved by the Washington County Commission in 2010. The City of Tigard was acknowledged as the most feasible provider of urban services to the area.



River Terrace (UGB Expansion Areas 63 and 64)

In September 2011, the Tigard City Council voted unanimously to approve an owner initiated request to annex Area 64, approximately 200 acres in size, along with a utility corridor linking the area to the city boundary. This was approved through a triple majority annexation. Property owners in the area wished to obtain urban services necessary for development of their property.

In October 2011, Metro Council voted to expand the Metro UGB and included a 49-acre area just south of Area 64, called Roy Rogers West, which provided connectivity for infrastructure between Areas 63 and 64. Area 63 and Roy Rogers West were annexed into the city in October 2012. After an 18-month planning process involving stakeholders and partner agencies, the City Council adopted the River Terrace Community Plan. The adoption of zoning and development regulations this spring will provide guidance for development set to begin later this year.

Annexation of Urban Unincorporated Areas

Unincorporated Bull Mountain and unincorporated Metzger are within the city’s Urban Planning Area. (See Map E on page 4.) As noted in earlier sections of the report a large portion of Metzger, including Washington Square, was annexed in the 1980’s. Efforts to annex the remaining urban unincorporated areas of Bull Mountain in 2004 were unsuccessful.

In order to assess the financial and service impacts of the annexation of either Metzger or Bull Mountain, a Public Facilities and Services Assessment Report will need to be prepared. Both studies look at a variety of factors including the costs of direct service to the area and revenues that would be generated to pay for those services. If council directs staff to conduct the analysis and prepare the reports for either Bull Mountain or Metzger, work could begin late in 2015 with the work completed by the end of June 2016.

City/County Coordination on Annexation

Several annexation applications have been received by the city recently that raise questions of City/County coordination to ensure that development in unincorporated lands contiguous to the city is consistent with planning objectives within the city. In one case, the applicant sought and obtained subdivision entitlements from the County for property adjacent to the city boundary that needed access to the city storm system to be approved. In another case, lot line adjustments for property adjacent to the city were obtained in the County to reconfigure the parcels prior to annexation to the City to achieve outcomes beneficial to the developer and property owners that constrain the city's ability to ensure street connectivity in the neighborhood. To avoid these potential conflicts in the future, staff would recommend amending the Urban Planning Area Agreement to ensure a more coordinated approach.

Summary of Issues Affecting City Assets and Services Including Finances, Public Safety, and Infrastructure

Both city assets and city services are affected by annexations; the key ones are described below.

Financial Implications of Annexation

The City of Tigard Finance Department indicates that if council changes its annexation policy the Department and the city's finances will be affected both from a revenue and a cost side. It is estimated that the additional property taxes generated if the islands are annexed would be about \$50,000 per year

In addition, Building, Street Maintenance Fee, and Storm Funds would see nominal increases in revenue due to development activity. Planning fees are included in General Fund revenues. Future costs associated with Sanitary Sewer and road construction are difficult to quantify due to varying economic factors that are unknown at this time.

Any increased workload in Finance and Information Services would occur in Utility Billing as it relates to meter reading and billing for those areas that are not currently receiving services. In addition, Financial Operations will see a slight increase in workload due to any possible infrastructure financing resulting from the creation of Local Improvement Districts (LID).

Potential Impacts of Annexation on the Police Budget

With annexation of River Terrace and the potential of island annexations taking place during the near future it will be a major challenge for the Tigard Police Department to maintain the same level of service and response time with the budget reductions made in FY 2012-13. The analysis completed at the time of the annexation of Area 64 showed that at build-out that area alone would bring an additional 2,760 to 3,542 new residents. The department, before the FY2012-13 budget reductions, was staffed with sworn officers at 1.22 officers per thousand. The goal at that time was to eventually reach the goal of 1.5 officers per thousand. That would better position the department to at least be prepared for island annexations as they take place. However, with the projected population growth in Area 64 and the future impact of Area 63, the department will be faced with attempting to provide the same level of service at a ratio of less than one officer per thousand, well below the national standard for a city the size of Tigard. Just annexing the unincorporated islands would dilute strength and potentially response time depending on increase in calls for service, especially with budget reductions. Quantifying impacts with specific numbers would be difficult.

Potential Impacts of Annexation on the Public Works Budget

We know from past experience that the city has often had to find funds to bring services, such as streets and parks, up to municipal standards when County urbanized lands are annexed. Also associated with annexation is the demand for maintenance and operation. Typically maintenance requirements increase when annexed areas are underserved or have substandard public infrastructure that is often in constant

need of repair. Prior to identifying operation and maintenance needs the water, sewer, storm and street systems should be included in the Master Planning of each system. This is especially true for areas like River Terrace while island annexations are usually already included in current master planning efforts.

The area being considered may have need for pump stations, reservoirs and transmission lines. These should be identified in a Water Master Plan that covers a 20-year CIP and a list of projects.

The sanitary sewer and storm sewer improvements are a joint consideration between City of Tigard and Clean Water Services. The development of reimbursement districts, SDCs and rates should be developed prior to annexation and should be part of the Master Planning efforts.

In general, as annexations occur, PW's workload increases, both from an operational perspective and from engineering planning. Operationally, annexations increase the lineal footage of streets and utilities, thereby adding to the maintenance workload of our staff. Thus, we have to factor those increases into our work planning and division budgets. The Pavement Management Program (PMP) is also revised to include these streets in future pavement work.

Future Annexation of County Roads

Annexation of unincorporated territory does not transfer jurisdiction of county roads to the city. Transfer of road jurisdiction is a separate action. For annexations of a few parcels or one subdivision the impact on the city's ability to fund street maintenance will be minor unless the roads transferred are in disrepair. For large areas, such as unincorporated Bull Mountain and Metzger, the impacts could be challenging. A Services Assessment Report will be an important tool to assess the impacts.

Summary

This report provides background information for the council discussion about annexation strategy and policy. At the February 10, council meeting, staff will summarize the report and be prepared to answer questions.

1165
3/5
02



Washington County, Oregon 2003-114476
07. 003 10:16:39 AM
D-A. Cnt=1 Stn=8 RECORDS1
\$35.00 \$6.00 \$11.00 - Total = \$52.00



00381469200301144760070071

I, Jerry Hanson, Director of Assessment and Taxation and Ex-Officio County Clerk for Washington County, Oregon, do hereby certify that the within instrument of writing was received and recorded in the book of records of said county.

Jerry Hanson

Jerry R. Hanson, Director of Assessment and Taxation, Ex-Officio County Clerk



After Recording, Return to:
City of Tigard
13125 SW Hall Boulevard
Tigard, OR 97223

Name of Transaction: **ANNEXATION CONTRACT (WAIVER OF TIME PERIOD)**

See Exhibit 1 for Annexation Contract (Consent to Annexation and Waiver of Remonstrance)



2003-114476

After recording return to:

Joanne - Records

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

ANNEXATION CONTRACT (WAIVER OF TIME PERIOD)

- Centex Homes, a Nevada
1. General Partnership ("Owner") is the owner of the real property (the "Property") located at 13985 SW 164th Ave and more particularly described as:

Tuscany Subdivision WCTM 2S105CC-11700 except Lot 30 and Tracts
(SUB2002-00001)
(LEGAL DESCRIPTION)

2. By written agreement of even date, Owner is entering into a written annexation contract and consent to annexation with the City of Tigard, a copy of which is attached hereto as Exhibit 1.
3. Pursuant to ORS 223.173(1), Owner hereby waives the one year period for effectiveness of the annexation contract and consent to annexation, and agrees that the consent to annexation may be used at any time by the City of Tigard in conjunction with any and all other consents that the City has received or will receive.
4. This waiver is a material inducement to the City to enter into the Annexation Contract and Consent to Annexation.
5. This contract shall run with the land and shall be recorded in the Deed Records of Washington County and all terms and conditions contained herein shall be binding on all heirs, executors, administrators, assigns, and other successors-in-interest to the above-described property pursuant to ORS 222.115. Failure to record this contract may result in the City of Tigard withdrawing its consent to connect to or use the City's public facilities or the provision of City services.
6. If any provision of this document is held to be invalid or unconstitutional by any court of competent jurisdiction or preempted by federal or state regulations or law, such provision shall be deemed separate and independent of the document and such holding or preemption shall not affect the validity of the remaining provisions.
7. This agreement is not intended as any limit on the City of Tigard's lawful authority under its adopted regulations to take action on Owner's application by approval, denial, on approval with conditions, or to take any other lawful action relating to the application.



2003-114476

DATED this ^{TC} 24 day of April, 2003

David S. Cady
Owner David S. Cady, Land Development Manager
Centex Homes, Portland Division

Owner

Mailing Address: 16520 SW Upper Boones Ferry Rd., #200
Portland, Oregon 97224

Telephone No.: 503/608-3060 ext. 225

STATE OF OREGON)
Washington County) ss.

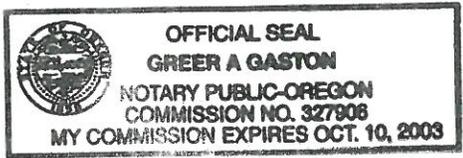


The foregoing instrument was acknowledged before me on April 24, 2003, by
David S. Cady, Land Development Manager
Centex Homes, Portland Division

Connie Brodehl
Notary Public for Oregon
My commission expires: January 28, 2006

William A. Monahan
City Manager, City of Tigard

STATE OF OREGON)
Washington County) ss.



The foregoing instrument was acknowledged before me on April 28, 2003 by
William A. Monahan

Greer A. Gaston
Notary Public for Oregon
My commission expires: 10-10-03



Washington County, Oregon 2003-073768
2003 10:59:28 AM
Cnt=1 Stn=11 C WHITE
\$20.00 \$6.00 \$11.00 - Total = \$37.00



I, Jerry Hanson, Director of Assessment and Taxation and Ex-Officio County Clerk for Washington County, Oregon, do hereby certify that the within instrument of writing was received and recorded in the book of records of said county.



Jerry Hanson
Jerry R. Hanson, Director of Assessment and Taxation, Ex-Officio County Clerk

After Recording, Return to:
City of Tigard
13125 SW Hall Boulevard
Tigard, OR 97223

ANNEXATION CONTRACT

Name of Transaction: (Consent to Annexation and Waiver of Remonstrance)

In the matter of Tuscany Subdivision (SUB 2002-00001)
Tax Lot & Map: 2S105CC-11700 except Lot 30
13985 SW 164th Avenue

- Lots: 1, 2, 3, 4, 5,6,7,8,9,10,11,12,13,14,15,16,17,18,19,20,21,22,23,24,25,26,27,28,29
31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50 ,51,
52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72,
73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88

EXHIBIT #1



After recording return to:

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

ANNEXATION CONTRACT

(CONSENT TO ANNEXATION AND WAIVER OF REMONSTRANCE)

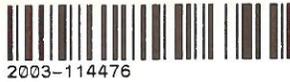
Centex Homes, a Nevada

1. General Partnership ("Owner") is the owner of the real property (the "Property") located at 13985 SW 164th Ave. and more particularly described as:

Tuscany Subdivision (WCTM 2S105CC-11700) except Lot 30 and Tracts (SUB2002-00001)

2. Owner has applied to the City of Tigard for a land use approval (or other approval) for the Property, which is located outside the City limits of the City of Tigard. The City of Tigard agrees to process the application (provide water services) for the Property.
3. In exchange for the City's provision of the services described in Section 2, Owner consents to annexation of the Property to the City of Tigard. Owner understands that this consent to annexation is irrevocable and may be used by the City at any time.
4. Owner understands that Owner may request information on the City of Tigard's ad valorem tax and a description of services the City generally provides its residents.
5. Owner waives any right to remonstrate against annexation of the Property to the City of Tigard.
6. This agreement, consent and waiver is binding on Owner and Owner's successors, heirs and assigns. This agreement shall run with the land and be recorded in the Deed Records of Washington County. Failure to record this contract may result in the City of Tigard withdrawing its consent to connect to or use the City's public facilities or the provision of City services.
7. If any provision of this document is held to be invalid or unconstitutional by any court of competent jurisdiction or preempted by federal or state regulations or law, such provision shall be deemed separate and independent of the document and such holding or preemption shall not affect the validity of the remaining provisions.
8. This agreement is not intended as any limit on the City of Tigard's lawful authority under its adopted regulations to take action on Owner's application by approval, denial, on approval with conditions, or to take any other lawful action relating to the application.
9. If suit, action, judicial review, arbitration, bankruptcy proceeding or any other type of proceeding is instituted to enforce or interpret this agreement, the prevailing party shall be entitled to recover, in addition to costs, such sum as the court may adjudge reasonable as attorney fees and, in the event of appeal or review, as allowed by the appellate court or body.

