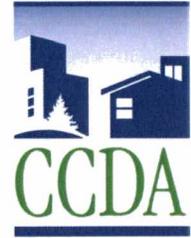




City of Tigard  
City Council and City Center Development Agency  
Joint Meeting Minutes  
March 24, 2015



6:30 p.m.  
STUDY SESSION

A. COUNCIL LIAISON REPORTS

Councilor Woodard reported he attended a Park and Recreation workshop participating in classes such as foundation development, master plans, grant writing, corporations and government, principles, cost recovery, contract services, performance measures and a think tank. There was great networking and educational sessions. He found Oglebay Resort, Nevada is the example to follow for recreation as they have a 99% cost recovery. He stated he was looking forward to attending again next year.

Councilor Goodhouse reported on his trip to the National League of Cities conference in Washing DC with over 1,300 elected officials. He attended classes on transportation, planning, finance and ideal communities. An ideal community was pedestrian friendly and reports show 88% of citizens want quality of neighborhoods over quality of home. Desire for walkability was at 9%. There was discussion at the conference about ways of bringing in revenue like building apartments versus large box retail. The budget session was enlightening and received ideas like employers providing bus passes to employees to help increase walkability and participation in eco programs. He stated he got to see Senator Merkley on the floor, hear President Obama speak and got to meet Senator Merkley and Senator Wyden. He concluded with saying he got the opportunity to lobby for municipal bonds and transportation infrastructure.

B. EXECUTIVE SESSION

Mayor Cook called the executive session to order at 6:46 p.m. to discuss real property transaction negotiations under ORS 192.660(2)(e) held in the Red Rock Creek Conference Room. Chair Cook closed the executive session at 7:07 p.m. and reconvened the public meeting.

C. ADMINISTRATIVE ITEMS

City Manager Wine stated items for the upcoming 5x1x10s were provided in the mail bag, which included talking points, maps of route options for the SW Corridor, and survey cards for attendees to fill out. She also went over Council's calendar of events.

Mayor Cook adjourned the Study Session at 7:14 p.m.

7:30 p.m.  
CITY COUNCIL BUSINESS MEETING

1. CITY COUNCIL AND CITY CENTER DEVELOPMENT AGENCY BOARD MEETING

A. Mayor Cook called the meeting to order at 7:32 p.m.

B. Deputy City Recorder Alley called the roll:

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

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

D. Call to Council and Staff for Non Agenda Items – None announced.

2. CITIZEN COMMUNICATION

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

B. Citizen Communication

Mayor announced people wanting to speak on marijuana will need to submit their testimony in writing by April 1 if they want it to go into the record for the April 14 public hearing.

Mr. Shannon Spahan, Lost Park Society Kung Fu Academy Owner, 12215 SW Main Street, Tigard, testified he was notified by his landlord that a marijuana dispensary is moving in next to his establishment. He said he has a martial arts school with children and teaches anti-bully and drug education. He asked what the boundaries were and what was going to happen. Mayor Cook responded dispensaries have to be 1,000 feet from a school and on April 14 council will discuss time, place and manner. Consideration is for Pacific Highway or Main Street, and dispensaries must follow the distance from schools rule. Mr. Spahan said he did not believe a marijuana dispensary on Main Street was appropriate with the events that go on downtown such as the Christmas event, Halloween trick or treating, summer events and others.

Mr. Tom Cook, 13835 SW Hillshire Drive, Tigard, expressed concern for Oregon's definition of schools compared to other states and the close proximity to schools allowing easier access to under aged students. He said he was opposed to a dispensary downtown because a dispensary changes the demographics of downtown. He also said he spoke with the owner of the downtown ballroom center, whom was not aware of this action, and the owner is opposed to it as well.

Ms. Linda Cook, 13835 SW Hillshire Drive, Tigard, testified she is a retired school teacher and shared her concern to have a dispensary in the downtown close to young people. There is an alternative school next to the ballroom club and suggested the location parameters should be extended to more than just an elementary or high school.

Mr. Shawn Keren, 14150 SW Barrows Road, Tigard, stated looking at the marijuana dispensary matter from an economic perspective in relation to how much money was spent for the downtown beautification project and asked if a dispensary is really what the city wants to project for Tigard as that will be the first thing people see. Dispensaries can not be stopped from coming in, but maybe they can have their own area.

