



## City of Tigard

# Tigard City Council Meeting Minutes July 28, 2015

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STUDY SESSION – Council Present: Mayor Cook, Councilor Henderson, Councilor Goodhouse, Council President Snider and Councilor Woodard

Staff Present – City Manager Wine, Assistant City Manager Newton, Public Works Director Rager, City Engineer Faha, City Recorder Krager, and Communications Specialist Owens

### A. COUNCIL LIAISON REPORTS

Councilor Goodhouse reported on attending a King City Republicans update on the SW Corridor. He responded to some concerns and incorrect information they had regarding urban renewal projects and public/private partnerships. He updated them on the North Dakota bridge and responded to questions on the community center ballot measure. Councilor Woodard asked for their opinion on that and Councilor Goodhouse said they were not in favor due to concerns about taxes, recreation resources already in the area, and confusing information.

Council President Snider reported that interviews were held for Library Board members.

### B. BRIEFING ON CAPITAL IMPROVEMENTS PLAN (CIP) PROJECTS

City Engineer Faha gave a retrospective report on CIP projects from last fiscal year. She showed a PowerPoint of 21 projects and described the unexpected things occurring over the year that necessitated a budget or schedule adjustment.

Parks: The Dirksen Nature Center project was delayed when Tualatin Riverkeepers shared with the city their summer camp schedule and staff decided not to be under construction during that busy time. Grants were listed as a project under the Dirksen Nature Park heading due to their importance in funding many of the improvements. The city secured a Nature in Neighborhoods grant from Metro with the intention of matching it with a State Parks grant. They did not receive the state grant but found out this project was the very next on the list. Staff will continue to pursue matching funding grants or try to fund it internally.

The Tigard Street Trail is another project that did not receive a grant and was put on hold. But this fiscal year staff will proceed with a Lighter, Quicker, Cheaper project and get it paved.

Summerlake Park Restrooms were installed.

Streets: Walnut Street is a Washington County project and experienced design delays but it is moving along. The Gaarde/McDonald/Pacific project had some budget issues that needed to be handled but is progressing well now.

Added streets projects: Most were Lighter, Quicker, Cheaper projects and the North Dakota Bridge project. North Dakota Street is now open.

Water: (other than the Lake Oswego/Tigard Water Partnership)

Aquifer storage and recovery: The city had to divert manpower resources to the LO/COT projects so some of these projects are off schedule. Public Works Director Rager said it was determined not necessary to get ASR-3 up and running as soon as initially planned. Meanwhile, ASR-2 had issues that required remediation work.

There was a lot of work preparing for the upsized water line replacement along Gaarde/McDonald for future water conveyance. The change was due to more water line relocation work than predicted.

Sanitary Sewer Projects:

Work was done to stabilize Krueger Creek Slope Stabilization (Benchview) which involves sewer and a massively eroding stream channel. Work was done to devise a solution but this project needs to be re-scoped. Staff looked at stabilizing the bank but they recognized that this is a much larger project. Ms. Faha said the city needs to develop a wholistic solution to erosion problems coming off of that side of Bull Mountain that includes storm water controls at the upper end as well as bank stabilization, or the stabilization will not hold.

In response to a question from Councilor Henderson, City Engineer Faha said the city has budget problems in the sanitary sewer fund. That is the issue with the East Tigard Sewer project. The sewer work needs to be done and Clean Water Services will pay for design work and a federal grant will also be sought. This is the area off of Hunziker and Wall Streets and the sewer line needs replacement. City Manager Wine referred to Ms. Faha's comment on the sewer fund budget and said council is aware through the budgeting process that the sewer fund needs some long-term solutions. There may be a sewer surcharge or the potential to receive funding from other agencies. It has opened a broader, regional question about agencies charging one another for utility fees. Staff will report back to council on this in the fall. Mayor Cook said two court cases have been decided in favor of cities doing this but there is still a political battle.

Storm water: The Copper Creek project was an example of a project where funding from one project was diverted to another. Copper Creek had an eroding stream channel off of Durham Road running towards the Tualatin River. There were two issues; none of the land was in city ownership and money had been diverted to the River Terrace project for the Storm Water Master Plan and new storm water design standards for large regional facilities. The new design standards are in place. However, another element in that project is what to do with the south River Terrace storm water where there is not a lot of area for regional storm water facilities.

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Options include piping excess water to the Tualatin River or stabilizing and enhancing stream channels to handle more flow. To do that work the city needed access onto property outside of the city limits and outside the urban growth boundary and it was an effort to get access to examine the stream channels. This has put the project off a few months to figure out a solution to this problem. Public Works Director Rager gave City Engineer Faha credit as she was given this difficult project right after she started at the city and the city is blessed to have her and her storm water background. He said it was a tremendous amount of work with a very accelerated schedule to develop the storm water standards in time for the River Terrace developers who wanted to start building as soon as possible.

Other: The Permit Center building wrap went well last year and the second phase started July 1. The first phase was completed early. There are some rot issues in some exterior walls in the Town Hall building.

