



City of Tigard
Tigard Business Meeting – Agenda

**TIGARD CITY COUNCIL, LOCAL CONTRACT REVIEW BOARD & CITY CENTER
DEVELOPMENT AGENCY MEETING Revised 11/5/2015, Order of Agenda Items Nos. 9-11
revised and adjournment time adjusted**

MEETING DATE AND TIME: November 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 AND CITY CENTER DEVELOPMENT AGENCY MEETING Revised 11/5/2015, Order of Agenda Items Nos. 9-11 revised and adjournment time adjusted

MEETING DATE AND TIME: November 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. COUNCIL LIAISON REPORTS **6:30 p.m. estimated time**
- B. BRIEFING ON AN AGREEMENT WITH METRO REGARDING A GRANT TO DEVELOP DIRKSEN NATURE PARK **6:45 p.m. estimated time**
- C. DISCUSSION ON UPCOMING CONTRACTS **6:55 p.m. estimated time**

- **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.

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 & Local Contract Review Board) 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:

7:35 p.m. estimated time

A. RECEIVE AND FILE:

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

B. APPROVE CITY COUNCIL MINUTES:

- October 13, 2015
- October 20, 2015

C. Local Contract Review Board:

CONSIDERATION OF CONTRACT AWARD FOR DIRKSEN NATURE PARK ENVIRONMENTAL EDUCATION CENTER AND PATHWAY IMPROVEMENTS

• *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. LEGISLATIVE PUBLIC HEARING - UPDATE TO CHRONIC NUISANCE PROPERTY ORDINANCE (TMC 7.42) **7:40 p.m. estimated time**
- 5. INFORMATIONAL PUBLIC HEARING - CITY MANAGER EVALUATION CRITERIA AND PROCESS ADOPTION **7:55 p.m. estimated time**
- 6. INTENT TO PURSUE GRANT FUNDING: CONNECT OREGON VI - TIGARD STREET TRAIL **8:10 p.m. estimated time**
- 7. CITY CENTER DEVELOPMENT AGENCY
INFORMATIONAL PUBLIC HEARING: SPECIAL SUPPLEMENTAL AMENDMENT - CITY CENTER DEVELOPMENT AGENCY APPROPRIATION **8:25 p.m. estimated time**
- 8. INFORMATIONAL PUBLIC HEARING: FY 2016 ADOPTED BUDGET AMENDMENT **8:35 p.m. estimated time**

9. CITY CENTER DEVELOPMENT AGENCY

EXECUTIVE SESSION: The Tigard City Center Development Agency will go into Executive Session to discuss real property under ORS 192.660(2) (e). All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(4), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. **8:45 p.m. estimated time**

10. NON AGENDA ITEMS - The City Center Development Agency may reconvene in open session to take possible action following the Executive Session. **9:10 p.m. estimated time**

11. ADJOURNMENT **9:15 estimated time**

AIS-2075

A.

Business Meeting

Meeting Date: 11/10/2015

Length (in minutes): 15 Minutes

Agenda Title: Council Liaison Reports

Submitted By: Norma Alley, Central Services

Item Type: Update, Discussion, Direct Staff

Meeting Type: Council
Business
Mtg - Study
Sess.

Public Hearing: No

Publication Date:

Information

ISSUE

Council will present liaison reports.

STAFF RECOMMENDATION / ACTION REQUEST

KEY FACTS AND INFORMATION SUMMARY

OTHER ALTERNATIVES

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

DATES OF PREVIOUS COUNCIL CONSIDERATION

N/A

Attachments

No file(s) attached.

AIS-2310

B.

Business Meeting

Meeting Date: 11/10/2015

Length (in minutes): 10 Minutes

Agenda Title: Briefing on an Agreement with Metro Regarding a Grant to Develop Dirksen Nature Park

Prepared For: Carla Staedter

Submitted By: Judy Lawhead, 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

Briefing on an intergovernmental agreement (IGA) with Metro regarding a Nature in Neighborhood grant to develop elements of Dirksen Nature Park.

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

Council authorized staff to pursue a Metro "Nature in Neighborhood" grant for development of Dirksen Nature Park on January 14, 2014. Staff prepared an application and was subsequently awarded \$390,000.00 in December of 2014. Over the past 10 months, Metro and Tigard staff have been preparing the terms of an IGA. The grant will fund:

- two wetland boardwalks;
- an oak savanna overlook;
- a nature play area (play equipment made from rocks, wood, and other nature elements that promote environmental education); and
- forested wetland restoration.

The City will fund or partially fund:

- environmental education center improvements;
- oak savanna restoration;
- oak savanna overlook interpretive elements;
- nature play area (play equipment);
- wetland boardwalks;
- park signage; and
- soft surface trails.

The city will be required to construct the items listed above within three years of the date of grant acceptance. For detailed information, see the attached Nature in Neighborhoods IGA.

OTHER ALTERNATIVES

Council could decide to not accept the grant or not to approve the terms of the IGA, and the city will construct park elements as funding becomes available.

COUNCIL OR CCDA GOALS, POLICIES, MASTER PLANS

Implements Summercreek Property Master Plan. Contributes to Council goal to create "the most walkable community in the Pacific Northwest where people of all ages and abilities enjoy healthy and interconnected lives."

DATES OF PREVIOUS CONSIDERATION

This is the first time this intergovernmental agreement with Metro has come before the council.

Council directed staff to pursue this grant on January 14, 2014.

Fiscal Impact

Cost: 1,300,869

Budgeted (yes or no): yes

Where Budgeted (department/program): PW/CIP

Additional Fiscal Notes:

The cost shown represents the Metro grant of \$390,000 plus the Tigard matching funding elements. For a detailed breakdown of funding allocations and sources see the attached Nature in Neighborhood Grant Match document

Attachments

NIN Grant Match Detail

IGA

DIRKSEN NATURE PARK
Nature In Neighborhood Grant Match



PROJECT DESCRIPTION

This project provides environmental education, significant vegetation and habitat enhancements to re-establish and strengthen the qualities of various wetland habitat types within the 40-acre Dirksen Nature Park site. The majority of the property will remain a natural area, with approximately 35 acres being protected under a conservation easement. The table below only presents information for park improvements funded with the NIN Grant and components that are Tigard's match to the Grant.

Future grants and funding will be required for other park elements not shown below which include the Shelter/Restroom Facility (with a second Nature Play Area), Tigard Street Roadway Improvements, Multi-Use Sports Field, etc.

Dirksen Nature Park			
	2013-2015*	2016-2019	Project Total
EXPENSES			
INTERNAL EXPENSES			
Agency Staff	39,000		39,000
EXTERNAL EXPENSES			
Consultants	150,000		150,000
Permits		12,000	12,000
PARK ELEMENTS			
Environmental Education Center and Concrete Pathway		139,852	139,852
Oak Savanna Restoration		272,000	272,000
Oak Savanna Overlook		74,197	74,197
Nature Play Area		210,720	210,720
Fanno Creek and Forested Wetland Boardwalks		265,200	265,200
Forested Wetland Restoration		30,000	30,000
Signage	1,200		1,200
Soft Surface Trails	2,700		2,700
TOTAL TIGARD PROJECT EXPENSES	192,900	1,003,969	1,196,869
REVENUE FUNDING SOURCE			
Urban Forestry		252,000	252,000
Parks Capital Fund			-
Parks Bond Fund	192,900		192,900
Parks SDC Fund		273,969	273,969
Sanitary Sewer Fund			-
Stormwater Fund		35,000	35,000
Water Fund		4,000	4,000
TOTAL TIGARD PROJECT REVENUE	192,900	564,969	757,869
OTHER FUNDING SOURCES			
NIN Grant		390,000	
Agilyx		49,000	
TOTAL OTHER FUNDING SOURCES	-	439,000	-
TOTAL REVENUE	192,900	1,003,969	1,196,869
INKIND MATCH**			
Volunteers	76,000		76,000
Soft Surface Trails		3,000	3,000
Site Furnishings		13,000	13,000
CWS Plants for Forested Wetland		10,000	10,000
CWS Plants for Oak Savanna	2,000		2,000
TOTAL INKIND MATCH**	78,000	26,000	104,000
TOTAL TIGARD REVENUES & TOTAL INKIND MATCH	270,900	590,969	861,869
TOTAL PROJECT EXPENSE & INKIND MATCH	270,900	1,029,969	1,300,869

*Pre-Agreement Agency Staff \$15,000 and Consultants \$50,000

**Included with total Grant Match, but not included as revenue against expenses

Project Manager: [Signature]
 City Engineer, Lori Faha: [Signature]
 Finance Director, Toby LaFrance: [Signature]

Date: 9/24/15
 Date: 9/24/15
 Date: 9/23/15

INTERGOVERNMENTAL AGREEMENT

Project: Natural Areas Capital Grants Program

Contract No. 932931

INTERGOVERNMENTAL AGREEMENT Natural Areas Bond Measure Capital Grant Award

This Intergovernmental Agreement (this “Agreement”), entered into under the provisions of ORS chapter 190 and effective on the date the Agreement is fully executed (the “Effective Date”), is by and between Metro, a metropolitan service district organized under the laws of the state of Oregon and the Metro Charter, located at 600 N.E. Grand Avenue, Portland, Oregon 97232-2736, and the City of Tigard, located at 13125 SW Hall Blvd. Tigard, OR 97233 (“Grant Recipient”).

RECITALS

WHEREAS, the electors of Metro approved Ballot Measure 26-80 on November 7, 2006, authorizing Metro to issue \$227.4 million in bonds to preserve natural areas, clean water, and protect fish and wildlife (the “Measure”);

WHEREAS, the Measure allocated \$15 million from bond proceeds to the Nature in Neighborhoods Capital Grants Program to complement the regional and local share portions of the Measure by providing opportunities for the community to actively protect fish and wildlife habitat and water quality in areas where people live and work;

WHEREAS, Metro has determined to make a grant award to Grant Recipient to fund Dirksen Nature Park – A Walk Through Northwest Ecosystems (the “Project”) as more specifically identified within the Scope of Work attached hereto as Exhibit A (the “Work”);

WHEREAS, this Agreement between Metro and Grant Recipient is now needed to satisfy the terms and conditions of the Nature in Neighborhoods Capital Grants Program as provided for in the Measure; and

WHEREAS, except as specifically provided in this Agreement, including the scope of work attached hereto as Exhibit A, and otherwise notwithstanding any statements or inferences

INTERGOVERNMENTAL AGREEMENT

to the contrary, Metro neither intends nor accepts any (1) direct involvement in the Project (2) sponsorship benefits or supervisory responsibility with respect to the Project; or (3) ownership or responsibility for care and custody of the tangible products which result from the Project;

NOW THEREFORE, the parties agree as follows:

1. Purpose; Scope of Work; Limitations

The purpose of this Agreement is to implement the Measure and facilitate the funding of a Nature in Neighborhoods Capital Grants Program project. Grant Recipient shall perform all activities described in the Scope of Work attached hereto as Exhibit A (the “Work”). As a condition precedent to Metro’s agreement to fund the Project, Grant Recipient hereby approves the Project and agrees to comply with the terms and conditions of this Agreement and the applicable provisions of the Measure. At no time will Metro have any supervisory responsibility regarding any aspect of the Work. Any indirect or direct involvement by Metro in the Work shall not be construed or interpreted by Grant Recipient as Metro’s assumption of a supervisory role.

2. Declaration of Capital Project

In accordance with the Measure, Metro may only provide funds to Grant Recipient for the Project so long as such funds are exclusively used for capital expenses. Grant Recipient hereby confirms that the Project will result in the creation of a capital asset to be owned by Grant Recipient. The monetary value of the Project that is recorded as a capital asset shall be no less than the amount of the grant award that is actually provided to the Grant Recipient. Until June 30, 2027 or the date upon which all Bond debt related to Project is retired, whichever occurs earlier, Grant Recipient covenants that it will (a) own and hold all such capital improvements and real property interests acquired pursuant to this Agreement, and (b) record the asset created by the Project as a fixed, capital asset in Grant Recipient’s audited financial statement, consistent with Generally Accepted Accounting Principles (“GAAP”) and with Grant Recipient’s financial bookkeeping of other similar assets.

INTERGOVERNMENTAL AGREEMENT

3. Contract Sum and Terms of Payment

Metro shall compensate Grant Recipient for performance of the Work as described in Exhibit A. Metro shall not be responsible for payment of any materials, expenses or costs other than those that are specifically described in Exhibit A.

4. Limitations on Use of the Capital Asset That Results from the Project

Throughout the term of this Agreement, Grant Recipient shall maintain and operate the capital asset that results from the Project in a manner consistent with one or more of the following intended and stated purposes of the Measure (the “Nature in Neighborhood Approved Purposes”):

- To safeguard water quality in local rivers and streams;
- To protect and enhance fish and wildlife habitats;
- To promote partnerships that protect and enhance nature in neighborhoods; and
- To increase the presence of ecological systems and plant and animal communities in nature deficient and other disadvantaged neighborhoods;

Grant Recipient may not sell, use, or authorize others to use such capital asset in a manner inconsistent with such purposes.

Notwithstanding the foregoing, secondary uses that arise as a result of such capital asset being used primarily in accordance with the Nature in Neighborhood Approved Purposes will be permitted, but only to the extent such secondary uses affect a *de minimis* portion of such capital asset or are necessary in order to facilitate the primary Nature in Neighborhood Approved Purposes. For example, if, as part of a land use review proceeding initiated to obtain the necessary approvals to operate such capital asset consistent with the Nature in Neighborhood Approved Purposes, a portion of such capital asset was required to be dedicated as a road, such road dedication would be a permitted secondary use.

If the Work is the acquisition of real property, then Grant Recipient shall satisfy the requirements in this section of the Agreement by granting to Metro a conservation easement

INTERGOVERNMENTAL AGREEMENT

substantially comparable to the form of conservation easement approved by the Metro Council at the time the Metro Council approved the grant award to Grant Recipient.

5. Funding Recognition

Grant Recipient shall recognize in any publications, media presentations, or other presentations referencing the Project produced by or at the direction of Grant Recipient, including, without limitation, any on-site signage, that funding for the Project came from the Metro Natural Areas Bond Measure's Nature in Neighborhoods Capital Grants Program. Such recognition shall comply with the recognition guidelines detailed in the Measure. The Grant Recipient shall place at or near the Project's location signage that communicates that funding for the Project came from the Metro Natural Areas Bond Measure's Nature in Neighborhoods Capital Grants Program.

6. Term

It is the intent of the parties for the Project to have been completed, and for all Metro funding to have been provided to Grant Recipient prior to September 30, 2018. Notwithstanding the forgoing, all provisions set forth in this Agreement, and the obligations of Grant Recipient hereunder, shall continue in effect after the completion of the Project until June 30, 2027.

7. Termination for Cause

A. Subject to the notice provisions set forth in Section 7.B below, Metro may terminate this Agreement, in full or in part, at any time during the term of the Agreement if Metro reasonably determines that Grant Recipient has failed to comply with any provision of this Agreement and is therefore in default.

B. Prior to terminating this Agreement in accordance with Section 7.A above, Metro shall provide Grant Recipient with written notice that describes the reason(s) that Metro has concluded that Grant Recipient is in default and includes a description of the steps that Grant Recipient shall take to cure the default. From the date that such notice of default is received by Grant Recipient, Grant Recipient shall have 30 days to cure the default. If the

INTERGOVERNMENTAL AGREEMENT

default is of such a nature that it cannot reasonably be cured within 30 days, Grant Recipient shall have such additional time as required to cure the default, as long as it is acting in a reasonable manner and in good faith to cure the default. In the event Grant Recipient does not cure the default within the 30-day period, Metro may terminate all or any part of this Agreement, effective on any date that Metro chooses following the 30-day period. Metro shall notify Grant Recipient in writing of the effective date of the termination.

C. Grant Recipient shall be liable to Metro for all reasonable costs and damages incurred by Metro as a result of and in documentation of the default. Following such termination, should Metro later determine or a court find that Grant Recipient was not in default or that the default was excusable (e.g. due to a labor strike, fire, flood, or other event that was not the fault of, or was beyond the control of, Grant Recipient) this Agreement shall be reinstated or the parties may agree to treat the termination as a joint termination for convenience whereby the rights of Grant Recipient shall be as set forth below in Section 8.

8. Joint Termination for Convenience

Metro and Grant Recipient may jointly terminate all or part of this Agreement based upon a determination that such action is in the public interest. Termination under this provision shall be effective only upon the mutual, written termination agreement signed by both Metro and Grant Recipient.

9. Oregon Constitution and Tax Exempt Bond Covenants

Grant Recipient acknowledges that Metro's source of funds for the Nature in Neighborhoods Capital Grants Program is from the sale of voter-approved general obligation bonds that are to be repaid using ad valorem property taxes exempt from the limitations of Article XI, sections 11, 11b, 11c, 11d, and 11e of the Oregon Constitution, and that the interest paid by Metro to bond holders is currently exempt from federal and Oregon income taxes. Grant Recipient covenants that it will take no actions that would cause Metro not to be able to maintain the current status of the real property taxes imposed to repay these bonds as exempt from Oregon's constitutional property tax limitations or the income tax exempt status of the bond interest under IRS rules. In the event Grant Recipient breaches this covenant, Grant

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Recipient shall undertake whatever remedies are necessary to cure the default and to compensate Metro for any loss it may suffer as a result thereof, including, without limitation, reimbursing Metro for any Projects funded under this Agreement that resulted in Grant Recipient's breach of its covenant described in this Section.

10. Liability and Indemnification

As between Metro and Grant Recipient, Grant Recipient assumes full responsibility for the performance and content of the Work; provided, however, that this provision is not intended to, and does not, create any rights by third parties. To the extent permitted by Oregon law, and subject to the limitations and conditions of the Oregon Tort Claims Act, ORS chapter 30, and the Oregon Constitution, Grant Recipient shall indemnify, defend, and hold Metro and Metro's agents, employees, and elected officials harmless from any and all claims, demands, damages, actions, losses, and expenses, including attorney's fees, arising out of or in any way connected with the performance of this Agreement by Grant Recipient or Grant Recipient's officers, agents, or employees. Grant Recipient is solely responsible for paying Grant Recipient's contractors and subcontractors. Nothing in this Agreement shall create any contractual relationship between Metro and any such contractor or subcontractor.

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11. Contractors' Insurance

A. Grant Recipient shall require all contractors performing any of the Work to purchase and maintain at each contractor's expense, the following types of insurance covering the contractor, its employees and agents:

1. Commercial general liability insurance covering personal injury, property damage, and bodily injury with automatic coverage for premises and operation and product liability shall be a minimum of \$1,000,000 per occurrence. The policy must be endorsed with contractual liability coverage. Grant Recipient and Metro, and their elected officials, departments, employees and agents, shall be named as additional insureds.

2. Automobile bodily injury and property damage liability insurance. Insurance coverage shall be a minimum of \$1,000,000 per occurrence. Grant Recipient and Metro, and their elected officials, departments, employees, and agents, shall be named as additional insureds. Notice of any material change or policy cancellation shall be provided to Grant Recipient thirty (30) days prior to the change.

B. This insurance required by Grant Recipient, as well as all workers' compensation coverage for compliance with ORS 656.017, must cover all contractors' operations under this Agreement, whether such operations are by a contractor, by any subcontractor, or by anyone directly or indirectly employed by any contractor or subcontractor.

C. Grant Recipient shall require all contractors performing any of the Work to provide Grant Recipient with a certificate of insurance complying with this section and naming Grant Recipient and Metro as additional insureds within fifteen (15) days of execution of a contract between Grant Recipient and any contractor or twenty-four (24) hours before services such contract commence, whichever date is earlier.

D. In lieu of the insurance requirements in Sections 11.A through 11.D, above, Grant Recipient may accept evidence of a self-insurance program from any contractor. Such contractor shall name Grant Recipient and Metro as additional insureds within fifteen (15) days of execution of a contract between Grant Recipient and any contractor or twenty-four (24) hours before services such contract commence, whichever date is earlier.

12. Safety

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Grant Recipient shall take all necessary precautions for the safety of employees, volunteers and others in the vicinity of the Work and the Project, and shall comply with all applicable provisions of federal, state and local safety laws and building codes, including the acquisition of any required permits.

13. Metro's Right to Withhold Payments

Metro shall have the right to withhold from payments due Grant Recipient such sums as necessary, in Metro's sole opinion, to protect Metro against any loss, damage or claim which may result from Grant Recipient's performance or failure to perform under this Agreement or the failure of Grant Recipient to make proper payment to any suppliers, contractors or subcontractors. All sums withheld by Metro under this Section shall become the property of Metro and Grant Recipient shall have no right to such sums to the extent that Grant Recipient has breached this Agreement.

14. Project Records, Audits, and Inspections

A. For the term of this Agreement, Grant Recipient shall maintain comprehensive records and documentation relating to the Project and Grant Recipient's performance of this Agreement (hereinafter "Project Records"). Project Records shall include all records, reports, data, documents, systems, and concepts, whether in the form of writings, figures, graphs, or models, that are prepared or developed in connection with any Project.

B. In accordance with Section 2 above, Grant Recipient shall maintain all fiscal Project Records in accordance with GAAP. In addition, Grant Recipient shall maintain any other records necessary to clearly document:

(i) Grant Recipient's performance of its obligations under this Agreement, its compliance with fair contracting and employment programs, and its compliance with Oregon law on the payment of wages and accelerated payment provisions;

(ii) Any claims arising from or relating to (a) Grant Recipient's performance of this Agreement, or (b) any other contract entered into by Grant Recipient that relates to this Agreement or the Project;

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(iii) Any cost and pricing data relating to this Agreement; and

(iv) Payments made to all suppliers, contractors, and subcontractors engaged in any work for Grant Recipient related to this Agreement or the Project.

C. Grant Recipient shall maintain Project Records for the longer period of either (a) six years from the date the Project is completed, or (b) until the conclusion of any audit, controversy, or litigation that arises out of or is related to this Agreement or the Project and that commences within six years from the date the Project is completed.

D. Grant Recipient shall make Project Records available to Metro and its authorized representatives, including, without limitation, the staff of any Metro department and the Metro Auditor, within the boundaries of the Metro region, at reasonable times and places, regardless of whether litigation has been filed on any claims. If the Project Records are not made available within the boundaries of Metro, Grant Recipient agrees to bear all of the costs incurred by Metro to send its employees, agents, or consultants outside the region to examine, audit, inspect, or copy such records, including, without limitation, the expense of travel, per diem sums, and salary. Such costs paid by Grant Recipient to Metro pursuant to this Section shall not be recoverable costs in any legal proceeding.

E. Grant Recipient authorizes and permits Metro and its authorized representatives, including, without limitation, the staff of any Metro department and the Metro Auditor, to inspect, examine, copy, and audit the books and Project Records of Grant Recipient, including tax returns, financial statements, other financial documents relating to this Agreement or the Project. Metro shall keep any such documents confidential to the extent permitted by Oregon law, subject to the provision of Section 12(F) below.

F. Grant Recipient agrees to disclose Project Records requested by Metro and agrees to the admission of such records as evidence in any proceeding between Metro and Grant Recipient, including, but not limited to, a court proceeding, arbitration, mediation or other alternative dispute resolution process.

G. In the event the Project Records establish that Grant Recipient owes Metro any sum of money or that any portion of any claim made by Grant Recipient against Metro is not

INTERGOVERNMENTAL AGREEMENT

warranted, Grant Recipient shall pay all costs incurred by Metro in conducting the audit and inspection.

15. Public Records

All Project Records shall be public records subject to the Oregon Public Records Law, ORS 192.410 to 192.505. Nothing in this Section shall be construed as limiting Grant Recipient's ability to consider real property transactions in executive session pursuant to ORS 192.660(1)(e) or as requiring disclosure of records that are otherwise exempt from disclosure pursuant to the Public Records Law (ORS 192.410 to 192.505) or Public Meetings Law (ORS 192.610 to 192.690).

16. Law of Oregon; Public Contracting Provisions

The laws of the state of Oregon shall govern this Agreement and the parties agree to submit to the jurisdiction of the courts of the state of Oregon. All applicable provisions of ORS chapters 187, 279A, 279B, and 279C, and all other terms and conditions necessary to be inserted into public contracts in the state of Oregon, are hereby incorporated as if such provisions were a part of this Agreement. Specifically, it is a condition of this Agreement that Grant Recipient and all employers working under this Agreement are subject to and will comply with ORS 656.017 and that, for public works subject to ORS 279C.800 to 279C.870 pertaining to the payment of prevailing wages as regulated by the Oregon Bureau of Labor and Industries, Grant Recipient and every contractor and subcontractor shall comply with all such provisions, including ORS 279C.836 by filing a public works bond with the Construction Contractors Board before starting work on the project, unless exempt under that statute.

17. Notices and Parties' Representatives

Any notices permitted or required by this Agreement shall be addressed to the other party's representative(s) as set forth below and shall be deemed received (a) on the date they are personally delivered, (b) on the date they are sent via facsimile, or (c) on the third day after they are deposited in the United States mail, postage fully prepaid, by certified mail return receipt requested. Either party may change its representative(s) and the contact information for its representative(s) by providing notice in compliance with this Section of this Agreement.

INTERGOVERNMENTAL AGREEMENT

Grant Recipient's Designated Representatives:

Steve Martin
13125 SW Hall Blvd.
Tigard, OR 97233
Email: steve@tigard-or.gov

Metro's Designated Representatives:

Natural Areas Bond Program Manager
Metro Regional Center
600 N.E. Grand Ave.
Portland, OR 97223
Fax (503)-797-1849

with copy to:

Metro Attorney
600 N.E. Grand Ave.
Portland, OR 97223
Fax (503) 797-1792

18. Assignment

Grant Recipient may not assign any of its responsibilities under this Agreement without prior written consent from Metro, which consent shall not be unreasonably withheld.

19. Severability

If any term or provision in this Agreement shall be adjudged invalid or unenforceable, such adjudication shall not affect the validity or enforceability of the remainder of the Agreement, which remaining terms and provisions shall be valid and be enforced to the fullest extent permitted by law.

20. No Waiver of Claims; Modifications

Metro's failure to enforce any provision of this Agreement shall not constitute a waiver by Metro of that or any other provision of this Agreement. This Agreement may be amended

INTERGOVERNMENTAL AGREEMENT

only by written instrument signed by both Metro and Grant Recipient and no waiver, consent, or change of terms of this Agreement shall bind either party unless in writing and signed by both parties.

21. Integration of Agreement Documents

All of the provisions of any proposal documents including, but not limited to, Requests for Proposals, Grant Proposals and Scopes of Work that were utilized in conjunction with the award of this Grant are hereby expressly incorporated herein by reference; provided, however, that the terms described in Sections 1 through 21 of this Agreement and in Exhibit A shall control in the event of any conflict between such terms and such other incorporated documents. Otherwise, this Agreement represents the entire and integrated agreement between Metro and Grant Recipient and supersedes all prior negotiations, representations or agreements, either written or oral. The law of the state of Oregon shall govern the construction and interpretation of this Agreement. The Parties, by the signatures below of their authorized representatives, hereby acknowledge that they have read this Agreement, understand it, and agree to be bound by its terms and conditions.

IN WITNESS WHEREOF, the parties hereto have set their hands on the day and year indicated below.

CITY OF TIGARD

METRO

Signature

Martha Bennett
Metro Chief Operating Officer

Print Name: _____

Title: _____

Date: _____

Date: _____

INTERGOVERNMENTAL AGREEMENT

APPROVED AS TO FORM BY:

Signature

Hope Whitney
Senior Assistant Metro Attorney

Print Name: _____

Title: _____

Date: _____

Date: _____

Scope Of Work – Exhibit A

Metro Contract No. 932931

CAPITAL GRANTS PROGRAM GRANTS AGREEMENT

- I. Project Title/Project Number: Dirksen Nature Park – A Walk Through Northwest Ecosystems
- II. Grant Recipient contact: Jeff Peck
Senior Engineering Technician
City of Tigard
13125 SW Hall Blvd
Tigard, OR 97223
jeffp@tigard-or.gov
503-718-2466
- III. Budget
- | | |
|------------------------|--------------|
| Total cost of project: | \$ 1,300,869 |
| Grant award | \$ 390,000 |
| Financial match | \$ 806,869 |
| In-kind match | \$ 104,000 |
- IV. Project location Behind Fowler Middle School in Tigard, OR (10865 SW Walnut Tigard, OR 97223)
- V. Scope of Work
- This scope of work sets forth the work and requirements the Grant Recipient shall undertake as part of Metro’s Nature in Neighborhood Capital Grants program grant award. The original grant application (see attached Attachment 1) sets forth the scope of work except as modified or added to herein in accordance with the description of park elements and funding in Attachment 2:
- Phase 1 scope of work will include improvements to the education center, resurfacing of trails, and oak savanna restoration. These improvements, with the exception of the oak savanna restoration, will be completed in 2016.
 - Phase 2 scope of work will be changed to include the installation of a wetland boardwalk (Fanno Creek Boardwalk), forested wetland boardwalk, oak savanna and forested wetland restoration, oak savanna overlook, and one nature play area. One nature play area (not two) will be constructed. The play area will be located in the lower portion of the site by the restroom and picnic shelter location and will be larger than was originally planned. Phase 2 will be completed 2016 – 2018.
 - The Project budget is revised as indicated in **Attachment 3**. With Metro’s approval, funds that are not needed as projected in a budget line item may be applied toward other budget line items described on Attachment 3.
 - Future phases are not included in this scope of work.

Scope Of Work – Exhibit A

- Expenditures associated with design consultants, permits and bid documentation incurred after December 6, 2013 can be counted toward the matching requirements of the grant program, but will not be reimbursed.
- Update the management plan for Dirksen Nature Park to include monitoring the impact of the proposed soccer field on the emergent wetland and address impacts accordingly.

Project Benchmarks and Deliverables

Benchmark 1: Pre-construction

- Complete design documents
- Acquire permits
- Complete bid documents
- Contractor selection

Deliverable 1: Grant Recipient will notify Metro as these benchmarks are met.

Benchmark 2: Installation of improvements

Deliverable 2: Invoices documented expenses incurred that will be reimbursed by Metro as well as expenses to be used for financial and in-kind match.

Benchmark 3: Update management plan for Dirksen Nature Park

Deliverable 3: Grant Recipient will submit a copy of the management plan.

Benchmark 4: Youth and community engagement activities

Deliverable 4: Include a summary of Northwest Youth Corps, Fowler Middle School staff and students, the Tualatin Riverkeepers and other community participation in the project, including non-native plant removal, trail restoration, and planting.

Publicity

As provided in Section 5 of the Intergovernmental Agreement, Grant Recipient shall place at the Project's location signage that communicates that funding for the Project came from Metro's Voter-approved Nature in Neighborhoods Grant Program. Metro may withhold final reimbursement payment until such signage has been placed. In addition, Grant Recipient shall recognize in any publications, media presentations, or other presentations referencing the Project, produced by or at the direction of Grant Recipient, that funding for the Project came from Metro's Voter-approved Nature in Neighborhoods Grant Program.

Scope Of Work – Exhibit A

VI. Reporting Requirements:

- a. **Bi-Annual Progress Reports:** In addition to the Benchmarks and Deliverables set forth above, once work has begun, Grant Recipient shall provide to Metro a progress report, documenting the status of the Project at least every six months. A progress report shall be included with every reimbursement request submitted by Grant Recipient and when the Project benchmarks identified above are met.
- b. All progress reports shall provide the following details: an account of the work accomplished to date, a statement regarding Grant Recipient's progress on meeting benchmarks, the percentage of the Project completed, a statement as to whether the Project is on schedule or behind schedule, a description of any unanticipated events, and data regarding success indicators. All progress reports submitted by Grant Recipient shall be in the Progress Report Form provided by Metro unless Metro approves another reporting method in order to provide consistency with other project funders.
- c. **Final Report:** Grant Recipient must submit a final report and final reimbursement request within 60 days of the earlier of (a) the Project completion date or (b) the expiration date of the Intergovernmental Agreement. The final report shall include full and final accounting of all expenditures, the value and source of matching funds, a description of work accomplished, volunteer hours and participation, Project photos (including a photo of the signage acknowledging the Nature in Neighborhoods Capital Grants Program participation), and data on success indicators. The final report submitted by Grant Recipient shall be in the Final Report Form provided by Metro unless Metro approves another reporting method in order to provide consistency with other project funders.

I. Project Payment and Reimbursement

- a. Metro will reimburse Grant Recipient \$1.00 for every \$3.00 of out-of-pocket costs expended after the effective date of the Intergovernmental Agreement to complete the project, consistent with the original grant application, up to but not exceeding Metro's total grant award of three hundred ninety thousand and 00/100 dollars (\$390,000). In no event shall Grant Recipient request or expect reimbursement from Metro in excess of that amount.
- b. Payments will be processed as reimbursement for costs incurred and paid by the Grant Recipient.
- c. **RETAINAGE:** Metro will reserve as retainage from any reimbursement payment an amount equal to five (5%) percent of the requested reimbursement amount. The retainage will not be disbursed to Grant Recipient until the Project is fully completed and finally approved by Metro. Following completion of the Project and approval by Metro, Metro will deliver to Grant Recipient the entire retainage as part of the final reimbursement payment.
- d. To request the reimbursement of allowable expenses, Grant Recipient will complete Metro's Reimbursement Request Form and submit an itemized statement of work

Scope Of Work – Exhibit A

completed and an accounting of all expenses incurred during the current reimbursement period. A progress report shall accompany all reimbursement requests. The form, statement, and report shall be sent to:

METRO
ATTN: ORIANA QUACKENBUSH
600 NE GRAND AVE
PORTLAND OR 97232-2736

- e. Metro will make a reimbursement payment for those items identified in the Scope of Work or subsequent amendments to the Intergovernmental Agreement. Substitutions or changes of elements of the Project that have not been approved by Metro are not eligible for reimbursement.
- f. Payment shall be made by Metro on a Net Fifteen (15) day basis upon approval of reimbursement request.