EXHIBIT 1



DATED this 24th day of April, 2003

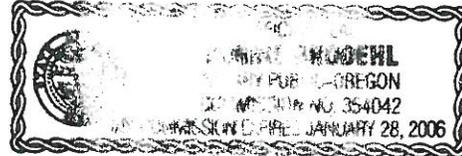
David S. Cady
Owner David S. Cady, Land Development Manager
Centex Homes, Portland Division



Owner _____

Mailing Address: 16520 SW Upper Boones Ferry Rd., #200
Portland, Oregon 97224
Telephone No.: 503/608-3060 ext. 225

STATE OF OREGON)
Washington County) ss.

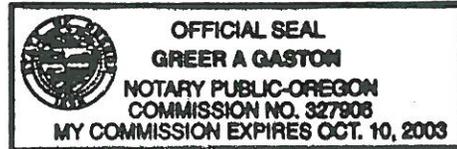


The foregoing instrument was acknowledged before me on April 24, 2003, by David S. Cady, Land Development Manager
Centex Homes, Portland Division

Connie Brodehl
Notary Public for Oregon
My commission expires: January 28, 2006

William A. Monahan
City Manager, City of Tigard

STATE OF OREGON)
Washington County) ss.

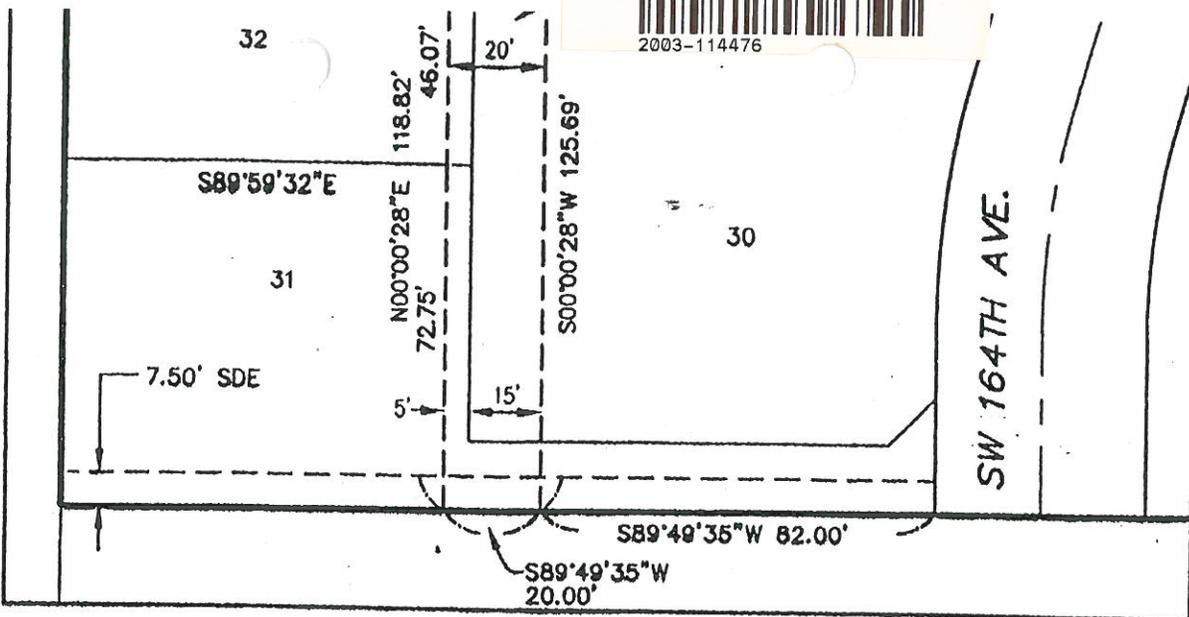


The foregoing instrument was acknowledged before me on April 28, 2003, by William A. Monahan

Greer A. Gaston
Notary Public for Oregon
My commission expires: 10-10-03

gff/acm/90024/annexationconsent.dr1(2/21/01)

EXHIBIT 1



SANITARY AND STORM DRAINAGE EASEMENT
SCALE: 1" = 40 FEET



88 Lots

SURVEYORS CERTIFICATE:

I, TERRY L. GOODMAN, CERTIFY THAT I HAVE CORRECTLY SURVEYED AND MARKED WITH PROPER MONUMENTS THE LANDS REPRESENTED ON THE ANNEXED MAP OF "TUSCANY" LOCATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 5, TOWNSHIP 2 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN, WASHINGTON COUNTY, OREGON, BEING A PORTION OF THAT TRACT AS CONVEYED TO THEODORE ROSHAK, RECORDED IN BOOK 808, PAGE 827, WASHINGTON COUNTY DEED RECORDS, AND THAT FOR THE INITIAL POINT I FOUND A 2" ALUMINUM CAP AT THE SOUTHWEST CORNER OF SAID SECTION 5; THENCE ALONG THE WEST LINE OF SAID SECTION 5 NORTH 00°00'28" EAST 990.90 FEET TO THE NORTHWEST CORNER OF SAID ROSHAK TRACT AND A 5/8" IRON ROD WITH A YELLOW PLASTIC CAP MARKED "OTAK INC."; THENCE LEAVING SAID WESTERLY SECTION LINE ALONG THE NORTH LINE OF SAID ROSHAK TRACT, NORTH 89°53'31" EAST, 667.84 FEET TO A 5/8" IRON ROD; THENCE SOUTH 00°01'09" WEST, 990.14 FEET TO THE SOUTH LINE OF SAID SECTION 5 AND A 5/8" IRON ROD WITH A YELLOW PLASTIC CAP MARKED "ALPHA ENG. INC."; THENCE ALONG SAID SOUTH LINE SOUTH 89°49'35" WEST 667.64 FEET TO THE INITIAL POINT.

CONTAINING 661,408 SQUARE FEET OR 15.184 ACRES.

AS PER O.R.S. 92.070 (PAR 2), I ALSO CERTIFY THAT THE POST MONUMENTATION OF THE REMAINING MONUMENTS WITHIN THIS SUBDIVISION WILL BE ACCOMPLISHED WITHIN 90 CALENDAR DAYS FOLLOWING THE COMPLETION OF THE PAVING IMPROVEMENTS OR ONE YEAR FOLLOWING ORIGINAL PLAT RECORDATION, WHICH EVER OCCURS FIRST, IN ACCORDANCE WITH O.R.S. 92.060.

REMAINING CORNER MONUMENTATION:

IN ACCORDANCE WITH O.R.S. 92.070, THE REMAINING CORNERS OF THIS SUBDIVISION HAVE BEEN CORRECTLY SET WITH THE PROPER MONUMENTS. AN AFFIDAVIT HAS BEEN PREPARED REGARDING THE SETTING OF SAID MONUMENTS AND IS RECORDED IN DOCUMENT NO. _____, WASHINGTON COUNTY DEED RECORDS.

APPROVED THIS _____ THIS DAY OF _____

WASHINGTON COUNTY SURVEYOR

EXHIBIT 1



AIS-2048

6.

Business Meeting

Meeting Date: 02/10/2015

Length (in minutes): 15 Minutes

Agenda Title: Renew Annexation Incentives - Resolution

Prepared For: Gary Pagenstecher **Submitted By:** Doreen Laughlin, Community Development

Item Type: Resolution **Meeting Type:** Council Business Meeting - Main

Public Hearing Yes

Newspaper Legal Ad Required?:

Public Hearing Publication

Date in Newspaper:

Information

ISSUE

Consider a resolution to renew annexation incentives, which defines incentives for voluntary annexation of unincorporated lands to the municipal city limits.

STAFF RECOMMENDATION / ACTION REQUEST

Staff recommends that council adopt the proposed resolution amending Resolution No. 07-13 extending voluntary annexation incentives until February 2016.

KEY FACTS AND INFORMATION SUMMARY

As stipulated in Resolution 14-10, council's annual review of its annexation policy, including annexation incentives, is to occur in February 2015. This agenda item fulfills this requirement.

Staff recommends adopting the resolution to maintain incentives for voluntary annexation so that property owners in unincorporated Washington County can join the city at minimal cost.

Resolution 07-13 approved the following annexation incentives: 1) waiver of the city annexation application fee for all annexation requests, and 2) phasing in city property taxes over a three-year period at the rate of 33%, 67%, and 100%. In July of 2007, City Council passed a second resolution (Resolution 07-47) to subsidize payment of Metro's annexation mapping fee for applicants. City staff then began the practice of assisting applicants with property descriptions, provided it does not involve field work, and waiving the pre-application

conference fee. An additional incentive allowing for phased property taxes was applied retroactively to properties annexing by triple majority, to benefit property owners in the River Terrace district. Resolutions extending the incentives have been adopted annually.

If the Council decides to continue offering incentives, Attachment 1 provides an updated resolution extending the incentives to February 2016.

OTHER ALTERNATIVES

1. Amend the resolution, such as remove, add or modify incentives.
2. Not adopt the resolution to preserve the incentives for another year.

COUNCIL OR CCDA GOALS, POLICIES, MASTER PLANS

NA

DATES OF PREVIOUS CONSIDERATION

2008, 2009, 2010, 2011, 2012, 2013, and February 11, 2014

Fiscal Impact

Cost: TBD

Budgeted (yes or no): yes

Where Budgeted (department/program): Community Development

Additional Fiscal Notes:

The fiscal impact of maintaining these incentives is highly variable and related mostly to development activity. For example, in 2013 there were six annexations, two by the city for 8.06 acres and four by petition for 12.17 acres; the city paid \$900 in Metro fees and lost \$14,480 in application fees. In 2012 there were three annexations including River Terrace Phase II for 268 acres; the city paid \$400 in Metro fees. In 2011, there was one annexation by the city for which the resolution does not apply and one by a landowner that has been put on hold by the owner. In 2010, there was only one annexation in Metzger and the City paid \$150 in Metro mapping fees and lost approximately \$3,349 in application fees. Also a small amount of staff time was spent assisting the owner with the required property description. Over the seven-year period that the incentives have been in place the City has foregone and spent about \$46,500.

In addition to the forgone fee revenue and Metro fees, the City also did not receive the full amount of property taxes. It is estimated that, during the last seven years, the City did not receive about \$75,258 in property tax revenue because of the tax phase-in incentive generally, including \$66,628 from Areas 63 and 64.

Over time, foregone fees will be recovered by new property tax revenue from annexed properties. However, if activity increases significantly, the budget may need an adjustment to compensate for the fees and staff time.

Attachments

Resolution

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

A RESOLUTION AMENDING RESOLUTION 07-13 TO EXTEND THE INCENTIVES FOR VOLUNTARY ANNEXATION OF UNINCORPORATED LANDS TO THE MUNICIPAL CITY LIMITS TO FEBRUARY 2016.

WHEREAS, Resolution 07-13 establishes policy to guide city actions pertaining to annexation of unincorporated lands to the municipal city limits, and provides incentives to annex, including waiver of the city annexation application fee until July 1, 2008 and phasing in of increased property taxes over a three-year period at the rate of 33 percent, 67 percent, and 100 percent, for properties that annex during the period of March 13, 2007, to February 2008 per Oregon Administrative Rule (OAR 150-222.111); and

WHEREAS, Resolution 07-47 amends Resolution 07-13 to expand the incentives to include city payment of the Metro mapping/filing fee until July 1, 2008; and

WHEREAS, the city's operational and administrative procedures have been to assist in the preparation of legal descriptions as long as they do not require field survey work and to waive the pre-application conference fee for individual property owners interested in voluntary annexation; and

WHEREAS, Resolution 08-12 amends Resolution 07-13 to extend the offer of incentives to annex until February, 2009; and

WHEREAS, the City Council passed Resolution 09-12 on February 24, 2009 to continue to offer incentives to property owners who voluntarily annex to the city until February 2010; and

WHEREAS, the City Council passed Resolution 10-12 on February 9, 2010 to continue to offer incentives to property owners who voluntarily annex to the city until February 2011; and

WHEREAS, the City Council passed Resolution 11-08 on February 22, 2011 to continue to offer incentives to property owners who voluntarily annex to the city until February 2012; and

WHEREAS, on December 6, 2011, City Council set goals for 2012 including Goal 4, Annexation to a) Re-evaluate the city's annexation policy, and b) Develop a philosophy and approach to consider annexations, including islands; and

WHEREAS, in furtherance of its goals the City Council passed Resolution 12-09 on February 28, 2012, continuing its policies embodied in previous resolutions and formalizing a process for annual review of its annexation policy and incentives; and

WHEREAS, the City Council passed Resolution 12-38 on October 2, 2012 establishing additional incentives of phased in property taxes for certain properties that annex pursuant to ORS 222.170(1), referred to as "triple majority" annexation.

WHEREAS, the City Council passed Resolution 13-08 on February 26, 2013 to continue to offer incentives to property owners who voluntarily annex to the city and for properties that annex pursuant to ORS 222.170(1), referred to as "triple majority" annexation until February 2014.