Engineering is also helping with gateway monuments, the new dog park and the Zuber house demolition. Engineer Faha showed slides of the award-winning Derry Dell Creek remeander and boardwalk, pavement management program and Summerlake Park bathrooms. Lighter, Quicker, Cheaper projects included filling sidewalk gaps.

City Engineer Faha highlighted two documents produced last fiscal year, the design standards for River Terrace Boulevard and the storm water design standards. She showed a map with regional storm water facilities which are larger (about an acre in size) that will also be park-like, community amenities with recreation, education or habitat components. She showed a slide of images for desired wall and fence components in the regional storm water facilities.

C. BRIEFING ON AN INTERGOVERNMENTAL AGREEMENT WITH CLEAN WATER SERVICES REGARDING EROSION CONTROL SERVICES

City Engineer Faha briefed council on a proposed IGA with CWS contracting erosion control inspection services. The agreement would free up the time of an engineering technician who is currently performing these tasks. This will help with the workload for development review and public facility inspections. The increased workload is primarily due to the pace of new development applications in River Terrace and other areas of the city. The IGA requires CWS to invoice monthly for actual services. Anticipated costs are \$50,000 and \$80,000 annually. In the past two fiscal years the city has collected \$28,000 and \$34,000 in fees to support Tigard staff that provided this service. City Engineer Faha said staff will watch the amount of fees coming in and evaluate actual costs and fees. Public Works Director Rager said an advantage to contracting this service is that development can ebb and flow and if it drops down, the city would not be put in the position of having to lay off staff. Council agreed that this IGA could be placed on a future consent agenda.

ADMINISTRATIVE ITEMS:

Council Tailgate at Tigard High – Assistant City Manager Newton is working on the details for this outreach event. Summerfield has offered to host council for a winter event at their clubhouse.

Consultant Lenny Borer will be calling councilors regarding the August 31 groundrule training.

This week's council newsletter will have the schedule for Tigard's National Night Out events on August 4.

1. BUSINESS MEETING – July 28, 2015

- A. At 7:33 p.m. Mayor Cook called the Tigard City Council to order.
- B. City Recorder Krager called the roll.

	Present	Absent
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.

2. CITIZEN COMMUNICATION

- A. Follow-up to Previous Citizen Communication – None.
- B. Tigard Area Chamber of Commerce – No report was given.
- C. Citizen Communication – No one signed up to speak about an item not on the agenda. Mayor Cook announced there will be opportunities to speak on two agenda items later in the meeting.



3. CONSENT AGENDA:

- A. APPROVE CITY COUNCIL MINUTES
  - April 14, 2015
  - May 26, 2015
  - June 15, 2015

Councilor Woodard moved to approve the Consent Agenda. The motion was seconded by Councilor Henderson. The motion passed unanimously.

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

4. APPROVE APPOINTMENTS OF THREE LIBRARY BOARD MEMBERS AND TWO ALTERNATES

Council President Snider moved to approve Resolution No. 15-36. Councilor Woodard seconded the motion. There was no further discussion. City Recorder Krager read the number of title of the resolution.

**RESOLUTION NO. 15-36 – A RESOLUTION APPOINTING MICHELLE TAYLOR, NICCI WALKER AND COLE WEBER TO THE TIGARD LIBRARY BOARD FOR A TERM OF FOUR YEARS, EFFECTIVE JULY 1, 2015 THROUGH JUNE 30, 2019; AND APPOINTING BECKY GAUTHIER AND ROARKE VAN BRUNT AS ALTERNATES FOR A TWO YEAR TERM, EFFECTIVE JULY 1, 2015 THROUGH JUNE 30, 2017**

Mayor Cook conducted the vote and Resolution No. 15-36 passed unanimously. Library Board Member Cole Weber was present and Mayor Cook presented him with a city pin.

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

5. QUASI-JUDICIAL PUBLIC HEARING – DIRKSEN NATURE PARK WETLANDS COMPREHENSIVE PLAN AMENDMENT

- a. Mayor Cook opened the public hearing.
- b. City Attorney Rihala read the public hearing procedures, a copy of which was available at the front of the room.
- c. Declarations or Challenges – Mayor Cook asked if any members of Council wished to report any ex parte contact or information gained outside the hearing, including site visits.

 Council President Snider said he had been at the site. Mayor Cook said he had been at the site numerous times.

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Mayor Cook asked if all members of Council had familiarized themselves with the application. They said they had.

Mayor Cook asked if there were any challenges from the audience pertaining to the Council's jurisdiction to hear this matter or if there was a challenge on the participation of any member of the Council. None noted.

- d. Staff Report – Associate Planner Pagenstecher gave the staff report. He introduced the city's Project Coordinator Staedter and Conservation Technix Consultant Steve Duh. He gave a brief summary of the staff report. A site map was displayed on the screen. He said the city is requesting an amendment of the Comprehensive Plan Map and Significant Wetland Inventory to remove 0.12 acres from the Wetlands and Stream Corridor map to accommodate the future installation of two trail boardwalks in Dirksen Nature Park for the purposes of environmental education and resource enhancement. The impacts to wetlands are necessary to fulfill this purpose. He said this contrasts with the recent request from A & O Apartments, which sought to remove four times as much wetland inventory to avoid additional private development costs such as structured parking and taller buildings. Those impacts were discretionary. He emphasized these impacts are required to obtain the education and resource enhancement purposes.