II. Success Indicators

Grant Sponsor agrees to monitor the Project for three consecutive years following the completion of the Project and Grant Recipient agrees to report the following information to Metro upon completion of the Project.

- Success Indicator 1
Demonstrate commitment to the long-term maintenance of this investment. The Grant Recipient shall provide data from monitoring efforts associated with plantings survival, control of invasive vegetation and oak habitat enhancement as well as a description of how the monitoring results contribute to on-going maintenance activities.
- Success Indicator 2
Demonstrate that the site is being used for conservation education. The Grant Recipient shall provide data regarding the use of the site by Fowler Middle School and the Tualatin River Keepers.



METRO
600 NE Grand Ave.
Portland, OR 97232-2736
(503) 797-1700

Scope Of Work — Exhibit A

ATTACHMENT 1 GRANT APPLICATION



Check one:
<input type="checkbox"/> Letter of Interest
<input checked="" type="checkbox"/> Final Proposal

Project Name	Dirksen Nature Park – A Walk Through Northwest Ecosystems		
Applicant Organization	City of Tigard		
Contact Name	Steve Martin		
Address	13125 SW Hall Blvd., Tigard, OR 97223		
Email	steve@tigard-or.gov		
Is the applicant organization a registered 501(c)(3)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If Yes, what is the EIN?	
Public Agency (if different from applicant)	Same as above.		
Contact name		Phone	
Address			
Email			
Site Name	Dirksen Nature Park	Address or Location	Across the street from 10835 SW Tigard Street and behind Fowler Middle School.

COPY

Evaluation criteria: ReNature ReGreen Both

Project Summary (50 words or less)

Tigard, TRK, Fowler School, CWS and Northwest Youth Corps will improve Dirksen Nature Park to enhance visitors' experiences of northwest ecosystems including; (1) restoring forested wetland/ installing a boardwalk to view the bayou setting (2) restoring savannah/installing an overlook to view meadow and oaks (3) building two nature play areas.

Nature in Neighborhoods Capital Grant funding Request	\$	\$390,000.00	If submitting more than one proposal, please rank this proposal in order of priority.	N/A
Total project cost	\$	\$2,931,943.00		

We, the undersigned, attest that to the best of our knowledge the information in this application is true and that all signatories have authorization to submit this grant application to Metro's Nature in Neighborhoods Capital Grants Program.

Applicant	Organization Name	City of Tigard		
	Printed Name	Steve Martin – Parks Director		
	Signature		Date	January 23, 2014
Public Agency	Organization Name	Same as above.		
	Printed Name			
	Signature			
			Date	



City of Tigard

January 23, 2014

Metro
Natural Areas Program
Nature in Neighborhoods Capital Grants
600 NE Grand Avenue
Portland, OR 97232

Re: Dirksen Nature Park – A Walk through Northwest Ecosystems

Dear Capital Grants Review Committee:

Saving the site now known as Dirksen Nature Park began as a community effort of support and love for this beautiful natural area. Owned by the local school district and used for decades as an outdoor classroom, the district was forced to declare the site surplus in 2008. With acres of developable land, the community feared losing their outdoor classroom forever. Multiple local, regional, and state partners came together to raise funds to purchase the property and the City of Tigard successfully gained ownership in 2010.

Dirksen Nature Park's first few years have been full of participation. Tualatin Riverkeepers hosts summer nature camps and classrooms of children from around the Tualatin Basin. Fowler Middle School staff and students working with Clean Water Services continue to work on restoration of Summer Creek and enhance the habitat on site. This participation has created ownership and pride in the park and very little vandalism despite the extensive use of the site. City staff have removed debris and have contracted to remove acres of Himalayan blackberry from the site.

Tigard is currently working to develop its second largest park and first nature park. Finding funding for such a large undertaking would be very difficult without the support of multiple partners. Tigard would be pleased to have Metro as an active partner and is seeking the investment of a Nature in Neighborhood Capital Grant.

Sincerely,

Steve Martin
City of Tigard Parks Director

Enclosure



PROJECT DESCRIPTION

Introduction and Project Overview

Dirksen Nature Park houses a number of distinctly different ecosystems all within close proximity to each other. This mix of ecosystems makes the Park a very rich habitat for native plants and animals and much of the park is protected by a METRO Conservation Easement. See Figure 1 and 2. The site is located in the heart of a well-developed urban area and is beloved by the community. The City of Tigard, together with its partners, proposes to complete native area restoration and to develop facilities for park visitors to experience these unique settings. The goal is to provide enhanced experiences of these areas by playing up the most unique qualities of each. ***These facilities will be designed to significantly limit the impacts on the park's natural resources.***

Restoration at Dirksen Nature Park has been a team effort since its purchase in 2010 and is a requirement under some of the funding sources used to secure the property. The site has proven to be a rich resource for environmental education programs. The pictures above shows children enjoying tours and camps at the park. With no formal recreation program in place at the city, environmental education programs are possible because of Tigard's valued partners. They include Tualatin Riverkeepers (TRK) who bring many diverse visitors to the park through their tours and camps; Fowler Middle School staff/students who continue to use the site for education and restoration plantings, and Clean Water Services (CWS) who continues to provide needed native plants and staff to serve as interpreters for tour groups and middle school kids. The proposed grant project will provide ongoing opportunity for both residents of Tigard and our regional nature park visitors to ***explore and restore.***

The project will also provide **job skill development** as our new partner Northwest Youth Corp joins the team!

Site History and Project Background

The 48-acre Dirksen Nature Park is designated as a community park in the City's 2009 Park System Master Plan. The City purchased the 5.3 million property through multiple transactions beginning in December of 2010. Over 2.5 million in grant support for the project came from state, regional, and local agencies eager to support the acquisition and development of this nature park in Tigard. Key steps in the acquisition and planning of the park include; (1) in 1974 the Tigard-Tualatin School District acquires 100-acres and develops Fowler Middle School. Since this time, the school district uses the open areas of the site for playfields and physical education and uses the creeks, wetlands, and wooded areas for outdoor learning; (2) in 2001, the City develops the Fanno Creek Trail which extends through the site along the eastern boundary next to Fanno Creek's riparian zones; (3) in 2006, the school district declares the open space portion of the property surplus and the community becomes worried about loss of this valued natural area; (3) In 2007, with urging from community members and with regional concerns about losing the site to development, the Trust for Public Land negotiates an exclusive option-to-purchase agreement to protect the property until it can be placed in public ownership; (5) In 2010, the City purchases the first 42-acres of the park with Parks Bond funds, grant awards from METRO and Oregon Watershed Enhancement Board (OWEB), and public agency contributions from Clean Water Services (CWS) and Washington County; (6) As part of the grant process, a conservation easement was finalized between the City and Metro protecting 35-acres of significant woodlands and wetlands, and the City agrees to provide environmental education on the site; (7) In January 2011, a draft Natural Resource & Management Plan is completed and provided to Metro outlining how different habitat areas will be managed on site; (8) In April 2011, the City acquires three adjacent parcels located along Tigard Street, totaling 5 acres; (9) In August 2011, a draft Environmental Education Plan for the park is submitted to OWEB; and (10) In June of 2012 a master plan is completed for the park. See Figure 3 and Attachment 1 to review the master plan and its associated report. (11) The Park goes through the permit process that allows the site to become Tigard's second largest park and finalize the draft management and education plans. With significant input from key stakeholders and the public, the master plan is designed to achieve balance between resource protection and public access, which is required to meet the requirements of Metro and OWEB acquisition grants.

Scope of Work

As mentioned previously, the city has undergone an extensive public input process and developed a corresponding master plan for Dirksen Nature Park. See Figure 3 to view the Final Master Plan. The proposed grant project includes the development of three major components of the master plan;

1. Forested Wetland Restoration and Development of a Boardwalk
2. Oak Savanna Restoration and Development of an Overlook
3. Two Nature Play Areas

Forested Wetland Restoration and Boardwalk. Nestled in the heart of the Natural Resource Easement, in the center of Dirksen Nature Park, is a forested wetland. It houses a wide variety of wildlife attracted to the area by the water, tree canopy, and plentiful food sources. See attached photos. This wetland has an ever changing character. In the winter up to two feet of water stands in a “bayou-like” forest of ash, oak, and alder. As spring arrives, the site’s native perennial plants come to life and thigh high vegetation of arching false Salomon’s seal along with the blue blossoms of camas make a showy display. As summer arrives the standing water slowly evaporates and the shade tolerant slough sedge rustles under the dappled light of summer’s mature tree canopy. Unfortunately the health of this wetland is threatened by numerous demand trails and the presence of non-native plants like English Ivy, Himalayan Blackberry, and Old Man’s beard.

The project will restore and protect the forested wetland by:

(1) Removing non-native vegetation and abandoning old demand trails. This work will be completed by trained youth corps working on gaining experience in land management and basic employment skills. Approximately 1500 feet of old demand trails will be removed along with non-native plants within the forested wetland.

(2) Replanting with native emergent vegetation. This work will be completed by Fowler Middle School students and children attending TRK’s field trips. Clean Water Services and the city will provide plants and technical assistance for these projects. TRK’s volunteer naturalists will provide the young planters with training and leadership. Summer camp kids will monitor the plantings and provide water as needed through the dry summer months to raise plant survivorship.

(3) Establishing a new trail and boardwalk . The new trail, approximately 720 feet long, will be sited outside of the wetland and will lead to a single access point into the wetland. This single access point will be served by an elevated boardwalk to minimize impacts to this wetland. The boardwalk will lift users just above the standing water, jog around trees at the edge of the wetland, and will provide windows through the decking for visitors to have a clear view of the plants below. All aspects of the boardwalk will be designed to allow people to experience this unique bayou-like ecosystem but to keep them separated to minimize impacts to the area. The boardwalk will be designed to be extremely interesting so that park users will want to access the area in this single location. This complete reworking of site access, including providing a boardwalk, will be the single most important component to long term protection of the forested wetland.

Oak Savannah Restoration and Overlook . A remnant oak savanna runs along the northern boundary of the site. The area has been impacted by past farming and is currently covered in non-native grasses, English Hawthorn trees, lawn grasses, Himalayan Blackberry, and English ivy. The project will allow park users to once again feel the open nature of flowing grassland dotted with statuesque Oregon White Oak. The goal is to develop an open expansive view of this majestic ecosystem that will show off native grasses flowing in the wind and brightly colored wildflowers announcing the arrival of spring and providing color through fall.

The project will restore and protect the oak savanna by:

(1) Removal of invasive trees, shrubs, and grass species. This work will be completed by experienced native restoration specialists. All but the largest English Hawthorn have been removed from the site to date leaving large hawthorn trees for removed. Removal of non-native grasses will require experts in plant identification, timing of removal, and careful decisions about how to manage existing seed stocks in the soil. The City intends to secure a company with extensive experience in Oregon Oak Savanna restoration and will consult with Metro restoration staff to develop a final plan for restoration.

(2) Planting of a native meadow, wet meadow, and oak trees. Oak savanna restoration will be carried out by experienced restoration specialist. It is expected to take approximately 2 to 3 years to establish native grass species at the site. (Irrigation stub outs have been designed into the park to assist with establishment of these species.) Volunteers will be used for shrub planting along the far southern edge of the savanna. In this area native black hawthorn will be installed to replace the existing wildlife values of the non-native hawthorn. Volunteers will also be used to install a dense native shrub hedge along Tigard Street to lower the long-term influx of lawn seed from the roadway into the savanna. Native Oaks will be planted throughout the savanna. Our volunteer resources will come primarily from four sources including TRK's tour kids, Fowler Middle School students, Washington County Juvenile Crews, and "Tree for All" volunteers. Volunteers will be organized and supervised by TRK staff, Fowler Middle School Teachers, Clean Water Services staff, and Tigard environmental coordinators.

(3) Installation of an Oak Savanna Overlook. A unique overlook will be constructed at the highest elevation of the savannah. The overlook will include a simple widened walkway sunken slightly into the hill that will house a thick 18" tall glass "retaining" wall that will allow park user to peer into the secret underground world of grassland plant roots. This simple design will also enhance the very open feel of an oak savanna by allowing visitors to stand in this very open location.

Nature Play Areas. The project will construct two play areas designed to provide park users with opportunities to climb, run, jump and build with rocks, logs, and other natural features. The larger nature play area will be sited on the outer edge of the park's mowed playfield to limit impacts to the more sensitive natural areas in the park. It will be sited between the mowed play area and the edge of the forest. The play area will include stacked log and rock climbing areas and will have logs and other natural materials available for park users to build with. The area will be covered in play chips and will be near the new restroom and picnic tables. It will be designed to allow nature park users to linger and to play outside of the most sensitive areas of the park, adjacent to the Fanno Creek Trail.

The second, smaller nature play area will be located near the future parking area on Tigard Street. This small play area is intended to provide an area for small children to freely play without disturbing the natural features of the park. Located near parking, it won't require a long walk for small children and will be located in the buffer area between the parking lot and the nature park.

All facilities developed under this project will provide universal access to the public and will meet the Americans with Disabilities Act.

EVALUATION CRITERIA

With both Key components of the proposal being ecological restoration and the enrichment of people's experience with nature, the project meets both "Re-Nature" and "Re-Green" criteria.

"Re-Nature"

"The project improves how ecological processes contribute to overall ecosystem health...Restores diverse riparian vegetative structure or stream character.....Increases fish passage and/or wildlife crossings"

As described above, the project will restore both a forested wetland and a remnant oak savanna, each of these ecosystems are considered the highest value habitats per the Regional Conservation Strategy. These habitats are considered to be dwindling in the region and their locations next to the Fanno and Summer creek riparian forests make them even more valuable. Abandoning demand trails in these habitat areas will strengthen wildlife corridor connections between the park and the stream corridors to the east, north, and south of the park. By eliminating trail crossings and consolidating trails, wildlife will have easier access to 34.5 acres of restored riparian corridor between Fowler Middle School and the developed portions of Summerlake Park. They will also have easier access to 156 acres of publicly owned riparian corridor running downstream along Fanno Creek to Bonita Avenue and 56.5 acres of restored riparian corridor running upstream along Fanno Creek from the Nature Park to Scholls Ferry Road. See Figure 4 for the locations of these connections overlaid on the Regional Conservation Strategy Habitat Map.

"Re-Green"

(1)The project should enrich people's experience of nature and strengthen a physical connection to the region's ecology.....the project will serve a group of people that do not currently have strong access to nature.

As described above, the over-riding intent of this capital project is to develop infrastructure that will allow Dirksen Nature Park users to feel the full openness and beauty of an oak savannah, to see the canopy and watery nature of the forested wetland, and to be able to move natural objects around, climb rocks and logs and get down in the dirt at the natural play areas.

The City of Tigard Park's Department currently offers no recreation programs and under the requirements of grants used to the purchase the property is required to provide rich education experiences at Dirksen Nature park. To fulfill this requirement, Tigard contracts with our valued partner Tualatin Riverkeeper's (TRK). TRK provides nature education tours, programs, and summer camps at the park. TRK places a specific focus on outreach to under-served populations across the Tualatin River watershed. TRK currently brings 10 to 15 classrooms of children from across the basin to Dirksen Nature Park every year. The goal for tour recruitment is 75% Title 1 schools. TRK has been successful in reaching this goal. When bus funding became an issue to reach underserved groups Tigard and TRK were able to partner with Tualatin River Partners for Clean Water who now offer bus grants to teachers

who want to plan a trip to Dirksen Nature Park but have no way to get to the park. TRK also implements site visits with groups from Community Partners for Affordable Housing, a local non-profit group that develops low income housing in Washington County. TRK will continue to provide site tours and interpretation to Greenburg Oaks, Olsen Woods, and Spencer House, low income projects that house a high number of children. In 2013, TRK developed a relationship with the Good Neighbor Center; a family homeless shelter located within walking distance to Dirksen Nature Park, and has begun tours with the children attending the shelter's after-school program.

Although it is sometimes the perception that all western suburbs are wealthy, 6 of the 10 elementary schools that serve Tigard are Title 1 Schools. Fowler Middle School, located immediately adjacent to the park has 37% of its population qualifying for reduced or free lunch.

(2) The project should demonstrate ecological design solutions that are both effective and cost-efficient....leverages public dollars beyond the 2:1 match..

The city will be putting up over a 2:1 match for this project. Tigard passed a parks bond in 2010 and working with their citizen Parks and Recreation Advisory Board, placed a high value on the purchase of parks land while land prices were down during the recent recession. The city has been able to leverage these park bond dollars very effectively but does not have adequate funding to complete the entire development desired at Dirksen Nature Park. With concerns for impacts to natural resources at the park as it becomes more and more popular, the city would like to be able to develop the facilities that will control access of the public to the most sensitive habitats. However, at this time more funding will be required. See the budget narrative for a detailed description of our funding.

(3) The project benefits beyond the project itself. This could be demonstrated in the following ways.....the project brings together individuals and organizations to address community concerns beyond the environmental or ecological benefits.....

This project provides **multiple benefits**. Northwest Youth Corp will be working at the site together with City, TRK, and CWS staff. This program is a career building program for youth ages 18-24 with barriers to employment. The grant project will allow these young adults to receive career training, earn a living allowance, achieve an AmeriCorps education award, and develop professional references within the community. The project also provides progress toward Tigard's new vision of developing the most walkable city in the region and increasing the health of local citizens. Expansion and improvement of the Tigard Park ecosystems will improve the value and marketability of Tigard as both a destination for business as well as an attractant for visitors. Increased property values and increased visitor traffic benefit the Tigard business economy and tax base, in turn stimulating investment in Tigard. The project progresses Metro's 2040 Growth Concept, as well as implementing important components of Tigard's Parks and Trail Plans. The project is consistent with the Oregon Department of Fish and Wildlife urban wildlife corridors vision for the area. As mentioned above, the environmental education tours provide affordable opportunities for school field trips and recreational opportunities for struggling schools and low income youth programs. The project will also provide Washington County Juvenile division opportunities to work with their kids at the park, providing meaningful chances to work and give back to

the community. The project will also support the continued use of the site as an outdoor classroom for science study.

Project Feasibility

The project will require final design, engineering, construction document preparation, construction, and long-term management of the forested wetland boardwalk, the oak savannah overlook, and the natural play areas. Below is a description of how each of these project stages will be completed.

Master Planning

As described in the project history section above, much work has already taken place to bring the project to where it is today. Extensive public input was gathered during property and master planning phase of the project and a list of participants in this process can be found in the Attached Master Plan. For a log of public meetings and responses to public input, please visit www.tigardor.gov/community/parks/dirksen_nature_park.asp. The master plan was completed in 2012 working with the consulting firm Vigil Agrimis. Key staff for the master planning effort were Paul Agrimis and Maureen Raad. Paul, vice President with the firm, is a professional wetland scientist, registered landscape architect, and civil engineer with over 30 years of experience in environmental planning and design. His work covers a broad range of water resources and natural resources projects including public input, site and regional analyses, conceptualization, feasibility studies, regulatory guidance, design, construction assistance, and monitoring. Maureen, a senior-level project manager, has 15 years of experience in planning, design, and natural resources restoration. She has expertise in restoration ecology, fluvial and tidal geomorphology, and in integrating human use of the landscape into sensitive natural settings. Our consultant team worked closely with the Oregon Department of Fish and Wildlife biologist and other natural resource professionals including Metro and CWS biologists.

Construction Document Preparation

The construction document preparation phase of the project is in progress at the writing of this application and is being completed by WHPacific. Key WHPacific staff include Mark Hadley. As a registered landscape architect and studio director, with over 30 years of experience, Mark provides seasoned design services leading teams of diverse professionals. He specializes in the design of parks and public spaces. He has won numerous design awards including a Sustainable Design Award for the Burlington Bottoms Management Plan and is a regular speaker at park conferences. Mark's list of successfully completed nature park projects includes Wallace Marine Park Boat Ramp and Bank Stabilization, in Salem; Bethany Lake Park Water Quality Enhancement, for Washington County; McCormick Nature park Trails and Master Plan, St Helens, OR; Wyeth Bench Environmental Education Center and Rustic Retreat Complex, Mt. Hood National Forest. He is supported by Casey Storey biologist and environmental coordinator. Casey specializes in wetland and fisheries biology, fish passage design, water quality monitoring, wetland delineation, Endangered Species Act compliance, aquatic entomology and environmental permitting. Also supporting the team is Phil Quarterman, an award winning wetland

scientist and natural resources planner with 34 years of experience. Phil's training includes wetland work (functional assessments/delineations), planting plans specifications, construction, and natural resource monitoring. Further qualifications include stream bank and riparian zone restoration, plant community mapping, and Endangered Species Act documentation. The project civil engineer is Ken Rehms PE, with over 19 years of experience, his primary responsibilities are serving as lead project engineer, design expertise, construction engineering, field support, and scheduling project staff to ensure that project timelines are met.

Construction and Long-term Management

City of Tigard Department of Public Works will manage the design, construction, and long-term management of the project. The department has expertise in capital construction, park and natural area restoration and management. The design and construction of park infra-structure will be managed by Kim McMillian, the city's Assistant City Engineer. Kim has 30 years of experience in project management and has been with the city for 10 years. She oversees the team that implements all parks development for the city. This team includes engineers, consultants, and construction inspectors. They have recently completed East Butte Park; Fanno Creek Trail at Grant Avenue; and won the 2012 National Engineering Award for Burnham Greenstreet. All Tigard construction inspectors are certified erosion control specialists and work closely with Carla Staedter, Tigard's environmental coordinator. Carla will manage the development of the oak savannah and forested wetland. She has 5 years of experience in park and recreation planning, design, and construction. She has 25 years of experience with native area restoration and management. Carla is the 2011 recipient of the Professional Award for Outstanding Efforts to Enhance Oregon's Urban Forests. Steve Martin, the city's parks and streets manager, will oversee the team of professionals that will provide long-term management of Dirksen Nature Park. Steve has been with the city for 14 years, and has experience as a professional research forester and with landscape design, installation, and maintenance as well as management of landscape professionals. He oversees a staff of 9, which include park maintenance staff and a designated greenspace coordinator.

Northwest Youth Corps as mentioned above will complete non-native removal, and will prepare abandoned trails for restoration. Fowler Middle School staff and kids will complete replanting of the demand trails at the forested wetland. Middle school students will also provide brainstorming and input on the design and location of interpretive elements for the forested wetland boardwalk and the oak savanna overlook. Riverkeepers will continue to plan, train tour volunteers, and run tours and summer camps from the park. As part of their programs they will work with Tigard and CWS to plant the forested wetland and the scrub edges of the oak savanna.

Partnerships

Tualatin Riverkeepers

11675 SW Hazelbrook Road

Tualatin, OR 97062

(503) 218-2580

Contact: Isabel LaCourse, Environmental Education Coordinator

Isabel@TualatinRiverkeepers.org

Project Role: Environmental Education, Trail Building, Planting, Serving Tualatin Basin Folks without Strong Access to Nature, Interpretive Assistance

Fowler Middle School

10865 SW Walnut

Tigard, OR 97223

(503) 431-5000

Contact: Sue Manning, Science Teacher

smanning@ttsd.k12.or.us

Project Role: Environmental Education, Planting, Building Site Stewardship in the Students, Interpretive Assistance

Clean Water Services

2550 SW Hillsboro Highway

Hillsboro, OR 97123

(503) 681-3600

Contact: Rich Hunter, Water Resources Program Manager

hunter@cleanwaterservices.org

Project Role: Provide Native Plants to Support Volunteer Plantings, Technical Advisors for Restoration of Oak Savanna

Northwest Youth Corps

2621 Augusta Street

Eugene, OR 97403

(503) 743-8590

Contact: Tom Helmer, Program Director –Community Conservation Corps & Outdoor Oregon

tom@nwyouthcorps.org

Project Role: Non-native removal at the forested wetland, site preparation of abandoned demand trails,

Project Evaluation and /or Monitoring

The project will be monitored by Tigard staff, Tualatin Riverkeepers, and Fowler Middle School. One of the goals will be to document changes in the oak savanna and forested wetland. The site will be followed by Tigard's Environmental Coordinator, for a period of five years. The Coordinator will

establish photo points and collect photos four times per year at the Forested Wetland and the Oak Savanna. Twice per year the site will be photographed from the City's bucket truck to track changes over time. The team will watch to ensure that park users are choosing the new circulation routes through the park. If demand trails re-appear they will be blocked to encourage the use of the new circulation systems. These restoration areas will also be monitored to see if additional planting is required and will be watched through the first 2 summers to see if watering will be required to help young plants become established.

The Nature Play Areas and the new boardwalk will be monitored by parks maintenance staff to ensure they stay in good condition. The play areas will have components changed as needed by parks staff. Parks staff and Riverkeepers will watch for the popularity of items provided in the play areas and will use that information to continue to provide a rich natural play environment.

Tigard intends to develop detailed management plans for both the forested wetland and the oak savannas to be incorporated in the existing natural resource plans for the Park. We will do outreach to Clean Water Services, Metro staff, TRK, and local community groups to provide needed technical input into the long-term management of these resources. The plans will be completed 3 years after project completion to allow for time to see how the site responds to the changes. Tigard and its project partners will work with other agencies and non-profit groups who have experience in the restoration of oak savanna habitat. We will contact Oregon Department of Fish and Wildlife to see if wildlife surveys could be completed to document usage of the site and to assess if any actions are required to improve habitat.

Budget Documents

The city completed preliminary master planning of Dirksen Nature Park in 2012. At the preparation of this grant application, the city has construction documents for the project at 70% completion. Funding is not available to construct all elements of the park. Currently the City has funding to complete restroom construction, education center improvements, paved and soft trails, the site parking lot, and the required street improvements. The city intends to develop the property over four phases.

The project timeline for completion of the four phases is:

- **Phase I** – slated for summer 2014 includes (1) the restroom/shelter; (2) improvements to the education center; and, (3) some resurfacing of soft trails that will be completed in partnership with TRK.
- **Phase II** – slated for 2015 includes (1) required street improvements; (2) parking lot; and, (3) road access to the nature center.
- **Phase III** – slated for 2016 includes (1) boardwalks; (2) the nature play areas; and (3) the oak savanna and forested wetland restoration
- **Phase IV** – slated for 2017 will be the sportsfield improvements. (Costs for these improvements is not included in the budget.)

See revised budget in Attachment 3

**NATURE IN NEIGHBORHOODS CAPITAL GRANT
(F3) PROJECT BUDGET WORKSHEET**

PROFESSIONAL SERVICES COSTS

- Estimate the hours of work directly related to your project for non-profit personnel, agency personnel, volunteers and consultants. You can delete rows that do not apply and/or add more specific descriptors.
- Explain the tasks each is expected to complete in the budget narrative (i.e. surveys, design development, construction documents, plan review, construction management).
- Pre-Agreement costs must occur AFTER the Invitation to Submit a Full Application and are not reimbursable.
- Agency & non-profit personnel time cannot exceed 10% of the grant request.
- Volunteers specifically doing project installation should be included in this section.

	financial match	in-kind match	grant request	TOTAL
A. Pre-Agreement				
1. Non-profit staff				\$0.00
2. Agency staff				\$0.00
3. Consultants				\$0.00
4. Volunteers				\$0.00
B. Post-Agreement Costs				\$0.00
1. Non-profit staff				\$0.00
2. Agency staff				\$0.00
3. Consultants	\$100,000.00			\$100,000.00
4. Volunteers		\$75,343.00		\$75,343.00
Total for Professional Services	\$100,000.00	\$75,343.00	\$0.00	\$175,343.00

CONSTRUCTION COSTS

Estimate the cost for all work elements of your project. **Feel free to change the list.** Specify in the budget narrative which work elements will be completed by volunteers and how you calculated the budget figure.

	financial match	in-kind match	grant request	TOTAL
A. Site Preparation				\$0.00
1. Mobilization & Bonding	\$90,000.00			\$90,000.00
2. Clearing/Demolition/Eros.Control	\$38,000.00			\$38,000.00
3. Staking & Surveying	\$13,800.00			\$13,800.00
B. Utilities	\$309,600.00			\$309,600.00
C. Improvements/Materials				\$0.00
1. Restroom/Shelter	\$151,200.00			\$151,200.00
2. Educaton Center Improvements	\$44,300.00			\$44,300.00
3. Trails (paved)	\$50,500.00			\$50,500.00
4. Trails (soft surfaced)	\$10,200.00	\$3,000.00		\$13,200.00
5. Nature Play Areas			\$100,000.00	\$100,000.00
6. Wetland Boardwalks/Overlooks	\$117,000.00		\$210,000.00	\$327,000.00
7. Required Street Improvements	\$823,000.00			\$823,000.00
8. Multi-Use Ballfield Renovation	\$0.00			
9. Parking Lots	\$77,800.00			\$77,800.00
10. Community Gardens	\$30,000.00			\$30,000.00
D. Permits	\$10,000.00			\$10,000.00
E. Others, please list				
1. Furnishings	\$50,000.00			\$50,000.00
2. Interpretive Signage	\$60,000.00			\$60,000.00
3. CWS Veg. Corridor Plantings	\$71,750.00			\$71,750.00
4. Parking Lot Trees/Planting	\$27,700.00			\$27,700.00
5. Oak Savanna Restoration		\$2,000.00	\$50,000.00	\$52,000.00
6. Forested Wetland Restoration		\$10,000.00	\$30,000.00	\$40,000.00
7. Irrigation	\$154,250.00			\$154,250.00
8. Restroom Enclosure	\$4,500.00			\$4,500.00

9. Contingency	\$218,000.00			\$218,000.00
Total for Construction Costs	\$2,351,600.00	\$15,000.00	\$390,000.00	\$2,756,600.00

ACQUISITION COSTS				
<i>Please estimate the cost for all work elements. Please feel free to change the list.</i>				
	financial match	in-kind match	grant request	TOTAL
A. Purchase Price				\$0.00
B. Option Purchase				\$0.00
C. Option Reimbursement				\$0.00
D. Appraisal & Appraisal Review*				\$0.00
E. Title Report, insurance & documents				\$0.00
F. Phase I Enviro Assessment				\$0.00
G. Stewardship endowment				\$0.00
H. Management Plan Development				\$0.00
I. Baseline Documentation				\$0.00
Total for Acquisition Costs	\$0.00	\$0.00	\$0.00	\$0.00

OTHER COSTS				
A. Travel (use current State of Oregon rates)				\$0.00
B. Overhead/Indirect costs - these can only be used as match.				\$0.00
				\$0.00
Totals for Other Costs	\$0.00	\$0.00	\$0.00	\$0.00

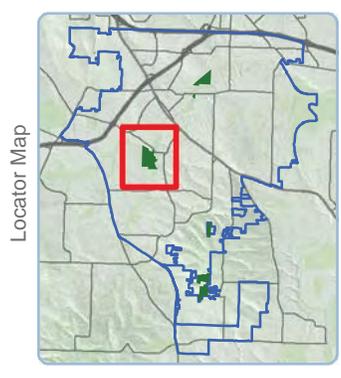
TOTAL PROJECT COSTS	\$2,451,600.00	\$90,343.00	\$390,000.00	\$2,931,943.00
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Nature in Neighborhoods Capital Grants Match Form

INSTRUCTIONS

1. Enter description of the source of matching funds or in-kind contribution. Put an X in the appropriate boxes. Enter the value of the matching source and appropriate notes to clarify how source will be allocated. Feel free to add as many rows as you need.
2. If utilizing volunteers, indicate this in the "Match Source" and "In kind" columns and calculate the number of hours the volunteers will be contributing to the project. The "Amount" will be those hours multiplied by the hourly rate found at the Independent Sector website: www.independentsector.org/programs/research/volunteer_time.html
3. If your "Match Source" is a professional or technical service received as "In kind", use the market average or actual salary or bid for that individual or service. Use the "Notes" column to document your methodology.