WHEREAS, the City Council passed Resolution 14-10 on February 11, 2014 to continue to offer incentives to property owners who voluntarily annex to the city and for properties that annex pursuant to ORS 222.170(1), referred to as “triple majority” annexation until February 2015.

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

SECTION 1: Resolution 07-13 is hereby amended to renew the offer of incentives to annex until February 2016, including:

- Waiver of the city annexation application fee;
- Phasing in of increased property taxes for properties annexed since March 13, 2007, through February, 2015, per Oregon Administrative Rule (OAR 150-222.111);
- City payment of the Metro mapping/filing fee;
- Assistance in the preparation of legal descriptions, not to include field survey work; and
- Waiver of the pre-application conference fee for individual property owners interested in voluntary annexation.

SECTION 2: Resolution 07-13 is hereby amended to establish an additional incentive for properties that annex pursuant to ORS 222.170(1), referred to as “triple majority” annexation, including:

- Phasing-in of increased property taxes for properties that annex through the triple majority process since August 1, 2011, per Oregon Administrative Rule (OAR 150-222.111), under the following terms:
 - For the assessment year of annexation of a property until July 1, 2014, 0.00 percent of the increased property taxes;
 - For the assessment year beginning July 1, 2014, 33 percent of the increased property taxes;
 - For the following assessment year beginning July 1, 2015, 67 percent of the increased property taxes;
 - For the next following and subsequent assessment years, 100 percent of the increased property taxes.

SECTION 3: The incentives recited in Section 2 of this resolution are retroactive as to any property annexed into the city limits by way of voluntary triple majority annexation approved by Council on or after August 23, 2011.

SECTION 4: The City Council shall continue to review its annexation policy and associated incentives in February of every year.

SECTION 5: This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2015.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard
RESOLUTION NO. 14 -
Page 2

AIS-2015

7.

Business Meeting

Meeting Date: 02/10/2015

Length (in minutes): 20 Minutes

Agenda Title: ZCA2014-00002 SUMMIT RIDGE NO 5. ANNEXATION

Prepared For: John Floyd, Community Development

Submitted By: John Floyd, Community Development

Item Type:	Motion Requested	Meeting Type:	Council
	Ordinance		Business
	Public Hearing - Quasi-Judicial		Meeting -
			Main

Public Hearing: Yes

Publication Date:

Information

ISSUE

Shall Council approve this annexation request.

STAFF RECOMMENDATION / ACTION REQUEST

Staff recommends that City Council find that the proposed annexation (ZCA2014-00002) is inconsistent with the approval criteria identified in the staff report, and deny the annexation request based on findings and conclusions contained in Section IV of the staff report.

KEY FACTS AND INFORMATION SUMMARY

The Council is being asked to consider an annexation request for approximately 5.34 acres of land in the Summit Ridge neighborhood, near Alberta Rider Elementary School on Bull Mountain. The request has been submitted by Venture Properties, who has submitted the application on behalf of the existing property owners.

Venture is submitting the application with intent to purchase and subdivide the properties into approximately 30 single-family lots. These plans were expressed at a pre-application conference held with Venture Properties on August 21, 2014. Following the pre-application conference, but prior to submitting the annexation request, Venture properties submitted for two lot line adjustments through Washington County in order to separate the existing single-family homes from the remainder of the site. The resulting lots containing the single family homes are not included in the annexation request, even though both lots front a city road (Summit Ridge Street), receive city water, and would be surrounded by the City on three sides were the annexation request approved. A map of the proposed annexation area is included as Attachment B of the staff report.

Staff is recommending denial of the annexation request because Venture Properties is not

proposing a rational boundary by excluding the two residual homesites. The consequences of this exclusion could significantly complicate or prevent the City from achieving the goals of the Comprehensive Plan, the standards of the Tigard Development Code, and the objectives of the recently adopted 2014-2034 Strategic Plan. As detailed in the staff report, Comprehensive Plan Policy 14.2.4 requires annexations to avoid creating unincorporated islands within the city, and enable public services to be efficiently and effectively extended to the entire area. By creating a pocket of unincorporated land, the proposal will prevent efficient and direct connections of transportation and utility infrastructure. This unincorporated pocket could also complicate or prevent future annexations within the immediate area if the owners decline to participate in future annexation requests in the vicinity. To avoid these consequences, staff recommends the Council deny the application, or request the applicant modify the proposed boundaries of their application.

OTHER ALTERNATIVES

Council could accept a request for a continuance from the applicant to provide additional time necessary to modify the annexation request.

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

Council Goal: Growth/Annexation

Tigard Strategic Plan Goal 2, Objective 1: Ensure development advances the vision; every household is within a walking distance of 3/8 mile to a trailhead.

DATES OF PREVIOUS COUNCIL CONSIDERATION

N/A

Fiscal Impact

Fiscal Information:

No fiscal impact would result from denial of the annexation request.

Attachments

Staff Report

Attachments A-C: Applicant Materials

Attachment D: Brickey Comment Letter

Attachment E: Zoning and Vicinity Map

Attachment F: Pre-Application Engineering Notes PRE2013-00044 and PRE2014-00033

STAFF REPORT TO THE
CITY COUNCIL
FOR THE CITY OF TIGARD, OREGON



120 DAYS = N/A

SECTION I. APPLICATION SUMMARY

FILE NAME: SUMMIT RIDGE 5 ANNEXATION
CASE NO: Zone Change Annexation (ZCA) ZCA2014-00002

APPLICANT: Venture Properties, Inc. OWNERS: Sohoo and Scott Anderson
4230 Galewood Street, #100 13020 SW Summit Ridge St.
Lake Oswego, OR 97035 Tigard, OR 97224

Janet and Richard Zeider
13100 SW Summit Ridge St.
Tigard, OR 97224

PROPOSAL: A request to annex to the City of Tigard approximately 5.34 acres of property.

LOCATION: 13020 and 13100 Summit Ridge Road
Assessor Map 2S109DB, Tax Lot 1700 and portions of Lots 1701, 1702, 1800 and 1802

COUNTY ZONE: R-6 District (Residential 6 Units Per Acre). The purpose of the Washington County R-6 District is to implement the policies of the Comprehensive Plan for areas designated for residential development at no more than six (6) units per acre and no less than five (5) units per acre, except as specified by Section 300-2 or Section 303-6. The intent of the R-6 District is to provide the opportunity for more flexibility in development than is allowed in the R-5 District.

EQUIVALENT CITY ZONE: R-7: Medium-Density Residential District. The City of Tigard R-7 zoning district is designed to accommodate attached single-family homes, detached single-family homes with or without accessory residential units, at a minimum lot size of 5,000 square feet, and duplexes, at a minimum lot size of 10,000 square feet. Mobile home parks and subdivisions are also permitted outright. Some civic and institutional uses are also permitted conditionally.

APPLICABLE REVIEW CRITERIA: The approval standards for annexations are described in Community Development Code Chapters 18.320 and 18.390, Comprehensive Plan Goals 1, 11, and 14 and their implementing policies; Metro Code Chapter 3.09; and ORS Chapter 222.

SECTION II. STAFF RECOMMENDATION

Staff recommends that City Council find that the proposed annexation (ZCA2014-00002) is inconsistent with the approval criteria identified in Community Development Code Chapters 18.320.020.B and 18.390.060; Comprehensive Plan Policy 14.2.4, and Metro Code 3.09. Therefore, staff recommends DENIAL of the current request, or accept a request for a continuance to allow the applicant sufficient time to modify their proposal to meet the approval criteria.

SECTION III. BACKGROUND INFORMATION

Annexation Process

A public election is not required for a voluntary annexation of a single parcel. However, a public hearing before the Tigard City Council is required. The purpose of the request is to obtain urban services from the City needed to urbanize the area and provide housing and employment opportunities as envisioned by Metro when the subject area was placed within the Urban Growth Boundary.

Vicinity Information

The subject parcels are located in the Bull Mountain neighborhood, at the western terminus of Kostel Lane, Black Walnut Street and Pine View Street, in the vicinity of Alberta Rider Elementary School. Adjoining lands were developed as a series of subdivisions collectively known as Summit Ridge, which were annexed into the City in 2004 and 2005 under the Arbor Summit Annexation (ZCA2014-00001) and the Alberta Rider/Summit Ridge Annexation (ZCA2005-00003).

Site Information & Recent Boundary Changes

The proposed annexation area is heavily wooded and slopes downhill from a northwesterly to southeasterly direction, with an approximately 140 foot change in elevation from highest to lowest points. Single family homes surround the site on all sides, and three streets stub into the property along the eastern side (Kostel Lane, Black Walnut Street, and Pine View Street). City services are readily available within each of the streets adjoining the property.

The affected area has been the subject of two pre-application conferences to discuss requirements for annexation and subdivision into single-family homes. In addition, the property has been the subject of three recent lot line adjustments approved by Washington County Land Use & Transportation. As not all of the adjustments have been recorded, the legal boundaries of the lots are not yet finalized but are expected to conform to the proposed annexation area when completed. The Washington County case file numbers are as follows:

- 14-393-PLA (Zeider)
- 14-394-PLA (Anderson)
- 15-014-PLA (Zeider/Anderson/Whitaker)

The purpose of the first two adjustments was to separate existing single family homes from a larger assembly of developable land. The third lot line adjustment provides a buffer for the property owner to the south, and removes direct access between the annexation area and SW 133rd right of way. All three adjustments were requested and coordinated by Venture Properties, who intends to subdivide the area for residential development. The latest available Washington County Tax Map for the affected area is dated October 3, 2014, and has not yet been modified to reflect the new lot configurations.

Proposal and Staff Recommendation

The area proposed for annexation affects three parcels of land owned by two parties, and totals approximately 5.34 acres in size. The homes of the two property owners were separated from the property within the proposed annexation boundaries through lot line adjustments in the County. If the annexation is approved, these homes will be surrounded by the City of Tigard on three sides and will continue to access City streets for transportation access and utility service.

While the configuration does not create an unincorporated island, which would be prohibited by Comprehensive Plan Policy 14.2.4, it does create a situation that is likely to delay or prohibit future annexations to the west if the owners resist future annexation. Not including these parcels may also preclude

connectivity to the surrounding street network. As a result of these potential outcomes, staff is recommending denial of the annexation request unless the boundary is amended to include the two existing homes on parcels 1701 and 1801. Findings in support of this recommendation are included in Section IV of this report.

SECTION IV. APPLICABLE REVIEW CRITERIA, FINDINGS AND CONCLUSIONS

City: Community Development Code Chapters 18.320 and 18.390
Comprehensive Plan Goal 1, 11, 14 and implementing policies
State: ORS Chapter 222
Regional: Metro Code Chapter 3.09

A. CITY OF TIGARD COMMUNITY DEVELOPMENT CODE (TITLE 18)

Staff has determined that the proposal is inconsistent with the relevant portions of the Community Development Code based on the following findings:

“Chapter 18.320.020.B: Approval Process and Standards.

Approval Criteria. The decision to approve, approve with modification, or deny an application to annex property to the City shall be based on the following criteria:

1. All services and facilities are available to the area and have sufficient capacity to provide service for the proposed annexation area;”

FINDINGS: The City of Tigard Comprehensive Plan’s Public Facilities and Services Chapter states that for the purposes of the Comprehensive Plan, public facilities and services refer to storm water management, water supply and distribution, wastewater management, community facilities, and private utilities. In addition the comprehensive Plan Glossary includes public safety, parks, and transportation. Each service is available and adequate to serve the property as discussed below.

Water – City of Tigard. Upon annexation, City of Tigard will be the provider of water. According to an October 9, 2014 email and a January 13, 2015 comment letter from Project Engineer Greg Berry, the city provides water service to this area with two elevation zones. A design that accounts for the two zones will be required at the time of development.

Sewer – Clean Water Services/City of Tigard. Clean Water Services (CWS) is the service provider of sewer service. Upon annexation, the City of Tigard will be the retail provider of sewer service prior to ultimate treatment by Clean Water Services. According to an October 9, 2014 email from Project Engineer Greg Berry to the applicant, the City is capable of providing sewer service to this property from existing streets adjoining the property.

Drainage – Clean Water Services/City of Tigard. Clean Water Services is the current provider of stormwater service. Upon annexation, the City of Tigard will be the provider of stormwater service. According to an October 9, 2014 email and January 13, 2015 comment letter from Project Engineer Greg Berry, the city is capable of providing storm drainage, subject to a downstream analysis as required by CWS R&O 07-20, 5.5.4 to determine the adequacy of capacity at the time of development. Onsite detention and water quality treatment will be required as part of future development.

Streets – City of Tigard Engineering Division. The subject property abuts stubs for three public streets within the City of Tigard. According to an October 9, 2014 email and a January 13, 2015 comment letter from Project Engineer Greg Berry, these public streets may be extended into the property and dedicated to provide adequate capacity, if built to required standards.

Police – City of Tigard Police Department. The City of Tigard Police Department reviewed the subject proposal and commented that they have no objection to it, and are prepared and able to serve the area.