Mr. Pagenstecher said the land is under Goal 5 protection so conflicting uses are prohibited. The proposal is to limit conflicting uses to two areas and noted the importance of evaluating usage of these areas to weigh two competing “goods.” Wetlands are good but so is public education and resource enhancement. Approval would sacrifice a minor amount of wetland for substantial benefit. This trade-off has been considered generally through public processes supporting park acquisition and development, and specifically through the applicant's Economic, Social, Environmental and Energy (ESEE) report. Letters of support have been received from the Tualatin Riverkeepers and the Oregon Department of Fish and Wildlife. One letter in opposition was received from Sue Bielke, in which she identified three issues regarding a city promise of 100-percent protection, agreed location for boardwalks and a protected conservation easement mitigation site.

Mr. Pagenstecher said as shown in the findings, the proposal meets the criteria. At a June 6, 2015 Planning Commission meeting hearing a person from the Tualatin Watershed Council testified in support. The Planning Commission voted unanimously to recommend City Council approval.

 Steve Duh, Conservation Technix, P. O. Box 12736, Portland, OR 97212 said the proposal is consistent with past feedback in park master plans regarding the layout and design of the property, approved by Park and Recreation Board in June of 2012. The primary purpose of the boardwalks is environmental education for park users and to provide safe, accessible platforms for community groups, students and Tualatin Riverkeeper classes to view and begin to understand the nature and importance of these wetland areas without damaging them or disturbing wildlife. In the areas of the proposed boardwalks numerous existing rogue trails traverse sensitive lands as a result of historic uncontrolled

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access. This caused significant damage to the wetlands. A secondary benefit of the boardwalks is to eliminate the rogue passageways through the wetlands to provide a managed, controlled access and restore previously damaged areas. The boardwalks will save and protect the wetlands while enhancing environmental education opportunities and allowing accessible passage into two unique and different wetlands on the park site. He said in many ways the boardwalks are the single more important component of restoration plans for the site.

Mr. Duh said the ESEE analysis details three alternatives under each category. The alternatives are to fully prohibit, fully allow or allow in a limited matter. The ESEE outlines the pros and cons of each aspect. It was recommended in the ESEE and approved by the Planning Commission that allowing in a limited manner best controls patron access while removing rogue trails and facilitating onsite education, a foundation of the Dirksen Nature Park unique within the Tigard parks system. The project has been supported by the Tualatin Riverkeepers, the Tualatin River Watershed Council and the Oregon Department of Fish and Wildlife. Leading up to the conditional use plan put forward a year and a half ago the project was approved by Clean Water Services, Department of State Lands and the U. S. Corps of Engineers.

Engineering Project Coordinator Staedter addressed Ms. Bielke's letter of opposition. She said the city purchased the property to use as a nature park and the boardwalk is the best application to protect the wetlands and associated wildlife. The boardwalks are located per the original master plan and were discussed with the public group working on the master planning process in 2011. Neither boardwalk is located in a wetland mitigation area. No mitigation area exists where these will be placed. She noted that Ms. Bielke said the Trust for Public Lands purchased the property to preserve it. They did, but they also funded the beginning stages of the education program and assisted with gaining funding that had education components tied to it. The boardwalks are needed for students to access these areas without damaging the resource.

Ms. Staedter said when Tigard identifies significant wetlands, its own city regulations say they cannot be touched. In this rare case, staff wants to take a wetland out of protection to protect it. The wetland will grow right underneath the boardwalks. Rogue trails crossing through both wetlands can be abandoned. There are approximately 2,000 children going through this site each year through Tualatin Riverkeeper camps, Fowler Middle School students and other users. Infrastructure needs to be in place to allow them access that will protect the resource.

Council President Snider commented that this was not envisioned when the city's overall wetlands regulations were developed.

Councilor Henderson asked if the staff presentation was the same as that given to the Planning Commission. Ms. Staedter said it was and Councilor Henderson asked if they had questions. Ms. Staedter said the Planning Commission delved more deeply into the ESEE analysis and a lot of discussion was held about the difference between this case and another recently in which they ruled in another direction.

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e. Public Testimony

Proponents –

Brian Wegener, representing Tualatin Riverkeepers, 11675 SW Hazelbrook Road, Tualatin, OR, said the Riverkeepers are partners with the City of Tigard on this site, running their environmental education programs in cooperation with the city. He said they are up to 1,500 students in the field trip program and about 100 summer camp attendees. He said, “You will never, ever see me before you again asking you to take a wetland of the inventory.” He said development can damage wetlands but they can also be “loved to death” by too much foot traffic. Not only is there traffic from field trips and camps but Fowler Middle School students walk to and from school through the park. Boardwalks are the best management practice to prevent people from doing any damage but still experience the great wonders of this site which has such a diversity of habitats within a small area. They are requesting council remove a small amount of wetland inventory in order to protect the area and enhance the education program. He commented on coordination of volunteer management between the Riverkeepers and Ms. Staedter for projects such as tree planting and removal of invasive plant species.