Matching Source	Financial	In-kind	Pending	Secured	Value	Notes
Northwest Youth Corps		X			\$6,000.00	tools, vehicle, programatic wages, and indirect costs
Clean Water Services		X			\$10,000.00	native plant material
Clean Water Services		X			\$2,000.00	staff time
TRK		X			\$21,919.00	Volunteer hours donated by tour guides and visiting student who plant on tour. Based on 990 donated hours x \$22.14. over a 2 year period
Fowler Middle School		X			\$35,424.00	Volunteer hours donated by students planting for 1 hour each year. Based on 800 students and teachers over a 2-year period x \$22.14
Total					\$75,343.00	



 Park Boundary

Scale
0 150 300 Feet



Map Created: 1/20/2014

Figure 1
Vicinity Map

"A Place to Call Home"
 City of Tigard
 13125 SW Hall Blvd
 Tigard, OR 97223
 503 639-4171
 www.tigard-or.gov



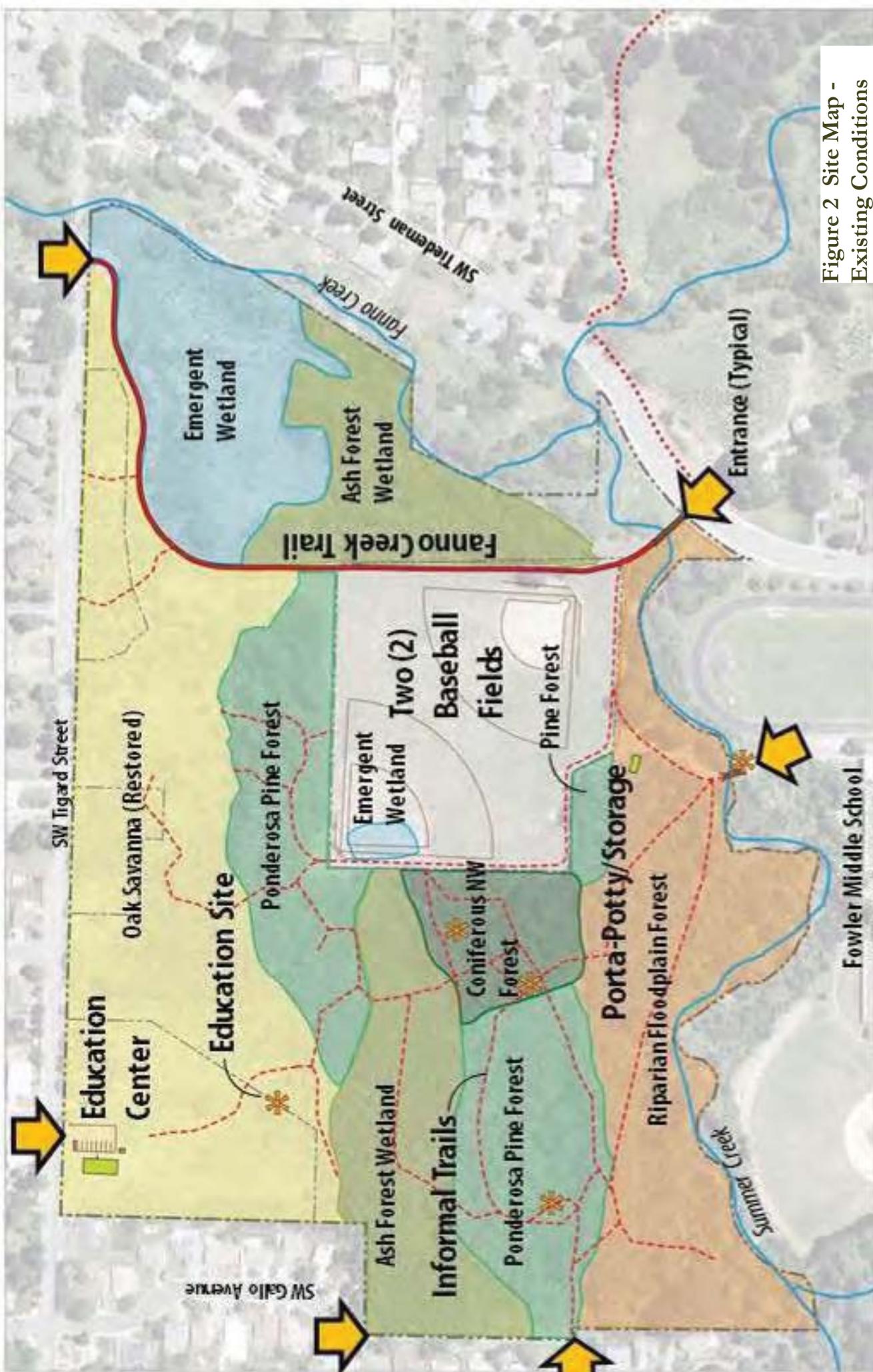
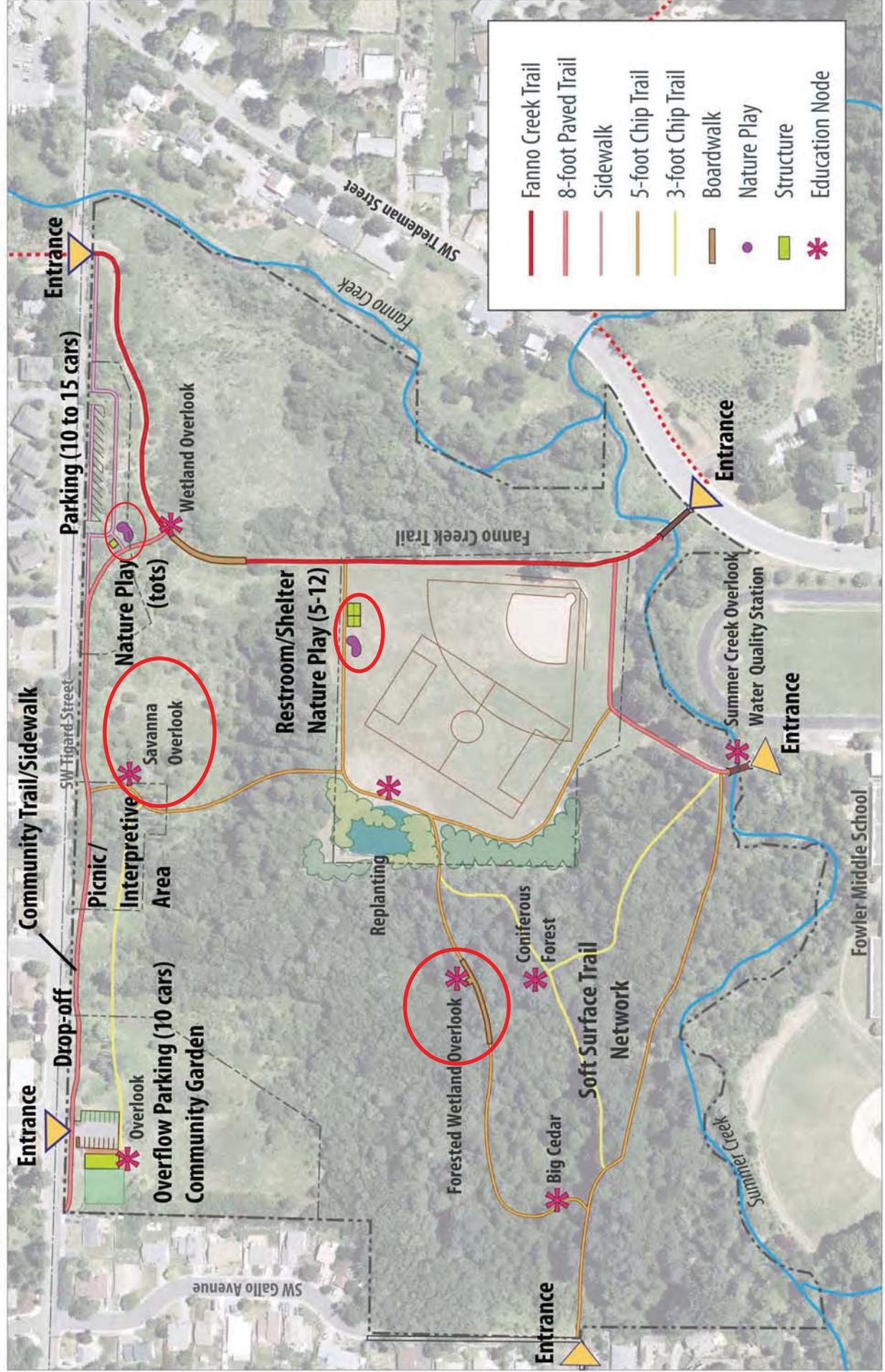


Figure 2 Site Map - Existing Conditions

SUMMER CREEK PROPERTY

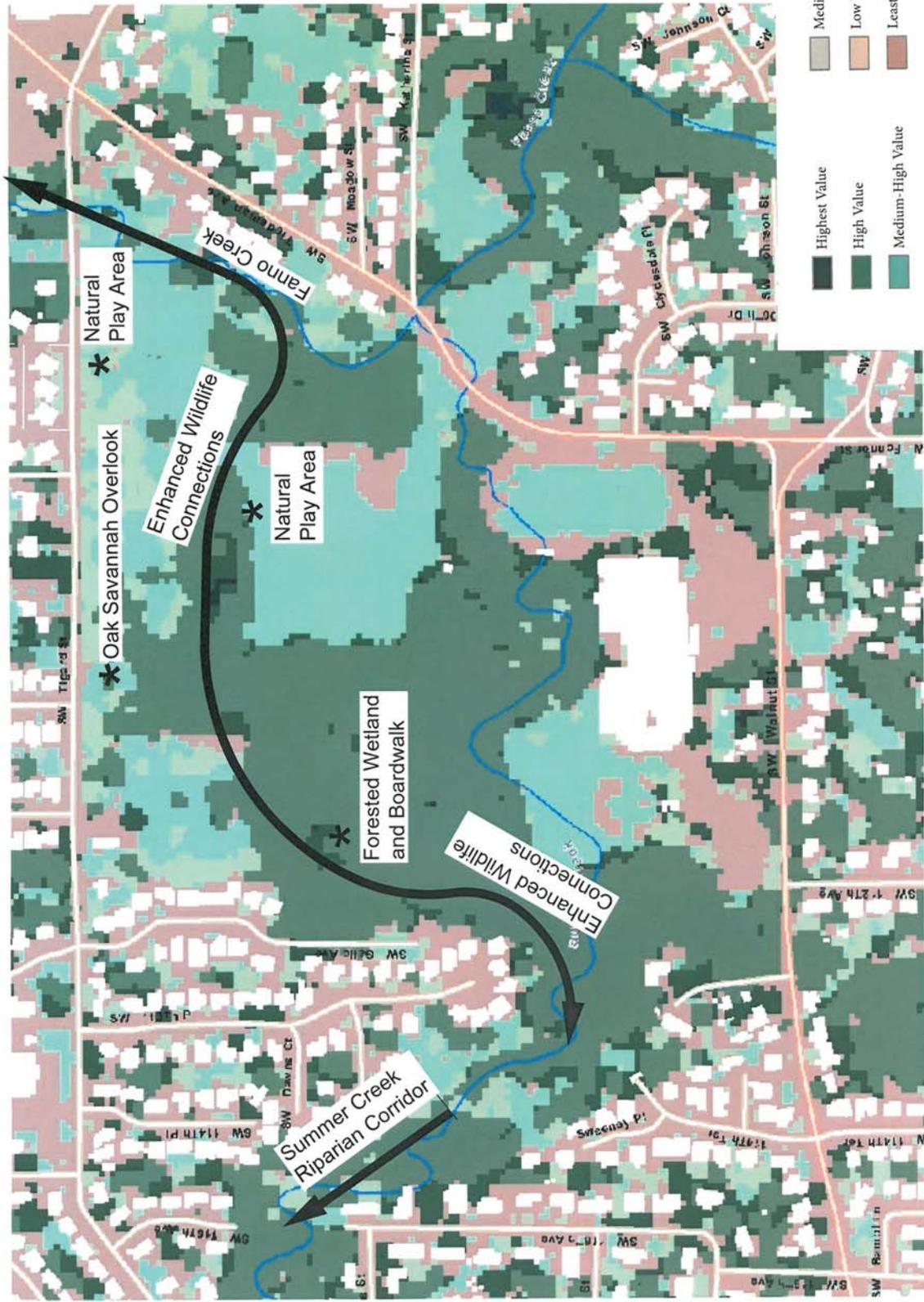
Master Plan

June 2012



Note: Component circled in red to be implemented by Grant Funding

Figure 3 Dirksen Nature Park Master Plan

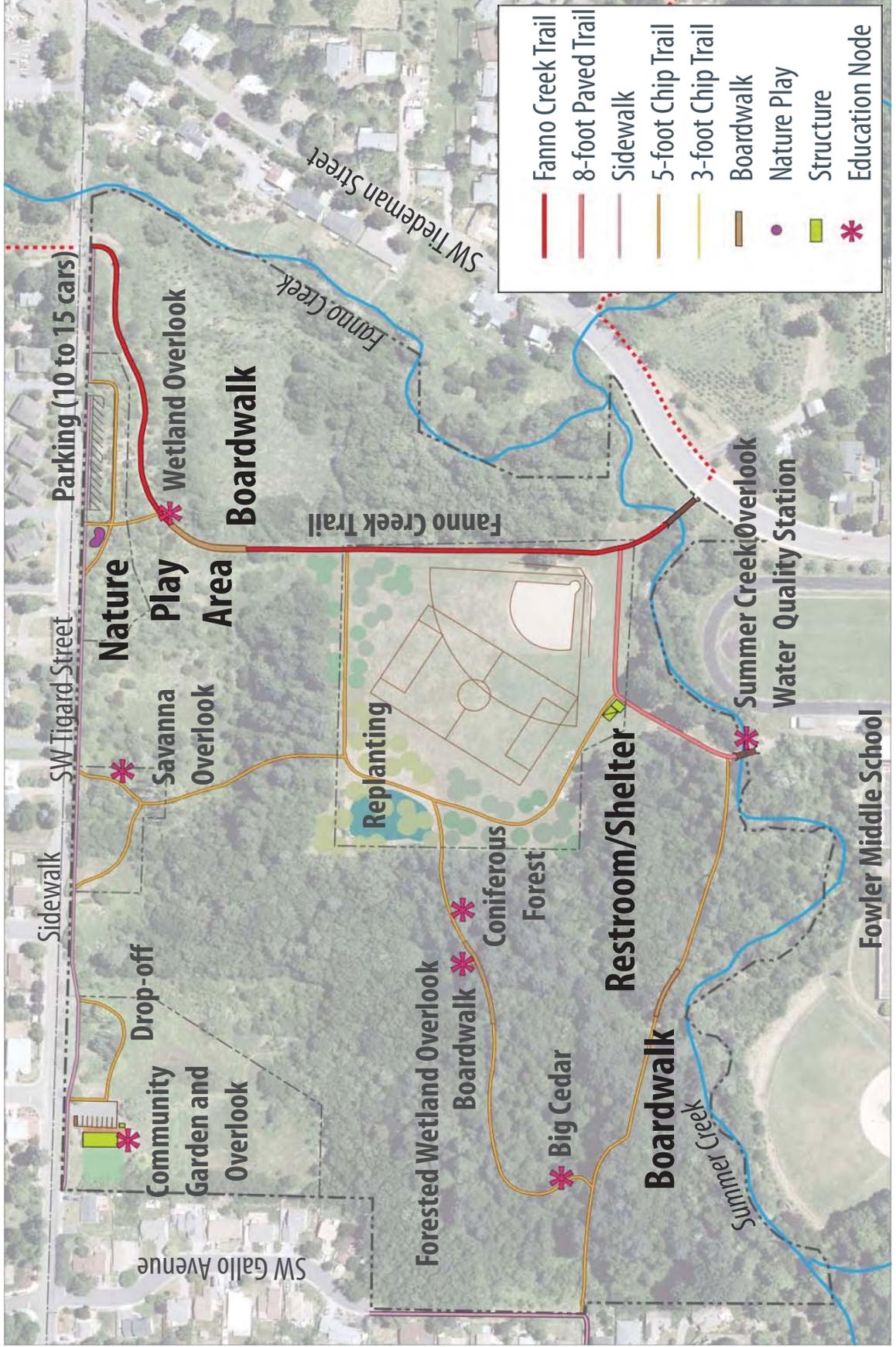


Regional Conservation Strategy Map and Predicted Wildlife Corridors through Dirksen Nature Park

Figure 4

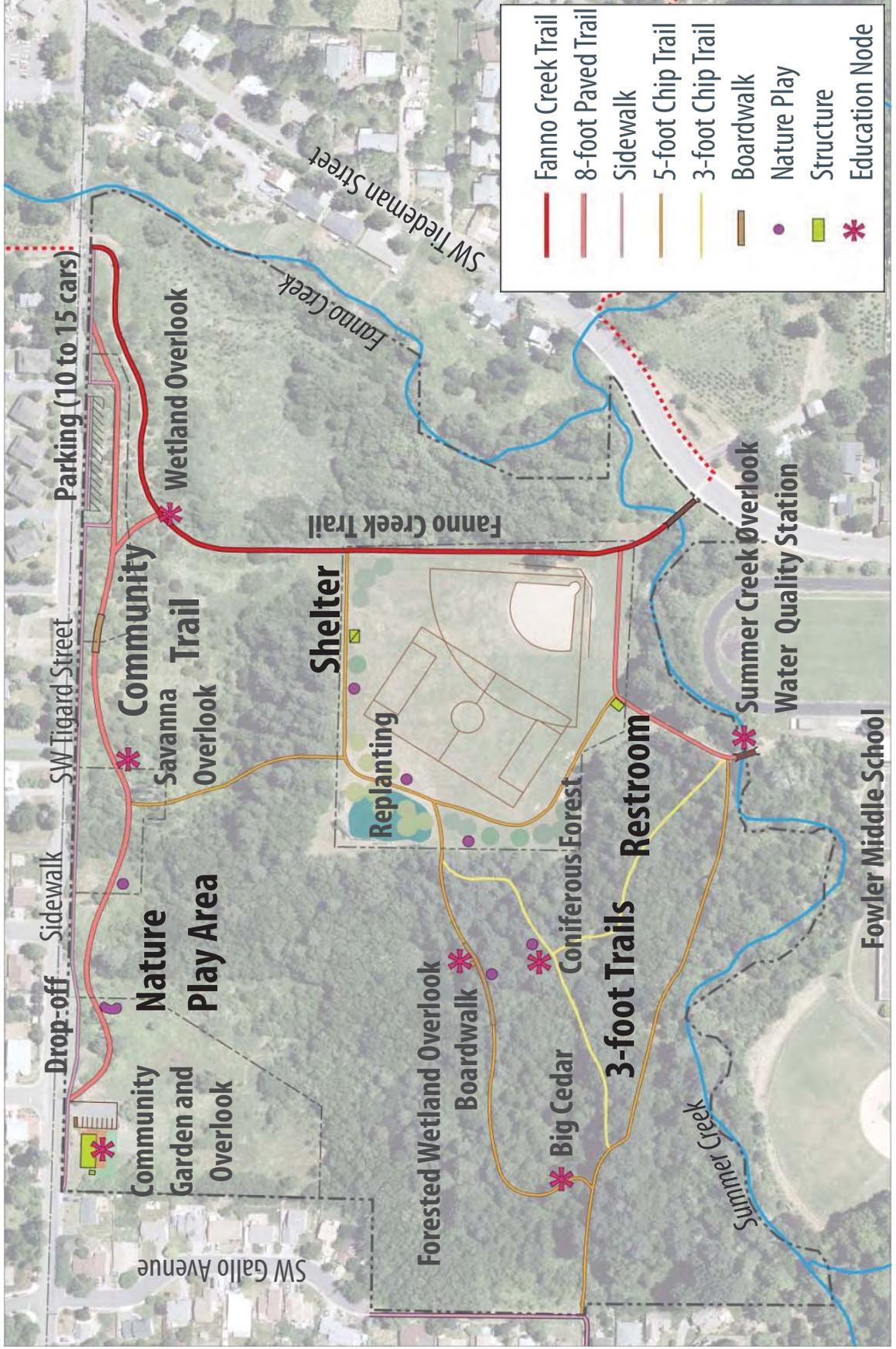
SUMMER CREEK PROPERTY MASTER PLAN

Concept A



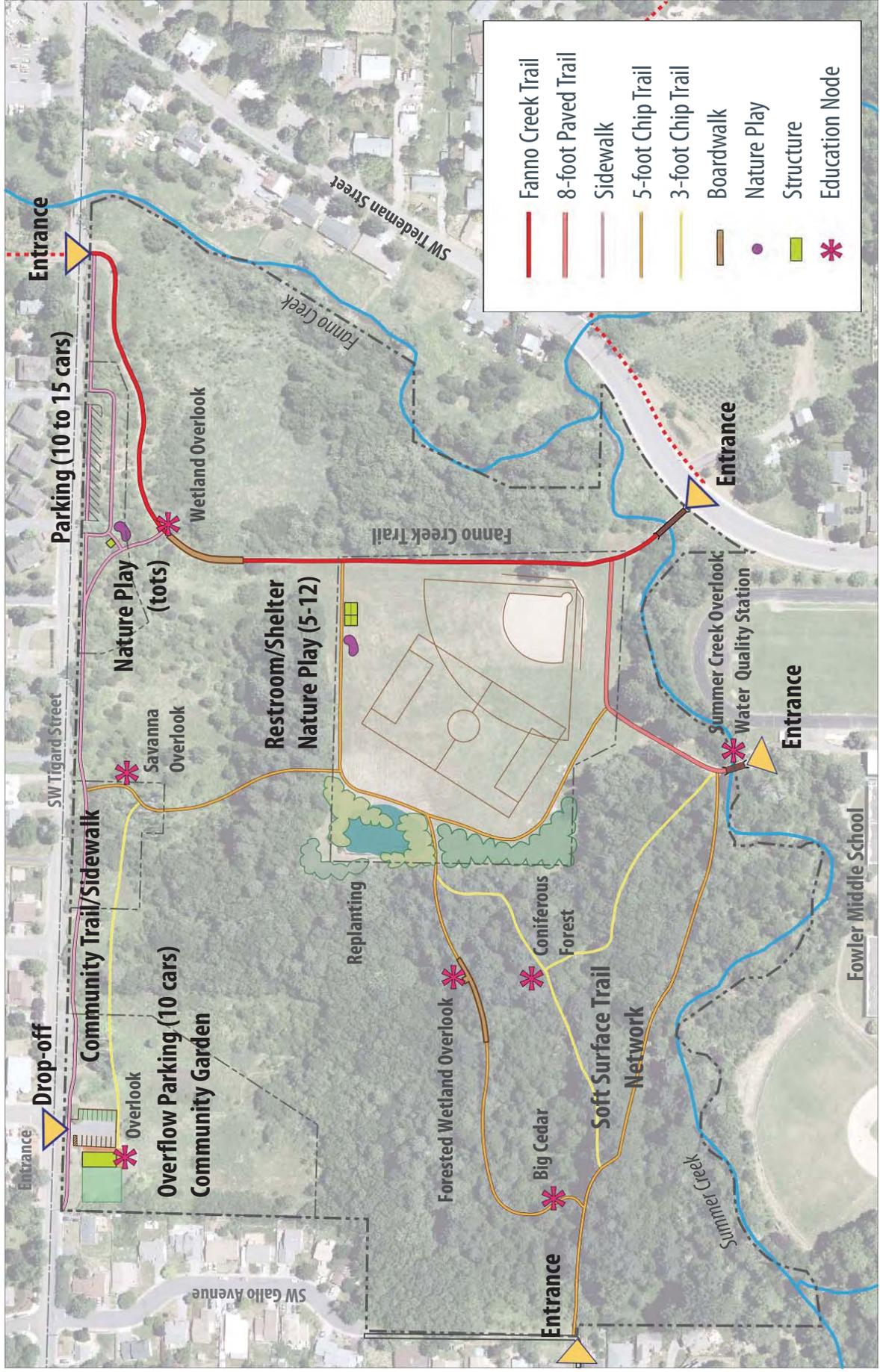
SUMMER CREEK PROPERTY MASTER PLAN

Concept B



SUMMER CREEK PROPERTY MASTER PLAN

Preliminary (Concept) Master Plan



Meeting Notes

Summer Creek Park Master Plan Key Stakeholder Meeting

Thursday, February 8th, 2012

Summer Creek Park Education Building and Site

2:00 - 4:30 pm

Attendees:

City of Tigard: Steve Martin, Carla Staedter, Tom McGuire and Greg Stout

City of Tigard Parks and Recreation Advisory Board: Troy Mears

Conservation Technix: Steve Duh

Vigil-Agrimis, Inc.: Paul Agrimis, Maureen Raad and Susie Mattke-Robinson

Clean Water Services: Rich Hunter

Tualatin Riverkeepers: Lori Kruz and Brian Wegener

Friends of Fanno Creek: Sue Beilke

Metro: Elaine Stewart and Robert Spurlock

Fowler Middle School: Sue Manning

Community Member: John Frewing

Ash Creek Forest Management: John Goetz

These notes focus on the group discussion that took place in the field and reflect the comments and opinions of the stakeholders in attendance. The project design team will balance these remarks with other public input in preparing the conceptual master plan design. The agenda and handouts (that follow these notes) summarize the project overview provided in the Education Center.

These notes are organized by location to make them easier to follow. For example, a comment made about trails in coniferous upland forest was included in the discussion of that location even if the comment was made at a different location.

Comments from phone interviews conducted prior to the meeting were added in a couple of locations to supplement the field notes.

Summary of Key Stakeholder Input

“High quality trails and high quality habitat will create a high quality experience”

by Carla Staedter

Habitat Types

NW Native Ecosystems and species of note on the site include:

- Oak Savannah (restored)
 - Coniferous Northwest Forest
 - Riparian Floodplain Forest
 - Emergent Wetland
 - Forested Wetland
 - Scrub-Scrub Wetland
 - Ponderosas pine
 - Camas
 - Sunny South Facing Slopes
 - Madrone
 - Reptiles
 - Birds
- Minimize habitat fragmentation caused by trails. Consider habitat patches and wildlife migration corridors (ie. wetland to upland) when selecting alignments.

- Consider boardwalks, culverts, etc. to maintain habitat connectivity.
- Decommission excess trail.
- Take advantage of on-site wetland mitigation and upland restoration opportunities. Restore plant communities on-site.

Environmental Education

Education programs being supported include:

- Tualatin Riverkeepers, field trips (all Tigard and many Washington County schools)
- Tualatin Riverkeepers, summer camps
- Fowler Middle School
- Recreation Users
- Learning is experiential: seeing, hearing, touching. Design should heighten the experience.
- Provide access to habitats for education but do so in a way that limits impact to and degradation of the resource. For education, quiet surfaces (not gravel) are important so wildlife can be heard over foot fall.
- Identify and enhance 5 to 6 major educational experiences for NW Native Ecosystems.
- Maintain fewer, but higher-quality trails
- Provide viewpoints for visual access to habitats to minimize habitat penetration by trails in sensitive areas (e.g., forested wetland).
- Provide controlled access to Summer Creek for sampling in a degraded area so other areas can be restored.

Recreation

Recreation uses being considered include:

- Education Center, drop off
- Education Center, curb appeal
- Parking for Trailhead and Park
- Summer Creek Community Trail
- Trails
- Nature Play Area
- Baseball (1 field)
- Soccer (1 field)
- Restroom
- Shelter
- Provide an accessible loop-trail alternative to the busy Fanno Creek Trail.
- Community Trail alignment is most appropriate along SW Tigard Street.
- Design trail system to discourage off-trail exploration by people and pets.
- Designed elements should be integrated into the site
- Consider incorporating interpretive elements into the design.

Location-Specific Notes

Site 1. Education Center on SW Tigard Street

Proposed Activities: Enhance building curb appeal, add garden area, provide outdoor gathering area and provide bus drop-off/turnaround.

Discussion Synopsis: There were no concerns raised by the group about the building, garden or gathering area elements.

Bus drop-off is needed at the Education Center to reduce walking time and provide safe conditions for students. Dropping students at Fowler Middle School is not an option because the walk is too far. The education goal is for students to spend 95% of their time experiencing the site. A drop off at the Education Center provides for this and will also reduce conflicts between Middle School and Environmental Education students. Summer camp students are currently dropped off at the Education center by parents. Because the wetland boundary is close to the building consider roadside pull-off in lieu of turnaround to reduce site impact.

Garden spaces uses could include: community gardens, native plant nursery (perhaps pollinator focused), eatables for summer camp and field trips.

The function of the Education Center building is to provide restrooms, lunch location in rainy weather, and storage for supplies and student gear. Curb appeal improvements do not need to be elaborate and could include adding native vegetation, expanding the deck and replacing doors.

Site 2. Nature Play Area on SW Tigard Street in Restored Oak Savanna

Proposed Activities: Nature play area and oak savanna restoration.

Discussion Synopsis: There some concerns raised by the group about including a nature play area in this location. Nature play was supported but this location (near traffic on SW Tigard Street and away from parking, park entry, and public services) were seen as problematic for safety reasons. Distributing play experiences around the site in different “ecosystems” was suggested though this might not provide children with the opportunity to meet and play with others in a designated nature play area. Consolidating play and environmental education uses would concentrate disturbance and reduce impacts to wildlife. Would a nature play area at the Education Center distract from education activities?

If nature play is located along SW Tigard the design should provide a vegetated buffer/separation between the play area and street traffic. A dense native vegetation buffer along SW Tigard St will also protect oak savannah restoration site from weed seed. Traffic is loud when cars are present. Locating activity area away from street will help.

Half-street improvements may be required. A continuous sidewalk will probably be needed in addition to the Community trail for local traffic. Try to integrate infrastructure into site. Runoff currently flows off SW Tigard St into the site. Consider

using low impact development techniques (no curb and gutter, vegetated filter strip) to keep this water on-site.

Design trails to discourage roaming off-leash dogs and desire-line trails. Seasonal closures could protect habitat during breeding season but would be difficult to enforce. Fencing could be used to keep users out of sensitive areas.

Preserve open reptile basking habitats on south-facing slopes. Jackson Bottoms has good examples.

Consider integrating habitat elements into the design of the developed locations along SW Tigard St.

Since non-native English hawthorn are being removed, consider planting native hawthorn (these may hybridize with the non-native species) or other fruit-bearing trees like Serviceberry and Cascara to provide bird habitat.

A covered bird watching location could be a nice amenity.

Site 2.5/3.5. Forested Wetland Boardwalk

Proposed Activities: Trails and environmental education.

Discussion Synopsis: There were no concerns raised by the group about environmental education in this location.

Habitat fragmentation and uncontrolled access were big concerns in this area. Creating a spur trail instead of a through trail was preferred. An elevated boardwalk would keep people on the trail and out of sensitive areas while allowing a unique user experience.

Boardwalk nodes would need to accommodate 10 students. Design elements could include blind-like handrails and decking that allows the user to see open water below them.

Accessing the forested wetland from the south will be the least impactful to wetlands. If access is provided from this location, upland forest fragmentation should be limited.

Site 4. Skills Area in Coniferous Northwest Forest

Proposed Activities: Trails, environmental education and skills course.

Discussion Synopsis: There were no concerns raised by the group about environmental education in this location.

Site currently vandalized (graffiti and fort building) and is devoid of understory vegetation. The hope is that vandalism will decrease with increased foot traffic. The size of the gathering area could be constrained by adding large wood at the perimeter. This would provide a nature play opportunity and would allow for education about the role of large wood. Replanting under the dense canopy would likely be challenging in the deep shade of this location.

Summer Creek Park is an important habitat site for ponderosa pines. These will be replaced by Douglas fir and cedar over time without management these species.

Selectively thinning them in this area could benefit ponderosa pine and provide a source of large wood.

Is it appropriate to keep skills activity here?

The existing trail network includes a through trail to SW Gallo and 113th Avenues. This trail should remain as it is an established site accesses. A nice loop is possible in this area but trail decommissioning is needed. Impacts to the riparian forest should be minimized when selecting trail alignments.

Site 5. Water Quality Sampling Area in Summer Creek Riparian Floodplain Forest

Proposed Activities: Paved trail, environmental education (water quality sampling), restroom and shelter (outside the 100-year floodplain).

Discussion Synopsis: There were no major concerns raised by the group about the activities proposed in this area.

The existing platform does not function for water quality sampling as it is too high. Currently the banks on either side of the creek are degraded due to uncontrolled access. A defined access for education is needed either on the north or south side of the creek to reduce habitat degradation. Adding to the existing stair and platform would consolidate impacts in one location. Water surface elevation fluctuates and should be factored into platform design. Incorporating historic flood elevations in to the design could be used as a teaching tool in this area.

Asphalt and concrete paving surfaces were discussed for a trail connecting the Fanno Creek Trail with the bridge to Fowler Middle School. Maintenance currently accesses the Park from Fowler Middle School. Concrete is more expensive but longer lived, while asphalt is less expensive and consistent with other paved surfaces in the Park. National Marine Fisheries Service may object to asphalt in the 100-year floodplain.

Site 3. Playing Field

Proposed Activities: Remove northwest baseball backstop, add a soccer overlay in the outfield area of the southeast baseball field and provide a trail.

Discussion Synopsis: There were some concerns raised by the group about the proposed activities in this area. There was some opposition to adding a soccer overlay as this would extend the recreational use season.

The reconfigured playing fields will leave much of the northwest corner available for native plantings. The small wetland in this area would not be impacted by proposed activities and provides a good opportunity for on-site mitigation.

Walkers use the west and north edges of the field to create a loop off of the Fanno Creek Trail. Developing a paved loop trail in this area would take advantage of sunny southern aspect and serve the active recreation areas and restroom.

This trail alignment passes the riparian floodplain forest of Summer Creek, coniferous northwest forest, forested wetland, camas, quaking aspen, and ponderosa pine forest and so provides good interpretive opportunities.

Site 6. Parking on SW Tigard Street

Proposed Activities: Parking lot for Fanno Creek Trail and Community Park.

Discussion Synopsis: It was after 4:00 by the time we reached this location so discussion was brief. No major concerns were raised by the group about the activities proposed in this area though adding paving to the site was a concern.

Summer Creek Park will function as a Community Park and so will serve people from across Tigard. During acquisition, this parcel was targeted specifically to provide parking in order to limit the impact of additional cars on the surrounding neighborhood. Concentrating parking will allow for controlled access to the Park using designated trails. Low impact development techniques could be used in the parking lot design to limit impacts and provide an educational opportunity.

There is a desire line trail used by children living north of SW Tigard St when accessing the Park and walking to school. A paved path connecting the parking lot to the Fanno Creek Trail in this area would formalize this route. An overlook of the Fanno Creek wetland could be incorporated to add an interpretive element.

Summer Creek Community Trail

Proposed Activities: Provide trail alignment in the park.

Two alignments are proposed for this trail in the Tigard Greenway System Master Plan. One alignment follows SW Tigard St and one crosses the south side of Summer Creek Park connecting SW Gallo Ave to the Fanno Creek Trail. This trail was discussed at several sites.

Discussion Synopsis: Habitat fragmentation and increased traffic (bike and ped) were concerns for the southern alignment.

Paving the southern alignment was not favored. Integrating the trail into the area along the northern alignment was preferred. A vegetated buffer between the trail and SW Tigard would increase the sense of separation from the road.

Modifications to the Fanno Creek Trail alignment and design could reduce wetland impacts and barriers to species migration.