Fire – Tualatin Valley Fire and Rescue (TVF&R). The subject property is in Tualatin Valley Fire and Rescue’s (TVF&R’s) service area. The TVF&R District currently provides services to the entire Bull Mountain area, both inside and outside of the City of Tigard. The Fire District has personnel and

equipment in the area that can respond to an emergency incident and implement such actions as may be necessary for fire and/or rescue operations to developed and undeveloped land within the City of Tigard.

Parks–City of Tigard. According to the Tigard Urban Services Agreement, The City is designated as the provider of parks within the Urban Services Area. Actual provision of services depends on annexation of territory within this service area, subject to the City’s Park System Master Plan.

CONCLUSION: Based upon this review, staff finds that all public services and facilities (as defined by the Comprehensive Plan) are available or can be made available to the proposed annexation territory and have sufficient capacity to provide service if developed to the most intense use allowed and will not significantly reduce the level of services available to developed and undeveloped land in the City of Tigard. Approval criterion 18.320.020.B.1 is met.

“2. The applicable Comprehensive Plan policies and implementing ordinance provisions have been satisfied.”

FINDINGS: The following Comprehensive Plan goals and implementing policies apply to the proposed annexation: Goal 1.1, Goal 11.1, Goal 11.3, and Goal 14.2. As detailed below, staff finds the proposal not consistent with all of the applicable goals and policies. Therefore, this standard is not met.

“Goal 1.1: Citizen Involvement. The City shall provide citizens, affected agencies and other jurisdictions the opportunity to participate in all phases of the planning process.”

The City maintains an ongoing citizen involvement program. To assure citizens will be provided an opportunity to be involved in all phases of the planning process, the City provides notice for Type IV land-use applications. The City posted, mailed, and published notice of the public hearing as follows. The City posted the hearing notice at four public places on January 20, 2015: Tigard City Hall, Tigard Permit Center, City of Tigard Website, and at three different locations on the project site. The City published notice of the hearing in The Tigard Times for two successive weeks (January 15, 2015 and January 22, 2015) prior to the February 10, 2015, public hearing. Notice was mailed to interested parties and all property owns within 500 feet of the project boundary on January 20, 2015. This goal is met.

“Goal 11.1: Develop and maintain a stormwater system that protects development, water resources, and wildlife habitat.

Policy 11.1.4: The City shall require the property to be located within the city limits prior to receiving City stormwater services.”

The applicant is not requesting City stormwater services at this time. It is anticipated that after annexation, city stormwater services are likely to be requested as part of a future development application. This policy will be met.

“Goal 11.3: Develop and maintain a wastewater collection system that meets the existing and future needs of the community.

Policy 11.3.6: The City shall require the property to be located within the city limits prior to receiving City wastewater services.”

The applicant is not requesting City wastewater services at this time. It is anticipated that after annexation, City wastewater services are likely to be requested as part of a future development application. This policy will be met.

“Goal 14.2: Implement the Tigard Urban Services Agreement through all reasonable and necessary steps, including the appropriate annexation of unincorporated properties.

Policy 14.2.1: The City shall assign a Tigard zoning district designation to annexed property that most closely conforms to the existing Washington County zoning designation for that property.”

The applicable Tigard zoning district designations are addressed below in the findings for Section 18.320.020.C. This policy is met.

“Policy 14.2.2: The City shall ensure that capacity exists, or can be developed, to provide needed urban level services to an area when approving annexation.”

Capacity has been addressed above under findings pertaining to 18.320.020.B.1 above, consistent with this policy. This policy is met.

“Policy 14.2.3 The City shall approve proposed annexations based on findings that the request:
A. can be accommodated by the City’s public facilities and services; and”

The availability of the City’s public facilities and services has been addressed under findings pertaining to 18.320.020.B.1 above, consistent with this policy. This policy is met.

“B. is consistent with applicable state statute.”

As reviewed below, staff finds that the provisions of ORS 222 have been met, consistent with this policy. This policy is met.

“Policy 14.2.4: The City shall evaluate and may require that parcels adjacent to proposed annexations be included to:

A) avoid creating unincorporated islands within the City;

B) enable public services to be efficiently and effectively extended to the entire area; or

The proposal will not create an unincorporated island within the city, but would create a situation where two existing homes are surrounded by the City on three sides (north, east, and south). While the configuration does not create an unincorporated island under state statute, not annexing these properties may delay or prohibit future annexations to the west if the owners decline to participate in any annexation in the future. Such a result could prohibit the efficient and effective delivery of services to the entire area by delaying or precluding future urbanization of adjacent parcels and associated extensions of public services to the area.

The proposed boundaries would also preclude a direct road and/or pedestrian connection between the annexation area and Summit Ridge Street at the time of future development. The result would be a decrease in the efficiency of the transportation system within the neighborhood, with the unincorporated land forming a barrier between Summit Ridge Street and any potential new development. This connection was requested by the City at two recent pre-application conferences regarding the subdivision of the proposed annexation area. These pre-application conferences were held in December 2013 and August 2014, prior to the three property line adjustments the applicant is implementing through Washington County and this annexation request. Copies of the engineering notes for PRE2013-00044 and PRE2014-00033 are included as Attachment F to this report.

Goal 2 of the adopted 2014-2034 Strategic Plan is to “ensure development advances the vision” of the plan, which is to be “the most walkable city in the Pacific Northwest where people of all ages and abilities enjoy healthy and interconnected lives”. Objective 2.1 directs the city to “make best use” of undeveloped and underdeveloped land to maximize implementation of the mission. When interpreting Comprehensive Plan Policy 14.2.4 under direction provided by the Strategic Plan, the proposed annexation boundaries do not make the best use of underdeveloped land in this area as leaving out the two parcels with existing houses would preclude or significantly delay the most efficient and effective delivery of public services to the entire area.

For the reasons described above, the proposed annexation boundaries are not consistent with Policy 14.2.4 of the Tigard Comprehensive Plan.

C) implement a concept plan or sub-area master plan that has been approved by the Planning Commission or City Council.”

Public services are available and can be efficiently extended as discussed above. No concept plans or sub-area master plans apply to the affected parcel. Section C of Policy 14.2.4 does not apply.

CONCLUSION: Based upon this review, as discussed above, the proposed annexation is not consistent with approval criteria for Annexations as set forth in 18.320.020.B.2. Approval criterion 18.320.020.B.2 is not satisfied.

“Chapter 18.320.020.C

Assignment of comprehensive plan and zoning designations.

The comprehensive plan designation and the zoning designation placed on the property shall be the City's zoning district which most closely implements the City's or County's comprehensive plan map designation. The assignment of these designations shall occur automatically and concurrently with the annexation. In the case of land which carries County designations, the City shall convert the County's comprehensive plan map and zoning designations to the City designations which are the most similar.”

The Washington County Land Use Districts Map and online GIS Intermap system show the affected parcel as being within the R-6 Land Use District. This designation is common throughout the unincorporated Bull Mountain neighborhood. The purpose of the Washington County R-6 District is to implement the policies of the Comprehensive Plan for areas designated for residential development at no more than six (6) units per acre and no less than five (5) units per acre, except as specified by Section 300-2 or Section 303-6 of the Washington County Community Development Code. The intent of the R-6 District is to provide the opportunity for more flexibility in development than is allowed in the R-5 District.

The most similar City of Tigard Zoning District is the R-7 Zoning District, as set forth in TDC 18.320.1 (Conversion Table for County and City Plan and Zoning Districts). The City of Tigard R-7 zoning district is designed to accommodate attached single-family homes, detached single-family homes with or without accessory residential units, at a minimum lot size of 5,000 square feet, and duplexes, at a minimum lot size of 10,000 square feet. Mobile home parks and subdivisions are also permitted outright. Some civic and institutional uses are also permitted conditionally.

This standard is met.

“Chapter 18.390.060: Type IV Procedure”

Annexations are processed by means of a Type IV procedure, as governed by Chapter 18.390 of the Community Development Code (Title 18) using standards of approval contained in 18.390.020.B, which were addressed in the previous section. Chapter 18.390 requires City Council to hold a hearing on an annexation. It also requires the City to provide notice at least 20 days prior to the hearing by mail and to publish notice at least 10 business days prior to the hearing; the City mailed notice on January 20, 2015, and published public notice in The Tigard Times for two successive weeks (January 15, 2015 and January 22, 2015) prior to the February 10, 2015 public hearing.

“Additionally, Chapter 18.390.060 sets forth five decision-making considerations for a Type IV decision:

1. The Statewide Planning Goals and Guidelines adopted under Oregon Revised Statutes Chapter 197;”

The City's Comprehensive Plan has been acknowledged by the Land Conservation and Development Commission to be in compliance with state planning goals. As reviewed above, the annexation proposal does not meet existing Comprehensive Plan policy 14.2.4 and is, therefore, not in compliance with state planning goals. This standard for consideration is not met.

“2. Any federal or state statutes or regulations found applicable;”

ORS 222:

State law (ORS 222.120(4)(b), ORS 222.125 and ORS 222.170(1)) allows for a city to annex contiguous territory when owners of land in the proposed annexation territory submit a petition to the legislative body of the city. In addition, ORS 222.111(2) allows for a city to act on its own motion to annex contiguous territory. A city is not required to hold an election for such an annexation if it follows the noticing procedures for a public hearing per ORS 222.120.

ORS 222.120 requires the city to hold a public hearing before its legislative body (City Council) and provide public notice to be published once each week for two successive weeks prior to the day of the hearing, in a newspaper of general circulation in the city, and shall cause notices of the hearing to be posted in four public places for two successive weeks prior to the hearing.

The owner of the subject parcel has signed a petition for annexation to the City. The subject parcel is contiguous to the City's boundary.

The City mailed notice on January 20, 2015, and published public notice in The Tigard Tualatin Sherwood Times for two successive weeks (January 15, 2015 and January 22, 2015) prior to the February 10, 2015 public hearing and posted the hearing notice for public view on January 20, 2015 in the Tigard City Hall, Tigard Permit Center, the City of Tigard Website and in three places on the subject property. Staff finds that the provisions of ORS 222 have been met.

As shown in the above findings the proposed annexation satisfies the applicable Comprehensive Plan Policies and implementing ordinance provisions related to Local Government Boundary Changes.

“3. Any applicable METRO regulations;”

Chapter 3.09 of the Metro Code (Local Government Boundary Changes) includes standards to be addressed in annexation decisions, in addition to local and state review standards. Staff has determined that the applicable METRO regulations have not been met based on the following findings:

“Metro 3.09.045 (d) and (e)”

The proposed annexation is not being reviewed through an expedited process, but subsections (d) of Metro Code 3.09.050 requires that the standards of 3.09.045 (d) & (e) be addressed.

“(d) To approve a boundary change through an expedited process, the city shall:

(1) Find that the change is consistent with expressly applicable provisions in:

(A) Any applicable urban service agreement adopted pursuant to ORS 195.065;”

The Urban Planning Area Agreement (UPAA) between the City and the County provides coordination of comprehensive planning and development, defines the area of interest, and includes policies with respect to the active planning area and annexation. The applicable annexation policies include the assignment of comprehensive plan and zoning designations addressed earlier in this report and acknowledgements that the City is the ultimate service provider of urban services within the Tigard Urban Service Area.

The Tigard Urban Service Agreement is between the City, County, Metro, and the service Districts for water, sewer, transportation, parks and public safety. The agreement outlines the role, provision, area, and planning/coordination responsibilities for service providers operating in the Tigard Urban Services Area (TUSA). These services are addressed above at the beginning of this report.

As addressed previously in this report, the annexation proposal complies with all applicable provisions of urban service provider agreements, UPAA (2006) and TUSA (2006).

This standard is met.

“(B) Any applicable annexation plan adopted pursuant to ORS 195.205;”

These statutes outline the process for annexations initiated by a city or district, including public hearings and voting procedures. This statute is not applicable since this annexation was initiated by the property owners. The applicant and property owner have submitted a petition to annex. This standard is met.

“(C) Any applicable cooperative planning agreement adopted pursuant to ORS 195.020(2) between the affected entity and a necessary party;”

The UPAA (2006) includes the proposed annexation territory. The City has followed all processing and

notice requirements in the UPAA, providing Washington County with notice prior to the public hearing. The agreement states that “so that all properties within the Tigard Urban Service Area will be served by the City, the County and City will be supportive of annexations to the City.” The annexation proposal is consistent with this agreement. This standard is met.

“(D) Any applicable public facility plan adopted pursuant to a statewide planning goal on public facilities and services; and”

The City of Tigard Public Facility Plan was adopted in compliance with statewide planning goals and Oregon Administrative Rule 660-11. Comprehensive Plan goals and policies for public facilities were adopted in 2008 (Goal 11), and the applicable goals and policies were addressed previously in this report. The proposed annexation is consistent with the Tigard Public Facility Plan. This standard is met.