April Obert, Tualatin River Watershed Council, P. O. Box 338, Hillsboro, OR, said she was present in support of the Comprehensive Plan Amendment. The Dirksen Nature Park is a special place. The wetlands have been getting a lot of use and they need protection. The Watershed Council is in favor of residents of all ages having the ability to see the natural resources and from those educational experiences develop a desire to protect and provide stewardship of our watershed in the future.

Opponents - None

f. Staff Recommendation: Associate Planner Pagenstecher said staff recommends approval of the removal of .12 acres of wetland inventory and adoption of the ordinance.

g. Mayor Cook closed the public hearing.

h. Council Discussion and Consideration –

Councilor Woodard said it was a great idea and the city needs more of these opportunities in wildlife areas so kids can experience them.

Mayor Cook said he helped create those rogue trails as a kid. He said while this will not do away with all of the rogue activity, it will be curtailed and most people will stay on the boardwalks.

Councilor Henderson said he supported the wisdom of the planning commission and was in favor.

Councilor Goodhouse moved to approve Ordinance No. 15-13. Council President Snider seconded the motion.

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

**ORDINANCE NO. 15-13 AN ORDINANCE APPROVING COMPREHENSIVE PLAN AMENDMENT CPA2015-00002, TO REMOVE .12 ACRES OF LOCALLY SIGNIFICANT WETLANDS FROM THE “TIGARD WETLAND AND STREAM CORRIDOR MAP” INVENTORY**

City Recorder Krager conducted a roll-call vote of Council. Mayor Cook announced that Ordinance No. 13-15 passed unanimously.

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

6. **CONSIDER RESOLUTIONS APPROVING SUBMITTAL OF PROPOSED CITY OF TIGARD CHARTER AMENDMENTS TO THE VOTERS**



Assistant City Manager Newton presented this item and said each charter amendment will be considered separately with a separate resolution to submit the amendment to the voters.

First Charter Amendment

Ms. Newton said if the first resolution is approved the charter would be amended to allow city council members to seek city offices while in their current position on the council. Staff put a short survey on the website on this proposed amendment and the feedback was split; 28 in support and 24 not in support.

Councilor Henderson said the survey helped him understand this issue from more than his initial point of view. He said the more he looked at this the more he had doubts the public would pass it and he will vote against it.

Council President Snider noted that Councilor Henderson’s thoughts on this had evolved. He found the survey comments interesting. Many were negative and showed a fair number of people think council has full-time elected positions and would be distracted if running for another full-time office. He suggested the survey was not worded well if it created this much confusion. He was not aware that so many people believed council is employed by the city.

Mayor Cook said he did not think council’s votes should be based on what they think the public will do. He added that neither of these charter amendments should apply to sitting councilors. He said if that part is changed he could support this.

Councilor Woodard gave a scenario he thought might not be balanced. If a new councilor is elected and is off cycle with the mayor's position, he may run against a four-year councilor and the mayor. Three people would then be running for the same seat. If the inexperienced councilor is elected, the city loses an experienced mayor and councilor at the same time. He said this was difficult to resolve.

Councilor Goodhouse said he supported it by relating it to a corporation. Experienced people should be promoted and be allowed to run for an opening without resigning their current position. If an experienced councilor was not elected to the mayor's position, it is not the best thing for them to lose their existing position, because their experience will be lost to the city. He said the way the terms are staggered now, two can run without affecting the time left on their seat and two could not. This amendment is more equitable and gives the citizens more candidate choice and a more experienced council.

Council President Snider moved for approval of Resolution No. 15-37 but it will not apply to current council. Councilor Goodhouse seconded the motion.

Mayor Cook asked if anyone in the audience wanted to speak on this proposed charter amendment.

Cole Weber, 12414 SW 72<sup>nd</sup> Avenue, Tigard, OR, said the situation seems dangerous to have someone running for office when they already have a position and would be splitting time between two separate jobs. He said because the elected positions require significant time and energy it might be detrimental to the other councilors and would involve competition between them. He said he understands the benefit of being able to run for mayor without risking their own position.

Mayor Cook responded that Mr. Weber's first concern happens already. He said he campaigned for mayor while serving as mayor. A councilor can campaign for Metro Council, for example, while serving on the council. He said council is required to spend a certain amount preparing for meetings and making appearances, but other than that we cannot control someone's volunteer time.

Councilor Goodhouse clarified that an elected official cannot hold two positions. If a councilor ran for mayor and won, they would no longer hold the councilor seat.

Mayor Cook added that this happened in West Linn and Sherwood in the last few months. Two councilors ran against each other for mayor. One was elected mayor and the other kept their seat as councilor. They will have an election to fill the vacant council seat. Tigard's requirement for resignation if running for another open seat is not typical for this area.