END

Meeting Notes

Summer Creek Property Master Plan Public Meeting
Wednesday March 28, 2012
Tigard PW Building – 8777 SW Burnham Street
7:00 - 8:30 pm

Attendees:

See Sign in Sheet

Project Overview:

Following brief introductions and welcoming remarks, a presentation was given to share information about the site's conditions, constraints and current use, with special focus toward the extent of wetlands and the variety of habitat types. A range of potential park amenities was noted that include the upgrade and re-configuration of existing sports fields and the construction of a restroom, interpretive shelter, natural play area and trails. The majority of the park, approximately 35 acres, will remain as open space – a significant portion of which will undergo restoration. Two master plan concepts were discussed and review, and special attention was directed toward enhancements at the education center and a potential parking area off Tigard Street. These concepts were used during the group break-out sessions to elicit public feedback.

Break-Out Exercise – Group 1 (10 people: 5 men and 5 women)

Education Center

The group was generally in favor of the proposed improvements at the Education Center. Environmental Education perspective preferred the bus drop-off to be located near the education center, with forty days annual usage. Some parents do not want children to have long walk through the site to education center from a drop-off at Fowler Middle School.

The curb appeal improvements proposed for the existing double-wide structure were well supported.

Walking Trails

The group was interested in providing some accessible trails (strollers, etc.). Paved trails could be pervious pavement. Some members of the Group really liked the notion of a loop trail using the sidewalk along SW Tigard Street and a Community Trail offset from SW Tigard in a serpentine pattern.

Others mentioned that the area along SW Tigard Street is a sensitive habitat area. Need to be aware of that when considering a busy trail.

Maintaining access from the neighborhood southwest of the park is important.

Nature Play Area

The Nature Play Area was supported but concerns were raised about not making it too brushy or wild so that parents can easily observe children at play and keep them safe. There were folks in favor of both proposed locations (near parking) but there was some concern that the play area might be a distraction if located near the education center. Locating the play area near parking and restrooms was recommended.

Playing Field

The group supported the proposed baseball field and soccer field overlay.

Parking on SW Tigard Street

This group was split on parking on SW Tigard. Some prefer looking at the education center location as an alternative to keep development away from habitat, and would like upland scrub/shrub habitat enhancements within the proposed parking area. Others expressed a need to improve safety along SW Tigard and saw an opportunity to provide needed parking adjacent to the Fanno Creek Trail.

Summer Creek Community Trail

A paved sidewalk/trail along SW Tigard Street is needed for safety of children and others moving along the corridor. Some voiced a desire for a planted buffer along this trail to separate it from SW Tigard Street.

Traffic moves quickly on SW Tigard, often exceeding the 25 mph posted speed limit. Traffic calming and cross walks or crossing signal could be helpful for pedestrians and bikes crossing on the Fanno Creek Trail. A raised crossing for the Fanno Creek Trail was offered as one potential means to improve safety.

(See comments under walking trails)

Safety

The group discussed vandalism of existing site (plantings and tree tagging) and had concerns about future facilities (restrooms). Prior homeless camps and prior use of the environmental education parking lot for parties and other activities were a concern. A park ranger or patrol program like THPRD's could help.

Other

A park sign should be installed.

A phased development approach was discussed. This would allow for a simple start and slow growth in to the site.

Break-Out Exercise – Group 2 (8 people: 7 men and 1 woman)

Summer Creek Community Trail

The group felt that it was redundant to have both a sidewalk and paved trail parallel to SW Tigard Street. Something in between Concept A and Concept B was preferred. A wider meandering sidewalk set further off the street with a planted screen

separating it from the road was preferred. Access points for people crossing the street should be incorporated into the design (could swoop back to curb rather than have spur sidewalks).

If there is a bike lane on SW Tigard do we need a multi-modal trail in the park?

From an Environmental Education perspective there was concern about having student's first nature experience be on a paved path as this is more of an Urban Park than Nature experience.

Nature Play Area

The preferred location for this activity was adjacent to both parking and restrooms. No designated park parking lot location is available near the ball fields (the proposed restroom location), though limited on-street spaces are available. There is parking at Fowler Middle School but only on SW Walnut Street.

There are restrooms at the Education Center, but they are only available when the building is unlocked. A port-a-potty could be provided at either the Education Center or at the proposed parking lot location to serve the play area.

From an Environmental Education perspective there was concern about locating the Nature Play Area at the Education Center because parking is needed at that facility when it is in use.

Walking Trails

Unpaved walking trails were the preferred amenity for the group. They favored the more extensive trail network in the southwest part of the site and liked the boardwalk elements that were proposed. They liked trails that follow existing alignments (where people want to go). Questions were asked about if providing accessible trails was required. But the group did not advocate for this.

Parking on SW Tigard Street

Given the amount of use that the proposed soccer and baseball fields will attract, the group felt that more parking might be needed. There was a desire to look more closely at the Education center to see if additional spaces could be provided there.

Education Center

The group was generally in favor of the proposed improvements at the Education Center.

Water Quality Sampling Area

Improvements are needed here to make sampling possible.

Playing Field

The neighborhood already had a lot of night- lighting and noise from the playing fields at Fowler Middle School. Not having lit fields at the park was a preference that is in keeping with habitat conservation goals for the property.

Safety

There was a question about security lighting in the park. Steve Martin responded that the only place it might be appropriate was on the Fanno Creek Trail because it is considered a transportation corridor. The group supported this limited approach and did not advocate for including lighting in the plan. The biggest concern relative to lighting was for children walking to school.

Off-Leash Dogs/Cats

There was concern voiced about the amount of damage done to habitat and species by uncontrolled pets. Providing an off-leash area was briefly discussed but didn't seem to solve the real problem. It also seemed inconsistent with Habitat Conservation goals and would require a considerable amount of land.

END

Meeting Notes

Summer Creek Property Master Plan, Public Meeting Number 2
Thursday May 17, 2012
Tigard PW Building – 8777 SW Burnham Street
7:00 - 8:30 pm

Attendees:

See Sign in Sheet

Project Overview:

The meeting began with brief introductions, welcoming remarks, and an update on where the Summer Creek Property is in the master planning process. This was followed by a presentation that reviewed existing site conditions, constraints and uses, with special focus on the variety of habitat types, including wetlands found on the site. The Concepts presented at Public Meeting Number 1 were reviewed and the presentation summarized the feedback received from stakeholders and the public thus far. The presentation then reviewed the modification made to the earlier concepts to create the Concept Master Plan. The Concept Master Plan presentation and discussion was followed by a more detailed discussion of the education center improvements and the two nature play areas. Following the presentation there was an informal group discussion of the Concept Master Plan followed by a brief open house that allowed for more one-on-one discussion. Feedback received at the meeting is summarized below by topic.

Discussion During the Presentation:

Parking

The Concept Master Plan shows parking for 10 to 15 cars near the Fanno Creek Trail and an additional 8 to 10 car overflow parking area at the Education Center. There was concern that additional parking may be required. The City will likely require parking along SW Tigard Street but a resident suggested that off-street parking would be preferable due to the high traffic speeds on SW Tigard Street and unsightliness of parked cars.

The overflow parking spaces at the environmental education center were discussed briefly. The proposed paving material is a pervious pavement like grasscrete. There was support for this but traditional asphalt was also suggested as a better choice. Expanding parking in this area and/or the flexible use area was also discussed.

Playing Field

The location and orientation of the ballfields was generally supported. It was suggested that drainage be carefully considered in the baseball backstop area as well as on the soccer field. Soil amendments and drainage improvements may be required to improve playability.

Restrooms

Restroom location should consider the cost of providing water and sewer to the location. There was support for the proposed location from a use point-of-view (central, near the ballfields, away from Fowler Middle School, near parking lot).

Education Center

The proposed curb appeal improvements to the education center were generally favored and were not discussed at length.

Community Garden

Community garden space proposed near the education center will be used by both the education center (to grow native plants) and the public (as community garden space). There was concern that 15 beds would not be enough to satisfy demand. Adding more beds at the education center and/or expanding the garden in the flexible use area were discussed as options.

Bird Watching

A covered bird viewing area (like the amenity at Jackson Bottoms Wetland Preserve) would be appealing. Adding a cover to the proposed education center deck was discussed. Providing for this in the flexible use area farther from the road was also discussed and was preferred.

Nature Play Area

Nature play materials choice with regard to maintenance was discussed. Maintenance staff raised concerns about sand and seasonal water (mud) near restroom and parking lot. Maintenance has experienced difficulties with these materials and keeping public restroom facilities clean and in working order. Restrooms will likely be open year round. Wood chip materials are preferred to sand in play areas. Maintenance staff was also concerned that moveable parts would make park maintenance more difficult.

The group generally favored nature play. One participant voiced a preference for play elements with a rustic look. Another felt the vertical logs were reminiscent of cut trees. Concerns were raised about the longevity of wood structures, such as the log pile, with natural material breaking down over time. Swings and rocks with engraved animal characters were supported. Both nature play and traditional play structures were acceptable. Rock features were favored.

Trails

There was support for the trail network on the site and for the proposed boardwalk and forested wetland overlook which provides views into the wetland while protecting habitat.

It was suggested that the proposed 6-foot sidewalk/community trail along the SW Tigard Street be widened to 8 feet to better serve as a community trail.

Restoration and Mitigation

Restoration efforts will be focused on the Oak Savanna area in the north and west part of the site, as it includes many slow-growing species. Restoration east of the Fanno Creek Trail is not included in the master plan.

Protection of the wetland mitigation area near the ballfield was discussed. Fencing was discussed as was using signing and education in lieu of fencing.

Water Quality Sampling Area

The need to improve the water quality testing area was mentioned as an important component to support environmental education.

Phased Development

It was suggested that construction be phased such that heavy construction is completed early in the phasing to avoid impacts to restored areas of the site.

END

Estimate of probable Construction Costs -- Master Plan

June 30, 2012

Item	Quantity	Unit	Unit Price	Cost	Cost Plus 20%
Mobilization					
Mobilization (7% of Construction Cost)	1	LS	\$30,119.00	\$30,119	\$36,143
			Subtotal:	\$30,119	\$36,143
Construction Survey & Staking					
	1	LS	\$10,000.00	\$10,000	\$12,000
			Subtotal:	\$10,000	\$12,000
Clearing & Grubbing					
Clearing & Grubbing	43,970	SF	\$0.25	\$10,993	\$13,191
Misc. Tree Removal	10	EA	\$400.00	\$4,000	\$4,800
				\$14,993	\$17,991
Porta-potty					
Concrete Pad (for unisex accessible porta-potty)	300	SF	\$5.00	\$1,500	\$1,800
Screening (for porta-potty)	65	LF	\$45.00	\$2,925	\$3,510
				\$4,425	\$5,310
Restrooms/Interpretive Shelter					
Water Meter	1	LS	\$5,000.00	\$5,000	\$6,000
Water Line - 3/4 inch	500	LF	\$25.00	\$12,500	\$15,000
Sanitary Line - 4 inch	500	LF	\$35.00	\$17,500	\$21,000
Electric Connection (for restroom)	1	LS	\$10,000.00	\$10,000	\$12,000
Restroom/Interpretive Shelter (4 seats)	1	LS	\$80,000.00	\$80,000	\$96,000
				\$125,000	\$150,000
Site Furnishings					
Bench (6 foot)	7	EA	\$1,800.00	\$12,600	\$15,120
Picnic Table	6	EA	\$4,000.00	\$24,000	\$28,800
Litter Receptacle	6	EA	\$1,500.00	\$9,000	\$10,800
Entry Signage	3	EA	\$5,000.00	\$15,000	\$18,000
Interpretive Signage	10	EA	\$6,000.00	\$60,000	\$72,000
Bollards	2	EA	\$500.00	\$1,000	\$1,200
Loop Bike Rack	4	EA	\$500.00	\$2,000	\$2,400
				\$123,600	\$148,320
Nature Play Areas					
Toddler Area (at parking lot)	1	LS	\$40,000.00	\$40,000	\$48,000
Age 5-12 Area (at playing field)	1	LS	\$50,000.00	\$50,000	\$60,000
				\$90,000	\$108,000
Playing Fields					
Soccer Field (Partial Overlay)	1	LS	\$70,000.00	\$70,000	\$84,000
Baseball Field Improvements	1	LS	\$90,000.00	\$90,000	\$108,000
Baseball Field Backstop Removal (2)	1	LS	\$5,000.00	\$5,000	\$6,000
				\$165,000	\$198,000
Boardwalks					
Boardwalk (Fanno Creek Trail)	1	LS	\$150,000.00	\$150,000	\$180,000
Handrail for Fanno Creek Boardwalk	800	LF	\$115.00	\$92,000	\$110,400
Boardwalk (Soft Surface Trails)	1,200	SF	\$118.00	\$141,600	\$169,920
Water Quality Sampling Improvements	1	LS	\$14,000.00	\$14,000	\$16,800
				\$397,600	\$477,120
Parking Lot					
Driveway Apron	2	EA	\$1,500.00	\$3,000	\$3,600
Asphalt Paving (with base)	10,500	SF	\$6.00	\$63,000	\$75,600
Parking Lot Signage	4	EA	\$500.00	\$2,000	\$2,400
Concrete Wheel Stops	12	EA	\$100.00	\$1,200	\$1,440
Striping	1	LS	\$2,500.00	\$2,500	\$3,000
				\$71,700	\$86,040
Concrete					
Abutments	6	EA	\$400.00	\$2,400	\$2,880
				\$2,400	\$2,880

Item	Quantity	Unit	Unit Price	Cost	Cost Plus 20%
Trails					
Paved (8-foot asphalt-Maintenance Access)	4,160	SF	\$6.00	\$24,960	\$29,952
Paved (8-foot asphalt-Community Trail)	11,600	SF	\$6.00	\$69,600	\$83,520
Paved (6-foot concrete-Sidewalk)	5,000	SF	\$5.00	\$25,000	\$30,000
Soft Surface (5-foot chip-SW Tigard St to Fields)	520	LF	\$3.00	\$1,560	\$1,872
Soft Surface (5-foot chip-Around Fields)	1,140	LF	\$3.00	\$3,420	\$4,104
Soft Surface (5-foot chip-Southwest)	2,130	LF	\$3.00	\$6,390	\$7,668
Soft Surface (3-foot chip-North)	660	LF	\$2.00	\$1,320	\$1,584
Soft Surface (3-foot chip-Southwest)	1,230	LF	\$2.00	\$2,460	\$2,952
				\$134,710	\$161,652
Half Street Improvements					
Half Street Improvements	1	LS	\$472,000.00	\$472,000	\$566,400
				\$472,000	\$566,400
Education Center Improvements					
Paint	1	LS	\$15,000.00	\$15,000	\$18,000
Deck	1	LS	\$15,000.00	\$15,000	\$18,000
Screening Vegetation & Fence	1	LS	\$25,000.00	\$25,000	\$30,000
Community Garden	1	LS	\$30,000.00	\$30,000	\$36,000
Overflow Parking	1	LS	\$15,000.00	\$15,000	\$18,000
				\$100,000	\$120,000
Permanent Fencing					
Split Rail Fence	350	LF	\$40.00	\$14,000	\$16,800
				\$14,000	\$16,800
Erosion & Sediment Controls					
Erosion & Sediment Controls	1	LS	\$25,000.00	\$25,000	\$30,000
				\$25,000	\$30,000
Planting					
Required Screening & Trees (new lot)	1	LS	\$25,000.00	\$25,000	\$30,000
Replanting (baseball field)	1	LS	\$40,000.00	\$40,000	\$48,000
Wetland & Buffer Mitigation	1	LS	\$60,000.00	\$60,000	\$72,000
				\$125,000	\$150,000
Miscellaneous					
Parking Lot Lighting (2 lights)	1	LS	\$15,000.00	\$15,000	\$18,000
				\$15,000	\$18,000

Subtotal:	\$1,880,428	\$2,256,513
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CONSTRUCTION SUBTOTAL	\$1,920,547	\$2,304,656
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OVERHEAD AND PROFFIT (7%)	\$134,438	\$161,326
BONDING AND INSURANCE (2%)	\$38,411	\$46,093

TOTAL	\$2,093,396	\$2,512,075
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DESIGN SERVICES (10%)	\$209,340	\$251,207
PERMITTING SERVICES (4%)	\$83,736	\$100,483
INFLATION (3%)	\$62,802	\$75,362

(assume summer 2013 construction)

GRAND TOTAL	\$2,449,273	\$2,939,128
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**CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
RESOLUTION NO. 14- 01**

A RESOLUTION IN SUPPORT OF AN APPLICATION FOR A METRO NATURE IN NEIGHBORHOODS CAPITAL GRANT TO FUND DEVELOPMENT OF DIRKSEN NATURE PARK

WHEREAS, the 2009 Park System Master Plan identified the properties—now known as Dirksen Nature Park—as a future community park; and

WHEREAS, the citizens of Tigard supported the acquisition and development of parks through passage of the \$17 million park and open space bond measure in 2010; and

WHEREAS, the city, using funds from the 2010 park and open space bond measure, was able to purchase the properties that now form Dirksen Nature Park; and

WHEREAS, the development of the park is planned in four phases; and

WHEREAS, the city has not identified funding for phases 3 and 4 which includes construction of two nature play areas, trails and boardwalks, and restoration of the oak savanna at the northern section of the park; and

WHEREAS, the Park and Recreation Advisory Board and City Council have asked staff to seek additional funding to augment the park bond funds; and

WHEREAS, Metro has invited Tigard to submit a Nature in Neighborhoods grant application for phases 3 and 4 of the park development; and

WHEREAS, if the grant is awarded, the city would be able to complete the development of Dirksen Nature Park.

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

SECTION 1: The Tigard City Council supports the submission of an application for a Nature in Neighborhoods Capital Grant to partially fund the development of Dirksen Nature Park.

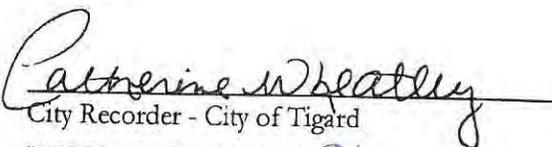
SECTION 2: This resolution is effective immediately upon passage.

PASSED: This 14th day of January 2014.



Mayor - City of Tigard

ATTEST:



City Recorder - City of Tigard

RESOLUTION NO. 14- 01



City of Tigard Memorandum

To: Mary Rose Navarro
From: Jeff Peck
Re: Dirksen Nature Park - Park Element Descriptions & Costing
Date: September 30, 2015

Mary Rose,

The City is proposing a change to the Dirksen Nature Park scope of work and funding. Two master plan exhibits highlighting park elements to be constructed are attached for reference. One exhibit shows proposed park elements, and the second exhibit captures city and Metro funding of park elements.

We were not able to secure funding for the proposed restroom/interpretive shelter and associated utilities. As a result, the facility is being removed from our scope of work.

To meet our financial match we have added the Fanno Creek wetland boardwalk, complete restoration of the Oak Savanna, and support funding for the nature play area and the Oak Savanna overlook.

Renovations to the Environmental Education building, parking lot ~~and construction of the vehicle rated pathway~~ will remain the same.

Metro funding will no longer pay for the Oak Savanna Restoration. Metro will continue to fund the forested wetland boardwalk and restoration area, nature play area, and the oak savanna overlook. The City is requesting Metro to partially fund the Fanno Creek boardwalk.

Park Elements & Funding:

Oak Savanna Restoration

Oak Savanna restoration was previously shown as a Metro grant obligation with minor financial contribution from the city.

Since then, we have determined the restoration can be fully funded by one of our revenue programs. As a result, we have entered into a contract with Ash Creek Forest Management,

LLC to restore the oak savanna. The city and Ash Creek are participating in cooperative agreement pricing established in Metro RFP-2788 Natural Areas Habitat Restoration

The general scope of the work as follows:

- Removal of trees that are currently crowding the areas oak trees
- Replanting of native grasses, wildflowers, and shrubs associated with a healthy oak savanna.
- Maintenance services for the areas through 2019.

The projected cost for the oak savanna restoration is \$272,000. This estimate included the contract price, contingency, shrub and tree plantings, and irrigation as needed.

Oak Savanna Overlook

The city anticipates receiving money to expand upon the Oak Savanna Overlook. The funding (\$33,000) will pay for interpretive/educational features to be in-laid into the overlook.

Wetland Boardwalks

The city is proposing to add the Fanno Creek wetland boardwalk to the project and \$67,300 in support funding. Metro funding will also be used to cover funding of the added boardwalk. Drawings of each boardwalk are included for reference.

Nature Play Area

The city is proposing to add funding to the Nature Play park elements. Estimated support funding in the amount of \$89,720 will be used to pay for playground equipment. Drawings of the nature play area are included for reference.

In summary, we have made minor changes to the Nature in Neighborhoods grant request, and we ask for your consideration and approval of the changes.

We look forward to your continued support.

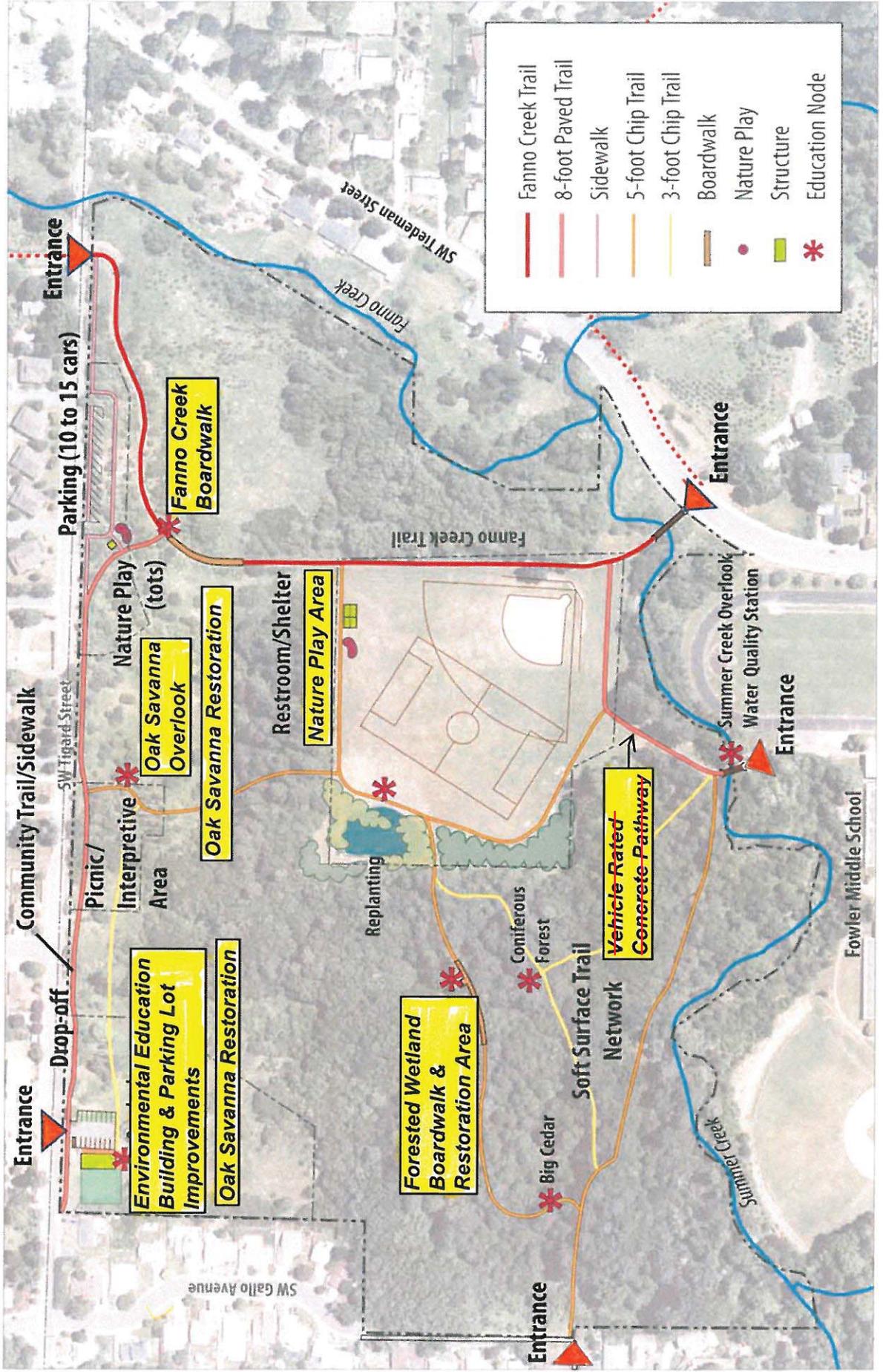
Thank you.

SUMMER CREEK PROPERTY

Master Plan A.K.A. DIRKSEN NATURE PARK

Park Elements to be constructed with City and Metro funds in support of the Nature in Neighborhoods Grant

June 2012



SUMMER CREEK PROPERTY

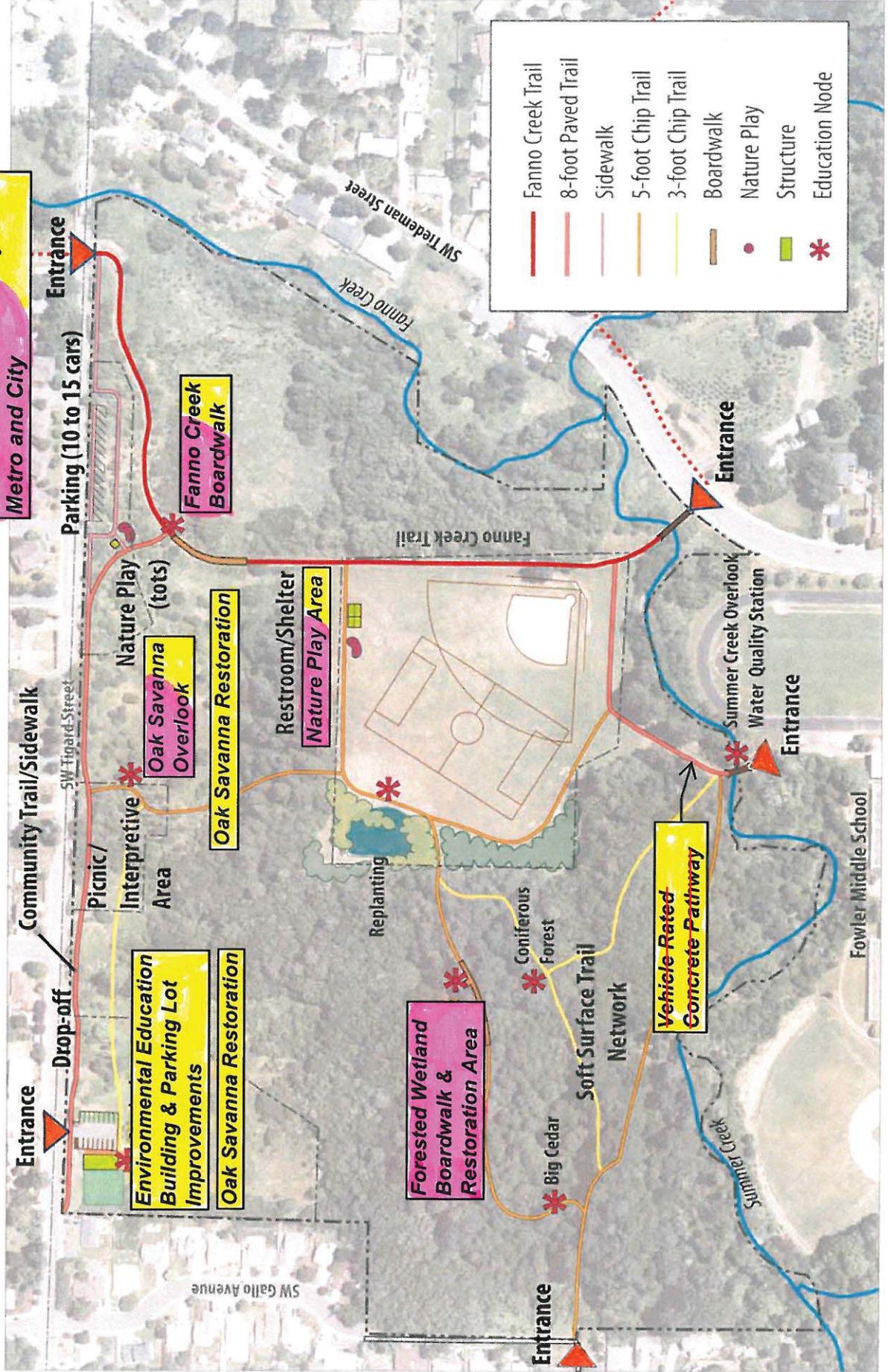
Master Plan A.K.A. DIRKSEN NATURE PARK

June 2012

Park Elements to be funded by City in support of Nature in Neighborhoods Grant

Park Elements to be funded by Metro

Park Elements funded by Metro and City



Fowler Middle School

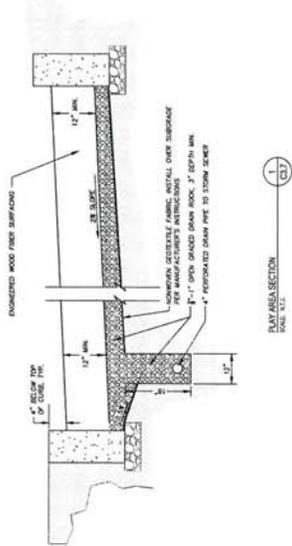
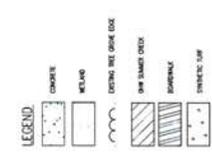
ENLARGED SITE PLAN
NATURE PLAY AREA
DREXEL NATURE PARK - PHASE II

PROJECT NUMBER: P00015W
CITY OF THAMES
005975-C-SP04

DATE	DESCRIPTION
11/15/14	ISSUED FOR PERMITS
08/14/14	ISSUED FOR BIDDING
07/14/14	ISSUED FOR PRELIMINARY REVIEW
06/14/14	ISSUED FOR PRELIMINARY REVIEW
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11/02/02	ISSUED FOR PRELIMINARY REVIEW
10/02/02	ISSUED FOR PRELIMINARY REVIEW
09/02/02	ISSUED FOR PRELIMINARY REVIEW
08/02/02	ISSUED FOR PRELIMINARY REVIEW
07/02/02	ISSUED FOR PRELIMINARY REVIEW
06/02/02	ISSUED FOR PRELIMINARY REVIEW
05/02/02	ISSUED FOR PRELIMINARY REVIEW
04/02/02	ISSUED FOR PRELIMINARY REVIEW
03/02/02	ISSUED FOR PRELIMINARY REVIEW
02/02/02	ISSUED FOR PRELIMINARY REVIEW
01/02/02	ISSUED FOR PRELIMINARY REVIEW
12/01/01	ISSUED FOR PRELIMINARY REVIEW
11/01/01	ISSUED FOR PRELIMINARY REVIEW
10/01/01	ISSUED FOR PRELIMINARY REVIEW
09/01/01	ISSUED FOR PRELIMINARY REVIEW
08/01/01	ISSUED FOR PRELIMINARY REVIEW
07/01/01	ISSUED FOR PRELIMINARY REVIEW
06/01/01	ISSUED FOR PRELIMINARY REVIEW
05/01/01	ISSUED FOR PRELIMINARY REVIEW
04/01/01	ISSUED FOR PRELIMINARY REVIEW
03/01/01	ISSUED FOR PRELIMINARY REVIEW
02/01/01	ISSUED FOR PRELIMINARY REVIEW
01/01/01	ISSUED FOR PRELIMINARY REVIEW



- GENERAL KEYNOTES:**
1. DISPLAY CUSTOM WALKWAY THRU CLIMBERHOUSE
 2. CONCRETE WALKWAY THRU CLIMBERHOUSE
 3. LOG STRUCTURE TRUSS SET PER 6/12R
 4. NATURE PLAY NET LOT PLANTING, 2-5' W6. AGE GROUP, 12" DEEP ENHANCED WOOD BEDDING
 5. 1" DIA. LOGS, 8-12' W6. AGE GROUP, 12" DEEP ENHANCED WOOD BEDDING
 6. LOG BALANCE BEAM WITH LOG STEPPING STONES PER DETAIL 3/12A
 7. CATERPILLAR CARVED LOG, CARVED BY LOCAL CHAMPAIGN ARTIST
 8. LIVING WILLOW ARCHWAY PER 6/12R
 9. SLOPED LOG CLIMBER PER 6/12R
 10. DOWNED LOG TRUNK WITH LOG STEPPING STONES PER 6/12R
 11. PLAY AREA RAMP PER 3/12A
 12. PLAY AREA RAMP PER 3/12A
 13. PLAY AREA RAMP PER 3/12A
 14. BANK OUP SURFACING PER 3/12A
 15. ROOT AND PLAY ELEMENT, DE-CORATED AND LANDED
 16. ARBOREUM PARADEISUS BARK SYNTHETIC TURF OR EQUAL, INSTALLED PER MANUFACTURER'S SPECIFICATIONS
 17. DE CLIMBERS - 3' BANK, SHIPPED AND SAVED LOGS PER 3/12B
 18. TRASH RECEPTACLE 4' X 4'
 19. TRASH RECEPTACLE 4' X 4'
 20. BENCH 4' X 4'
 21. BENCH 4' X 4'
 22. 5" WIDE SLOTT SURFACE PAH FOR DETAIL 3/12A



DATE: 8/2/2015 12:41 PM (AutoCAD) (Project: 005975-C-SP04) (User: C:\Users\j...)