“(E) Any applicable comprehensive plan; and”

The Tigard Comprehensive Plan applies in this case. The proposed annexation boundaries are not consistent with all applicable policies as addressed previously in this report. This standard is not met.

“(2) Consider whether the boundary change would: (A) Promote the timely, orderly and economic provision of public facilities and services; (B) Affect the quality and quantity of urban services; and (C) Eliminate or avoid unnecessary duplication of facilities or services.”

As discussed in findings pertaining to Tigard Comprehensive Plan Policy 14.2.4, the proposed annexation does not promote the timely, orderly, and economic provision of services to the project area. This standard is not met.

“(e) A city may not annex territory that lies outside the UGB, except it may annex a lot or parcel that lies partially within and outside the UGB. Neither a city nor a district may extend water or sewer services from inside a UGB to territory that lies outside the UGB.”

The property to be annexed is not outside the UGB. This standard is not applicable.

“Metro 3.09.050 (b)

(b) Not later than 15 days prior to the date set for a change decision, the approving entity shall make available to the public a report that addresses the criteria in subsection (d) below, and that includes at a minimum the following:

(1) The extent to which urban services presently are available to serve the affected territory including any extra territorial extensions of service;”

As addressed previously in this report, urban services can be made available to the affected property. This standard is met.

“(2) Whether the proposed boundary change will result in the withdrawal of the affected territory from the legal boundary of any necessary party; and”

If approved, the proposed territory will be withdrawn from the Washington County Enhanced Sheriff's Patrol District & Urban Road Maintenance District. This standard is met.

“(3) The proposed effective date of the boundary change.”

The staff report does not recommend approval. This standard does not apply.

“(c) The person or entity proposing the boundary change has the burden to demonstrate that the proposed boundary change meets the applicable criteria.”

The applicant has provided findings within a narrative that addresses the applicable criteria. This standard

is met.

“(d) To approve a boundary change, the reviewing entity shall apply the criteria and consider the factors set forth in subsections (d) and (e) of Section 3.09.045.”

The criteria and factors outlined in subsections (d) and (e) of Section 3.09.045 have been previously addressed in this report.

CONCLUSION: As shown in the above findings, the proposed Summit Ridge 5 Annexation does not satisfy the Metro Code regulations related to Local Government Boundary Changes. As a result, this standard is not met.

“(Tigard CDC 18.390.060)

4. Any applicable comprehensive plan policies; and”

FINDINGS: Findings addressing the applicable Comprehensive Plan policies were provided previously in this report.

CONCLUSION: As previously demonstrated, the proposed annexation is not consistent with all applicable comprehensive plan policies.

“5. Any applicable provisions of the City’s implementing ordinances.”

FINDINGS: Resolution 14-10 extended previously approved incentives for property owners that voluntarily annex into the city limits through February 2015. These incentives include waiver of the annexation application fee, assistance with paperwork and, phasing in of increased property taxes. These incentives have been extended to the applicant. To ensure property tax increases are properly phased, the phasing language is included in the proposed ordinance. As demonstrated in previous sections of this report, the proposed annexation is consistent with all other applicable provisions of the Tigard Development Code.

Resolution 14-53 adopted the City of Tigard 2014-2034 Strategic Plan including a Vision Statement and four Goals. The Strategic Plan provides guidance for the city’s priorities for the next 20 years including, proactively planning for the city’s growth. Goal 2 of the Strategic Plan is to “ensure development advances the vision” of the plan. Objective 2.1 directs the city to “make best use of undeveloped and underdeveloped land to...advance the vision”. The proposed annexation boundaries do not make the best use of underdeveloped land in this area to advance the Strategic Plan Vision, as leaving out the two parcels with existing houses precludes the opportunity to make important transportation connections for walkability and circulation.

CONCLUSION: Based upon previous and above findings, all applicable provisions of the city’s implementing ordinances have not been satisfied.

SECTION VII. OTHER STAFF COMMENTS

The City of Tigard Police Department reviewed the proposal and had no objections.

The city’s Public Works Department and Building Division were sent a request for comments. No comments were received.

SECTION VIII. AGENCY COMMENTS

The following agencies and jurisdictions were sent a request for comments but provided no formal written comments: Tualatin Valley Fire and Rescue, Clean Water Services, Metro – Land Use & Planning, Washington County – Department of Land Use & Transportation, Washington County Assessment & Taxation, Washington County Cartography, Tigard-Tualatin School District, Northwest Natural Gas, Metro Area Communications, Comcast Cable Corporation, Verizon, Portland General Electric and Centurylink

SECTION IX PUBLIC COMMENTS

One public comment letter was received from Carrie Brickey of 12998 SW Pine View Street, dated January 21, 2015 and received by the City on January 26, 2015. The letter writes to oppose the “addition of 30 homes” due to “a saturated housing market, traffic control issues and...clear cutting old growth trees.” The future extension of Pine View Street is specifically opposed, and the adequacy of future roads within a potential future subdivision intended for the annexation area. Staff has reviewed the letter and finds these issues to be relevant to any future development application that may occur within the annexation area, but not directly relevant to annexation criteria.

PREPARED BY: _____
John Floyd
Associate Planner

January 26, 2015
DATE

REVIEWED BY: _____
Tom McGuire
Assistant Community Development Director

January 26, 2015
DATE

- Attachments:
- A. Proposed Legal Description
 - B. Proposed Boundary map
 - C. Washington County Tax Map
 - D. Comment Letter from Carrie Brickey, dated January 21, 2015
 - E. City Zoning and Project Location Map
 - F. Pre-Application Engineering Notes for PRE2013-00044 and PRE-2014-00033



AKS ENGINEERING & FORESTRY, LLC
12965 SW Herman Road, Suite 100, Tualatin, OR 97062
P: (503) 563-6151 F: (503) 563-6152

AKS Job #4105

OFFICES IN: TUALATIN, OR - VANCOUVER, WA - SALEM, OR

EXHIBIT A

A tract of land located in the Southeast One-Quarter of Section 9, Township 2 South, Range 1 West, Willamette Meridian, Washington County, Oregon and being more particularly described as follows:

Beginning at the northeast corner of Lot 12 of the Plat of "Woodside No. 2", thence along the north line of said Lot 12 North 88°13'18" West 126.43 feet to a point; thence North 01°14'29" East 43.50 feet to a point on the westerly extension of the northerly right-of-way line of SW Pine View Street (25.00 feet from centerline); thence along said westerly extension of said northerly right-of-way line North 88°45'31" West 277.28 feet to a point on the east line of Lot 10 of the Plat of "Woodside"; thence along said east line and the east line of Lot 11 of said Plat North 01°15'46" East 542.01 feet to a point; thence South 88°45'31" East 125.82 feet to a point; thence North 01°15'46" East 29.99 feet to a point; thence South 88°45'31" East 277.71 feet to 5/8 inch iron rod with a yellow plastic cap inscribed "ALPHA ENG. INC." at the northwest corner of Lot 112 of the Plat of "Summit Ridge No. 2", and the City of Tigard City Limits; thence along the west line of said Plat and said City Limits South 01°14'45" West 616.68 feet to the Point of Beginning.

The above described tract contains 5.34 acres, more or less.

10/23/2014

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JANUARY 9, 2007
NICK WHITE
70652LS

RENEWS: 6/30/16

ANNEXATION CERTIFIED

BY _____

OCT 28 2014

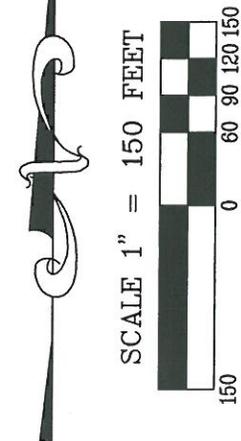
WASHINGTON COUNTY A & T
CARTOGRAPHY

EXHIBIT B

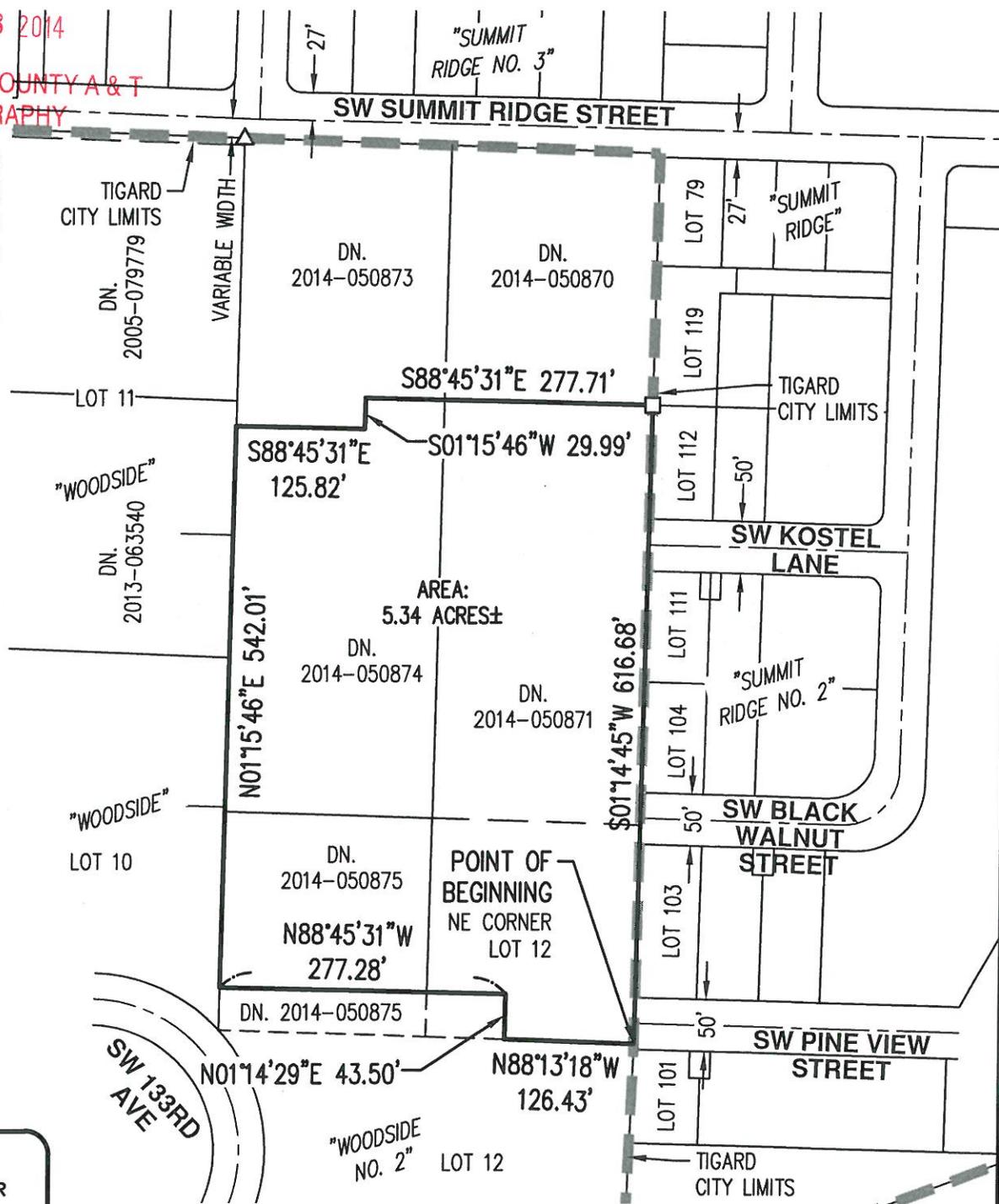
A TRACT OF LAND LOCATED IN THE SE 1/4 OF SEC. 9, T2S,
 ANNEXATION CERTIFIED
 RTW, W.M., CITY OF TIGARD, WASHINGTON COUNTY, OREGON
 BY

OCT 28 2014

WASHINGTON COUNTY A & T
 CARTOGRAPHY



- LEGEND**
- 5/8" IRON ROD W/PC
 - INSCRIBED "ALPHA ENG. INC."
 - 3/4" IRON PIPE
 - DOCUMENT NUMBER PER WASHINGTON COUNTY DEED RECORDS
 - DN.
 - △ DN.