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

**RESOLUTION NO. 15-37 - A RESOLUTION OF THE TIGARD CITY COUNCIL SUBMITTING TO THE VOTERS A PROPOSED CHARTER AMENDMENT TO BE CONSIDERED AT THE NOVEMBER 3, 2015 ELECTION, WHICH WOULD AMEND SECTION 7 OF THE CHARTER TO ALLOW COUNCIL MEMBERS TO RUN FOR CITY OFFICE WITHOUT RESIGNING CURRENT POSITION, BUT DOES NOT APPLY TO CURRENT COUNCIL**

Mayor Cook asked if there was further discussion. Councilor Woodard said the issue needs more consideration but acknowledged there was not enough time. Councilor Henderson said through discussions with others he realized this is a confusing measure to put before the people. He said what he does not want to happen is for people to believe that council is changing the rules to benefit themselves.

Mayor Cook conducted a vote on Resolution No. 15-37 noting that it does not apply to current council.

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

Mayor Cook announced that the motion passed by a majority. Assistant City Manager Newton asked City Attorney Rihala to make the language change.

Second Charter Amendment

Assistant City Manager said there is a maximum of sixteen years, with two four-year terms for mayor and three councilor four-year terms. This had reduced support from the survey.

Mayor Cook asked if there was anyone in the audience wishing to speak on this charter amendment.

Reid Iford, 11575 SW Pacific Highway, Suite 151 Tigard, OR said the survey sampling was too small to have any bearing. He said it is a good idea to put this on the ballot. Citizens have their own means of determining how long someone stays in office. He said he thought citizens will support the charter amendment.

Councilor Goodhouse mentioned the issue of a councilor being able to serve two terms and then if elected to mayor would only be allowed one term under the current term limits. That is why council came up with a total of sixteen years. He commented that on a recent trip to Washington DC, Mayor Cook secured a federal grant for Tigard’s Wall Street. He is known there and experience is important when representing a community. He said this amendment just adds four years and council is not seeking unlimited terms.

Councilor Henderson said he thought this measure was too complicated for the public to understand. The original discussion was about adding a third term for councilors and this is what he wanted. He said he can support this if the total stayed at twelve years but could not support sixteen years. Councilor Goodhouse said experience is important. Councilor Henderson said it is important to have councilor experience before running for mayor but he did not think anyone would move from mayor to a councilor position. Councilor Goodhouse commented that Mayor Cook was rare in that he was elected mayor without being on the council previously but was well known in the community. Councilor Woodard said he wanted to retain experience.

Council President Snider said a survey size of 62 from a population of 50,000 is a very small number. He said sixteen years is a long time but from a fairness and equity standpoint, he thought that someone with two terms of council experience should be able to serve two terms as mayor.

Councilor Goodhouse said what he noticed most from the survey was the confusion. He suggested changing it to say two terms for council and two terms for mayor.

Council President Snider said the current council is managing millions of dollars of multi-year projects and having some longevity from a policy perspective is the right thing to do. Councilor Goodhouse agreed, saying there needs to be someone with the background to know why something was decided or why someone was hired.

Councilor Woodard said he changed his mind and suggested going back to the original language of sixteen years and letting the people decide.

Councilor Goodhouse moved to approve Resolution No. 15-38. Councilor Woodard seconded the motion.

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

**RESOLUTION NO. 15-38 - A RESOLUTION OF THE TIGARD CITY COUNCIL SUBMITTING TO THE VOTERS A PROPOSED CHARTER AMENDMENT TO BE CONSIDERED AT THE NOVEMBER 3, 2015 ELECTION, WHICH WOULD AMEND SECTION 7 OF THE CHARTER TO ALLOW COUNCIL MEMBERS TO SERVE SIXTEEN CONSECUTIVE YEARS INSTEAD OF TWELVE CONSECUTIVE YEARS**

Councilor Woodard said when he first brought this up he thought it should apply to current council so you retain their experience.

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

Mayor Cook announced that Resolution No. 15-38 passed by a 3-2 vote.

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7. CONSIDER RESOLUTION APPROVING SUBMITTAL OF PROPOSED COMMUNITY AND RECREATION CENTER MEASURE TO THE VOTERS

 City Manager Wine introduced this agenda item. She said before council tonight is ballot title language considered at the July 14, 2015, meeting that would be placed on the November ballot and authorizes the city to issue general obligation bonds for a community and recreation center operated by a non-profit organization such as the YMCA. In the interim while the ballot title wording was being prepared, alternative language was proposed by Councilor Woodard. This is attached to the agenda item summary for council discussion and consideration. A question was raised at the last meeting about whether an organization such as the YMCA that had a religious affiliation posed any challenge in terms of city partnership. Council received a memorandum from the city attorney with an opinion that the risk of a problem with that language would be low.

Mayor Cook called on those who signed up to give public testimony on this matter.

 Marsden Smith, 12332 SW Hollow Lane, Tigard, OR 97223 said he and his wife have been Tigard residents for 22 years. He said this is an opportunity for council to provide leadership and get out in front of the crowd to put this on the ballot. He said Tigard is a great place to live to but not a place to go. Even people going to Washington Square do not realize they are in Tigard. He would like to see Tigard as a destination. A YMCA could be a sports or community center or anything else. It could be a destination for people coming from within and outside of the community. He encouraged council to vote yes and put this on the ballot.