Mr. Michael Brewin, 11225 SW Morgan Court, Tigard, testified he is concerned about the noise pollution from air traffic and has noticed flight patterns have changed over Tigard creating more noise. In the past people in the West Hills, Forest Heights and other areas complained about flight patterns. Then the flight patterns changed shifting more over Tigard. Planes are flying at 500 feet, which is lower than the FAA requirement of 1,000 feet. This is increasing the noise and a risks of an accident. Mayor Cook suggested he check with the Port of Portland or the FAA.

Mr. Reid Iford, 11575 SW Pacific Highway, Suite 140, Tigard, stated Tigard citizens can vote to keep marijuana dispensaries out of the city, so he will be collecting signatures to put on the ballot to keep dispensaries out of the city. He requested a moratorium on allowing dispensaries until there is an election. Mayor Cook responded the city has a moratorium for as long as allowable by the state. It does not extend to the November 2016 election when a petition could be on the ballot, so dispensaries can come and will need to move if the measure is approved to ban them in the future.

3. CONSENT AGENDA

A. APPROVE CITY COUNCIL MINUTES:

- January 27, 2015
- February 10, 2015
- February 17, 2015
- February 24, 2015

B. ADOPT A RESOLUTION OF NECESSITY TO ACQUIRE PROPERTY FOR THE WALNUT STREET IMPROVEMENT PROJECT

**RESOLUTION NO. 15-09 – A RESOLUTION TO AMEND RESOLUTION NO. 14-46, LEGAL DESCRIPTIONS AND DEPICTIONS, AND TO DECLARE THE NEED TO ACQUIRE PROPERTY FOR THE PURPOSE OF CONSTRUCTING STREET AND OTHER IMPROVEMENTS ALONG SW WALNUT STREET FROM 116TH AVENUE TO TIEDEMAN AVENUE AND AUTHORIZING IMMEDIATE POSSESSION OF THE PROPERTY**

C. ADOPT A RESOLUTION SUPPORTING AN OREGON PARKS AND RECREATION LOCAL GOVERNMENT GRANT APPLICATION

**RESOLUTION NO. 15-10 – A RESOLUTION IN SUPPORT OF AN APPLICATION FOR AN OREGON PARKS AND RECREATION LOCAL GOVERNMENT GRANT (2015) TO FUND CONSTRUCTION OF AN INTERPRETIVE SHELTER/RESTROOM AT DIRKSEN NATURE PARK**

No items were pulled for separate consideration. Councilor Woodard moved for approval of the consent agenda, seconded by Councilor Henderson. Motion passed by unanimous vote of members present.

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

4. ADOPT A RESOLUTION SUPPORTING THE METRO REGIONAL GOVERNMENT’S ESTABLISHMENT OF POLICY DIRECTION TO CREATE A REGIONAL SAFE ROUTES TO SCHOOL PROGRAM

Associate Transportation Planner Bernard summarized the staff report in the packet announcing he landed a \$150,000 grant to hire a dedicated Safe Routes to School (SRTS) coordinator for two years. He stated he is seeking council’s support for the SRTS program.

**TIGARD CITY COUNCIL AND CITY CENTER DEVELOPMENT AGENCY  
MEETING MINUTES – MARCH 24, 2015**

Councilor Henderson asked how the city would raise the money. Mr. Bernard said the \$40 million is the total funding gap need for SRTS for the region. Community Develop Director Asher said this is not saying this is how much Tigard should raise, rather the possible need for the entire SRTS program.

Councilor Goodhouse moved to approve Resolution No. 15-11, seconded by Councilor Woodard. Motion passed by unanimous vote of council members present.

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

5. LEGISLATIVE PUBLIC HEARING: APPROVING DEVELOPMENT CODE AMENDMENTS PERTAINING TO PUBLIC TRAILS, ELECTRONIC SIGNS AND UTILITY CABINETS

**Open Public Hearing:** Mayor Cook opened the public hearing and announced this was a Legislative Public Hearing in which any person shall be given the opportunity to comment.