10/23/2014

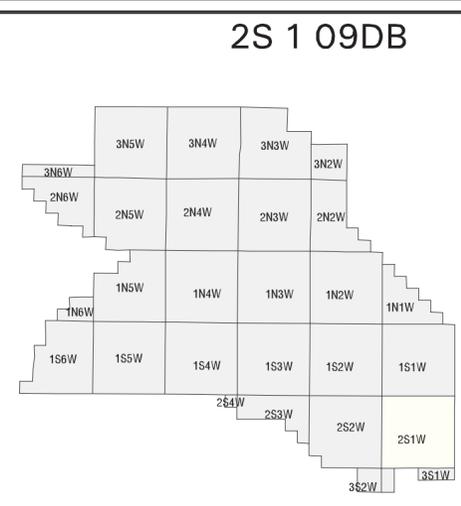
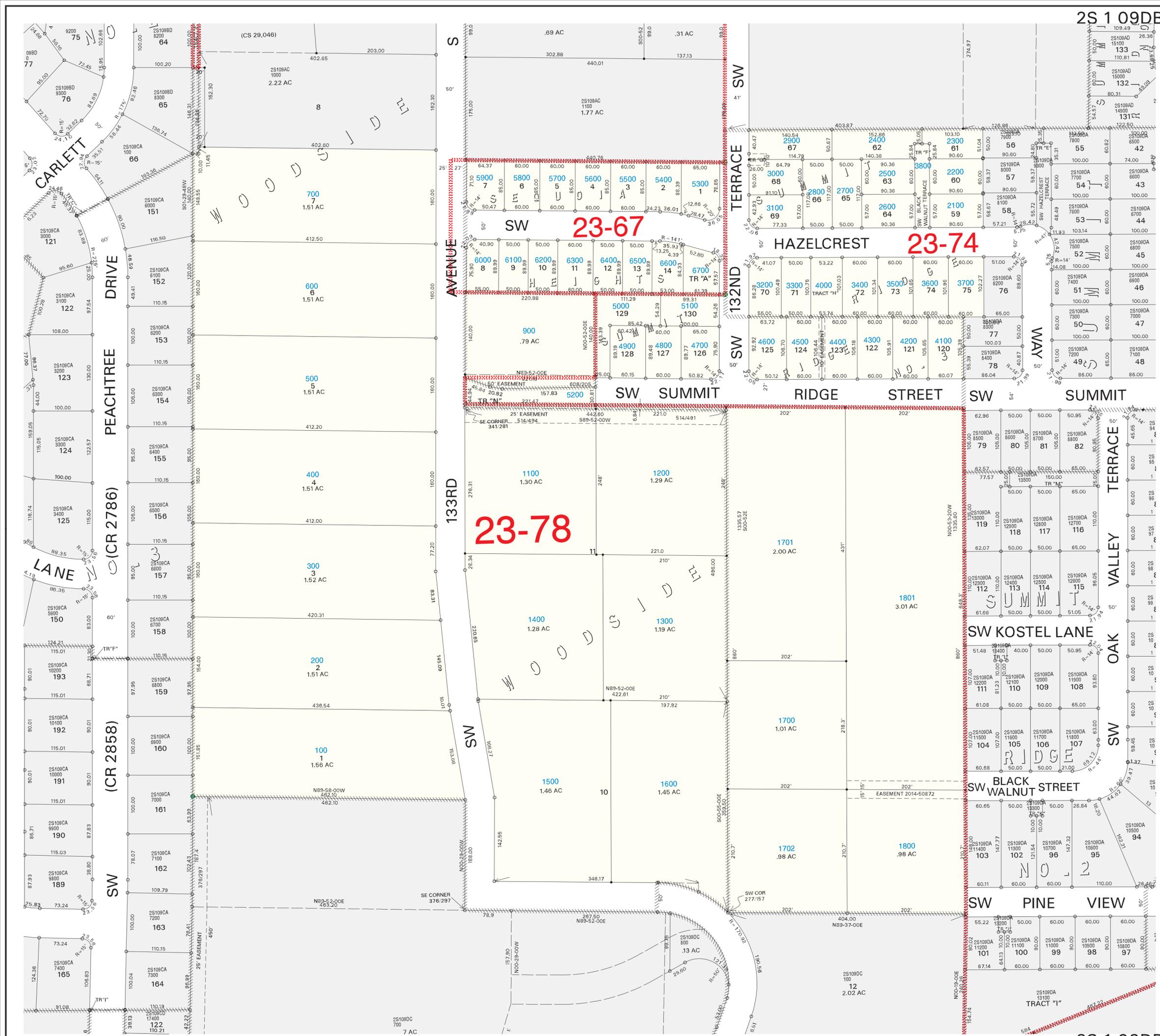
REGISTERED PROFESSIONAL LAND SURVEYOR

Nick White
 OREGON
 JANUARY 9, 2007
 NICK WHITE
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 RENEWS: 6/30/16

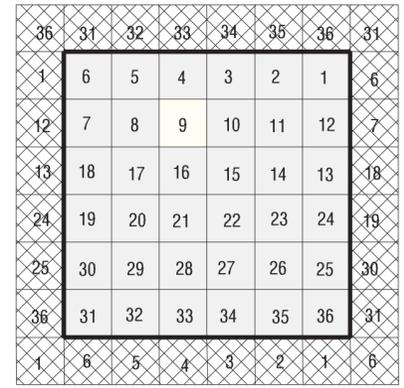
PREPARED FOR
 VENTURE PROPERTIES
 4230 SW GALEWOOD ST,
 SUITE 100
 LAKE OSWEGO, OR 97035

SUMMIT RIDGE NO. 5			
DRAWN BY: MSK	CHECKED BY: AHH	DWG: 4105ANNEX	JOB: 4105
AKS ENGINEERING & FORESTRY, LLC			
12965 SW HERMAN RD		SUITE 100	
TUALATIN, OR 97062		www.aks-eng.com	
PHONE: 503.563.6151	FAX: 503.563.6152		

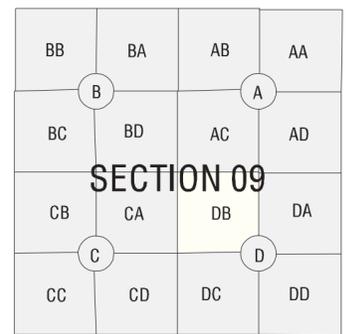




WASHINGTON COUNTY OREGON
 NW 1/4 SE 1/4 SECTION 09 T2S R1W W.M.
 SCALE 1" = 100'



FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT
www.co.washington.or.us



Cancelled Taxlots For: 2S109DB
 2000,1900,1000,3900,800.



PLOT DATE: October 03, 2014
FOR ASSESSMENT PURPOSES ONLY - DO NOT RELY ON FOR OTHER USE

Map areas delineated by either gray shading or a cross-hatched pattern are for reference only and may not indicate the most current property boundaries. Please consult the appropriate map for the most current information.

TIGARD
 2S 1 09DB

ATTACHMENT D

Mr. John Floyd
13125 SW Hall Blvd.,
Tigard, OR 97223

January 21, 2015

Dear Mr. Floyd:

I am writing this letter in opposition of the development of the Summit Ridge No.5 subdivision. I attended the public hearing on 12/18/14 and am concerned about how the addition of 30 homes will affect the current neighborhood. The Bull Mountain area is already struggling with a saturated housing market, traffic control issues and an environmental and aesthetic disservice by clear cutting old growth trees.

The direct neighborhood, and surrounding neighborhoods, are currently saturated with homes for sale, and new development that still has not sold. It is unnerving to be pulling into our neighborhood and for there to be constant signs advertising "new homes for sale" and homes for sale and continuous open houses. There are homes that have been vacant and/or in foreclosure/short sale for years. Having vacant homes, in addition to the increase in gang "tagging" along Beef Bend road is unsettling, and makes our neighborhood feel unsafe. It is important to me that this area stay safe, and be a tight knit community that I feel comfortable raising my family in.

The development of the new subdivision is projected to have 30 new homes. The current structure of the neighborhood cannot absorb the increase in traffic. I am fully aware that the city will pay a company to come and do a traffic study, but I also know that the report will be skewed and based on "projected" increases in traffic, not actuals. When there are cars parked on both sides of SW Black Walnut Street and SW Kostel Lane, it is sometimes difficult for 1 car to pass through (especially at the sharp curve of Black Walnut), much less 2 cars to pass through, and it will be an increased aggravation with a potential of 60 more drivers coming through these areas.

This then leads to the conversation about deciding to make SW Pine View Street a through street. It was not part of the original plan by AKS to make this a through street due to the substantial difficulty of the 16% grade and cost, however, they said the City is requiring it. I would like the "City" to genuinely reconsider this requirement. Pine View Street only has 7 homes on it, and by adding an awkwardly curved road at the end of Pine View is only lending to there being 1 access road for the new development to reach Greenfield onto Beef Bend. How is it expected that the size of Pine View Street can absorb that additional traffic?? Every single home on Pine View Street (except for the 1 that has been in foreclosure) has at least 1 car parked on the street. Our neighbor has 2 cars parked on the street. This will not be an adequate route to reach Greenfield, and is greatly jeopardizing the safety of the *current* Tigard residents that live on SW Pine View Street. It is infuriating that long term residents are considering leaving Pine View Street due to an addition that was required by the city, and not even recommended by the developers. In the event of an emergency, a Fire Truck will not have the ability to maneuver the corner and slope of the road proposed extending Pine View. Furthermore, school busses will not be able to access and maneuver through Black Walnut or the "new" Pine View Street, meaning that children that move into the new development will have to walk as far as Greenfield and Summit Ridge to catch the school bus. This is very concerning from a parents perspective. Additionally, if a child with special needs moves into the new development, I do not see how an adaptive or wheel chair

ATTACHMENT D

accessible school bus will be able to make it to the new neighborhood with cars parked on both sides of the streets.

Clearly from the preliminary layout, the City ultimately plans on extending that new subdivision West, and have access out of the neighborhood North. I do not understand why there is a rush to get Summit Ridge No 5 in place, instead of waiting until those 3 additional exits can be made. There is ample availability of homes for sale on Bull Mountain, including the new homes and lots off of 132nd Terrace that still are not sold, and the new development currently in process off of Beef Bend. Until there is more demand, it makes no sense to clear cut the beautiful old growth trees, and for there to be vacant lots waiting for development. It is a really bad deal for the current residents of the neighborhood, who have already been investing into Tigard, paying property taxes and making a great community. Construction may go on for years waiting for people to buy those lots – who wants to live with years of construction or vacant lots or vacant homes? Have you personally seen how terrible the development off of 132nd Terrace looks? There's trash everywhere in the yards and streets, no landscaping and a bright blue modular home with flags flying everywhere advertising new homes for sale. It is tacky, and diminishes the integrity of the current neighborhood. We pay a lot of money to live here, a lot of money that goes directly back to the City, and we have higher expectations than this. It is sickening to lose the substantial wooded area and old growth trees for a housing development that is only going to re-plant "nursery" trees.

I am not a naïve person, I understand the motivation for the City to have 30 new homes potentially developed – it will bring in more revenue once lots are purchased and homes built. However, it is my daily commute that is going to be affected, and my street, my neighbors and the wooded area that makes us appreciate where we live so much. I know urban development is inevitable, but I don't like to see frivolous planning. A quick RMLS search or a discussion with a local realtor shows you how many homes are sitting for sale, and how long they have been on the market. There is availability of homes to meet current demands, and until the demand can't be made, the area proposed should stay in its current environmental state. On a personal level, I am disheartened by the expansion of Pine View Street and feel that Tigard as "a place to call home" is diminished. Until there are other available exits (i.e. West and North) from the proposed new development, it should be put on hold. It is unfair to expect the current Tigard residents on Pine View Street, Black Walnut, Kostel and Summit Ridge to absorb the extra traffic through their streets; especially when there will be an opportunity, in the future, to allow for other exits from the proposed Summit Ridge No 5 subdivision.

I live *and* work in Tigard, and feel it's important to advocate my concerns for my community. Please take this letter into consideration before proceeding with the Summit Ridge No 5 development on Bull Mountain.