 Heather and Joe Jackson, 12275 SW 127<sup>th</sup> Avenue, Tigard, OR 97223. Heather Jackson said Tigard needs a community center for the kids. There is no place for them to go in the community. The YMCA has been a big part of their lives. They enrolled their children in programs through the YMCA and feel it is a credible organization. Joe Jackson said he has lived in Tigard his entire life and there has never been a community center. He wished there had been one earlier in his life. It gives kids a place to go. He said this needs to happen and will benefit lives.

 Kelly Skopil, 12619 SW 131<sup>st</sup> Avenue, Tigard, OR 97223, said she and her husband have lived in Tigard for 10 years and have two boys under the age of five. They said they choose to go to the Sherwood YMCA over any local places. We enrolled their boys in swimming classes and she chooses to work out there. They do all of their family functions at the YMCA because they appreciate the values the YMCA has and how they run their programs. She appreciates the leadership their two young boys have and feels they are safe there. A facility like this in Tigard just three minutes from their home instead of a half-hour drive would be a huge benefit and would be an amazing heart of this community that we call home.

Reid Iford, 11575 SW Pacific Highway, Suite 151, Tigard, OR 97223, recognized and thanked Neal Brown. Without Neal, none of this would be happening. He said anyone thinking this is moving too quickly or being rushed needs to be reminded that Neal has been working on this since 1998. His work on this project spans decades, two centuries and two millennia.

 David O'Connor, 17413 SE Boardman Court, Portland, 97267, said he was speaking as a young entrepreneur from Portland who is looking to purchase a home and, sometime in the near future, start a family. Tigard is well positioned due to its location to be in a place of prominence. A YMCA or recreation center would be a value-added asset to make Tigard a draw to young families looking to live in a suburb near to Portland that has community values.

 Tom Kerrigan, 12945 SW Ridgefield Lane, Tigard, OR, said he wanted to speak on behalf of the YMCA. He said he and his wife have been residents for 20 years and when their children were in school they were heavily invested in the community as were other parents. When their kids graduated they lost that connection; people moved on and the reason for coming together evaporated. He said he has been trying to reconnect with this community ever since. He said to local government he feels like a taxpayer. To local commerce he feels like a consumer. He needs more and is looking for that web of friends that give vitality to a community. But a community needs a place and that is why he supports the YMCA.

Carter Kruse, 13290 SW Genesis Loop, Tigard, OR 97223, said he was soon leaving for college to study political science and public policy but while in Tigard he studied his own local government. In high school government classes it is shown how a state and city should be run. There should be an equal amount of what the people want and what the city wants and when students look around in Tigard that is not what they see. They are seeing a city that is almost run by city staff. They are seeing projects delayed with little progress in the last months with vote after vote. When people ask him how the community center project is going he has no progress to show them and they are frustrated. He said he did not know how many times he needed to testify that people want this, the students want this and they want it in the downtown. Students are leaving high school and going to college and they do not want to come home in the summer because there is nothing here for them. He said he did not have as many students with him tonight but he said they sent him to give council this message. He said he appreciates council's consideration of this and it has been a pleasure living in Tigard.

Charmin Shiely, 8080 SW Canyon Drive, Portland, OR 97225, said she is a member of the Board of Trustees of the YMCA. She thanked council for considering them and said they would love to partner with the city. Even if they are not selected to operate the center they are excited nonetheless for Tigard to have this opportunity. She grew up in a small town in Alaska and knows how vital this is to a community. Having a community center is critical for youth and older people and the YMCA gives Tigard a great opportunity not only to have a building that provides workout opportunities but the organization also knows how to create community. She said this is a wonderful opportunity for the city and for the YMCA.

Scott Brown, 15755 SW Baker Lane, Tigard, OR 97224, said he saw the mayor at the Rotarians' Ten Grand event and commended the Rotarians for putting on such a fantastic event. He said he and his wife have lived on Bull Mountain for 22 years and in that time have learned the profile of this community as a safe, warm and welcoming community here on the outskirts of Portland. He said he wanted to take an opportunity to share what they have learned, both good and bad. Tigard is a place they have been proud to raise their children in and have experienced the benefit of a good school system. But his kids learned about the bifurcation that occurs on Bull Mountain Road between Tigard and Tualatin. He said he has learned the benefit of an improved trail system and

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what a great asset this is but have also seen how Highway 99W and Highway 217 subdivide the community. On a good note they have seen the Tigard High football team become a perennial powerhouse. They have seen retail shops cater to their convenience but acknowledge they are serving a greater audience than just them. They saw the new Tigard Library become a valuable facility to the community and also how it represents our values to others.

Mr. Brown said that he and his wife have learned that there is a sorely needed sense of greater community here in Tigard and a real void for a facility that can bring that community together. It is about recreation but there is also a human need to interact and this is what the YMCA could provide. He said his wife and he were very much in support of the proposal. He thanked council and staff for their ongoing consideration and attention to this process. He said he and his wife are thrilled about this opportunity and what it could mean to Tigard and more importantly, so are their children.

Branden (Boy Scout from King City) said the YMCA sounds good to him as a place for high school age kids to go. Instead of doing illegal things, they could hang out in a safe place where groups could meet.