NO.	DESCRIPTION	DATE	BY	CHKD
1	ISSUED FOR PERMITS	08/11/15	WHP	WHP
2	ISSUED FOR CONSTRUCTION	08/11/15	WHP	WHP
3	ISSUED FOR CONSTRUCTION	08/11/15	WHP	WHP
4	ISSUED FOR CONSTRUCTION	08/11/15	WHP	WHP
5	ISSUED FOR CONSTRUCTION	08/11/15	WHP	WHP
6	ISSUED FOR CONSTRUCTION	08/11/15	WHP	WHP
7	ISSUED FOR CONSTRUCTION	08/11/15	WHP	WHP
8	ISSUED FOR CONSTRUCTION	08/11/15	WHP	WHP
9	ISSUED FOR CONSTRUCTION	08/11/15	WHP	WHP
10	ISSUED FOR CONSTRUCTION	08/11/15	WHP	WHP



LOG STEPPING STONES
SCALE: 1/8" = 1'-0"

- NOTES:**
- LOGS TO BE SUBMITTED FOR TO A BURN CHARACTERIZATION REPORT BY THE END OF THE BIDDING PERIOD.
 - LOGS TO BE SUBMITTED FOR TO A BURN CHARACTERIZATION REPORT BY THE END OF THE BIDDING PERIOD.
 - LOGS TO BE SUBMITTED FOR TO A BURN CHARACTERIZATION REPORT BY THE END OF THE BIDDING PERIOD.



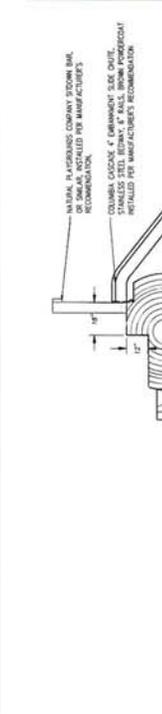
LOG BALANCE BEAM
SCALE: 1/8" = 1'-0"

- NOTES:**
- LOG TO BE PROVIDED BY OWNER. MINIMUM DIAMETER OF 10".
 - SECURE LOG TO CONCRETE FOOTING WITH THE UNBURNED END OF LOG.
 - ENSURE LOG MAINTAINS SURFACE LEVEL.



LOG TUNNEL
SCALE: 1/8" = 1'-0"

- NOTES:**
- LOG TO BE PROVIDED BY OWNER. MINIMUM DIAMETER OF 10".
 - SECURE LOG TO CONCRETE FOOTING WITH THE UNBURNED END OF LOG.
 - ENSURE LOG MAINTAINS SURFACE LEVEL.



SECTION A

1. NATURAL PLAYGROUND COMPANY STORM BAR, RECOMMENDED.

2. STAINLESS STEEL BUSHING, 4" WALL THICKNESS, RECOMMENDED.

3. ENGRAINED WOOD FIBER, RECOMMENDED.

4. NATIVE COMPACTED SOIL, RECOMMENDED.

5. 1/2" STEEL PIPE SPACED INTO LOG AND 1/2" WALL THICKNESS TO LOG OF FOOTING NOT TO GO PAST OUTSIDE LOG OF LOG.

6. 1/4" GALV. STEEL, 3/8" WALL THICKNESS, RECOMMENDED.

7. NATURAL PLAYGROUND COMPANY STORM BAR, RECOMMENDED.

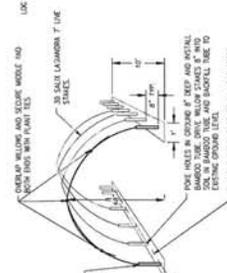
8. ENGRAINED WOOD FIBER, RECOMMENDED.

9. NATIVE COMPACTED SOIL, RECOMMENDED.



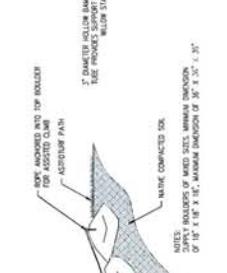
LOG COLUMN
SCALE: 1/8" = 1'-0"

- NOTES:**
- BOTTOM END OF LOG TO BE BURIED A MIN. OF 1' INTO NATIVE SOIL.
 - TOP END OF LOG TO BE BRACKETED TO SECURE THE TOP AND BOTTOM OF EACH LOG. SEE DETAIL 9/C3.8.



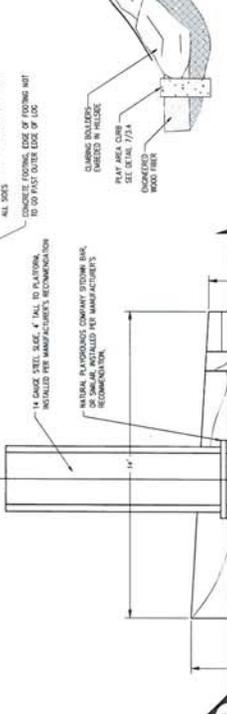
LIVING WILLOW ARCHWAY
SCALE: 1/8" = 1'-0"

- NOTES:**
- WILLOW BRANCHES TO BE STRAIGHT AND PLANTED WITHIN 24" OF THE GROUND SURFACE.
 - BRANCHES ON THE BOTTOM THIRD OF THE STAKE, ALLOW SPACE BETWEEN BRANCHES TO ALLOW FOR BRANCHES TO GROW.



SUPERBLOCK COLUMN
SCALE: 1/8" = 1'-0"

- NOTES:**
- CONCRETE PAD AROUND TREE TRUNK STAKES.
 - SEE DETAIL 10/C3.8 FOR TREE TRUNK STAKES.



SECTION B

1. NATURAL PLAYGROUND COMPANY STORM BAR, RECOMMENDED.

2. STAINLESS STEEL BUSHING, 4" WALL THICKNESS, RECOMMENDED.

3. ENGRAINED WOOD FIBER, RECOMMENDED.

4. NATIVE COMPACTED SOIL, RECOMMENDED.

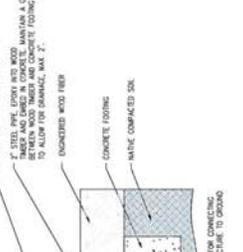
5. 1/2" STEEL PIPE SPACED INTO LOG AND 1/2" WALL THICKNESS TO LOG OF FOOTING NOT TO GO PAST OUTSIDE LOG OF LOG.

6. 1/4" GALV. STEEL, 3/8" WALL THICKNESS, RECOMMENDED.

7. NATURAL PLAYGROUND COMPANY STORM BAR, RECOMMENDED.

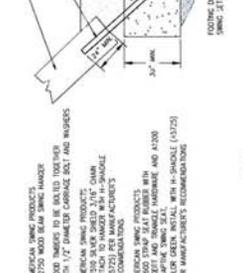
8. ENGRAINED WOOD FIBER, RECOMMENDED.

9. NATIVE COMPACTED SOIL, RECOMMENDED.



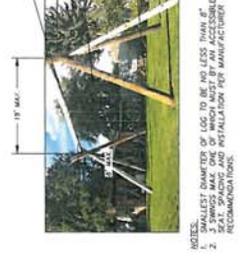
LOG COLUMN
SCALE: 1/8" = 1'-0"

- NOTES:**
- WHALE LOG WOOD THICK SUPPORTS.
 - 1/2" STEEL PIPE SPACED INTO LOG AND 1/2" WALL THICKNESS TO LOG OF FOOTING NOT TO GO PAST OUTSIDE LOG OF LOG.



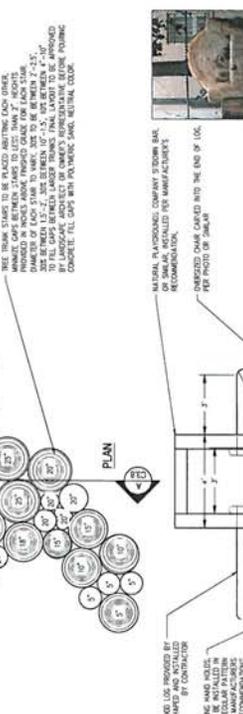
LOG TUNNEL
SCALE: 1/8" = 1'-0"

- NOTES:**
- WHALE LOG WOOD THICK SUPPORTS.
 - 1/2" STEEL PIPE SPACED INTO LOG AND 1/2" WALL THICKNESS TO LOG OF FOOTING NOT TO GO PAST OUTSIDE LOG OF LOG.



LOG TUNNEL
SCALE: 1/8" = 1'-0"

- NOTES:**
- WHALE LOG WOOD THICK SUPPORTS.
 - 1/2" STEEL PIPE SPACED INTO LOG AND 1/2" WALL THICKNESS TO LOG OF FOOTING NOT TO GO PAST OUTSIDE LOG OF LOG.

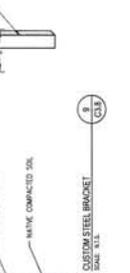


LOG TUNNEL
SCALE: 1/8" = 1'-0"

- NOTES:**
- WHALE LOG WOOD THICK SUPPORTS.
 - 1/2" STEEL PIPE SPACED INTO LOG AND 1/2" WALL THICKNESS TO LOG OF FOOTING NOT TO GO PAST OUTSIDE LOG OF LOG.

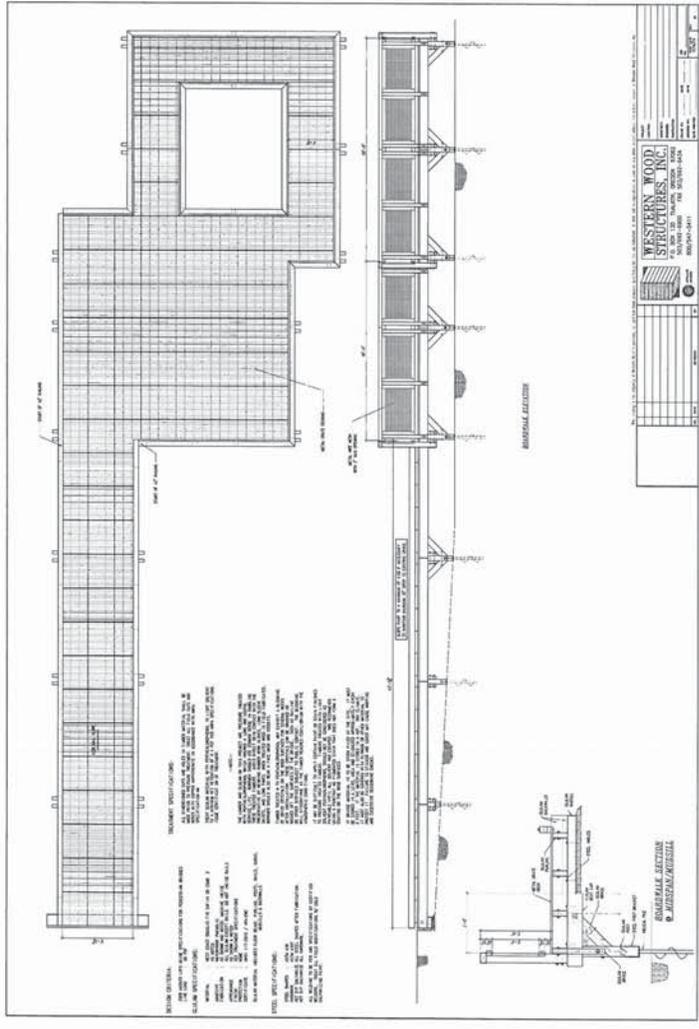
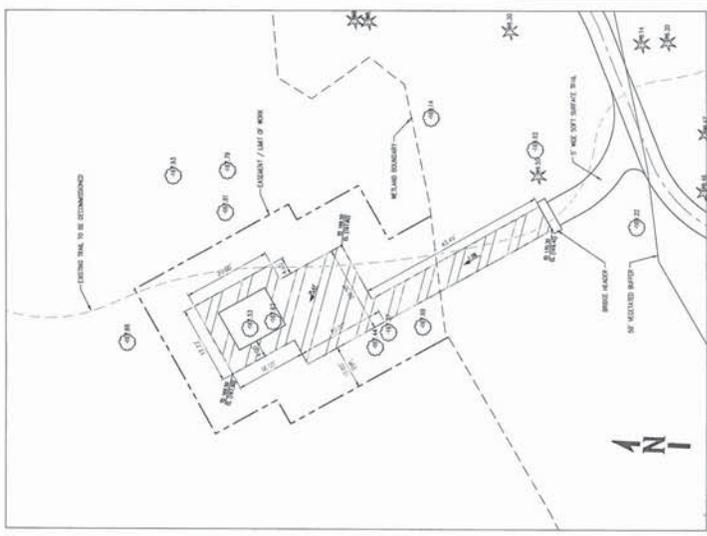
GENERAL KEYNOTES:

- ALL WOOD EDGES TO BE BURNED OFF.
- ALL WOOD TO BE STRIPPED OF BARK, CHANGED TO THICKS, SMOOTH AND COATED WITH THOMPSON'S WATERPROOF ADVANCED NATURAL WOOD PROTECTANT. COMPRESSIVE STRENGTH SHALL BE 100% SPEC.



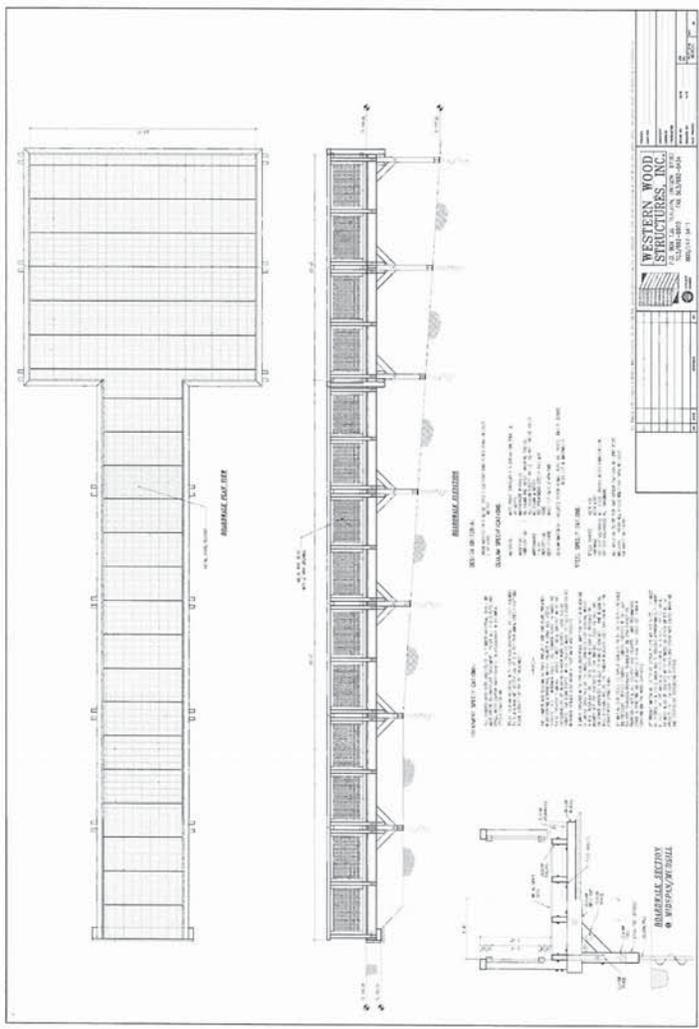
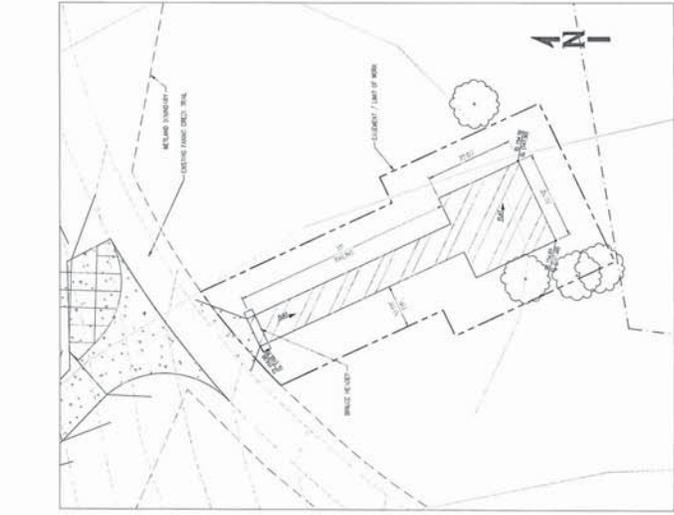
PROJECT NUMBER
 FORESTED WETLAND OVERLOOK
 CITY OF TIGARD
 DIRKSEN NATURE PARK - PHASE II
 025975-C-DT05
 PROJECT NUMBER
 P00015W

WHPacific
 4110 SW Harbor Way, Suite 100
 Portland, OR 97201
 Phone: 503.288.4477
 Fax: 503.288.4478
 www.whpacific.com



PRELIMINARY PLANS PROVIDED FOR DESIGN INTENT. BOARDWALKS TO BE CONTRACTOR DESIGNED AND INSTALLED. CONTRACTOR TO SUBMIT FINAL SHOP DRAWINGS AND STRUCTURAL CALCULATIONS FOR APPROVAL AND BUILDING PERMIT SUBMITTAL.

DATE: 8/12/2015 3:04 PM | AUTHOR: jsm@wps.com | PROJECT: DIRKSEN NATURE PARK - PHASE II | SHEET: WETLAND OVERLOOK (C3.9) | LAYOUT: C3.9 BOARDWALK DETAILS



**NATURE IN NEIGHBORHOODS CAPITAL GRANT
(F3) PROJECT BUDGET WORKSHEET**

PROFESSIONAL SERVICES COSTS					NOTES/CHANGES FROM IGA BUDGET SPREADSHEET
	financial match	in-kind match	grant request	TOTAL	
A. Pre-Agreement					
1. Non-profit staff				\$0.00	
2. Agency staff	\$15,000.00			\$15,000.00	
3. Consultants	\$50,000.00			\$50,000.00	
4. Volunteers				\$0.00	
B. Post-Agreement Costs					
1. Non-profit staff				\$0.00	
2. Agency staff	\$24,000.00			\$24,000.00	
3. Consultants	\$100,000.00		\$0.00	\$100,000.00	CITY- Decreased by \$18,000
4. Volunteers		\$76,000.00		\$76,000.00	
Total for Professional Services	\$189,000.00	\$76,000.00	\$0.00	\$265,000.00	

CONSTRUCTION COSTS					NOTES/CHANGES FROM IGA BUDGET SPREADSHEET
	financial match	in-kind match	grant request	TOTAL	
A. Park Elements					
1. Environmental Education Center & Concrete Pathway (Ph 1)	\$139,852.00			\$139,852.00	CITY- Incuded hard surface pathway with building improvements- called it Phase 1. Mobilization and contingency costs are a part of Phase 1
2. Oak Savanna Restoration	\$272,000.00	\$2,000.00		\$274,000.00	CITY - Added this scope element. 4-yr restoration contract has been set up, starting this year. Removed scope element & contribution from NIN grant
3. Oak Savanna Overlook	\$33,097.00		\$41,100.00	\$74,197.00	CITY- Anticipated AGILYX Money (\$33,000). Increased Metro allocation by taking from Oak Savanna restoration
4. Nature Play Area	\$89,720.00		\$121,000.00	\$210,720.00	CITY- Added financial match for playground features
5. Fanno Crk and Forested Wetland Boardwalks	\$67,300.00		\$197,900.00	\$265,200.00	CITY- Added to financial match and added the wetland boardwalk to the City scope. Increased Metro
6. Forested Wetland Restoration	\$0.00	\$10,000.00	\$30,000.00	\$40,000.00	
7. Interpretive Signage	\$1,200.00			\$1,200.00	CITY - Installed at donated exercise equipment

CITY - Installed around ball field for donated exercise equipment

CITY - Remaining furnishings are included with applicable park element

8. Soft Surface Trails	\$2,700.00	\$3,000.00	\$5,700.00
9. Furnishings	\$0.00	\$13,000.00	\$13,000.00
B. Permits	\$12,000.00		\$12,000.00
Total for Construction Costs	\$617,869.00	\$28,000.00	\$390,000.00

ACQUISITION COSTS

Please estimate the cost for all work elements. Please feel free to change the list.

	financial match	in-kind match	grant request	TOTAL
A. Purchase Price				\$0.00
B. Option Purchase				\$0.00
C. Option Reimbursement				\$0.00
D. Appraisal & Appraisal Review*				\$0.00
E. Title Report, insurance & documents				\$0.00
F. Phase I Enviro Assessment				\$0.00
G. Stewardship endowment				\$0.00
H. Management Plan Development				\$0.00
I. Baseline Documentation				\$0.00
Total for Acquisition Costs	\$0.00	\$0.00	\$0.00	\$0.00

OTHER COSTS

A. Travel (use current State of Oregon rates)				\$0.00
B. Overhead/Indirect costs - these can only be used as match.				\$0.00
				\$0.00
Totals for Other Costs	\$0.00	\$0.00	\$0.00	\$0.00

TOTAL PROJECT COSTS	\$806,869.00	\$104,000.00	\$390,000.00	\$1,300,869.00
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BUDGET WORKSHEET LINE ITEMS - The line items have been paired down and incorporated into each park element from Environmental Education Center to Forested Wetland Restoration Mobilization, bonding, clearing & grubbing, contingencies have been added to each park element listed above.

AIS-2357

C.

Business Meeting

Meeting Date: 11/10/2015

Length (in minutes): 20 Minutes

Agenda Title: Discussion on Upcoming Contracts

Prepared For: Joseph Barrett

Submitted By: Joseph Barrett, Finance and Information Services

Item Type: Update, Discussion, Direct **Meeting Type:** Local
Staff Contract
Review
Board

Public Hearing No

Newspaper Legal Ad Required?:

Public Hearing Publication

Date in Newspaper:

Information

ISSUE

Discussion on upcoming contracts for Utility Bill Mailing and Street Sweeping and an IGA for the Intellectual Property Crime Enforcement Task Force that require Local Contract Review Board or City Council approval.

STAFF RECOMMENDATION / ACTION REQUEST

Staff is seeking Council direction on any additional information or direction they would like to see in preparation of award decisions for upcoming proposed contracts.

KEY FACTS AND INFORMATION SUMMARY

Utility Bill Mailing

The city currently generates approximately 250,000 utility bills during a calendar year. Mailings average 4,850 bills, 300 urgent notices, and 50 final statements each week reaching over 18,500 customers monthly. Bills are processed 52 weeks a year though the city's Springbrook financial system. In addition to standard utility bills, each week the City also sends Urgent Notices via USPS first class mail to customers who are past due on their account. As with standard bills, a file will be sent to the Awarded Contractor electronically so these Urgent Notice statements can be printed and mailed by the Awarded Contractor. For those bills that are not paid and are approaching the deadline for water to be disconnected due to non-payment, a file will be sent to the Awarded Contractor to prepare Final Notices in a pdf file that can then be printed by the City.

The city uses the services of a contractor to provide printing, mailing, including postage, and barcode service for the city's Financial and Information Services Department. The bulk of the services will be provided to the city's Utility Billing division but may also include other special mailings such as the City's Business License renewal notices. The mailing and barcode service shall include same-day service for the printing of utility statement sent electronically to the Awarded Contractor, folding and inserting into envelopes, printing of bar code on envelopes, applying postage, and delivering to the Post Office.

The city issued an RFP for the services on September 11th and received responses back from six firms

- BMS Technologies
- AFTS
- Databar
- Epiq Systems
- Metro Presort
- Sebis Direct

The scoring panel reviewed these proposals based on the criteria in the RFP and determined that BMS Technologies, Epiq Presort, and Metro Presort to be the top ranking firms. The panel's consensus was to issue a "Best and Final" pricing request to the three top ranking firms in order to best determine the potential contract cost. An estimated contract amount will be \$750,000 over five years. The contract award will be presented to Council at a future meeting - likely December 8th.

Street Sweeping

In late September, the City issued a Request for Proposal for street sweeping services on an as-required basis. Work to be completed under this services includes the following:

- Street sweeping and/or street flushing and removal of debris as required for approximately 320 sweeping miles of Tigard streets (both sides of street). Each street will be swept at least once each month.
- Detailing and sweeping of the City's parking lots each month. A total of 519,217 square feet of parking lot will be swept each month.
- Special sweeps that are outside the regular monthly sweeps. Special sweep may include, but are not necessary limited to, the following:
 - Automobile accidents,
 - Material spills on the roadway,
 - Construction zone cleanup, and
 - Snowfall and subsequent sweep of sand on the roadway
- Street sweeping for business and high traffic main boulevards will be done between the hours of 4:00 am to 7:00 am and residential shall be swept between the hours of 7:00 am and 7:00 pm.

The City received proposals from one contractor (and current city contractor), Water Truck

Services, Inc. Our previous RFP issued five years ago only had two responses so staff is not surprised by such a small list for such a specialty service. Water Truck's submitted proposal demonstrated an ability to provide the full range of services requested. A Selection Committee comprised of Public Works staff reviewed the proposals and scored them based on the following criteria:

- Firm Qualifications,
- Project Understanding, and Approach, and
- Cost Proposal

Requests for Proposals (RFPs) are awarded based on the highest scoring proposal on all criteria, unlike an Invitation to Bid (ITB) which is awarded based solely on low cost. Based on the review and scoring from the review by the Selection Committee, staff recommends award of the City's Street Sweeping Services contract to Water Truck Service, Inc. in the amount estimated at \$255,000 during the first year of a possible five year contract. The total amount over the possible life of the agreement is estimated to not exceed roughly \$1.3 million. Staff plans to make a recommendation for award of this contract at the November 24th Business Meeting and would like to use the Consent Agenda if Council so agrees.

IGA - Intellectual Property Crimes Task Force

The Portland Police Bureau (PPB) has recently been awarded a Federal Bureau of Justice Assistance grant in order to establish a multi-jurisdictional Intellectual Property Crime Enforcement Task Force (IPCE) and has asked Tigard Police to participate. The specific Tigard staff invited to participate on an overtime basis include all of the detectives from the Commercial Crimes Unit, the CCU sergeant and the department's crime analyst.

Overview

The purpose of the IPCE task force will be combat the ongoing problem of intellectual property crimes such as trademark counterfeiting and piracy. Typical venues for this type of crime include flea markets, small retail establishments, second-hand merchants as well as a variety of online stores. The IPCE task force will focus on interrupting these crimes by:

- Conducting targeted enforcements of intellectual property rights
- Creating public outreach and education to increase awareness
- Establishing partnerships with federal and state prosecutors

Costs

The Portland Police Bureau will reimburse Tigard staff for overtime dedicated to the IPCE task force as well as fund training and other incidentals over a 24 month period, or until the funding has been depleted. PPB's initial award for this timeframe was approximately \$373,000 with funds tentatively allocated by participating police departments based on estimated hours per month. Although we will not know Tigard's specific reimbursement cap until the membership and monthly hours have been settled, we anticipate Tigard's share to be between \$100,000 and \$150,000 over the next two years.

Next Steps

Staff anticipates bringing the IPCE task force IGA with the Portland Police Bureau to Council

for consideration during the December 8th Council Business meeting.

OTHER ALTERNATIVES

Direct staff to reject all proposals and reissue either or both of the Request for Proposals.

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

DATES OF PREVIOUS COUNCIL CONSIDERATION

This is the first time these contracts have been discussed by Council.

Attachments

No file(s) attached.

AIS-2437

3. A.

Business Meeting

Meeting Date: 11/10/2015

Length (in minutes): Consent Item

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

Submitted By: Carol Krager, Central Services

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 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: November 3, 2015

November

3	Tuesday	City Center Development Agency – CANCELLED
10*	Tuesday	Council Business Meeting – 6:30 p.m., Town Hall
11	Wednesday	Veterans Day Holiday – City Offices & Library Closed
17*	Tuesday	Council Workshop Meeting – 6:30 p.m., Town Hall
24*	Tuesday	Council Business Meeting – 6:30 p.m., Town Hall
26	Thursday	Thanksgiving Holiday – City Offices & Library Closed
27	Friday	Day after Thanksgiving– City Offices Closed, Library Open

December

1	Tuesday	City Center Development Agency – 6:30 p.m., Town Hall
8*	Tuesday	Council Business Meeting – 6:30 p.m., Town Hall
15*	Tuesday	Council Workshop/Business Meeting – 6:30 p.m., Town Hall
22*	Tuesday	Council Training & Groundrules Meeting – 5:30-9:30 p.m, Fanno Creek House
25	Friday	Christmas Holiday – City Offices & Library Closed

January

1	Friday	New Year's Day Holiday – City Offices & Library Closed
5	Tuesday	City Center Development Agency – 6:30 p.m., Town Hall
12*	Tuesday	Council Business Meeting – 6:30 p.m., Town Hall
18	Monday	Martin Luther King Jr. Day – City Offices Closed, Library Open
19*	Tuesday	Council Workshop/Business Meeting – 6:30 p.m., Town Hall
26*	Tuesday	Council Business Meeting – 6:30 p.m., Town Hall
28	Thursday	Council Outreach– 6:30-8:30 p.m., Summerfield Clubhouse

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
 11/2/2015 1:25 PM - Updated**

Form #	Meeting Date	Submitted By	Meeting Type	-----Title-----	Department	Inbox or Finalized
2039	11/10/2015	Norma Alley	AAA	November 10, 2015 Business and CCDA Meeting		
2075	11/10/2015	Norma Alley	ACCSTUDY	15 Minutes - Council Liaison Reports	City Management	12/22/2014
2310	11/10/2015	Judy Lawhead	ACCSTUDY	10 Minutes - Briefing on an Agreement with Metro Regarding a Grant to Develop Dirksen Nature Park	Public Works	10/29/2015
2357	11/10/2015	Joseph Barrett	ACCSTUDY	20 Minutes - Discussion on Upcoming Contracts	Finance and Info Services	10/28/2015
Total Time: 45 of 45 Minutes Scheduled – STUDY SESSION IS FULL						
2360	11/10/2015	Joseph Barrett	ACONSENT	Consent Item - Contract Award - Dirksen Nature Park - Environmental Education Center & Pathway Improvements	Finance and Information Services	10/29/2015
2382	11/10/2015	Lisa Shaw	CCBSNS	1 15 Minutes – Informational Public Hearing: Update to Chronic Nuisance Property Ordinance (TMC 7.42)	Police	Krager C, City Recorder
2368	11/10/2015	Dana Bennett	CCBSNS	2 15 Minutes - City Manager Evaluation Criteria and Process Adoption	City Management	10/28/2015
2375	11/10/2015	Lloyd Purdy	CCBSNS	3 15 Minutes - Intent to Pursue Grant Funding: Connect Oregon VI - Tigard Street Heritage Trail	Community Development	10/28/2015
2400	11/10/2015	Carissa Collins	CCBSNS	4 10 Minutes - Special Supplemental: City Center Development Agency Appropriation	Finance and Info Services	10/28/2015
2406	11/10/2015	Carissa Collins	CCBSNS	5 10 Minutes - Public Hearing: FY 2016 Adopted Budget Amendment	Finance and Info Services	10/28/2015
2414	11/10/2015	Norma Alley	CCBSNS	6 25 Minutes - Executive Session Per ORS 192.660(2) (h)	City Management	10/26/2015
Total Time: 100 of 100 Minutes Scheduled – MEETING IS FULL						
2040	11/17/2015	Norma Alley	AAA	November 17, 2015 Workshop Meeting		
2338	11/17/2015	Steve Martin	CCWKSHOP	1 50 Minutes - Joint Meeting with the Park and Recreation Advisory Board	Public Works	11/2/2015
2327	11/17/2015	Norma Alley	CCWKSHOP	2 60 Minutes - Continued Discussion on Parks &	Finance and	LaFrance T,

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

**City Council Tentative Agenda
 11/2/2015 1:25 PM - Updated**

Form #	Meeting Date	Submitted By	Meeting Type	-----Title-----	Department	Inbox or Finalized
				Recreation Charge	Information Services	Fin/Info Svcs Director
2363	11/17/2015	Liz Hormann	CCWKSHOP	3 30 Minutes - Safe Routes to School Update	Community Development	Hormann L, SRTS Program Coord
2325	11/17/2015	Carissa Collins	CCWKSHOP	4 20 Minutes - Continued Discussion on the Sidewalk Gap Program	Finance and Info Services	Collins C, Sr Mgmt Analyst
2167	11/17/2015	Lloyd Purdy	CCWKSHOP	5 20 Minutes - Economic Development Update	Community Development	Purdy, L, Econ Development Mgr
Total Time: 180 of 180 Minutes Scheduled – MEETING IS FULL						
2041	11/24/2015	Norma Alley	AAA	November 24, 2015 Business Meeting		
2076	11/24/2015	Norma Alley	ACCSTUDY	1 15 Minutes - Council Liaison Reports	City Management	12/22/2014
2388	11/24/2015	Mike Lueck	ACCSTUDY	2 10 Minutes - Natural Hazard Mitigation Plan Mandated 5 year Review	Public Works	Rager B, PW Director
2384	11/24/2015	Dennis Koellermeier	ACCSTUDY	3 20 Minutes - Briefing on Lake Oswego/Tigard Water Partnership Activities	Public Works	Koellermeier D, LOT Water Proj Coord
Total Time: 45 of 45 Minutes Scheduled – STUDY SESSION IS FULL						
2311	11/24/2015	Judy Lawhead	CCBSNS	1 10 Minutes - METRO Nature In Neighborhoods Grant for Dirksen Nature Park	Public Works	Rager B, PW Director
2378	11/24/2015	Joseph Barrett	CCBSNS	2 10 Minutes - Contract Award - Street Sweeping Services	Finance and Info Services	Barrett J, Sr Mgmt Analyst
2380	11/24/2015	Norma Alley	CCBSNS	3 10 Minutes - Update on the Strategic Plan	City Management	Wyatt K, Mgmt Analyst
2395	11/24/2015	Kent Wyatt	CCBSNS	4 15 Minutes - Adopt 2016 State and Federal Legislative Agenda	City Management	Wyatt K, Mgmt Analyst
2389	11/24/2015	Judy Lawhead	CCBSNS	5 10 Minutes - Briefing on an IGA with the Oregon Department of Transportation for Design and Construction of New Sections of Fanno Cr. Trail	Public Works	McCarthy M, St/Trans Sr Proj Eng