Sincerely,



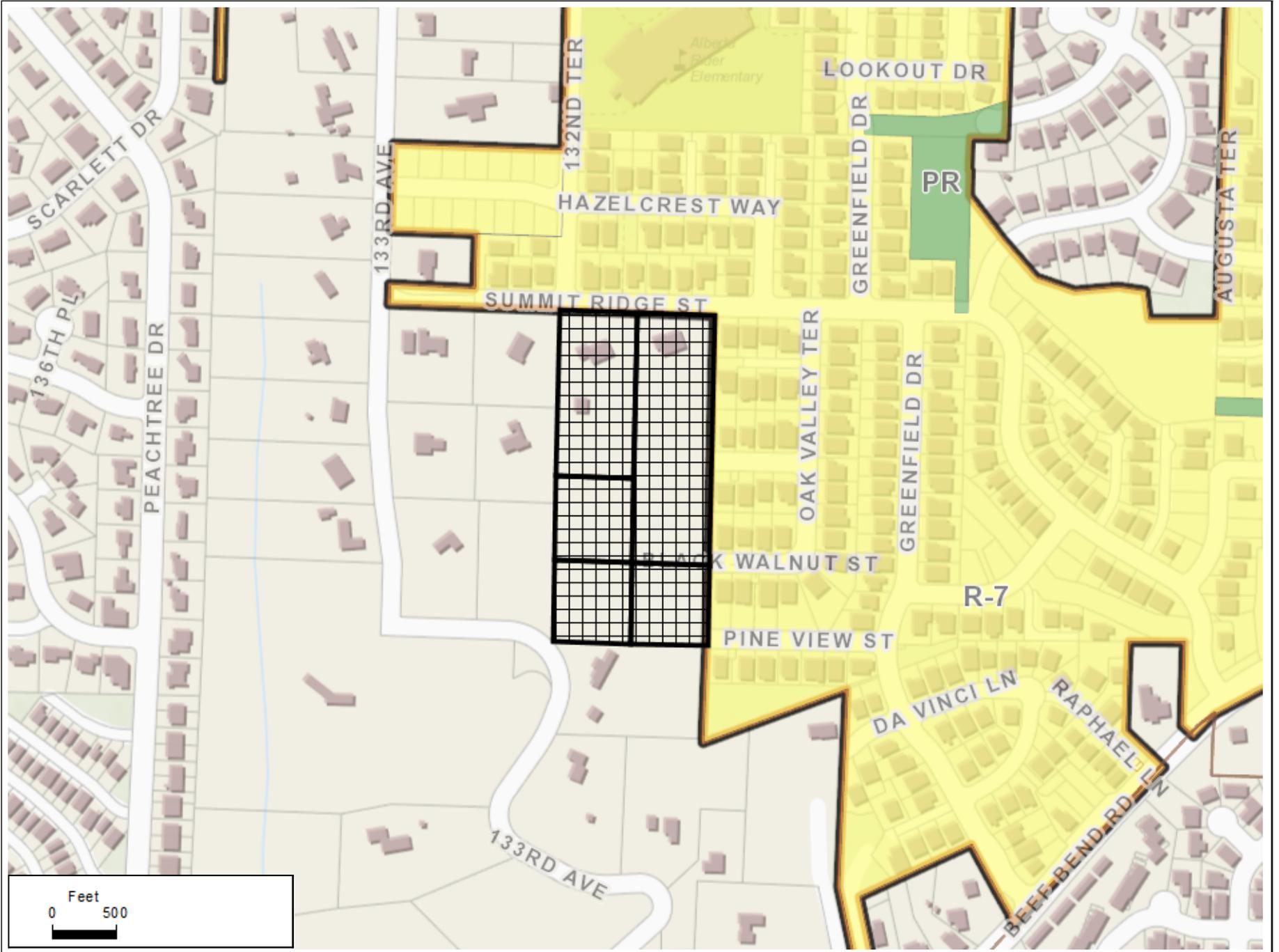
Carrie Brickey

12998 SW Pine View Street

Tigard, OR 97224

carriebrickey@gmail.com

CC: John Cook – City of Tigard Mayor
Joanne Bengtson – Tigard Neighborhood Involvement Committee
Summit Ridge Home Owners Association



PRE-APPLICATION CONFERENCE NOTES

➤ DEVELOPMENT ENGINEERING ◀



City of Tigard, Oregon
Community Development
Shaping A Better Community

PUBLIC FACILITIES

Tax Map(s): 2S109DB Zeider/Anderson
Tax Lot(s): 1700 and 1800
Use Type: R-7

These notes were prepared based on information provided by the applicant showing a 30-lot proposed subdivision on two existing tax lots south of Summit Ridge St.

The extent of necessary public improvements and dedications which shall be required of the applicant will be recommended by City staff and subject to approval by the appropriate authority. There will be no final recommendation to the decision making authority on behalf of the City staff until all concerned commenting agencies, City staff and the public have had an opportunity to review and comment on the application. The following comments are a projection of public improvement related requirements that may be required as a condition of development approval for your proposed project.

Right-of-way dedication:

The City of Tigard requires that land area be dedicated to the public:

- (1.) To increase abutting public rights-of-way to the ultimate functional street classification right-of-way width as specified by the Community Development Code; or
- (2.) For the creation of new streets.

Approval of a development application for this site will require right-of-way dedication for:

- SW Summit Ridge St to 27 feet from centerline of right-of-way (54 feet total ROW)
- Internal public streets to 54 feet total ROW width (parking on both sides) or 50 feet (parking on one side only).
- Three-Quarter Streets (if any) along property boundaries to 38 feet total ROW width

Tigard Municipal Code (TMC) 18.810.030 D-H and 18.810.040B require street connections north to Summit Ridge St, east to Pine View St (along with Black Walnut and Kostel) and southwest to the 133rd Ave right-of-way (along with the property to the west).

Street improvements: (Subject to rough proportionality)

- Partial street improvements will be necessary along SW Summit Ridge St to include:
 - 16 feet of pavement from face of curb to centerline
 - concrete curb (or curb and gutter)
 - 5-foot planter exclusive of curb

- storm sewers and other underground utilities
- 5-foot concrete sidewalk
- street trees
- street signs, traffic control devices, streetlights and a two-year streetlight fee.
- Other: Pavement tapers as needed

An adjustment can be requested for curb-tight sidewalk. See TMC 18.370 for criteria. Clear public benefit would need to be shown for allowing the adjustment.

- Full street improvements will be necessary along internal public streets:
 - 32 feet of pavement (parking on both sides) or 28 feet (parking on one side only)
 - concrete curb (or curb and gutter)
 - 5-foot planter exclusive of curb
 - storm sewers and other underground utilities
 - 5-foot concrete sidewalk
 - street trees
 - street signs, traffic control devices, streetlights and a two-year streetlight fee.
 - Other:

- Three-Quarter street improvements will be necessary if a street is built along the edge of the property:
 - 28 feet of pavement from face of curb to edge
 - concrete curb (or curb and gutter) along property side
 - 5-foot planter exclusive of curb along property side
 - storm sewers and other underground utilities
 - 5-foot concrete sidewalk along property side
 - street trees along property side
 - street signs, traffic control devices, streetlights and a two-year streetlight fee.
 - Other:

Any dead-end streets (not stubs for future connection) would need to be terminated with a cul-de-sac meeting city and TVF&R standards – typically 48-foot radius.

18.730.040 Additional Setback Requirements: This section sets requirements for additional setback distance from roadways. The minimum yard requirement shall be increased in the event a yard abuts a street having a right-of-way width less than required by its functional classification on the city's transportation plan map and, in such case, the setback shall be not less than the setback required by the zone plus one-half of the projected road width as shown on the transportation map.

This does not appear to be applicable in this case

Agreement for Future Street Improvements:

In some cases, where street improvements or other necessary public improvements are not currently practical, the improvements may be deferred. In such cases, a condition of development approval may be specified which requires the property owner(s) to provide a future improvement guarantee. The City Engineer will determine the form of this guarantee. The following street improvements may be eligible for such a future improvement guarantee:

(1.) *This does not appear to be applicable in this case*

(2.) _____

Overhead Utility Lines:

Section 18.810.120 of the Tigard Municipal Code (TMC) requires all overhead utility lines adjacent to a development to be placed underground or, if approved by the City Engineer, a fee in-lieu of undergrounding can be paid. This requirement is valid even if the utility lines are on the opposite side of the street from the site. If the fee in-lieu is approved, it is equal to \$ 35.00 per lineal foot of street frontage that contains the overhead lines.

The utilities along the adjacent streets appear to be all underground already. All utilities serving the property shall be placed underground including utilities serving the houses to remain.

Sanitary Sewers:

The applicant will need to verify adequacy of existing lines to accommodate the proposed development. Contact the City of Tigard Utility Billing Department for connection fees.

Sanitary sewer appears to be available under adjacent streets. All properties (including the existing houses to remain) will need to be connected to sanitary sewer.

Water Supply:

The City of Tigard provides public water service in this area. Coordinate with the City of Tigard Public Works Department for information regarding adequate water supply for the proposed development and connection fees.

Fire Protection:

Tualatin Valley Fire and Rescue District [Contact: John Wolff, 503-259-1504] provides fire protection services within the City of Tigard. The District should be contacted for information regarding the adequacy of circulation systems, the need for fire hydrants, or other questions related to fire protection.

Storm Sewer Improvements:

All proposed development within the City shall be designed such that storm water runoff is conveyed to an approved public drainage system. The applicant will be required to submit a proposed storm drainage plan for the site, and may be required to prepare a sub-basin drainage analysis to ensure that the proposed system will accommodate runoff from upstream properties when fully developed.

Provide a plan that shows how the storm drainage system for the site connects to the public system. Storm drainage plan and calculations shall be submitted with the application for it to be considered complete.

Storm water detention is required. Storm water detention facilities must be reviewed and approved by the city. Storm water detention calculations shall be submitted to the Development Engineer for review and approval. The stormwater plan and facilities must meet Clean Water Services (CWS) standards.

Storm Water Quality:

The City has agreed to enforce Surface Water Management (SWM) regulations established by the Unified Sewerage Agency (USA) (Resolution and Order No. 00-7) which requires the construction of on-site water quality facilities. The facilities shall be designed to remove 65 percent of the phosphorus contained in 100 percent of the storm water runoff generated from impervious surfaces. The resolution contains a provision that would allow an applicant to pay a fee in-lieu of constructing an on-site facility provided specific criteria are met. The City will use discretion in determining whether or not the fee in-lieu will be offered. If the fee is allowed, it will be based upon the amount of impervious surfaces created; for every 2,640 square feet, or portion thereof. Please contact the Building Division for the current fee. Preliminary sizing calculations for any proposed water quality facility shall be submitted with the development application. It is anticipated that this project will require:

- Construction of an on-site water quality facility.
- Payment of the fee in-lieu.

Water quality treatment is required. Calculations for sizing of water quality treatment facilities must be submitted to the Development Engineer for review and approval. Water quality facilities also must be reviewed and approved by the city. Review and comply with provisions of Chapter 4 Clean Water Services Design and Construction Standards (Runoff Treatment and Control).

Other Comments:

Water quality and detention facility design and construction must be certified by a professional engineer as meeting Clean Water Services requirements. After completion of the construction of these facilities, the applicant shall enter into an agreement with the city on city-furnished forms for long-term maintenance of the facilities. This agreement will be recorded and city staff will be periodically inspecting the facilities for compliance with the terms of the agreement.

TRANSPORTATION DEVELOPMENT TAX

In 1990, Washington County adopted a county-wide Traffic Impact Fee (TIF) which was replaced in 2008 by a Transportation Development Tax (TDT) that became effective 7/1/09. The TDT program collects fees from new development based on the development's projected impact upon the City's transportation system. The applicant shall be required to pay a fee based upon the number of trips which are projected to result from the proposed development. The calculation of the TDT incorporates the proposed use of the land and the size of the project. The TDT is calculated, due, and payable at the time of building permit issuance. In limited circumstances payment of the TDT may be allowed to be deferred until the issuance of an occupancy permit. Deferral of payment until occupancy is permissible only when the TDT exceeds the TDT rate for a single-family home.

Pay TDT as required.

PERMITS

Public Facility Improvement (PFI) Permit:

Any work within a public right-of-way in the City of Tigard requires a PFI permit from Development Engineering. A PFI permit application is available at the Planning/Engineering counter in the Permit Center at City Hall. For more extensive work such as street widening improvements, main utility line extensions or subdivision infrastructure, plans prepared by a registered professional engineer must be submitted for review and approval. The PFI permit application shall include any on-site water quality and detention facilities that may be required as part of the land use approval.

The Permittee will also be required to post a performance bond, or other such suitable security. Where professional engineered plans are required, the Permittee must execute a Developer/Engineer Agreement, which will obligate the design engineer to perform the primary inspection of the public improvement construction work. The PFI permit fee structure is as follows:

NOTE: If an PFI Permit is required, the applicant must obtain that permit prior to release of any permits from the Building Division.

A PFI permit is required for this project. This permit must be obtained before any work begins on site.

Building Division Permits:

The following is a brief overview of the type of permits issued by the Building Division. For a more detailed explanation of these permits, please contact the Development Services Counter at 503-639-4171, ext. 304.

Site Improvement Permit (SIT). This permit is generally issued for all new commercial, industrial and multi-family projects. This permit will also be required for land partitions where lot grading and private utility work is required. This permit covers all on-site preparation, grading and utility work. Home builders will also be required to obtain a SIT permit for grading work in cases where the lot they are working on has slopes in excess of 20% and foundation excavation material is not to be hauled from the site.

Building Permit (BUP). This permit covers only the construction of the building and is issued after, or concurrently with, the SIT permit.

Master Permit (MST). This permit is issued for all single and multi-family buildings. It covers all work necessary for building construction, including sub-trades (excludes grading, etc.). This permit can not be issued in a subdivision until the public improvements are substantially complete and a mylar copy of the recorded plat has been returned by the applicant to the City. For a land partition, the applicant must obtain an Engineering Permit, if required, and return a mylar copy of the recorded plat to the City prior to issuance of this permit.

Other Permits. There are other special permits, such as mechanical, electrical and plumbing that may also be required. Contact the Development Services Counter for more information.