At 8:57 p.m. Mayor Cook announced that council would take a two-minute recess.

Connie Coleman, 7170 SW Lola Lane, Tigard, OR 97223, said she has been a resident three times the length that many of those testifying tonight. She said she has been a resident since Highway 217 was where Hall Boulevard is now. She has watched a lot of change but there is something that has not been addressed. She said people are talking about how great this will be for the kids but there are a lot more people in the community than just the young people. This is going to affect the retirees. Is this addition to their taxes going to push them out of the community? What will the effect be and how much of downtown Tigard will it take out? What this will do to people's taxes and their pocketbooks needs to be considered. This is just like when the vote came to keep the Tigard swimming pool open. When bonds are voted it there is space and time to add something else. It all adds up and people may want to move out of Tigard.



#### Council Discussion

Councilor Woodard said he submitted two wording changes but wanted to give some background first. He said he grew up in Tigard but when returning home the military wondered what happened. Things had changed. No one talked to each other anymore. It made him want to get involved on the city council. He said he was also asked how this bond will impact others. The City of Tigard taxes (assessed value on homes) are the lowest around so there is room here. He said he realizes this does not make it any easier on those that are struggling, but asked how else can the city attract families with moderate to high incomes so there is something for everyone. He has spoken with people with low to moderate incomes and they realize the value this would have for their families. There is something for everybody and for seniors there are programs that do not cost anything. To maintain a competitive city, council has to make a decision and think about quality of life. He said his intention is not to force people to move away, but putting this in perspective, it is only \$10 a month, the cost of a pizza.

Councilor Woodard said he wanted to retain what Tigard has and create community. When he was growing up here parents cared about other parents' kids. Everyone contributed to the community. Kids are missing that now. When it takes two parents to make an income sometimes kids go out and do things they should not do. Then he hears some parents say, "Oh you want to put bad kids with my kids." His response is that there will be a few bad eggs in a group at a community center but he has found that kids just want to be seen and heard. They want to learn and be part of something bigger than themselves. If they do not have that they may end up doing other things.

He said there was a certain amount of risk so we put this language in the ballot title. Council President Snider said he was not comfortable with more than one percent of risk in the event the YMCA failed. The risk has been dealt with per the city attorney. The liability to the tax payer is less than one percent.

He said he also heard Councilor Goodhouse talk about qualified operators. He said in a public private partnership we need to think of risk and control. He suggested adding, "Or other qualified operator in a like facility." The Daxko survey said that 42 percent knew what a YMCA facility was. He said if council wants to bring out the voters and have them understand what they are voting on, the best option would be his Option 2. Option 2 says "... or other qualified operator in a like facility with swimming pool(s) aerobic exercise, classrooms, teen center and child care etc." People relate to and understand that.

Councilor Goodhouse said he has been talking with citizens for the past few weeks and they are finding this more and more confusing. Council agreed on the "skinny" model for the community center with an unknown location and operator. He asked, "What does the public think they are voting on and what are they going to get? What happens if the city picks another location besides the downtown and an operator other than the YMCA? How are citizens going to feel?" He said from a business standpoint he cannot be in favor of this and recommended waiting until there is an operating agreement and we have the details the public needs. He noted there is still a need for a police station and public works yard. He suggested waiting to put it on the ballot until March or November 2016.

Councilor Henderson expressed concerns about language changes making it harder for people to understand. He said his compass tells him this is what people will vote for because they understand it. He said the longer we wait, we are up against many big decisions. If you want to kill this, delay it until later. He said this is something the city has looked at for 20 years. The police station has been mentioned ever since he came on council yet he has never seen anyone put something together for it. He said this is a core value and believes it is the right thing to do. He will vote yes.

Councilor Goodhouse discussed facility needs for the police department. He said they currently have storage in metal containers in the parking lot. He said there are not even enough desks. The police department that serves the city does not have a facility that serves them.

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Council President Snider spoke regarding concerns about the YMCA language. He said his intent was to try and get language on the ballot that council can live with, is flexible and would not put the city at risk. He said he is becoming less and less comfortable with even having the words, “like the YMCA.” He said it adds clarity but finds behind the scenes activities troubling. He said he was unsure how he would vote.

Councilor Woodard commented on the concern about location and noted that the location is not even listed. The only thing that changed is the phrase, “such as the YMCA.” He said the biggest concern is that people do not have confidence in certain non-profit groups running an organization such as this. The YMCA has a strong brand and people know what it is and what it will mean for the community. He said he understood council’s concern about the YMCA, but if they cannot accept this risk, he had concerns about other risks council takes with taxpayer money on other projects. He said under no condition, from a legal standpoint, does it say that the city must go with the YMCA as legal counsel said. He said the city can start looking at an agreement with YMCA but we do not know how that will end up. He spoke about the survey, paid for with city, YMCA and county money and the survey was excellent. He said he was passionate about it and acknowledged this may have caused some angst because he has not been the perfect politician. He has a recreation background which he wished people would recognize, with almost 30 years in fitness and health and has been a recreation director. He said this is a good deal for the city.