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

**City Council Tentative Agenda
 11/2/2015 1:25 PM - Updated**

Form #	Meeting Date	Submitted By	Meeting Type	-----Title-----	Department	Inbox or Finalized
2407	11/24/2015	Sean Farrelly	CCBSNS	6 10 Minutes - Saxony Property	Community Development	Farrelly S, Redev Project Manager
2408	11/24/2015	Sean Farrelly	CCBSNS	7 5 Minutes - City Center Urban Renewal Plan Amendment	Community Development	Farrelly S, Redev Project Manager
2409	11/24/2015	Sean Farrelly	CCBSNS	8 5 Minutes - Council resolution on Saxony Property	Community Development	Farrelly S, Redev Project Manager
Total Time: 75 of 100 Minutes Scheduled						
2142	12/01/2015	Norma Alley	AAA	December 1, 2015 CCDA Meeting		
2127	12/01/2015	Sean Farrelly	CCDA	25 Minutes - Future of Saxony Site - Update	Community Development	Farrelly S, Redev Project Manager
2133	12/01/2015	Sean Farrelly	CCDA	20 Minutes - Brownfield Initiative Update	Community Development	Farrelly S, Redev Project Manager
2136	12/01/2015	Sean Farrelly	CCDA	45 Minutes - Annual Report on the Urban Renewal District	Community Development	Farrelly S, Redev Project Manager
2393	12/01/2015	Norma Alley	CCDA	25 Minutes - Update on Downtown Parking	Community Development	Farrelly S, Redev Project Manager
2412	12/01/2015	Sean Farrelly	CCDA	10 Minutes - Approve Brownfield Grant Application	Community Development	Farrelly S, Redev Project Manager
Total Time: 125 of 180 Minutes Scheduled						
2042	12/08/2015	Norma Alley	AAA	December 8, 2015 Business Meeting		
2077	12/08/2015	Norma Alley	ACCSTUDY	15 Minutes - Council Liaison Reports	City Management	12/22/2014
2369	12/08/2015	Dana Bennett	ACCSTUDY	30 Minutes – Executive Session per ORS 192.660(2)(i)	City Management	09/14/2015
Total Time: 45 of 45 Minutes Scheduled – STUDY SESSION IS FULL						
2416	12/08/2015	Steve Martin	CCBSNS	Consent Agenda - Consider Authorizing the City Manager to Sign an IGA with Metro for the Maintenance of a Trail Easement	Public Works	Martin S, Division Manager

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

**City Council Tentative Agenda
 11/2/2015 1:25 PM - Updated**

Form #	Meeting Date	Submitted By	Meeting Type	-----Title-----	Department	Inbox or Finalized
2353	12/08/2015	Liz Lutz	CCBSNS	1 5 Minutes - Appoint Audit Committee Members	Finance and Info Services	Lutz L, Conf Exec Asst
2354	12/08/2015	Liz Lutz	CCBSNS	2 5 Minutes - Appoint Budget Committee Members	Finance and Info Services	Lutz L, Conf Exec Asst
2405	12/08/2015	Doreen Laughlin	CCBSNS	3 5 Minutes - Planning Commission Appointments	Community Development	McGuire, T, Asst CD Director
2358	12/08/2015	Joseph Barrett	CCBSNS	4 10 Minutes - Contract Award - Utility Billing Mailing Services	Finance and Info Services	Barrett J, Sr Mgmt Analyst
2324	12/08/2015	Carissa Collins	CCBSNS	5 30 Minutes - Info. PH: Sidewalk Gap Program	Finance and Info Services	Collins C, Sr Mgmt Analyst
2394	12/08/2015	Lisa Shaw	CCBSNS	6 5 Minutes - Intellectual Property Crimes Task Force - IGA	Police	Shaw L, Police Business Manager
2390	12/08/2015	Judy Lawhead	CCBSNS	7 10 Minutes - Consider Authorizing the City Manager to Sign an IGA with ODOT for Design and Construction of New Sections of the Fanno Creek Trail	Public Works	McCarthy M, St/Trans Sr Proj Eng
2415	12/08/2015	Carol Krager	CCBSNS	8 20 Minutes – Discussion on Smoking Ban	City Management	Newton L, Asst City Manager
Total Time: 90 of 100 Minutes Scheduled						
2043	12/15/2015	Norma Alley	AAA	December 15, 2015 Workshop Meeting		
2424	12/15/2015	Carol Krager	CCWKSHOP	45 Minutes - Placeholder - Joint Meeting with the Budget Committee	Finance and Info Services	LaFrance T, Fin/Info Svcs Dir
2411	12/15/2015	Cheryl Caines	CCWKSHOP	30 Minutes - Tigard Triangle Project Update	Community Development	Caines C, Assoc Planner
2413	12/15/2015	Susan Shanks	CCWKSHOP	30 Minutes - River Terrace Update	Community Development	Shanks S, Senior Planner
2423	12/15/2015	Loreen Mills	CCWKSHOP	40 Minutes - Executive Session - exempt public records under ORS 192.660(2) (f)	City Management	10/28/2015
Total Time: 145 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
 11/2/2015 1:25 PM - Updated**

Form #	Meeting Date	Submitted By	Meeting Type	-----Title-----	Department	Inbox or Finalized
2044	12/22/2015	Norma Alley	AAA	December 22, 2015 Council Training Fanno Creek House 5:30-9:30 p.m.		
2402	01/12/2016	Carol Krager	AAA	January 12, 2016 Business Meeting		
2425	01/12/2016	Norma Alley	ACCSTUDY	15 Minutes - Council Liaison Reports	Central Services	10/29/2015
Total Time: 15 of 45 Minutes Scheduled						
2328	01/12/2016	Norma Alley	CCBSNS	45 Minutes - Public Hearing: Consideration of a Parks & Recreation Charge	Finance and Info Services	LaFrance T, Fin/Info Svcs Dir
2376	01/12/2016	Dana Bennett	CCBSNS	10 Minutes - Consider Amendment to Contract	City Management	Bennett, D, HR Director
Total Time: 55 of 100 Minutes Scheduled						
2403	01/19/2016	Carol Krager	AAA	January 19, 2016 Workshop Meeting Mayor Cook Absent		
2373	01/19/2016	Liz Lutz	CCWKSHOP	30 Minutes - Second Quarter Budget Committee Meeting	Finance and Info Services	Lutz L, Conf Exec Asst
2374	01/19/2016	Liz Lutz	CCWKSHOP	30 Minutes - City of Tigard Financial Audit Report	Finance and Info Services	Lutz L, Conf Exec Asst
Total Time: 60 of 180 Minutes Scheduled						
2404	01/26/2016	Carol Krager	AAA	January 26, 2016 Business Meeting		
2426	01/26/2016	Norma Alley	ACCSTUDY	15 Minutes - Council Liaison Reports	Central Services	10/29/2015
Total Time: 15 of 45 Minutes Scheduled						
	01/28/2016			January 28, 2016 Council Outreach Summerfield Club House 7-8:30 p.m.		
	02/04/2016			February 4, 2016 State of the City Address Indio Spirits (7272 SW Durham Rd., #100) 6:30-8:30 p.m.		

AIS-2438

3. B.

Business Meeting

Meeting Date: 11/10/2015

Length (in minutes): Consent Item

Agenda Title: Approve City Council Meeting Minutes

Submitted By: Carol Krager, Central Services

Item Type: Motion Requested

Meeting Type: Consent
Agenda

Public Hearing:

Publication Date:

Information

ISSUE

Approve City Council meeting minutes.

STAFF RECOMMENDATION / ACTION REQUEST

Approve minutes as submitted.

KEY FACTS AND INFORMATION SUMMARY

Attached council minutes are submitted for City Council approval:

- October 13, 2015
- October 20, 2015

OTHER ALTERNATIVES

N/A

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

N/A

DATES OF PREVIOUS COUNCIL CONSIDERATION

N/A

Attachments

October 13, 2015 Minutes

October 20, 2015 Minutes



City of Tigard

Tigard City Council Meeting Agenda October 13, 2015



STUDY SESSION

Council Present: Mayor Cook, Councilor Henderson, Councilor Woodard, Council President Snider and Councilor Goodhouse.

Staff Present: City Manager Wine, Assistant City Manager Newton, HR Director Bennett, Parks Manager Martin, CCAC Chair Arendes, Economic Development Manager Purdy, Community Development Director Asher, and City Attorney Ramis

Mayor Cook called the Study Session to order at 6:31 p.m.

- A. COUNCIL LIAISON REPORTS - Councilor Henderson reported on the National Alliance on Mental Illness (NAMI) Gordon and Sharon Smith Award dinner on October 6. Amanda Fritz, Steven Fritz and Max Williams were the New Freedom Award recipients. He said he attended several sessions at the League of Oregon Cities (LOC) Conference in Bend including Councilor Workshop 101 and sessions on marijuana and homelessness. Councilor Henderson also attended the Main Street Conference and commented that it is maturing, with several interesting sessions such as marketing, branding, developer for a day workshop, and Zero to Hero (which is a person on Main Street that helps market other business neighbors). He attended a session on business improvement districts (BIDs) in Oregon and Washington. He attended the Regional Water Providers Consortium and was surprised at the changes in staff.

Councilor Woodard reported on a presentation at the PRAB meeting on the potential of cycle-cross and BMX bicycling activities in Dirksen Nature Park, along the Tigard Street Trail or the power line area on Bull Mountain. He said enthusiasts come from all over the world to course destinations and this can benefit a community offering a premium or unusual course. He noted people can skateboard for a while but can ride bikes and walk all their lives. He mentioned that Associate Planner Grass gave a great presentation on Safe Routes to Schools and commented that the PRAB appreciates staff taking time to share information and give updates.

Councilor Goodhouse reported on his participation in Bike/Walk to School Day and recommended more sidewalks and safer crosswalks, especially on McDonald Street. He reported on a session at the LOC Conference on the benefits one-half hour of walking can have on city residents, making them healthier. He attended a dispensary tour and learned about advances in packaging edible marijuana products, with tougher, harder to open packages that are clearly marked. He saw security and inventory control systems and other

TIGARD CITY COUNCIL MEETING MINUTES – OCTOBER 13, 2015

accountability efforts in the industry. He attended a breakout sessions on housing and heard that the City of Bend has a program for lowering SDCs for building affordable housing. He recommended that Tigard examine Bend's program. Mayor Cook said they cannot have a different SDC rate but they can grant some of the charge back to the developer.

Councilor Goodhouse attended JPACT and WCCC and the takeaway was that many cities want to put the brakes on transportation spending until they can give greater input on where the money is going. Community Development Director Asher gave a presentation at TTAC on the capital improvement plan and Councilor Goodhouse said the TTAC held a lengthy discussion on how projects are scored and will be developing a prioritized recommendation list for council.

Mayor Cook said Tigard received the gold award at the LOC Conference from CIS for having the least number of work days missed due to workplace injuries, for cities with our number of employees.

Economic Development Manager Purdy announced that the Tigard Downtown Alliance received the Best Special Event Award from the Oregon Main Street for their SubUrban Art Program (ten murals spray painted by urban artists) displayed at the Downtown Art Walk. The murals can still be seen along the Tigard Street Trail and the TDA will be auctioning them to raise money for a permanent art installation. Council President Snider recommended the city vote to choose one to purchase before they are all sold. City Manager Wine recommended a discussion with the TDA on this process. Mayor Cook said this will be continued to a CCDA meeting discussion.

- B. DISCUSS TIGARD ENTERPRISE ZONE EXPANSION WITH CITY OF LAKE OSWEGO – Economic Development Manager Purdy said Lake Oswego approached Tigard and requested an expansion of the Tigard Enterprise Zone to include some of their industrial/commercial zoned land. He introduced Lake Oswego Senior Planner Sarah Selden.

If council wants to move forward with this, he will bring back a resolution and IGA for consideration at the October 27 council meeting. If approved by council he will take it to Business Oregon, the state's economic development agency, which can allow amending the enterprise zone boundary to support business growth in a neighboring city.

In response to a question from Councilor Woodard on how much time Mr. Purdy spends administering the enterprise zone program he said he spends four to six hours to certify each company for eligibility. He said Lake Oswego will reimburse Tigard for his time spent certifying their businesses. The application fee paid by a Tigard company goes to Tigard but the IGA will be written so that a Lake Oswego company would pay their application fee to Lake Oswego.

Council President Snider asked about a previous attempt to join Beaverton's Enterprise Zone which failed and why this potential partnership was different. Mr. Purdy said Lake Oswego and Tigard attorneys are already working on an IGA and that point in the process

TIGARD CITY COUNCIL MEETING MINUTES – OCTOBER 13, 2015

was not even reached with Beaverton. He said the advantages are the same as before, but this has been a better partnership. In response to a question from Councilor Henderson, Mr. Purdy said the areas do not have to be contiguous if other requirements are met. The zones must be within 12 miles of each other. He said since he wrote the AIS, the Lake Oswego area has been reduced slightly to cut out some railroad tracks that did not need to be included.

Councilor Goodhouse asked if there was any downside to this program. Mr. Purdy said there will be four to six hours of his time not available for Tigard businesses but he realizes that the city's employers and workforce are part of a regional system that includes both cities. Ms. Selden said about 15 Lake Oswego businesses could be eligible and one has already indicated that they are interested in taking advantage of this program.

Council President Snider asked how this request came about and Ms. Selden said her city's largest private employer went to Business Oregon regarding expansion and a desire to remain in the area and the enterprise zone program was discussed. They considered joining Clackamas County's zone but did not meet the 12-mile proximity requirement. Business Oregon told them that Tigard had recently created an enterprise zone so she approached Economic Development Director Purdy. She thanked the council for considering another partnership with the City of Lake Oswego and expressed appreciation to Mr. Purdy for his assistance.

- C. RECEIVE BRIEFING ON TWO UPCOMING IGAs WITH METRO FOR TRAIL SEGMENTS – Parks Manager Martin updated council on two upcoming IGAs with Metro and an additional IGA that is not as imminent. The first IGA is to receive and maintain a trail segment that connects Sunrise Lane to Sandridge Lane. The current paved trail is on private property and Metro is in negotiations to purchase the property. It connects the future Westside Trail and several Bull Mountain neighborhoods to the future Sunrise Community Park. It will be a permanent easement until the homeowner builds a home and divides the property at which time Metro will acquire the property.

The second IGA is for Metro to reimburse Tigard \$660,000 to design and construct a bridge over Fanno Creek and build the connecting trail segments to better connect Dirksen Nature Park across Tiedeman Avenue to Woodard Park. The city will end up with a small parking lot on the Swann property. This project removes a dangerous turn on the trail and moves the trail off Tiedeman Avenue and onto the Clean Water Services maintained Swann property and connecting with the existing trail in Woodard Park.

He asked council if he could put an IGA on a future consent agenda. This IGA allows the city to build the Fanno Creek Trail on the Fields and Brown property from the library to Bonita Road. Council clarified the location and said this could be on a consent agenda.

Councilor Goodhouse asked if Tigard could get a large wooden Fanno Creek Trail map similar to what is displayed at the Garden Home Recreation Center. Mr. Martin said it is coming and should have been here two years ago.

TIGARD CITY COUNCIL MEETING MINUTES – OCTOBER 13, 2015

- D. DISCUSS CITY MANAGER EVALUATION CRITERIA AND PROCESS – Human Resources Director Bennett asked if council had questions about the changes she made to the evaluation. These were based on comments they gave her at the end of the process last year. She gave council the old and new versions for comparison. Council President Snider said he liked it and Councilor Woodard said it was a good format. He suggested adding “C. 1-5 year recreation plan,” for next year. He liked that homelessness was added as a goal.

Ms. Bennett distributed a copy of the employee input form. She said she will return on November 10 for a public hearing to develop criteria. In response to a question from Council President Henderson, City Attorney Ramis said the statute says you can hold an executive session to review a city manager only if you held a public hearing on developing the criteria that will be used.

Administrative Items:

1. Two-pass rule for Contracts – City Manager Wine described the two-pass process for contracts which has been in place for three years. Staff indicated to her that it is time consuming and sometimes difficult to schedule contracts twice on very full meeting agendas. She asked council if this process was still valuable to them or could they receive their first notification through a briefing memo in advance of a meeting to consider the contract. Mayor Cook noted that council would still receive the information one week ahead and there would still be time to call or ask questions. They can always ask that it be postponed to another meeting.

Council President Snider said it may seem redundant to staff but he felt the current process was more efficient, most of the time, for council. He said getting a memo and then having to call staff and not know what other questions were being asked is not efficient. Councilor Henderson said it is public money and he wants to be more cautious. Councilor Woodard said he also favors the two-pass process. He noticed in his first two years on council things came by too fast. Councilor Snider said staff input is valid and council could try to be more succinct during meetings in order to get business done more quickly as opposed to having meetings go longer. He said council should not be an obstruction in getting city business done.
2. LOC Policy Committees – City Manager Wine handed out applications for League of Oregon City Policy Committees and encouraged council to sign up if interested. She asked council to return the forms to her or Executive Assistant Bengtson.
3. Supplemental Budget Addition - .1 FTE in Central Services – City Manager Wine discussed an addition to the city’s supplemental budget that will result in an increase of .1 FTE for a municipal court supervisor to replace a .9 FTE employee that is retiring. This position would equal 1 FTE.
4. Public Comments on Fields Trust Comp Plan Amendment and Zone Change – City Recorder Krager asked council if anyone wanted a paper copy of recent public

TIGARD CITY COUNCIL MEETING MINUTES – OCTOBER 13, 2015

comments regarding the Fields hearing tonight. These had been sent to council earlier via email.

1. BUSINESS MEETING – October 13, 2015

- A. At 7:40 p.m. Mayor Cook called the City Council and Local Contract Review Board to order.
- B. City Recorder Krager called the roll.

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

- C. Mayor Cook asked everyone to stand and join him in the Pledge of Allegiance.
- D. Mayor Cook asked Council and Staff if they had any Non-Agenda Items – None

2. CITIZEN COMMUNICATION

- A. Follow-up to Previous Citizen Communication – None
- B. Tigard High School Student Envoy – Associated Student Body President Shaina Azbari gave a recap of events at Tigard High School. A leadership committee performed random acts of kindness decorating every locker with encouraging words and a “Radiate Kindness” button. A Durham Center Awareness Walk on October 10th raised money for the Durham Center. The homecoming dance raised \$6,400 for the choir program. A welcoming ceremony was held for a group of Japanese exchange students. Senior girls took home the gold medal for the powder puff football game.
- C. Tigard Area Chamber of Commerce – Chamber CEO Mollahan reported on their activities. The weekly 7:30 a.m. networking on Thursdays is held at various locations and Costco will host on November 5, hopefully with a ribbon cutting for their new gas station. A few save the date items: Chamber Holiday Happy Hour is scheduled for December 1 at Broadway Rose. Go to the website at Tigardchamber.org for details. Farmers Market’s last Sunday of the year is October 25 and there will be trick or treating for kids and a carved pumpkin contest. Trick or Treat on Main Street will be Friday, October 30th. She encouraged the community to come to the Harvest Market and Bazaar on November 14 at Tigard High School. The Tree Lighting will be on December 4. She congratulated the Tigard Downtown Alliance for receiving the Excellence in Revitalization award for their SubUrban Art Project and said the large art panels will be auctioned.

TIGARD CITY COUNCIL MEETING MINUTES – OCTOBER 13, 2015

D. Citizen Communication – Sign Up Sheet.

Rob Drake, 10764 SW Heron Circle, Beaverton, OR 97007, said he is a board member for People for Libraries, a countywide political action committee that exists to support the Washington County Consolidated Library Services (WCCLS) levy that is on the November ballot. He urged support of Measures 34-235 which replaces the expiring library levy and Measure 34-236, replacing the public safety levy that will also expire next year. The public safety levy (Measure 34-236) supports Washington County women’s shelters, special mental health response teams, juvenile crime reduction programs, SWAT, gang narcotic task forces, the jail and work release center, parole and probation services serving all areas of the county as well as the cities. Mayor Cook said the Public Safety levy is a renewal with the same dollar amount. Mayor Cook said the Library levy provides 30 percent of Tigard Public Library’s operating funds. Tigard’s Budget Committee said if this passes they want the library to be open again on Thursdays. He noted that voter turnout is expected to be low and asked everyone to vote.

Kristen Block, 12860 SW 129th Place, Tigard, OR 97223, said she was joined by seven neighbors and asked if Joni Heidt could read a written statement on their behalf. Joni Heidt, 12880 SW 129th Place, Tigard, OR 97223 said she and her neighbors live on 129th Place near Walnut Street and she is here because the city has placed the neighbors in an unfortunate situation. The city is about to approve the insertion of a cell phone tower in their front yards and they need council’s help. They have been voicing their concerns and opposition to this project since November of last year. Their concerns have not been taken seriously. She hoped that council would advocate for them and said council has the final opportunity to stop this project before cell phone towers are the new norm in residential neighborhoods and home values are irreversibly damaged. There are two reasons the city has put them in this position. 1) The city is reviewing the cell phone tower proposal using antiquated code that is not working to protect the health, safety and welfare of Tigard residents. On top of that, based on their independent review of the current code a significant portion of the code is not being met. The code allows for attachment to an existing pole and T-Mobile is planning to remove the 24-foot pole and replace it with the tower and canister of 72 feet. They have documented this and other code violations and submitted it to the planning department. Secondly, of the seven different sites considered by the development company representing T-Mobile, four of the seven were city-owned property. Two were the Tualatin Valley Fire & Rescue (TVF&R) fire station and Jack Park. Both of these locations have ample, wide-open space in the middle of the desired coverage area and both had the luxury of saying, “not interested.”

Ms. Heidt said the city did not want the cell tower on its land so the easiest option was to cram a 72-foot eyesore in less than 2,000 square feet directly in front of their houses, where their children ride their bikes and wait for the school bus and which results in their neighborhood becoming less desirable and their home values to decline. She said this situation is unfair. She said they are all working taxpayers of the city but none are zoning, planning or land use lawyers and they feel it is wrong that the city can say no to a cell phone tower on its land but they must spend their time and resources to fight this so they can maintain the value of their homes and the integrity of the community.

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Ms. Heidt said they communicated their concerns to Mayor Cook at a Fireside Chat in May. His response was that much of the code is outdated and they could get in line behind all the other people who want code changes and it could be a five to six-year process. He also told them that federal communications commission laws do not allow the city to deny the request of eligible facilities and PGE has the right to allow equipment on their poles. She declared that their mission has never been to prevent a cell phone tower from being in the city but rather to find a suitable and reasonable location for it. She said they refuse to accept the rest as an adequate and true response.

Ms. Heidt said what they are asking the city to do is put T-Mobile and Lexcom's proposal on hold until it can be given the scrutiny it deserves. Secondly, recognize that this location is not appropriate and the city can and should take this burden off of their shoulders. Push the city and TVF&R to accept the tower on their property. Have a requirement in the code that cellular tower providers pursue the least intrusive option first. The City of Salem initiated a project on its own to update and its city council approved a code that says cell towers must be outside residential zones unless it can be proven that a residential zone is necessary to provide service. And their new code requires that any cell tower in a residential zone be designed to appear like an object that would be found in the area, such as a tree. The City of Tigard should follow this. It is not black and white and it is not about filling out paperwork. This is our lives. It is a matter of precedent that deserves further scrutiny.

Mayor Cook noted that he and Councilor Henderson were at a conference a week ago about cell towers and utility poles and learned in some cases the federal government has a lot more control over it than the city does. He asked City Manager Wine about the project's status in the city's permitting process. City Manager Wine said this type of land use approval is Type II where the decider is the director and it is appealable to the hearings officer. To her knowledge a decision has not yet been given. Some things in the city's code could be updated or changed but there are also federal requirements. Mayor Cook noted that even if the code was changed tonight it would not affect this case which was already in process. City Attorney Ramis said that is a rule imposed by the legislature.

Ms. Heidt asked what council recommended as their next step. City Manager Wine said she will contact the planner on staff. The Community Development Director is the decision maker and appeals go to the hearing officer. Council does not have authority to place a permit on hold. Council President Snider said more community outreach would be advisable. He asked which public properties could be available and she answered it was the Walnut TVF&R Fire Station and Jack Park. A neighbor offered to donate a piece of property on Walnut and Gaarde if the tower can be placed there and he does not have to see it through his window. She said there are other options and the developer has not looked at them. City Manager Wine said she will contact Ms. Heidt tomorrow.

Michael Roberts, 12865 SW Walnut Street, Tigard, OR 97223, spoke about the cell phone tower planned for their neighborhood. He said whether or not it should be approved in its conditional use review boils down to that they are asking to put something that is not permitted in a residential space. He said the visual impact is severe. The proposed site is in a public utility right of way so it is incompatible with the requirements to place a six-foot

TIGARD CITY COUNCIL MEETING MINUTES – OCTOBER 13, 2015

fence and screening trees between the tower and the neighbors. So the applicant is proposing to put their accessory equipment box mounted to the pole 20-feet in the air, looking into the windows of the surrounding residences. This creates a monstrosity of a structure contrived purely to circumvent code provisions to protect residential zones. Putting this tower in the right of way says it can go in any right of way and is a dangerous precedent. They provide justification based on what service they need to provide to an area. He said T-Mobile says they have a hole in their service and are required to fill it by federal law. He asked, "When was the last time anyone here had limited cellular, voice or data coverage in a suburban neighborhood?" T-Mobile's closest tower to the proposed site is 1.2 miles away. If that is not sufficient, how are Verizon, AT&T, Sprint and others providing us with cell phone service now? T-Mobile's own maps advertise full coverage in this area, with full 4GLTE. The nearest gap that they advertise to potential customers is in Sherwood, five miles away. Yet they told the review board that they have a gaping hole in coverage that justifies a cell phone tower in a neighborhood in Tigard. He said this makes no sense.

Council President Snider asked that the Community Development staff assigned to this permit view the video of this meeting.

3. CONSENT AGENDA: (Tigard City Council) –

A. RECEIVE AND FILE:

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

B. APPROVE CITY COUNCIL MINUTES:

- September 8, 2015
- September 15, 2015
- September 22, 2015

Councilor Woodard moved for approval of the consent agenda as presented. Councilor Goodhouse seconded the motion. The motion passed unanimously.

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

TIGARD CITY COUNCIL MEETING MINUTES – OCTOBER 13, 2015

4. LEGISLATIVE SESSION WRAP UP



Assistant City Manager Newton introduced Oregon State Senator Ginny Burdick and State Representative Margaret Doherty. She expressed appreciation for their work in the last session and their tireless effort in the state legislature on behalf of Tigard.

Representative Doherty, 9370 SW Martha Street, Tigard, OR 97223 in Tigard, said she has been a state representative since August 2009. She said the House had a good session and by June 29, 87 percent of bills had passed. She noted that transportation funding was held hostage by the clean fuels discussion. She described her work on child nutrition bills that will serve more school children and bring in federal money. The Tigard Zip Code bill passed 100 percent in the House. The resolution was sent to the postal service and a response was received that they could not do this. They will contact Google and the Postal Service will tell them that certain addresses need to display as Tigard. She noted that \$1.8 million in state and federal funding was brought to Tigard for the Hunziker industrial park.

Senator Burdick said Representative Doherty deserves enormous credit for getting the money for the Hunziker project. She said she spent the session co-chairing the committee implementing the marijuana legislation, a gargantuan effort. She used Mayor Cook as her inspiration for how to do a local program. She thanked City Manager Wine and Assistant City Manager Newton for sharing with her what constituents wanted and mentioned she was committed to doing this in a bipartisan way. They imposed regulations, testing procedures, lab standards and changed the tax from an unwieldy grower tax to a point of sale tax. Tigard and other cities who worked hard on allowing it but developing regulations will receive a portion of the tax revenue. Those opting out will not receive tax revenue. She noted that the legislature made major strides in education which is her top priority as well as Representative Doherty's, allocating \$7.4 billion for schools. Important to Tigard are two brownfield cleanup bills. House Bill 2734 gave local governments the ability to create land bank authorities. House Bill 5030 allocated money to the brownfield revolving loan fund. They renewed the vertical housing development program. They voted to provide \$20 million to provide supportive housing for the mentally ill or those struggling with addiction. Senate Bill 5506 provides \$25 million for justice reinvestment grants to fund local programs providing offender diversion alternatives to jail time. She said these programs have proven to be more effective than jail time to rehabilitate lower-level offenders.

Council President Snider asked if it was true that a portion of River Terrance will have a Sherwood address and zip code. Representative Doherty said the postal service has primary and secondary services. Tigard was designated a substation of the City of Portland in the 1960's. The zip code 97223 is in Portland with some in Beaverton. She said it literally takes an act of Congress to change this. They can make recommendations to Google. The other thing is that if it affects businesses it may create more of an opportunity to get it changed.

Councilor Henderson asked Senator Burdick what the next steps regarding marijuana are. She said, "Fine tuning as we learn from experience." Early sales traffic was greater than predicted. When the tax goes into effect in January on 25 percent we will understand then if we got our tax level right. We want to compete effectively with the black market. Councilor

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Henderson asked if there is anything that will happen related to law enforcement of marijuana violations with children. The OLCC will set strict labeling requirements and packaging that is not acceptable to kids. It is challenging. One fact she discovered is that there is no known legal dose of marijuana but it does not kill like alcohol. That said, it is a tremendous crisis when a small child gets ahold of a large amount of THC. Senator Burdick was a co-author of meth legislation in 2005. She said there is no better way to deal with it than treatment and drug courts, rather than jail. Councilor Woodard commented that this is great.

Councilor Goodhouse asked about plans to educate young people about dangers of marijuana on developing minds. Senator Burdick said a percentage of the tax revenue is devoted to education. She noted that Colorado has developed good advertising that has been tested for effectiveness with kids.

Council President Snider asked both legislators to push for tax reform. He said Tigard has one of the lowest tax rates in Washington County and he did not think that was intended. He asked what it will take for the legislature to confront this statewide issue. Senator Burdick said the problem is not just the lack of revenue but the inequality of the property taxes. She said tax limitation measures are in the constitution and must go on the ballot for a vote and it takes a lot of money to fund a campaign. Representative Doherty said Measure 5 failed five times before it passed. She agreed that this should not be in the constitution.

Mayor Cook thanked the legislators again for serving the City of Tigard and for the good job they do for citizens. He commented that Tigard officials visited Salem frequently and were met with open doors and a willingness to listen to what Tigard constituents have to say.

5. DEVELOP 2016 FEDERAL AND STATE LEGISLATIVE AGENDA

Senior Management Analyst Wyatt presented this item. The city's 2015 state and federal legislative agendas were distributed in council's meeting packet. He asked for any additions or subtractions for an updated version for 2016. Zip code legislation, marijuana and property tax reform are a few that he heard tonight. The goal is to have the brochure ready by January when Mayor Cook heads back to Washington DC and February, when the Oregon legislature begins.

Mr. Wyatt said a city staff person traveled to Washington DC a few weeks ago to meet with the city's delegation about the Hunziker property. Tigard continues to work with Just Compassion who is continuing to work for a day shelter in Tigard. On the state level staff is monitoring work on property tax reform and transportation funding. On the federal level, grant opportunities, transportation reauthorization and municipal bonds are on their radar.

Councilor Goodhouse said he hears a lot about walkability and the lack of sidewalks and trails. He would like to do more to add sidewalks. He said he notices that there are a large percentage of Tigard residents out walking. He noted that parents asked for more sidewalks and safer crosswalks at the Walk/Bike to School Day. Councilor Woodard asked about Just Compassion and said he may be attending some of these meetings. There is a lot of need here and this is a

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gap that needs to be filled. He suggested funding be sought for this program.

Council President Snider said a minor item worth discussion is the safety risk of all-cash industries, such as dispensaries. He said he would like the city to consider advocating at both the state and federal level to allow these businesses to operate with all the 21st century and non-cash business opportunities in existence. Mayor Cook said State Treasurer Wheeler spoke about this in Washington. He agreed with Council President Snider.

Councilor Henderson asked for more effort put towards the Community Development Block Grant (CDBG) program which continues to shrink. He said Washington County is a great steward of their CDBG funds and there needs to be energy put into this so those jurisdictions that do well can continue to receive support. He said, “We are losing the ten-year battle to eradicate homelessness.” Mayor Cook agreed that the amount keeps getting ratcheted down at the federal level.

Councilor Goodhouse suggested pushing for more laws that keep banks from discriminating against cash businesses.

Senior Management Analyst Wyatt said staff will return to council on November 24 to finalize the brochure which will be printed prior to council visits to Washington, DC.

6. QUASI-JUDICIAL PUBLIC HEARING –COMPREHENSIVE PLAN AMENDMENT AND ZONE CHANGE FOR FIELDS TRUST PROPERTY



- a. City Attorney Ramis read a statement regarding procedure. He said Council’s decision must be based on the following substantive criteria:

Community Development Code Chapters: 18.380, 18.390; Comprehensive Plan Goals 1, 2, 9 and 10; Oregon Administrative Rule 660, Division 9; Statewide Planning Goals 1, 2, 9 and 10; and Metro Title 4.

Council members are encouraged to ask the staff and the witnesses questions throughout the proceeding until the hearing closes. This is best done immediately after each staff person and each witness has finished speaking. After the hearing is closed the City Council will deliberate on a motion regarding the proposal. During deliberations, the City Council is to discuss the matter among itself, without additional input from staff or witnesses.

- b. Mayor Cook opened the public hearing.

- c. Statement by Mayor Cook:

The order for tonight’s hearing shall be as follows:

1. City staff will summarize the written staff report.
2. The applicant will present.
3. Council will take public comment.
4. Staff will have an opportunity to respond.
5. The applicant will be given an opportunity for rebuttal.

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He said council will consider all relevant arguments presented but no new evidence may be submitted.

d. Declarations or Challenges

Mayor Cook asked if any members of council wished to report any exparte contact or information gained outside the hearing, including any site visits. Councilor Woodard said he walked down Varns to view the street and has seen the field many times. Councilor Henderson said he has seen it also. Mayor Cook said he is very familiar with the area through going to people's homes and has driven on Wall Street many times when working on the industrial development area. Mayor Cook asked if all members familiarized themselves with the application. They indicated they had. He asked if there were any challenges from the audience pertaining to the council's jurisdiction to hear this matter or was there a challenge on the participation of any member of the council? There were none.