PREPARED BY:	Mike McCarthy	12/4/13
	DEVELOPMENT ENGINEER	DATE
Phone:	(503) 718-2462	
E-mail:	mikem@tigard-or.gov	

PRE-APPLICATION CONFERENCE NOTES

➤ DEVELOPMENT ENGINEERING ◀



City of Tigard, Oregon
Community Development
Shaping A Better Community

PUBLIC FACILITIES

Tax Map(s): 2S109DB Venture Prop
Tax Lot(s): 1700 and 1800
Use Type: R-6

These notes were prepared based on information provided by the applicant showing a 29-lot proposed subdivision on two existing tax lots south of Summit Ridge St.

The extent of necessary public improvements and dedications which shall be required of the applicant will be recommended by City staff and subject to approval by the appropriate authority. There will be no final recommendation to the decision making authority on behalf of the City staff until all concerned commenting agencies, City staff and the public have had an opportunity to review and comment on the application. The following comments are a projection of public improvement related requirements that may be required as a condition of development approval for your proposed project.

Right-of-way dedication:

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Approval of a development application for this site will require right-of-way dedication for:

- SW Summit Ridge St to 27 feet from centerline of right-of-way (54 feet total ROW)
- Internal public streets to 54 feet total ROW width (parking on both sides) or 50 feet (parking on one side only).
- Three-Quarter Streets (if any) along property boundaries to 38 feet total ROW width

Tigard Municipal Code (TMC) 18.810.030 D-H and 18.810.040B require street connections north to Summit Ridge St, east to Pine View St (along with Black Walnut and Kostel) and southwest to the 133rd Ave right-of-way (along with the property to the west).

Limit slopes of 12 – 15% to 250 feet.

Street improvements: (Subject to rough proportionality)

- Partial street improvements will be necessary along SW Summit Ridge St to include:
 - 16 feet of pavement from face of curb to centerline
 - concrete curb (or curb and gutter)

- 5-foot planter exclusive of curb
- storm sewers and other underground utilities
- 5-foot concrete sidewalk
- street trees
- street signs, traffic control devices, streetlights and a two-year streetlight fee.
- Other: Pavement tapers as needed

- Full street improvements will be necessary along internal public streets:
 - 32 feet of pavement (parking on both sides) or 28 feet (parking on one side only)
 - concrete curb (or curb and gutter)
 - 5-foot planter exclusive of curb
 - storm sewers and other underground utilities
 - 5-foot concrete sidewalk
 - street trees
 - street signs, traffic control devices, streetlights and a two-year streetlight fee.
 - Other:

- Three-Quarter street improvements will be necessary if a street is built along the edge of the property:
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 - storm sewers and other underground utilities
 - 5-foot concrete sidewalk along property side
 - street trees along property side
 - street signs, traffic control devices, streetlights and a two-year streetlight fee.
 - Other:

Any dead-end streets (not stubs for future connection) would need to be terminated with a cul-de-sac meeting city and TVF&R standards – typically 48-foot radius.

18.730.040 Additional Setback Requirements: This section sets requirements for additional setback distance from roadways. The minimum yard requirement shall be increased in the event a yard abuts a street having a right-of-way width less than required by its functional classification on the city's transportation plan map and, in such case, the setback shall be not less than the setback required by the zone plus one-half of the projected road width as shown on the transportation map.

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- (1.) *This does not appear to be applicable in this case*
- (2.) _____

Overhead Utility Lines:

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The utilities along the adjacent streets appear to be all underground already. All utilities serving the property shall be placed underground including utilities serving the houses to remain.

Sanitary Sewers:

The applicant will need to verify adequacy of existing lines to accommodate the proposed development. Contact the City of Tigard Utility Billing Department for connection fees.

Sanitary sewer appears to be available under adjacent streets. All properties (including the existing houses to remain) will need to be connected to sanitary sewer.

Water Supply:

The City of Tigard provides public water service in this area. Coordinate with the City of Tigard Public Works Department for information regarding adequate water supply for the proposed development and connection fees.

Fire Protection:

Tualatin Valley Fire and Rescue District [Contact: John Wolff, 503-259-1504] provides fire protection services within the City of Tigard. The District should be contacted for information regarding the adequacy of circulation systems, the need for fire hydrants, or other questions related to fire protection.

Storm Sewer Improvements:

All proposed development within the City shall be designed such that storm water runoff is conveyed to an approved public drainage system. The applicant will be required to submit a proposed storm drainage plan for the site, and may be required to prepare a sub-basin drainage analysis to ensure that the proposed system will accommodate runoff from upstream properties when fully developed.

Provide a plan that shows how the storm drainage system for the site connects to the public system. Storm drainage plan and calculations shall be submitted with the application for it to be considered complete.

Storm water detention is required. Storm water detention facilities must be reviewed and approved by the city. Storm water detention calculations shall be submitted to the Development Engineer for review and approval. The stormwater plan and facilities must meet Clean Water Services (CWS) standards.

Storm Water Quality:

The City has agreed to enforce Surface Water Management (SWM) regulations established by the Unified Sewerage Agency (USA) (Resolution and Order No. 00-7) which requires the construction of on-site water quality facilities. The facilities shall be designed to remove 65 percent of the phosphorus contained in 100 percent of the storm water runoff generated from impervious surfaces. The resolution contains a provision that would allow an applicant to pay a fee in-lieu of constructing an on-site facility provided specific criteria are met. The City will use discretion in determining whether or not the fee in-lieu will be offered. If the fee is allowed, it will be based upon the amount of impervious surfaces created; for every 2,640 square feet, or portion thereof. Please contact the Building Division for the current fee. Preliminary sizing calculations for any proposed water quality facility shall be submitted with the development application. It is anticipated that this project will require:

- Construction of an on-site water quality facility.
- Payment of the fee in-lieu.

Water quality treatment is required. Calculations for sizing of water quality treatment facilities must be submitted to the Development Engineer for review and approval. Water quality facilities also must be reviewed and approved by the city. Review and comply with provisions of Chapter 4 Clean Water Services Design and Construction Standards (Runoff Treatment and Control).

Other Comments:

Water quality and detention facility design and construction must be certified by a professional engineer as meeting Clean Water Services requirements. After completion of the construction of these facilities, the applicant shall enter into an agreement with the city on city-furnished forms for long-term maintenance of the facilities. This agreement will be recorded and city staff will be periodically inspecting the facilities for compliance with the terms of the agreement.

TRANSPORTATION DEVELOPMENT TAX

In 1990, Washington County adopted a county-wide Traffic Impact Fee (TIF) which was replaced in 2008 by a Transportation Development Tax (TDT) that became effective 7/1/09. The TDT program collects fees from new development based on the development's projected impact upon the City's transportation system. The applicant shall be required to pay a fee based upon the number of trips which are projected to result from the proposed development. The calculation of the TDT incorporates the proposed use of the land and the size of the project. The TDT is calculated, due, and payable at the time of building permit issuance. In limited circumstances payment of the TDT may be allowed to be deferred until the issuance of an occupancy permit. Deferral of payment until occupancy is permissible only when the TDT exceeds the TDT rate for a single-family home.

Pay TDT as required.

PERMITS

Public Facility Improvement (PFI) Permit:

Any work within a public right-of-way in the City of Tigard requires a PFI permit from Development Engineering. A PFI permit application is available at the Planning/Engineering counter in the Permit Center at City Hall. For more extensive work such as street widening improvements, main utility line extensions or subdivision infrastructure, plans prepared by a registered professional engineer must be submitted for review and approval. The PFI permit application shall include any on-site water quality and detention facilities that may be required as part of the land use approval.

The Permittee will also be required to post a performance bond, or other such suitable security. Where professional engineered plans are required, the Permittee must execute a Developer/Engineer Agreement, which will obligate the design engineer to perform the primary inspection of the public improvement construction work. The PFI permit fee structure is as follows:

NOTE: If an PFI Permit is required, the applicant must obtain that permit prior to release of any permits from the Building Division.

A PFI permit is required for this project. This permit must be obtained before any work begins on site.

Building Division Permits:

The following is a brief overview of the type of permits issued by the Building Division. For a more detailed explanation of these permits, please contact the Development Services Counter at 503-639-4171, ext. 304.

Site Improvement Permit (SIT). This permit is generally issued for all new commercial, industrial and multi-family projects. This permit will also be required for land partitions where lot grading and private utility work is required. This permit covers all on-site preparation, grading and utility work. Home builders will also be required to obtain a SIT permit for grading work in cases where the lot they are working on has slopes in excess of 20% and foundation excavation material is not to be hauled from the site.

Building Permit (BUP). This permit covers only the construction of the building and is issued after, or concurrently with, the SIT permit.

Master Permit (MST). This permit is issued for all single and multi-family buildings. It covers all work necessary for building construction, including sub-trades (excludes grading, etc.). This permit can not be issued in a subdivision until the public improvements are substantially complete and a mylar copy of the recorded plat has been returned by the applicant to the City. For a land partition, the applicant must obtain an Engineering Permit, if required, and return a mylar copy of the recorded plat to the City prior to issuance of this permit.

Other Permits. There are other special permits, such as mechanical, electrical and plumbing that may also be required. Contact the Development Services Counter for more information.

PREPARED BY:	Greg Berry	8/14/14
	DEVELOPMENT ENGINEER	DATE
Phone:	(503) 718-2462	
E-mail:	greg@tigard-or.gov	

AIS-1996

8.

Business Meeting

Meeting Date: 02/10/2015

Length (in minutes): 10 Minutes

Agenda Title: Consider Amendment to City Manager Employment Contract

Prepared For: Dana Bennett

Submitted By: Dana Bennett,
City Management

Item Type: Motion Requested

Meeting Type: Council Business Meeting - Main

Public Hearing No

Newspaper Legal Ad Required?:

Public Hearing Publication

Date in Newspaper:

Information

ISSUE

Does the City Council want to amend the City Manager's Employment Contract to reflect an adjustment in compensation based on the results of their recent Annual Performance Review, and authorize the Mayor to sign the amendment? And if the Council does want to make the amendment, what effective date does Council want for the change?

STAFF RECOMMENDATION / ACTION REQUEST

As instructed by Council, staff is bringing forward a recommendation to amend the City Manager's Employment Contract to increase the base salary by \$15,000.

KEY FACTS AND INFORMATION SUMMARY

On July 1, 2012, the Council amended Section 3, Compensation, of the City Manager's Employment Contract with the City, to pay the Employee an annual base salary of \$130,000, reflecting a voluntary \$10,000 reduction in salary, due to FY 12-13 budget constraints. Following Council's Performance Review of the City Manager for calendar year 2012, Council approved an amendment to the City Manager's Employment Contract to increase the severance package. Then following Council's Performance Review for the following year, calendar year 2013, Council approved an increase to the City Manager's base salary to \$146,845 and to continue to allow the salary to be increased by the same COLA amount as other city management staff. On July 1, 2014 a COLA of 2.1% was granted, increasing the

City Manager's salary to \$148,901.

On January 27, 2015 Council reviewed the performance of the City Manager for calendar year 2014 as required by the Employment Contract. At that time Council instructed staff to bring forward a contract amendment for consideration which would increase the base salary of the City Manager by \$15,000. At this time the Council may consider and take action regarding a proposed compensation adjustment based on the City Manager's job performance.

OTHER ALTERNATIVES

Make no amendment to the compensation in the City Manager's Employment Contract.

COUNCIL OR CCDA GOALS, POLICIES, MASTER PLANS

Consistent with the outcome of the Annual Performance Review and performance against goals for calendar year 2014.

DATES OF PREVIOUS CONSIDERATION

On January 27, 2015 Council conducted the City Manager's Annual Performance Review.

	Fiscal Impact
Cost:	9,500
Budgeted (yes or no):	No
Where Budgeted (department/program):	
Additional Fiscal Notes:	
The cost estimate shown presumes six months of increased costs (salary and related benefits) during the current fiscal year. If necessary, we will bring forward a request to allocate contingency funds to the City Manager's budget during the third quarter supplemental.	

Attachments

Employment Contract Amendment

Amendment # 5

To City Manager Employment Agreement

Effective Date: _____ (effective date to be determine by Council Action)
Between: City of Tigard (the "City")
And: Martha (Marty) Wine ("Employee")

Section 3: Compensation of the Employment Agreement between the City of Tigard and Marty Wine is hereby amended and replaced to read as follows: All other terms and conditions of the Employment Agreement and its amendments shall remain in effect.

Section 3: Compensation

- A. Base Salary: The City agrees to pay the Employee an additional \$15,000 on top of current base, which includes a 1.4% COLA from July 1, 2014, per section B below, for a total annual base salary of \$163,901 payable in installments at the same time and in the same manner that the other management employees of the City are paid.
- B. Employee's annual base salary shall be automatically amended to reflect any cost of living adjustments that are provided by Council to management employees of the City.

Marty Wine, City Manager

Mayor John L. Cook

Date

Date