Council President Snider stated his concern about naming the YMCA is not related to risk; that issue has been resolved. But given certain circumstances he is less convinced they are the best partner. He said he was very troubled about leaving the YMCA language in the ballot title.

Councilor Goodhouse pointed out that Councilor Woodard was speaking about risk from the bond counsel’s perspective and that just reduced the risk for the taxpayer if the operator went out of business. He said it did not address putting in the YMCA name. He said he is not opposed to a community center, fitness or bringing the community together. He said from a business standpoint he cannot support people voting for one thing but there is ballot language for something different. They may scan their ballot and see the words, YMCA and think that is what they will get. He does not want the perception that the city did not give them what they thought they voted for.

Councilor Woodard said if the YMCA wording is removed the ballot measure will fail. There is nothing for people to relate to and it would not be what the survey showed. He said council has an opportunity to instill trust. He was not pleased with what the city did with the 34-10 ballot measure and is sorry he voted for it.

Council President Snider asked Councilor Woodard if he could accept the language prepared by the city attorney, “a non-profit organization such as the YMCA.” Councilor Woodard said he wanted to add a few extra words but he is good with the original language.

Councilor Goodhouse clarified that after public outreach he has learned that the public perception leads him to believe that he would rather have a well-written ballot after the city knows the location and operator. If there is no mention of the YMCA he can support it. He said if the city’s language is completely vague and it does not pass, the details can be worked out and it can go back to the voters.

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Council President Snider said confusion will happen no matter what is put on the ballot.

Councilor Woodard said he never pinpointed a location and realizes it must come through a public process. He suggested working on an operating agreement to see what it might look like in the event this passes.

Council President Snider asked Councilor Goodhouse what he would need to see to vote in favor of putting this on the ballot. Councilor Goodhouse said he could support it if there is no mention of the YMCA, otherwise, bring it back with more details as they are developed. He said the recent park bond was originally for \$21 million and it failed. The city brought it back for \$17 million and it passed. If the city is vague and it does not pass it can take the time to develop the details and bring it back before the voters again.

Council President Snider said he will reluctantly support it as written, but stated he is less than convinced that the YMCA is the right partner.

Councilor Woodard moved for approval of Resolution No. 15-39 as it is written. Councilor Henderson seconded the motion.

Mayor Cook said the reason he is not going to vote against this is he is in favor of recreation and is actually in favor of a community center. In 2000 he was part of a group that brought forward the Atfalati Recreation District for Tigard and Tualatin. The city council voted 3-2 to put it on the ballot and it ended up getting 46 percent of the vote. Had no councilor voted against it he felt the difference might have been overcome. He said a split vote tonight might possibly hurt the measure's chances.

He said the reason he is unable to vote for it, is timing. The city has a recreation plan that is in place; but has not even seen how it is going to work. There will be a facilities study underway later this year. The city just sold the public works yard for an apartment complex and the police station is undersized for the number of officers, as stated earlier. Also on November's ballot voters will be asked to support a county-wide public safety levy and a county-wide library levy which if passed, will open the Tigard library on Thursday.

Mayor Cook proposed holding this ballot measure over to at least May 2016 or further. Speaking with others in the community, he has heard people say they're in favor of how it is now. Others are saying they would like to see it done like when the city did the library ten years ago, where a place was selected, needs were researched and facilities were chosen before going to a vote. By the time the city went out for a vote, everything was lined up. Because of that he said he is unable to get sufficient information to make a decision, so under Robert's Rules of Order he is going to abstain.

Councilor Goodhouse pointed out that he did not change his mind on this. He commented that he supported it initially because there had been an agreement to leave the YMCA name out of it. Council agreed unanimously but then it came back with the YMCA in it.

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

**RESOLUTION NO. 15-39 - A RESOLUTION OF THE TIGARD CITY COUNCIL SUBMITTING TO THE VOTERS A REFERRAL TO BE CONSIDERED AT THE NOVEMBER 3, 2015 ELECTION, TO AUTHORIZE THE CITY TO ISSUE UP TO \$34,500,000 OF GENERAL OBLIGATION BONDS FOR A TIGARD COMMUNITY AND RECREATION CENTER**

Mayor Cook conducted a vote and announced that Resolution No. 15-39 passed 3-1-1.

	Yes	No	Abstain
Mayor Cook			✓
Councilor Goodhouse		✓	
Councilor Henderson	✓		
Council President Snider	✓		
Councilor Woodard	✓		

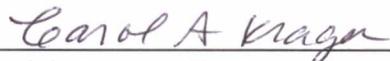
8. NON AGENDA ITEMS None

9. EXECUTIVE SESSION None held.

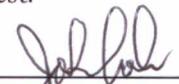
10. ADJOURNMENT

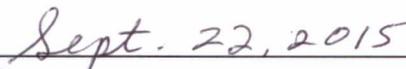
At 9:44 p.m. Councilor Woodard moved to adjourn. The motion was seconded by Councilor Goodhouse and passed unanimously.

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

  
\_\_\_\_\_  
Carol A. Krager, City Recorder

Attest:

  
\_\_\_\_\_  
John L. Cook, Mayor

  
\_\_\_\_\_  
Date