**Staff Report:** Associate Planner Floyd and Associate Planner Pagenstecher provided the staff report outlining the four changes to the development code changing the size of utility cabinets, reclassification to community trails inside the transportation corridor, change to the sign code in the Washington Square area allowing electronic message centers on free standing signs and clarifying sign regulations around electronic message centers with illumination and lastly, expansion of the stationary overlay in the downtown allowing for higher density for property zoned residential. Mr. Floyd handed out additional written testimony received since the last public hearing, which were entered into the record.

**Public Testimony:**

Ms. Carine Arendes, 9524 SW North Dakota Street, Tigard, testified the CCAC reviewed this ordinance and supports it. She said she is also in favor of this ordinance and did not have concerns about the transfer of the parks and recreation zone and as there will be property available for parks. The train designation enhances access to parks and allows more access to downtown. Lastly, the expansion of the overlay is going to expand opportunities for downtown and flexibility for individual property owners.

Mr. Michael Brewin, 11225 SW Morgan Court, Tigard, expressed concern for the language establishing a design for above ground utility cabinets on private property and how large they may be as shown in pictures he handed out, which were entered into the record. He asked if these regulations were applicable to only new development or if it would affect existing neighborhoods. Mr. John Floyd said regulations are only for new development. Mr Brewin suggested the council consider restricting above ground utility boxes to commercial property or on main arterial roads, restrict the maximum height to 36 inches and be cognizant and respectful of neighborhood CC&Rs.

**Staff Recommendation:** Associate Planner Floyd stated staff recommends approval of the proposed ordinance.

**Close Public Hearing:** Mayor Cook closed the public hearing.

**Council Deliberation:**

Mayor Cook asked how neighborhood CC&Rs could be taken into consideration. City Attorney Olsen replied if the cabinets are in a public easement the public easement would control, but if it was on private property and a new easement was created it would be subject to the neighborhood CC&Rs.

Discussion commenced on the height requirement and changing it from 48 inches to 36 inches.

Councilor Woodard motioned to approve Ordinance No. 15-05, amending the size requirement from 48 inches to 36 inches, seconded by Councilor Henderson. Motion passed by unanimous vote of council members present.

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

6. LEGISLATIVE PUBLIC HEARING: APPROVING A POST ACKNOWLEDGEMENT PLAN AMENDMENT TO TIGARD’S ECONOMIC OPPORTUNITIES ANALYSIS

**Open Public Hearing:** Mayor Cook opened the public hearing and announced this was a Legislative Public Hearing in which any person shall be given the opportunity to comment.

**Staff Report:** Economic Development Manager Purdy and Associate Planner Pagenstecher summarized the staff report accompanied by a PowerPoint presentation which was entered into the record. They reported this ordinance amends the EOA allowing owners of industrial zone property with a slope greater than ten percent to request a zone change and then prompts the council to refer to the EOA to gauge available land supply.

**Public Testimony:**

None.

**Staff Recommendation:** Economic Development Manager Purdy stated staff recommends approval as presented.

**Close Public Hearing:** Mayor Cook closed the public hearing.

**Council Deliberation:**

Councilor Goodhouse motioned to approve Ordinance No. 15-06, seconded by Councilor Henderson. Motion passed by unanimous vote of council members present.

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

7. APPROVE A RESOLUTION GRANTING FIVE NON-PROFIT LOW INCOME HOUSING PROPERTIES EXEMPTION FROM PROPERTY TAXES UNDER TMC 3.50

Finance and Information Services Director LaFrance presented the staff report stating this is an annual routine tax exemption request.

Councilor Henderson motioned to approve Resolution No. 15-12, seconded by Councilor Woodard. Motion passed by unanimous vote of council members present.

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

8. NON AGENDA ITEMS – None

CITY CENTER DEVELOPMENT AGENCY

9. EXECUTIVE SESSION

Chair Cook called the City Center Development Agency executive session to order at 9:10 p.m. to discuss real property transactions under ORS 192.660(2)(e) held in the Red Rock Creek Conference Room. Chair Cook closed the executive session at 9:39 p.m. and reconvened the public meeting in Town Hall.

10. ADJOURNMENT

At 9:39 p.m. Councilor Goodhouse motioned to adjourn the meeting, seconded by Councilor Woodard. Motion passed by unanimous vote of the council members present.

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

  
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 Norma I. Alley, Deputy City Recorder

Attest:  
  
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 Jason B. Snider, Council President

Date: April 28, 2015