- e.  Staff Report – Associate Planner Pagenstecher gave the staff report. He noted that Economic Development Manager Purdy and Community Development Director Asher were present as was the applicant team including Kelly Hossaini, representing the Fields Trust, Brian Varricchione and Brent Ahrend of Mackenzie, and realtors Clayton Hering and Mike Merino. He noted there was a full house tonight with many Rolling Hills neighborhood residents present as they were at the Planning Commission hearings. He said they are a diligent group and have provided additional written testimony after the agenda item summary was issued. At Mayor Cook's request he gave council a copy of Resolution No. 79-86 regarding the Varns Street closure.

The agenda item summary contained the Planning Commission recommendation, the Planning Commission minutes, the proposed ordinance and the applicant's materials. To his knowledge the additional information submitted from the neighbors did not include additional evidence. Council's decision will come from the information presented at the Planning Commission.

He reminded council that this land use decision is part of a larger economic development initiative by the city which he believed council was first briefed on in February 2014. Council was introduced to the property site analysis by the Fred Fields Trust and there have been updates on infrastructure planning and an economic opportunities analysis. A Comprehensive Plan amendment came before council on March 24 and this is the expected zone change and Comprehensive Plan amendment.

Associate Planner Pagenstecher showed a slide of the area and pointed out the subject property and surrounding streets. There are 42.5 acres zoned I-P currently and there is an area subject to a zone change from I-P to MUE of 24 acres. The Rolling Hills neighborhood is zoned 3.5 and the main streets are Highway 217 and 72nd Avenue. Varns Street stubs off to the Fred Fields property.

Mr. Pagenstecher said the Planning Commission heard this proposal on August 17. Their recommendation was that the city council approve the proposed zone change and

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Comprehensive Plan amendment subject to findings in section 4 of the staff report and four conditions of approval. He reviewed these briefly: 1) A Planned Development overlay zone be applied so that subsequent development would have a deliberative review at the Planning Commission because of the site complexity. 2) Future development of the MUE would include a minimum of 280 non-retail jobs in an effort to preserve job capacity when changing the zoning from industrial to mixed-use employment. 3) A trip cap maximum of 630 trips in peak am and pm to avoid a Transportation Planning Rule (TPR) analysis, keeping trip generation of future development the same as otherwise allowed under the current zoning. 4) Recording of an easement to ensure a 50-foot wide forested buffer along the eastern line of the property adjacent to the Rolling Hills neighborhood. There was historically a 50-foot buffer and this condition reestablishes it.

Council President Snider referred to the copy of Resolution No. 79-86 Associate Planner Pagenstecher distributed and asked him to speak to the relevance of it. He asked if it stands if council does not take action to repeal it. Associate Planner Pagenstecher said it says the street will be plugged at the west end of Varns and the city will install street signs to prevent through traffic in the Rolling Hills subdivision. In discussing this with engineering staff the status is that there is no physical representation of the street plug in the city's GIS system and the referenced street signs are not in place. The resolution stands as an expression of the council's response to a petition, however, it is not an issue directly related to the matter before council tonight. He said if council chooses to respond to the neighbor's interests they do so at a time of their choosing but staff recommends this be separate from the hearing tonight. Mayor Cook said council received the copy of the resolution because he requested it to know if we did have something because there were questions. He said Council can make a new resolution or maintain this one but it has nothing to do with this zone change.

Councilor Woodard remarked that the only thing council needs to make a decision on is the Comprehensive Plan amendment and zone change and Associate Planner Pagenstecher agreed.

City Attorney Ramis said the record was created in the Planning Commission and all facts before council for consideration were put into the record at the Planning Commission. Witnesses are encouraged to testify on any or all issues relevant to the criteria but should not bring in new and additional facts. If that happens, staff will track them and the facts will be identified and council advised not to rely on those additional facts in reaching a decision.

Mayor Cook described the quasi-judicial public hearing requirements. Council is playing judge and jury which is different from the legislative process which is more common for them. In a legislative process council can consider their gut feelings but in quasi-judicial they can only consider what is before them. They may not even talk about it among themselves.

- f. Applicant Presentation – Mackenzie Planner Brian Varricchione, 1515 SE Water Avenue, Portland, OR 97214 said he was joined by Mackenzie Transportation Engineer Brent Ahrend and Applicant Counsel Kelly Hossaini from Miller Nash, representing the Fields Trust. He said the proposal is for a zone change and Comprehensive Plan map amendment affecting property on Hunziker and Wall Street. The overall intent is to provide an

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opportunity to bring jobs to the community. The site has a number of constraints, primarily slope and access, precluding large format industrial uses. Even though the majority of the site is currently zoned industrial the types of uses that would be accommodated by this site are not of an industrial nature. Based on a site analysis previously presented to council in February 2014 and further refinements, they propose a zone change to mixed-use employment (MUE). The MUE zone accommodates a boarder range of uses, some of which are multi-family residential and some of which are commercial in nature. This accommodates a variety of different types of land uses which make the site more attractive to the development community and improves the economics and likely development of the site. This is a tool that could take some unproductive land and make it useful and productive for the city.

Mr. Varricchione said the conditions of approval recommended by the Planning Commission grew out of conversations with staff as the application was developed. He said they worked with Associate Planner Pagenstecher and Economic Development Manager Purdy. He thanked them for their hard work. A concern all along has been ensuring a guaranteed number of jobs if the zoning is changed from non-industrial uses since this is a part of the city's employment land base, hence the recommendation to maintain 280 non-retail jobs. The Fields Trust is comfortable with the conditions of approval recommended by the Planning Commission and we support those. Overall we feel this is good for the community and will put this land back into use so it can help bring jobs to the city.



Attorney Kelly Hossaini, Miller Nash, 111 SW Fifth Avenue, Suite 3400, Portland, OR 97204, said this has been a long time coming. In her August 10, 2015 letter to the Planning Commission she summarized why the eastern portion of the Fields property is not suited for industrial development. There is a substantial amount of information to that effect in their application materials and other submittals to the records and if anyone has concerns about why they are asking to rezone from industrial to MUE please ask questions. She reiterated that there is no development proposed as part of this zone change. Any new development will have to go through a separate land use process that the neighbors will receive notice of and be able to participate in. This includes a planned development approval which will allow the city to look at appropriate buffering and site layouts, etc.

Attorney Hossaini commented on some additional submittals to the record from the neighbors. In one of Mr. Frezza's submittals he states that the trips that will be generated by MUE development will be 8,000 to 10,000 a day. This is not correct. He is quoting from a trip generation options analysis for the entire 42 acres. As set forth in Mackenzie's August 3 trip cap proposal the MUE zoned portion of the property has a trip cap in a.m. and p.m. of 630 trips and an estimate of 5,300 trips per day. Those 5,300 trips would likely be generated from the MUE area under its current zoning. That is how they reached the trip cap. All they are doing is holding future development to the same number of trips that would currently be allowed.

She noted there is still confusion about what is under contract and what is not. The western 18 acres of the property are under contract by Trammel Crow who will put some industrial development there with lots of jobs. The portion of the property that is the subject of this zone change is not under contract. They are respecting the process and while there has been

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interest and they are excited about it, right now no one has the property under contract. They will wait until this process has concluded.

Mayor Cook said he appreciated the clarification. He said he read in a lot of the letters that the council had been making deals ahead of time before a zone change. It is already zoned industrial and the deal was to put industrial there. Council President Snider said council would be not a signer on this anyway. Mayor Cook said the city was involved in the public/private partnership.

g. Public Comments

Proponents –

Clayton Hering, Chairman of the Board of Norris Beggs & Simpson, 1708 SW Highland Road, Portland, OR said he has been in the business 43 years and worked with Fred Fields on this property for 16 years. He said he felt like he has been running a marathon but the finish line is in sight and the prize is good for everyone – jobs and the development of the largest site in Tigard. He said over the years they generated interest in the site but could never get it closed because once they looked at the cost to try and flatten out the slope it rendered the land of no value. Since coming to the city with the concept and working cooperatively with staff they have 18 acres under contract. He said he is optimistic that construction will begin in the early summer of 2016. And while there is nothing under contract for the other acres they have legitimate interest from very qualified developers who understand the opportunity as well as the conditions. He said it is logical to place a buffer because it would be unsightly to have what was proposed (industrial use) right next to the neighborhood. He said he hopes to get the thumbs up to go ahead with residential and mixed use and complete the industrial development and estimated there will be \$50-75 million added to the tax rolls. He said he hopes the marathon is near the end and he looks forward to seeing this completed.

Mike Merino, Senior Vice President at NAI Norris Beggs & Simpson, 121 SW Morrison Street, Portland OR, 97204, said it was about 60 days ago that the Planning Commission unanimously approved sending this to the city council. He worked on this with city staff and other professionals. The Planning Commission decision was reached with thoughtful review of all facts. They heard from the neighbors that live above the area and staff and the applicant collaborated on efforts to minimize impacts on the existing neighborhood. The four conditions of approval and particularly the 50-foot buffer help with minimizing impacts. It has been discussed how tough it is to develop on this slope and it is appropriate to rezone the site to MUE, put this on the tax rolls, meet the conditions and put people to work.

Opponents –

Erik Lea, 7530 SW Varns Street, Tigard, OR, 97223, agreed with many of the things said tonight but is opposed to the project. He said the numbers do not lie and it should not be suggested that the neighbors are getting ahead of themselves or that the topics of traffic and access are not relevant to the discussion. Every step taken and approved action precedes

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unqualified approval of this development. The development may bring money and a handful of jobs but at what expense? Denial is not a plan and it does nothing to address the critical issues of traffic and access. Access to this property was a challenge when the property was acquired and remains a challenge today. He said the neighbors expect this parcel to be developed and they do not indiscriminately oppose it. He said they have met on many occasions and looked to find common ground. The Fields Trust is asking the city to make a change to a previous agreement which is well within their rights. The neighbors are asking only that the city honor the agreement with their neighborhood and condition any approval for change on the maintenance of the Varns Street plug. He said this issue came up earlier and referenced Resolution No. 79-86. Nothing has changed that is grounds for breaching this commitment to citizens. He said they have been told by planners that nothing in the code prohibits this development. He noted that the council has been tasked with the interpretation and application of the code. The city attorney's job is to interpret the code. He said the application of the code should universally consider the best interests of the people. One can rarely go wrong with the credo, "Do no harm." The simplistic view that just because something is not prohibited means that it is expressly allowed is dangerous and irresponsible. He requested that council weigh the facts carefully when making any decision that impacts the neighborhood. The owners, realtors and planners surely knew there were issues with access when this property was obtained. Fast forward 40-50 years and the solution is rose-colored glasses designed to convince everyone that no problem exists. We've been told with straight faces that this development and the addition of thousands of traffic trips daily will have no significant impact on our region and our neighborhood daily. They determined that no traffic analysis is needed unless the developers propose even more trips. The traffic cap that was used as justification to not conduct the traffic analysis is not a realistic outcome of this development. He encouraged council to approve what is before them but any change should be conditioned to honor the commitment made to the neighborhood and the maintenance of the Varns Street plug.

Kyle Haslem, 7480 SW Varns Street, Tigard, OR, 972223, said their neighborhood is like one big family. He said they know each other and can ask for things. For example, the other day he needed an egg and could go to anyone's house to ask for one. They can go out at night when it is dark and not worry about cars zooming by. It is peaceful and quiet. There are lots of kids in the neighborhood who have started businesses together such as lemonade stands and lawn mowing. They like to ride their bikes around the block. We don't have to worry about cars. He has moved quite a bit and none of the other neighborhoods have been like this one. He asked council not to change anything about it because he thinks it is perfect just the way it is.

William Robert Gillette, 7480 SW Varns Street, Tigard, OR 97223, likes riding his bike around the block and is nervous that if something is built like apartments or a large store that their small road will be full of cars. He said he could foresee someone backing out of a driveway and getting in an accident because of a lot of cars going by fast. He could also see parking in a driveway that is not theirs or in front of other people's houses. Building a store increases the chances of walkers and bikers getting hurt. Also we can bike to a lot of stores today and if you build stores or offices we may not be able to do that.

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At the request of Councilor Henderson, Reed Gillette read 10-year old William Robert Gillette's statement again. He noted that the boys wrote their speeches and chose to testify on their own.

Reed Gillette, 7480 SW Varns Street, Tigard, OR, 97223, said in his previous testimony to the Planning Commission, he read the city council's walkability statement. He noted it was mentioned earlier by Councilor Goodhouse and said it is obviously important to council. Councilor Woodard has spent time on Varns Street. He said there are many walkers on their neighborhood streets at any time of the day and it is one of the most walkable streets in Tigard and in Portland. He said his neighborhood wants transparency and protection. They hear that their streets may be used as through streets. They hear that they may be a cul-de-sac. They hear the planners say they cannot offer any protection because they do not know what the developers want to do. He said, "How about we the community do the planning and not wait and see what the developers want to do?" Our neighborhood is scared, frustrated and a bit angry. We are scared that our neighborhood will become collateral damage. We are scared that the traffic will increase out of control in front of our houses. We are scared our property values will decrease. We are scared our community as we know it will be ruined. We are frustrated that we cannot get anyone to acknowledge our concerns. We are frustrated that we are not being protected. We are frustrated that developers get more face time while the community is advised that any conversation we have is improper. We are frustrated that planners do not think traffic will be a big deal in our neighborhood.

Mr. Gillette said he knew he was not allowed to give new evidence but he mailed this in previously. He asked that council read the articles he sent that talk about how communities are already fighting this application because it deviates traffic through high traffic areas to low traffic areas, often through small communities and small streets. He asked each councilor to stand on their street and think what this means to them if they are not protected and what this means for traffic in the area.

Traffic caps will not work based upon those articles. They are angry because big money gets the attention. We are angry that the lawyer representing the Fields Trust said they do not object to blocking the through traffic. He said she stood up at the Planning Commission and said they did not oppose putting a restriction on that and would go ahead and put that as a condition. Associate Planner Pagenstecher said no we won't allow that. So we have the people who own the property saying they will honor that resolution and we have the planning staff saying no, we won't. We would like them to honor it. He described what he thought was a well-orchestrated charade at the Planning Commission. The attorney stood up and walked over to talk to Associate Planner Pagenstecher. They whispered and she said it was OK to keep that plug and he said, "No, we don't want it." That was unprofessional. He asked council to think about this when they vote. He asked, "When you are brushing your teeth, look at the mirror and ask yourself if you are protecting our neighborhood. Are you doing the right thing?" He asked council by a show of hands who has walked on their street and seen all the walkers. He asked that the record show only two raised their hands. He asked, "Are you going to let them build a through street in our neighborhood?" He commented that there was no answer from council.

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City Attorney Ramis clarified that this is the opportunity for testimony and it is not an opportunity for questions. Mayor Cook said he could not answer the question and acting in a quasi-judicial capacity cannot raise his hand or answer him.

Mr. Gillette said he knows a lot of time is spent with developers and with planners. They are asking council to open their doors to the community and talk with them about planning for the future.

April Frezza, 13275 SW 76th Avenue Tigard, OR 97223, said in 2012, Mike McCarthy, a senior project engineer in Tigard's planning department submitted a multi-modal project application for \$900,000 of STIP funding for "72nd Avenue in the vicinity of Highway 217 and the streets intersecting 72nd Avenue, particularly including Hunziker Street." The project's problem statement reads, "Traffic volumes exceed capacity at multiple locations in the interchange area including the ramp terminals and are nearing capacity at other intersections along 72nd Avenue. Side street intersections including the signal at Hunziker complicate traffic flow in the interchange area." The MUE zone change would add 5300 trips to an area that is already at or exceeding capacity in 2012 and currently the site does not generate any trips. The zone change directly conflicts with the Tigard Triangle Strategic Plan to attract more employers into the Triangle. This is clearly stated by Mike McCarthy in the application, "When developers have proposed high density buildings in the Triangle, they have received discouraging news about the lack of vehicular capacity through this interchange and the nebulous notion of millions of dollars in offsite improvements in order to meet the regulatory requirements necessary to construct those dense developments. Few have chosen to move ahead." The mayor advised that their concerns should be founded on what is legal rather than emotion-based. The facts provided throughout the application, which is already on record, generate concerns of credibility and accountability of city staff. Approving the Fields Trust application sends a clear message that the mayor and the council are ignoring the facts as stated in the application including that, "The transportation problems in this Highway 217/72nd Avenue interchange are costing this area thousands of jobs."

Nick Frezza, 13275 SW 76th Avenue, Tigard, OR 97223 handed out a map of the area. He said the Rolling Hills neighborhood is a quiet oasis of 70 purely residential properties located just two miles from central Tigard. Their neighborhood has been firmly established for 50 years and he has lived there for almost 40. Creating an MUE zone deep within the neighborhood will forever end the safety, walkability and tranquility of Rolling Hills. He referred specifically to two lots at the top of the map that stand alone. He said they are identified as 2S101DB00300 and 400 and are located entirely within Rolling Hills. Allowing businesses to establish a foothold deep within their neighborhood can only lead to further encroachment and the eventual and inevitable commercialization of SW Varns. The lots comprise about two acres each and are a little less than ten percent of the total acreage involved in this rezoning application. What is vitally important to understand is that these two small lots are only accessible via the quiet neighborhood streets of Rolling Hills. They are directly accessed by Varns Street and indirectly by Cherry Street. It is equally important to point out the long-standing resolution to plug Varns and that these two lots are adjacent to the plug end at the west end of Varns. Rezoning the lots within Rolling Hills as MUE, if

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not an outright violation, is clearly inconsistent with the spirit and intent of Tigard's Development Code Chapter 18.5.10 entitled Residential Zoning Districts, which states its purpose as preserving neighborhood livability. Allowing commercial development and the greatly increased traffic that comes with it is certainly not in the best interests of preserving neighborhood livability. Adherence to Tigard's own development code stipulates that these two lots should be zoned as residential with a density that will not be materially detrimental to the character of the existing neighborhood. They most certainly should not be zoned as MUE which will allow a broad range of commercial activities as well as high density apartments. Rezoning the two lots as MUE to make them more attractive to commercial development is the wrong answer.

Ray Pirkl, 7745 SW Varns Street, Tigard, OR 97223, said he and his wife have resided there for 46 years. He said in 1979 he and a neighbor carried a petition throughout the Rolling Hills subdivision asking that Varns Street be blocked on the west end that butts up to the Fields Trust land. It was carried in good faith to the council and council addressed it in good faith. They voted unanimously to grant their wish by passing Resolution No. 79-86. We think the resolution was a valid contract between Rolling Hills and the city. Now the rules have been changed and without any notice to Rolling Hills the city is now saying there is no longer an agreement. I was told by a planning department employee that it was removed because the new development plan made everything in the previous plan invalid including the 50-foot buffer and street block. I asked him why the street needed to be open. His reply, after hesitation, was "so we can run the sewer down the street." Nothing was said at that time about really using it as an access point for the Fields property. I told him the neighborhood would do anything needed to allow a sewer line down the middle of Varns Street, which is going to happen someday anyway, but please leave the block in place. He said the city could not do that.

He asked a rhetorical question directed to a councilor that had been on the property. He said when they met with the Planning Commission they met two times because the first time when asked if any commissioners had been there, none had. The second time they all visited it and two comments were interesting. One commissioner said he did not even know Rolling Hills existed. That is tragic. Another commissioner said he would not mind living there himself. He asked council when they vote, to remember the city's core values which include respect and care, do the right thing, and get it done. Please leave the block in place as was promised and which we believe is a valid agreement 36 years later.

Council President Snider asked what prompted him and his neighbor to take this action in 1979. Mr. Pirkl replied, "We could see the future. We saw that property back there and it looks today like it did then except it had more trees. We knew something was going to happen. Back then 72nd Avenue was not even as busy as it is now. It is nuts."

Mr. Pirkl mentioned the noontime traffic. No one in the neighborhood will go out on Varns between 11:30 and 1:30 because it is chaotic on 72nd due to lunch time errands and lunch. No one is counting those cars. He thanked Attorney Hossaini for giving them back the buffer and noted that the Fields Trust and Mackenzie both said they do not object to keeping the block in place. He appreciated that from someone who is trying to sell that much property.

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Jan Barbur, 7380 SW Varns Street, Tigard, OR, said she agreed with her neighbors. It is an awesome neighborhood. Traffic is an issue. Contrary to what the applicant says, it is important that you understand how bad it is out there now. She changed her hours to beat the traffic rush and drives it every day. Traffic is already backed up on 72nd Avenue at 3:00 p.m. If she cannot leave work at 5:00 she will wait until 6:00 because she gets home at the same time. No one cannot cross 72nd Avenue and wrecks happen constantly. She implored council to think about the traffic issues this will cause even though the applicant said it does not matter and this is just a zoning change. She said there is a need to find a better use for the Fields property, something that will generate tax money for the city and comply with traffic patterns as they are. Traffic will end up on 72nd and Hunziker and the roads cannot handle it. She invited council to come to their neighborhood and watch. People from surrounding businesses walk in the neighborhood on their lunch hours. It is like a family there. Neighbors look out for each other. She has many people who make a wrong turn and then use her driveway to turn around. She implored that council think about this decision and the fact that while the law must be followed and it is probably a good idea financially to rezone that land, it is not good for livability of the neighborhood.

Romdi Ablitt, 7700 SW Cherry Drive, Tigard, OR, 97223, thanked council in advance for the 50-foot buffer. She hopes it will remain through the entirety of Cherry Street and that the plug will remain closed as accepted years ago. She thanked her neighbors for attending and asked them to raise their hands.

Craig Hopkins, 7430 SW Varns Street, Tigard, OR 97223 said he, his wife and children have resided there since 1978. He said there is not much that has not already been stated but he is extremely concerned that Varns remains a closed street. It is not appropriate that it be opened up to accommodate any project. He said in terms of issues that affect the development of the Hunziker industrial area, including traffic, Margaret Doherty has come up with money to help with this process.

Janice Mayer, 7650 SW Cherry Street, Tigard, OR has lived there since 1983. She opposes the change not only because they are taking a chunk out of the neighborhood but also because traffic is really bad. There are frequent crashes on 72nd Avenue and I-5. Trip caps don't work. If someone wants to drive to the grocery store and they would be number 662, no one stops them. It is not enforceable. It is a large neighborhood and the neighbors want to keep it safe. The slope is significant. She said there used to be five-foot ravines to help manage the runoff. All of the neighbors whose property backs Cherry Drive have artesian springs on their property. Nothing has been addressed on what will be done with the water. She has five springs on her property and is at the top of the hill. Where will the water go? There is a wetland in the property where the industrial development will go and it will be blacktopped. She asked if Fanno Creek will be improved to handle all of the water. She said nature made it a sloped area and maybe it should not be developed the way that is being proposed. She said her neighborhood is not saying they do not want anything built there. They want the right thing back there. It is council's responsibility to the constituents in Tigard. She said as a real estate agent she would love to be at the end of the race but it is not the end of a race for the neighbors. It is their home where they have lived for a very long time. She said she planned

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to stay and her daughter will buy their home when they are ready to move on. She asked council to protect it.

Martin Stewart, 7570 SW Cherry Drive, Tigard, OR 97223, said council has heard most of his concerns but he still has a concern about trust in the people we elect to take care of people and protect them. He said this is what it is all about.

Sonia King, 7505 SW Crestview Street, Tigard, OR 97223 represented Crestview Street. She reminded council that this is residential property and she wanted council to take care of them. She said she heard earlier that the only discussion was changing the industrial land to multi-use. This is not just industrial land; it is my neighborhood.

Dennis Worsniak, 13493 SW 75th, Tigard OR 97223, added that he and his wife have lived in the neighborhood for 42 years and love living there. He noted other people mentioned walkability and bicycling riding. He said Varns Street is only 40 feet wide and there are no sidewalks. If there are cars parked on each side that leaves only 20 feet for access. There is not enough room for two cars to pass.

Neutral –

Jon Makler, ODOT, 123 NW Flanders, Portland, OR 97212, is the Region 1 Planning Manager for the Oregon Department of Transportation. Region 1 covers the four-county metropolitan area of Washington, Clackamas, Multnomah, and Hood River counties. He said that ODOT and Tigard agreed to employ a trip cap for this rezoning which has the benefit of streamlining the development review process. He added that he, Associate Planner Pagenstecher and the transportation planner from Mackenzie could answer any questions council may have about trip caps and how they work. However, the Tigard staff has imposed a cap that exceeds ODOT's tolerance. In ODOT's view the excess trips represent a risk to nearby facilities, especially in terms of safety. The value of a future year analysis is that it will allow the city and ODOT to identify when and where development on this site imposes safety and mobility problems on nearby facilities. This will provide a rational basis on which the city can negotiate with the developer for mitigation, which the Planning Commission noted worked previously in the case of Wal-Mart. At no cost to the city this condition leaves options on the table to ensure safety on the roads.

h. Final remarks by staff -

Associate Planner Pagenstecher summarized that there were many commonalities in the testimony and the neighborhood raises legitimate questions, as does ODOT. The future developers of this site will need to address each of those concerns when a specific development is proposed and provide the ability to measure impacts on the facilities that ODOT is concerned about and the adjacent neighborhood that the neighbors testified about.

Mayor Cook asked if there were questions from council. Councilor Woodard confirmed that the conditions of approval would be deliberated on at that point of development approval. Associate Planner Pagenstecher said as proposed, any development would be subject to a Type III review by the Planning Commission. It would not come before council.

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Council President Snider referred to earlier testimony that the applicant agreed to stipulate to a condition of approval related to the Varns Street issue. He said we have a neighborhood full of concerned people so why is staff recommending that it not be included. Mr. Pagenstecher replied that there is a no development proposal on the table; it is a rezoning proposal so there is no impact to Varns. Council President Snider said the risk is that the city makes a land use decision that the applicant objects to and then appeals. He said there is already a resolution on the books and there is an applicant that says they are stipulating to it, which he assumes means they will not appeal.

Associate Planner Pagenstecher said the resolution is in effect now and it will be in effect after council makes their decision. It is not an issue in relation to this zone change. He said how future development is designed and how it impacts Varns is critically important.

Council President Snider referred to testimony about the analysis quoted from the city's own Transportation Engineer McCarthy. He asked what Community Development did with that information. Mr. Pagenstecher said if he was referring to Engineer McCarthy's characterization of current condition of transportation facilities adjacent to the neighborhood, he said he did not take issue with the current condition for traffic problems and neither does Engineer McCarthy, as he applied to ODOT for a \$1 million study on issues just as ODOT suggested but they did not fund it. He said staff acknowledges the existing traffic problems and does not disagree with the neighbors that problems are serious.

Council President Snider asked if the implication was that this is not relevant to this zone change. Associate Planner Pagenstecher said it is relevant to this zone change and is addressed through the condition that provides a trip cap. He said the trip cap means that whatever current zoning allows today, the impact of traffic under uses allowed under the current zoning will be limited to the proposed zone. Council President Snider said the ODOT tolerance is different than our own. He asked if that should be a condition and asked about ODOT's other recommendation for a condition change. Mr. Pagenstecher replied that staff disagreed with ODOT and agreed with the applicant's consultant's analysis. It hinged around land use and the ITE characterization of land uses which is the methodology used by transportation experts. Business Park was the characterization used by ODOT, and office park was the one used by the consultant and agreed to by city staff, who felt it was more representational of an MUE zone.

Council President Snider asked about the two lots butted up against the property at the top of the map. Mr. Pagenstecher said two acres are zoned R 3.5 and three acres are zoned CP. He understands that the neighbors prefer that these not be added to the zone change because they are closer to their neighborhood. A developer would be required to show how impacts are addressed to adjacent development. There is an opportunity for many kinds of mitigation including disposition of development across the site, screening, buffers and other tools. Council President Snider asked if there was access to both properties through Hunziker Street and Mr. Pagenstecher said there is no information on what access is available. He said it was reasonable to think that access would be somewhat limited due to the slope.

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Assistant Community Development Director McGuire said there is information that was not part of the testimony. He referred on the map to the two smaller lots and said they no longer exist. The property owner did a lot line adjustment and joined them into one single piece of property for the MUE zone. It does have access on Hunziker.

Councilor Woodard clarified that if council chose to approve the Comprehensive Plan amendment and zone change tonight and a developer submits a proposal it would be a Type III decision and not come to council. He asked if one of the conditions of development would be Resolution No. 79-86 and would it guarantee that Varns will not go through. He asked the City Attorney if there is a way council could have a say on this.

City Attorney Ramis replied that depending on the application, it could come to council on appeal so the premise that council would never see it is incorrect. It would go first to another decision maker but if people were dissatisfied it would come to council.

Mayor Cook responded to Councilor Woodard's question on the resolution and said it stays in place unless a future council removes it. That is a council issue. The Planning Commission cannot release it.

Question from the Floor: Someone asked for clarification on which body could change the resolution, the Planning Commission or the City Council and Mayor Cook answered it was the City Council. It could be changed by a future council resolution.

More questions were raised from the floor and City Attorney Ramis cautioned that the record would have to be reopened if this continued. Someone asked if the road was closed now and Mayor Cook agreed that it was but that could be changed in the future by a city council resolution but this council is not proposing such a resolution.

Councilor Henderson asked if what council was considering tonight was to accept the MUE zoning and ingress or egress would be a condition of development. Mr. Pagenstecher agreed.

i. Applicant Rebuttal

Applicant Attorney Hossaini clarified that the two northeast lots which are no longer separate lots are not part of the Rolling Hills Subdivision. One is zoned commercial and could be developed for commercial use at any time. The Planned Development Overlay is going to be where the rubber hits the road and will allow the Planning Commission to work with setbacks, etc. to make sure that the new development respects the existing development. She said with respect to ODOT's request to amend that condition of approval, they would object to that. There is no legal basis for this as a condition of approval in state law or the city's code. She said if ODOT wants to change the rules of the game it needs to go to the legislature or change its administrative rules. It cannot decide on an ad hoc basis that this or any other development application needs to start providing future year traffic impact studies and providing mitigation for those. She said this would not be allowed under current law, in her opinion.

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She said this zone change meets the only transportation requirement that is applicable to it which is the Transportation Planning Rule; hence there is a trip cap. ODOT wanted a much lower trip cap but there is substantial evidence in the record that our trip cap, which the city engineer agreed with, is defensible and what ODOT wanted was not commensurate with the existing development capacity of this property.

Traffic Engineer Ahrend of Mackenzie said Ms. Hossaini covered the issues. He clarified that if there was an analysis to be done with the zone change it was for the transportation planning rule and because we have proposed a trip cap to keep the proposed zoning to no more than the current zoning, there was no need to do the long-term analysis. We are not going to exceed the capacity of the existing zoning, and the city agreed to this. We even lowered it by looking at a worst case scenario but we do not want to lower it further or it cuts down into the potential development potential and staff agreed with that.

Mr. Ahrend said what ODOT is asking for is the applicant to provide that analysis when they come in with a development application. This is the same analysis the city is trying to get funding for and this is not the proper role of the applicant.

Council President Snider asked Mr. Ahrend when was the last time he saw an ODOT Planning Manager testify against a zoning change. Mr. Ahrend said he could not say he had ever seen that happen. Council President Snider asked if he found that curious or concerning. Mr. Ahrend said they are concerned about the traffic flow in the area which the city recognizes too, but this is not the proper way to provide that analysis.

Councilor Henderson asked Mr. Ahrend if he saw an ability to relieve the flow of ingress or egress on the property without using existing infrastructure. Mr. Ahrend asked if he meant Varns Street and said he believed there were ways to address the capacity and access needs of the property but that would need to be determined when we know what the level of development is and what options are available. He agreed it was possible.

- j. Mayor Cook closed the public hearing.
- k. Council deliberation

Mayor Cook asked if any member of council was prepared to make a motion. Councilor Goodhouse moved to approve Ordinance No. 15-16 with an amendment honoring Resolution 79-86 preventing through traffic on SW Varns. Councilor Woodard seconded the motion.

Council President Snider said he was troubled by the ODOT testimony and was concerned they may even appeal council's decision. He said after listening to staff and the applicant it seems like for the land use decision before council the proper things have been done. It is important to recognize what is in Tigard law and he supported the recognition of the resolution in what council is considering.

Councilor Woodard said he was optimistic and hopeful that development will occur in the right way. He said it was good to hear there may be other ways to route traffic. Developers

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are sharp and if it is not satisfactory to the neighborhood they will work together with a neighborhood to find solutions. He said people should not fear zone changes. Changes will occur and we need to develop smartly and do it together. He said council is with them and heard them. He said he has walked through the neighborhood, it is beautiful and he felt for the neighbors. Councilor Henderson concurred.

Mayor Cook asked the City Attorney about the addition of the resolution and whether it allows future councils to change it. City Attorney Ramis said it depends on how it is incorporated into the motion. If council simply recognizes it as an existing policy, it does not make it a condition. But if it is made a condition then the specific change is the procedure by which council would have to undo it. Right now, the policy is in place in a resolution which can be amended by the council. If it is put it into the zone change as a condition, a new zone change process would be required to undo it.

Council President Snider asked City Attorney Ramis about the current motion and he replied that the verb used was “recognized” and in his mind that did not say it was a condition.

Councilor Goodhouse left his motion the way it was. There was no further discussion. City Attorney Ramis commented on the basis for ODOT's proposed condition. ODOT's testimony did not relate the proposed condition amendment to any proposed criteria. He expressed concern that if council were to adopt that criteria it would be difficult for the city to defend because it is not related to any of the criteria. He clarified for Council President Snider that he did not have that concern about the current motion.

Councilor Goodhouse asked if the resolution prevented any traffic coming in anywhere on Varns from the development. Mayor Cook clarified that Varns runs from 72nd Avenue to a dead end plug. Councilor Goodhouse said he wanted to impose a condition so through traffic cannot come from the development into the neighborhood. City Attorney Ramis said if it is council's pleasure to impose a condition that said no through traffic on Varns can originate from this development, he suggested council make a tentative decision and staff would come back with a final set of findings and conditions with that condition for council approval. City Attorney Ramis said Councilor Goodhouse would have to withdraw or amend his existing motion and then approve the ordinance with an amendment that would prevent through traffic on Varns originating from development on this site.

Councilor Goodhouse motioned to amend his motion for council to create language to limit any traffic from this new development into the Rolling Hills neighborhood. Council President Snider seconded the motion.

Councilor Henderson said he believed the will of the developers and the community is unnecessary. He said they understand and will put their best foot forward. They have a chore to do wherever that egress is located and they will have to make that a complete program at a later date. He said he did not want to complicate this and will vote no on this amendment. Council President Snider said he was concerned that council even has the authority to impose this given the criteria. City Attorney Ramis said council needs to relate any condition to a criteria and he would look to the staff to do that.

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Councilor Goodhouse said his reasoning was that if a past council, in approving Resolution 79-86 did not envision a road besides Varns, it could allow a roundabout way to bring traffic through on another road. He wanted to clarify it more and prevent any through traffic.

City Attorney Ramis said an alternative is to amend the resolution to make sure it broadly captures the idea Councilor Goodhouse was describing. Mayor Cook commented that this would show future councils that may consider changing it that not only did the council 30 years ago want this but this council did too. Council President Snider said that seemed like an elegant proposal to try to address the concerns. He said he was not willing to vote on the zoning change unless council was also considering a revised resolution.

Councilor Woodard asked if there was a downside to future development and if this would harm the community or the builders in the future. City Attorney Ramis said in pursuing this resolution council is just being consistent. A downside might be if a future traffic solution was developed that the community felt was superior and involved routing traffic through this neighborhood, it would then not be an option.

In response to a process question from Councilor Goodhouse, City Attorney Ramis suggested withdrawing the current motion and asking for a continuance until October 27, 2015 and directing staff to prepare an amended resolution for council consideration. Council President Snider confirmed that staff would be bringing back this resolution and the same ordinance.

Councilor Goodhouse withdrew his amendment and motion. Councilor Woodard withdrew his second to the main motion and Council President Snider withdrew his second to the amendment.

Councilor Goodhouse moved to carry over to a date certain of October 27, 2015, and ask staff to amend Resolution 79-86 so through traffic is not allowed through the Rolling Hills neighborhood from this new development. Council President Snider seconded the motion. There was no discussion. Councilor Henderson called the question. Mayor Cook conducted a vote on closing the discussion and it passed unanimously.

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

Mayor Cook conducted a vote on Councilor Goodhouse's motion to continue the hearing until October 27 and consider an amended resolution.

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

Motion passed unanimously.

At 10:37p.m. Mayor Cook called for a short break. Meeting reconvened at 10:44 p.m.

5. INFORMATIONAL PUBLIC HEARING – CONSIDER RESOLUTION APPROVING FY 2016 FIRST QUARTER BUDGET SUPPLEMENTAL

- a. Open Public Hearing - Mayor Cook opened the public hearing and announced that this is an informational public hearing in which any person shall be given the opportunity to comment.
- b. Staff Report: Senior Management Analyst Collins gave the staff report and said this first quarter supplemental budget has a total of \$12.5 million in unanticipated requirements but these are offset by either contingency reserve or carryovers from the previous fiscal year. Of significance in this amendment is the \$6.6 million payment for the Lake Oswego-Tigard Water Partnership. There is a change to the amendment to convert a court clerk 2 position currently budgeted at .90 FTE for a re-classed court operations supervisor at 1.0 FTE. This is a total cost difference of \$14,000.
- c. Public Testimony - None.
- d. Council Discussion - None.
- e. Mayor Cook closed the public hearing
- f. Council Consideration

Councilor Woodard moved to approve Resolution No. 15-47. Council President Snider seconded the motion. Senior Management Analyst Collins said staff recommends approval of this FY 2016 First Quarter Supplemental Budget, as amended. Mayor Cook asked City Recorder Krager to read the number and title of the resolution.

Resolution No. 15-47 - A RESOLUTION TO AMEND THE FY 2016 ADOPTED BUDGET TO ACHIEVE THE FOLLOWING: RECOGNITION OF GRANT REVENUES AND EXPENSES ALONG WITH BUDGET ADJUSTMENTS IN PUBLIC WORKS, COMMUNITY DEVELOPMENT, POLICY & ADMINISTRATION, COMMUNITY SERVICES, AND THE CAPITAL IMPROVEMENT PROGRAM, AS AMENDED

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

Mayor Cook announced that Resolution No. 15-47 passed unanimously.

CITY CENTER DEVELOPMENT AGENCY - Mayor Cook announced that the next item on the agenda is a City Center Development Agency item.

8. INFORMATIONAL PUBLIC HEARING: CONSIDER RESOLUTION APPROVING FY 2016 CITY CENTER DEVELOPMENT AGENCY BUDGET SUPPLEMENTAL

- a. Chair Cook opened the public hearing and announced that this is an informational public hearing in which any person shall be given the opportunity to comment.
- b. Senior Management Analyst Collins said the item in the supplemental budget is a carryover from last fiscal year in the amount of \$15,000 for final payment of the relocation of the dog park including the demolition of the Zuber house.
- c. Public Comment – None.
- d. CCDA Discussion and Questions – Director Henderson asked for the source of the \$15,000 and Senior Management Analyst Collins said it came from the urban renewal fund. It was budgeted last year and not spent.
- e. Chair Cook closed the public hearing.
- f. CCDA Discussion and Consideration

Director Snider moved to approve CCDA Resolution No. 15-05. Director Goodhouse seconded the motion. City Recorder Krager read the number and title of the resolution.

CCDA RESOLUTION NO. 15-05 - A RESOLUTION TO ADOPT A SUPPLEMENTAL BUDGET AMENDMENT TO THE FY 2016 CITY CENTER DEVELOPMENT AGENCY BUDGET

A vote was taken and the motion passed unanimously.

	Yes	No
Director Woodard	✓	
Chair Cook	✓	
Director Goodhouse	✓	
Director Henderson	✓	

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CITY COUNCIL

Mayor Cook announced the remaining items are City Council agenda items.

9. CONSIDERATION OF A TASER PURCHASE CONTRACT

Police Chief Orr said this is a contract to supply the police department with Tasers and authorizing the city manager to sign the contract. He said the Tasers used now are 12 years old and near the end of their useful life. They will no longer be supported by the vendor. The purchase before council includes a one-time insurance payment that will guarantee that at the end of a five-year period the city will receive replacement Tasers with the latest technology. This agreement will fulfill the department’s Taser needs for the next ten years.

The expenditure was discussed and City Manager Wine noted that funding for this item is split between two funds. Council President Snider asked if anyone knew how much the city has spent over the years to maintain the existing old Taser equipment and Chief Orr said they did not.

Councilor Woodard moved for approval of the Taser purchase contract and authorizing the city manager to execute the contract. Council President Snider seconded the motion.

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

Mayor Cook announced that the motion passed unanimously.

10. APPROVE 72ND AND DARTMOUTH INTERSECTION IMPROVEMENTS DEVELOPER COSTS AND AUTHORIZE THE CITY MANAGER TO APPROVE REIMBURSEMENT

Finance and Information Services Director LaFrance gave the staff report. Since 1999 developers have been paying into a fund for eventual signalization of the 72nd Avenue and Dartmouth Street intersection. Building the Wal-Mart triggered the need to install the signals so that developer will receive the funds. Mayor Cook asked if the city has proof of what the signals cost. Mr. LaFrance said the Wal-Mart developer supplied proof that the signals cost \$800,000. Councilor Henderson inquired if any of the costs went towards improvements on Pacific Highway. Mr. LaFrance said while Wal-Mart did some work on Pacific Highway these funds are only allowed for the work completed on 72nd Avenue and Dartmouth Street.

Councilor Woodard moved for approving the 72nd Avenue and Dartmouth intersection improvements developer costs and authorizing the city manager to approve reimbursement.

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Councilor Goodhouse seconded the motion and all voted in favor.

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

11. NON AGENDA ITEMS There were none.

12. EXECUTIVE SESSION None held.

13. ADJOURNMENT

At 10:59 p.m. Council President Snider moved for adjournment. Councilor Woodard seconded the motion and the motion passed unanimously.

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

Carol A. Krager, City Recorder

Attest:

John L. Cook, Mayor

Date



City of Tigard

**Tigard City Council Meeting Minutes
October 20, 2015**

1. WORKSHOP & BUSINESS MEETING

- A.  At 6:36 p.m. Mayor Cook called the Tigard City Council Workshop and Business Meeting to order.
- B. Mayor Cook asked City Recorder Krager to call the roll.

	Present	Absent
Council President Snider	✓	
Councilor Woodard*		✓
Mayor Cook	✓	
Councilor Goodhouse	✓	
Councilor Henderson	✓	

**Councilor Woodard participated in Agenda Item No. 5 by telephone.*

- 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 – Councilor Goodhouse announced he attended the Oregon Chapter of the American Planning Association meeting and the Tigard City Council was awarded the distinguished leadership by an elected body award for the city’s strategic plan.

WORKSHOP MEETING – Mayor Cook said that the first three agenda items are workshop meeting items.

- 2. JOINT MEETING WITH THE TIGARD TRANSPORTATION ADVISORY COMMITTEE
TTAC Chair Watkins gave council a handout of their PowerPoint which has been added to the record for this meeting. He and TTAC Member Halsted acknowledged Tigard staff as qualified and professional. In particular he thanked Streets and Transportation Project Engineer McCarthy for his expertise and historical knowledge, Senior Transportation Planner Brown for his new ideas and planning perspective, and Senior Administrative Specialist Patton, who keeps them all together.

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Chair Watkins said their bylaws state their annual report could take the form of a meeting. Mayor Cook asked City Attorney Ramis if this was allowed and he said it was.

TTAC Member Watkins outlined the five main duties of the TTAC:

- CIP Prioritization – they work with staff and realize this is their number one function. They will have their recommendations to staff in early November.
- Preparation of multimodal transportation system plans and corresponding transportation financing/capital investment programs
- Developing funding mechanisms and sources to implement transportation projects
- Traffic Safety
- Giving input on project development and concept design

TTAC RECOMMENDATIONS TO COUNCIL

1. Advocate for Improved Bus Service per TriMet’s SW Service Enhancement Plan

TTAC Member Halstead referred to a map in the handout showing TriMet’s plan to bring more bus service to Tigard. He said it is similar to the SW Corridor service vision but is more about improving bus service to the community. He said what brought him to TTAC was being a bus rider and wanting to improve service in Tigard, particularly east/west service. King City to Bridgeport on Durham is often cited as a potential line. He said it is great to have walkability as the city’s vision but we cannot walk everywhere. Public transit offers people the opportunity to go from one end of Tigard to the other or go to downtown Portland or Beaverton. He said TTAC wants the SW Service Enhancement Plan to happen sooner than later as we have waited for this for a long time. Mayor Cook noted that no timeframe was identified by TriMet so following up is a good idea. He added that the good news is that TriMet increased their payroll tax. The bad news is the payroll tax but now TriMet cannot come back and say they don’t have money. Mr. Halsted said TTAC wants this to happen within 12 months and would like to draft a letter to TriMet with council approval. Council President Snider said it is very reasonable to push for a timeline and agreed with urging it to be live and operational in 12 months. Mr. Halstead said TTAC will draft a letter to bring forward for council consideration.

2. Implement Forward-looking Traffic Calming Guidelines and Polity

TTAC Chair Watkins said traffic calming means physical measures to reduce speed. They are self-enforcing; TTAC is not talking about new speed limits. The devices range between simple striping to speed bumps. Objectives are safety, livability and integration of multimodal forms of transportation such as walking and bicycling on a street. They are working on a draft for council to consider. TTAC says this would add value to the community and can be a tool to get ahead of choke points and areas where pedestrians are jeopardized. He said their handout has some pages from the Walk Friendly Communities report card that dinged Tigard for not having these in place. He said they will also be

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sensitive to administrative overhead for this program as they heard from staff that prior programs were burdensome. Mayor Cook said traffic calming engineering has evolved over time. Ten years ago speed bumps were used, then bump-outs and islands, then bump-ins. The decision not to stripe some streets was a calming method Streets and Transportation Project Engineer McCarthy came up with. He said the city has learned that the answer is not always speed humps. He suggested that the committee have variable solutions for different types of streets such as arterial or neighborhood, etc.

3. Increase Funding for Transportation-related Actions by 50% Over the Next Five Years

TTAC Chair Watkins said their committee understands the cost issues but they also see the stresses the city is under. The TTAC urges council to raise the gas tax. He gave his personal opinion on reasons why now is a great time to raise the gas tax. Gasoline is currently very inexpensive and the forecast is that it will remain cheap for a while. An article is attached to the handout that indicates a change in awareness of the general population that infrastructure has not been maintained well. AAA looked at highway funding and indicates a change in sentiment.

Mayor Cook said he would like to see a 50 percent increase but has no idea where it will end up. He said we need to keep advocating for an increase at the federal level as it has been 30 years since last raised. He said at the state level it falls apart at the party lines. From a local standpoint raising it only a little just fixes potholes. Tigard has a street maintenance fee so our potholes get fixed but other cities are waiting for their portion of the gas tax to arrive. The city is considering raising the Street Maintenance Fee as we discuss getting rid of the street maintenance backlog and we have added a River Terrace SDC as well as a citywide SDC to help pay transportation costs. The local gas tax just came off of the sunset period so the city could go to the public to ask if they want to do more. This will all be discussed in the next few months. He said some of this can be done locally but it will take citizens talking to their legislators and Chair Watkins offered the TTAC's assistance.

Council President Snider asked if TTAC is suggesting raising the gas tax to 4.5 cents. TTAC Chair Watkins said not all of the infrastructure improvements could come from the gas tax so other sources are needed. He referred to the recent AAA study and discussions he has held with citizens that indicated people are ready to invest in infrastructure. He said the TTAC understands their suggestion is ambitious.

Councilor Goodhouse asked if their proposed increase is tied to certain projects or is it just more money to work with and then projects will be chosen. Chair Watkins said it was the latter.

Councilor Henderson said an important part of this is educating the public so getting the numbers correct is vital. He said they need to list projects and identify sources of funding.

Council President Snider asked if they were aware of the sidewalk gaps program and if they had offered any input. Councilor Goodhouse said they heard a brief overview. Council

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President Snider urged them to stay and hear the next presentation on the sidewalk gaps. He invited all TTAC members to address council.

TTAC Member Halstead said he has been a member of the Tigard community for seven years. He is interested in transportation as a whole but especially transit.

TTAC Member Murphy has been a citizen of Tigard for 22 years and is finishing up her first term with TTAC. She mentioned the difficulty of prioritizing projects and said it is like choosing which child to save. She said she wished more citizens could be made aware of the difficult choices that must be made because if more people knew about this they would vote. She is thinking of the future of this committee and hopes that the city can attract young people to serve on this committee.

Alternate Member Esau echoed praise for the staff team, in particular Senior Transportation Planner Brown and Community Development Director Asher's work towards prioritizing the CIP. He said his passion is the SW Corridor Plan and he encouraged council to leverage Tigard's position as a likely terminus and make sure we benefit not just from the delivery of a rail system but ones that addresses traffic congestion. He said Tigard can take a strong position because, "if they do not have Tigard they do not have a plan."

TTAC Member Shearer said she has seen a lot of changes in the Tigard area. She said the SW corridor is important to her due to social justice and social equity issues that we face here in Tigard for seniors, low income, students, and disabled citizens. She said Tigard needs increased TriMet service and whether BRT or light rail comes from the SW Corridor plan, we need it for our growth. We will not be able to widen 99W or I-5.

TTAC Member Gooley said he has been on TTAC for about a year and started out on the bicycle/pedestrian committee. He became interested when first moving here in 2008 and taken aback by natural resources and streams and the park land added over the course of the years. He would like to connect the sub-communities in Tigard and help them build identities. Fostering the sub-communities will help people take more of a stake in their surroundings and help build backing for a desire to give more funding.

Alternate TTAC Member Vasicek said he started also on the bike pedestrian committee. The city's vision is exciting for TTAC and they are seeing many things come together such as SW Corridor and Safe Routes to Schools. He said the list of projects is long but anything they can do will make Tigard a better place to live regardless of income level or neighborhood. He tipped his hat to the vision of the most walkable city.

TTAC Member Bogert said he came from the bike pedestrian committee, became an alternate TTAC member, full TTAC member and has now returned to the bike pedestrian committee. He said that over the course of time being on the TTAC he has seen marked improvements on things he did not think would happen, such as new segments of the Fanno Creek Trail and Tigard Street Trail. He recognizes the huge problem coming up with the funds to complete some projects. He worries about the street maintenance backlog and the two bridges needing replacement. He hopes that TTAC can help educate the public.

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Mayor Cook said he appreciates the time involved in being on this committee. He noted that Councilor Henderson has a term for it, “zealous nuts,” and the more information you can share the better. He referred to Ms. Murphy’s comment about having to “choose just one child” and said that unfortunately, the 121st Avenue has dangled out there for years. Other things pop up like bridge needs and while a walking path was added; the bridge fix is short term. Council President Snider thanked the TTAC for all their service. Chair Watkins displayed a slide of their planning calendar noting that they try to stay current and educated on the issues.

3. DISCUSSION ON SIDEWALK GAP PROGRAM

Finance and Information Services Director LaFrance lead the discussion on the emerging issue of a sidewalk gap program for the City of Tigard. He said this started with Budget Committee discussions in late April about the strategic plan. Staff was instructed to put together a high level order of magnitude list of needs and costs to take care of sidewalk gaps in Tigard. He said council direction was sought so they could hone and sharpen this information and potentially make this into a program. A multidisciplinary team was assembled, many of whom are present tonight. From Finance they have Carissa Collins and Preston Beck from the GIS group. Community Development brought in Liz Hormann and Buff Brown. Public Works staff includes Michelle Wright, Mike McCarthy, Lori Faha, Aaron Rivera and Vance Walker. He said planning, streets and finance are covered and they have been meeting to develop criteria and priorities. He said they deserve credit for what will be presented to council.

Senior Management Analyst Collins said one task in identifying gaps within the system was to define what a sidewalk, path and crosswalk and crossing gap were. They defined methodology, program benefits, tools used and what results came from those tools.

Senior Transportation Planner Brown addressed criteria and said they were developed to help pare down this very large list. They began with Safe Routes to Schools and identified public schools and included projects within one-half mile. They looked at transit. There is a good record of where bus stops are and which ones have the major demand.

Finance and Information Services Director LaFrance said after selecting criteria they looked at costing, how much it would cost to fill all the gaps and how much did they need to narrow it down. The three high-cost factors are non city-owned right of way, drainage ditches or wetlands, and high slopes. If a gap had two of the three high-cost factors, it was removed. Projects that facilitate transit or those near schools were given priority. What remained were the lower-cost projects, which had one or fewer high-cost items and would facilitate transit and schools. We took about \$150 million of sidewalk gaps, representing 95 miles of gaps, six miles of trails and about 130 crossings and brought it down to 36 miles of gaps, one and one-half miles of trails and 13 crossings for \$49 million, which is still substantial.

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A visual presentation was given by GIS Coordinator Preston Beck. He said in 2011 the city did an extensive street inventory and built in a sidewalk inventory. Sidewalks on both sides, one side or a total lack of sidewalks is indicated. They were able to build the gap base. Because it is a pedestrian system it includes trails and crossings. The Trail Master Plan showed potential trails so that was used to help fill in where a new trail might improve connectivity. Engineering staff gave input to identify potential crossings. They looked at what influenced cost. Projects that could be funded through other means were removed as were dead-end connectors which had no potential to being part of the pedestrian system. They ended up with a high-cost scenario with one or more cost indicators and includes the transit zones and school walk zones. To get to the lower cost scenario layer, anything flagged with the high-cost factors such as wetlands or steep slopes was stripped out.

Mr. LaFrance said what the team needs from council is their feedback on whether they are moving in the right direction. They want to know if there are other factors they have not taken into consideration. A workshop is scheduled for November 17, with time reserved for a hearing on December 8 if ready. They will hold a more robust discussion on funding sources in November and would like to hear if council has some specific funding sources in mind.

Mayor Cook asked about 121st and North Dakota streets and asked if streets with one side were excluded. He referred to 12th Avenue between North Dakota Street and Summercrest. One side has a ditch but the other side, while it may not have right of way has no ditch. Are we excluding this? He also asked about Summer Street and Summercrest Street. GIS Coordinator Beck said none of the sides have been lost. Mayor Cook said he understood why one side of 121st would be too expensive, but why not do the other side? That way people who live there can walk to Whole Foods and not be in the street. Streets and Transportation Project Engineer McCarthy responded that this is an initial first look and we are looking overall how many miles are we looking at. If we get to an actual program, we will take a look at streets like 121st. He was not sure why it did not show up on the map.

Councilor Goodhouse said he has spoken to many people about this and he would like to see more emphasis placed on main roads (North Dakota, 121st Avenue or McDonald Street, for example), even if it is more costly. He said his vision was to increase sidewalks on main roads to encourage more people to walk. If the city initiates a program but ignores the gaps on main roads it does not sell to public. He noticed that trails were not on the map and mentioned that a recent study showed 65 percent of Tigard residents are active and 50 percent of those work out at home and use trails for walking, running or biking. He suggested developing a 10-15-20 year plan and put this line item on the utility bill as a funding source. He advised giving citizens a list so they will know what the plan is for each year and when it will end.

Council President Snider thanked everyone for this effort and Councilor Goodhouse for asking for this discussion. He said we did not know before that to build out our entire sidewalk network could cost \$150 million and just knowing that is more than we knew six months ago. It is helpful just to know that. He asked how many higher priority items were left off the recommendation because it is too expensive and suggested important items should be done even if expensive. He asked if there was a separate overlay that would show what high priority things got eliminated.

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Finance and Information Services Director LaFrance requested that GIS Coordinator Beck create this overlay. Council President Snider said a sidewalk program fee is the right way to pay for this.

Councilor Henderson confirmed that this is about connectivity. He asked if there was a program suggestion to have the private sector pay a portion for sidewalks. He said he wants connectivity more than anything else. He noted that a line on the map near his house needs to come off because it does not connect to anything.

Councilor Goodhouse thanked staff again for their work on this. He said in an informal survey he has talked with 100-150 people. He told staff, "Don't worry about sticker shock on this one." He said people say do the project and pay for it over 20 years. Folks in the priority areas are not walking because there are not sidewalks. Take care of the issues such as school crossings. Talk to principals and parents; this is a high priority and is supported. On Walk/Bike to School Day a child said to Kenny Asher, "Tigard doesn't have sidewalks." Everyone can get together on this.

Council President Snider has reflected on what Councilors Henderson and Goodhouse said and what may be missing is having a major network such as the ability to walk from virtually everywhere to downtown. Is there a sidewalk or at least one sidewalk on major streets? This would create a backbone for the network system to get to one place to another.

Mayor Cook summarized that staff did a great job and this information is helpful. He appreciated them being conservative but the echoing comments from council are that we focus on main streets even if we don't get as many miles. Council is saying do not worry about side streets. Council President Snider cautioned not taking out the school connections. Councilor Goodhouse asked if this takes into account bike lanes or only sidewalks. Runners and bicyclists need to use the same street. He said to keep this in mind when designing paths too because although people think paths are too wide, families with strollers or multiple users such as walkers and bicyclists need that space. He asked if there would be a bike lane and a sidewalk on 121st Avenue, for example.

Senior Transportation Planner Brown said the city has a complete streets policy so if a street is worked on a bike lane will be added. Transportation Project Engineer McCarthy said a plan for 121st would include a sidewalk and a bike lane. He added that depending on where the street is there may be only space for a half-way bike lane. Trail gaps will get a path and room for bikes. Mr. Brown said Washington County is considering sidewalk gaps as a project. Councilor Goodhouse asked if the city can leverage this with the county so match money is not lost. Mr. Brown said Washington County has identified a list of roads and the city is asking for 121st avenue to be added to the list

Finance and Information Services Director LaFrance said staff will bring information and a map showing major roads and the impact of bike lanes. A utility fee was identified as a potential funding source. Councilor Goodhouse reiterated that they trim some of the side roads. City Manager Wine said if council wants to include something in the next budget cycle they will need to have this ready by the end of the year. Council President Snider said he did not want to wait to discuss this in another next budget year.

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4. DISCUSSION ON A PARKS AND RECREATION CHARGE

Finance and Information Services Director LaFrance introduced this item which was initiated in last year's budget process. As frequently discussed, the General Fund revenues grow by 3 percent in general but costs average a 4.5 percent increase. He said a "Band-Aid" approach has been taken in the past. This year the Budget Committee wanted to take a more bold and holistic approach and from that conversation came the idea for a park and recreation charge. This would solve two large problems. The 2010 parks bond measure increased Tigard's parkland by 30 percent. Yet staff has only increased by 10 percent. There is no funding to develop and maintain these parks. The city also has a new strategic plan and Goal 4 says we will fund the vision to make Tigard the most walkable city in the Pacific Northwest.

The General Fund pays for police, library, community building and parks. Six percent is used to maintain parks. The Budget Committee recommended that staff remove parks from the General Fund and put it in a separate fund modeled after a utility. This frees up \$2 million in the General Fund for police, library and community building. A multi-divisional team was assembled and a consultant was hired. Mr. LaFrance showed a PowerPoint presentation, a copy of which is in the packet for this meeting. He said staff is seeking direction from council on policy issues to help develop the fee and will return at the November 17, 2015 council workshop meeting for continued discussion. The public hearing to implement the charge is tentatively scheduled for January 12, 2016.

FCS Group Consultant Todd Chase said the purpose of the Parks and Recreation Charge (PARC) is to identify a reliable source of revenue for ongoing operation and maintenance of parks. This issue needed to get addressed because maintenance gets more expensive the longer it is deferred. The other financing mechanisms such as SDCs help construct parks but not maintain them. The parks bond expanded park land but there is currently no means to develop and maintain those additional parks.

Mr. Chase said they conducted a parks utility fee survey and found good examples of cities that have adopted a park utility fee in the last ten years. He showed a slide showing aspects of the fees charged by Medford, Talent, West Linn and Gresham. Fees range from \$2.95 to \$13.01. Some jurisdictions have low income programs and vacancy adjustments, which keep it more of a utility fee and less of a tax. Some allow escalation. Mr. Chase said they will come back in November with eight different cost scenarios that are cumulative, starting with a base case just covering existing maintenance and operations and then some add-ons.

Councilor Henderson asked for the estimated cost per household to raise the \$2 million. Mr. Chase said it would depend on whether to charge residents only, and all the other cost scenarios. Mr. LaFrance said staff does not have an answer to that yet because input is needed from council. Staff will return in November with a fully-fledged program for discussion. Councilor Henderson commented that with the street maintenance fee, two-thirds is covered by residents.

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Policy decisions for council include basis of charge, allocation (residential, non-residential, etc.), discounts, exemptions and phase-in. Council could choose to include the introduction of a recreational program, community gardens, or seed money for new programs.

Mr. La France gave council two concepts to consider: The team has proposed a base fee based on proximity to a neighborhood park. A homeowner living near a neighborhood park would pay more. Another concept is using the home size as a proxy.

Council President Snider suggested keeping it simple. He said he generally likes charging those who use the parks. He referred to using house size as proxy and said there could be a 10,000 square foot home with two people living in it but a much smaller unit with ten people residing there.

Councilor Goodhouse, agreed with keeping the charge basis simple. He asked to see a reduction for homeowners with a low or fixed income. He said he agrees with a business and residential mix and would like to see a few options.

Mayor Cook said this idea came from Budget Committee voted for this 9-1. He said going out for a levy has advantages and disadvantages. There has to be an election and people will need to vote it in. But is tax deductible; user fees are not. Expensive houses would pay more. The simple fee being discussed tonight is the same for all households. His main concern is adding too many fees. We already have a street maintenance fee which we are considering adding to. We are looking at a sewer fee. We talked a few minutes ago about adding a sidewalk fee. And now we are talking about a park fee. He said he worries about “feeing” everybody to death but realizes we have to pay for it somehow. Tigard still has the lowest property tax in Washington County and we cannot change that because of the way the tax laws are written. He said he is not wholeheartedly in favor of this but will take everything into account.

Councilor Henderson pointed out that one city councilor was not present and he wanted to make sure Councilor Woodard was offered an opportunity to be part of this conversation. Mr. LaFrance said he will reach out to Councilor Woodard.

Mr. LaFrance gave council some printed outreach materials. These have been added to the packet for this meeting. The brochure talks about our parks, what we have been doing with them and that we are considering a park charge. He said there will be a survey, a video story, Cityscape articles and social media. When council meets in January staff will have feedback from the community. He also gave council a handout on the communications plan for the park charge.

Councilor Henderson asked if the PRAB had been involved and said he was interested in what they think should be included and what may not be worth the money. Mayor Cook advised that anything related to parks should be run through the PRAB. Mr. LaFrance said they will ask the PRAB and correct that oversight.

Council discussion will continue at the November workshop meeting. Staff will present a program proposal that keeps the basis simple and will provide additional information on options

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for residential and businesses. They will show what this would be what the equivalent rate would be on a property tax. Council President Snider suggested that be done.

BUSINESS MEETING – Mayor Cook announced that the next portion of the meeting is a council business meeting. Councilor Woodard participated by telephone in this agenda item.

5. CONTINUATION OF QUASI-JUDICIAL PUBLIC HEARING – APPEAL OF HERITAGE CROSSING ZONE CHANGE AND SUBDIVISION (ZON2015-00002/SUB2015-00001/VAR2015-00001

- a. Mayor Cook reopened the public hearing.
- b. Statement by the City Attorney regarding procedure. City Attorney Ramis recapped the process. He said the first issue council must decide is whether or not to conduct a hearing on the revised plan that has been submitted or whether to deliberate on the original plan. He said council could move to consider the original plan if not interested in the revised plan, or alternatively, as staff will explain in more detail, could find that the revision is a significant change. If council finds that the revised plan is a significant change, then under the code it cannot be considered at this point in the process. Alternatively, council could take testimony on the revised plan but the issue there is whether it is significant or not. In order to conduct a hearing on the revised plan council must have determined that it is not a significant change.
- c. Mayor Cook asked for declarations and challenges

Declarations and Challenges - Mayor Cook asked if any members of Council wished to report any ex parte contact or information gained outside the hearing, including any site visits. Councilors Goodhouse and Snider said they go by the property frequently. He asked if all members had familiarized themselves with the application and they indicated they had. He asked if there were any challenges from the audience pertaining to the Council's jurisdiction to hear this matter or was there a challenge on the participation of any member of the Council. There was none.

- d. Staff Summary – Associate Planner Floyd said council would be making decisions tonight on an application that was before them on two occasions. He called attention to three items that might aid council:
 - 1. Two comment letters were received and these were emailed to council yesterday, One from Nadine Lutson and one from Phillip Morgan. These will be relevant if council decides to hold a hearing on the revised application.
 - 2. There is an electronic copy of the previous applicant materials on their computer desktops for reference. Mr. Floyd also has a copy of the record in the room and the

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electronic folder on his computer. He noted that the last hearing on this proposal was in July.

3. A color-coded decision tree has been distributed to help guide council and those in the audience follow the process and the choices being made tonight. The blue boxes indicate procedural decisions and the red boxes indicate potential final outcomes requiring quasi-judicial decisions.

Mr. Floyd said the project had been re-noticed and he received some queries from new parties. He briefly recapped the process thus far. On May 18, 2015 the Planning Commission denied the application 5-1, finding it inconsistent with all three approval criteria for a quasi-judicial zoning map amendment. They also found it inconsistent with 17 Comprehensive Plan policies. On July 14, 2015 council heard an appeal by the applicant. At that public hearing the record was closed and council was scheduled to make a decision at a September 8 meeting. At that public hearing council was made aware that the applicant was interested in submitting an alternative site plan and application and a decision was made to open the record. This was received by staff on September 29 and on September 30 notices were mailed.

Mr. Floyd said it is a completely revised application. The main changes are that the zoning map amendment request has been reduced from 9.1 acres to 6.03 acres, a 33 percent drop and would result in split zoning on the property. Some would remain at the existing zoning and some would be converted from R-12 to R-7. With this change there is a density increase from 53 to 62 units, representing a 21 percent increase. There were proposed modifications to street improvements, notably to interior street corners and frontage improvements on Hall Boulevard. There were modifications to the project narrative plan sheets and technical studies. As noted in the Agenda Item Summary, the timing is unusual and has complicated the procedure.

The first unusual thing is that it was unprompted change; Council had not yet deliberated on the matter. This was not done under council direction. The second is that it was offered after the close of the record instead of before, which would have been more appropriate in the process. The third issue is that the applicant has only extended the record until November 3, 2015 so the city is operating under a short time limitation and it behooves council to make a decision quickly. Given the three-month gap between the initial hearing and this one he encouraged council to ask any questions they had of staff or the applicant.

Council President Snider asked City Attorney Ramis if council had a specific definition of what significant change meant. City Attorney Ramis replied that council does not have a definition of significant change and will have to use their judgment. He said one question might be whether this is a significant enough change for staff to require staff to do a virtually a new analysis or is it significant enough that there are issues you want the planning commission views on? He said it is up to council. Council President Snider asked staff for answers as the questions seemed relevant.

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Associate Planner Floyd responded that the code does not define significant change but staff made a recommendation that there is a significant change based on metrics and timing. It is a 21 percent increase in proposed density. If looking for precedent, under the criteria for a major modification of a site development review, the city's code says a ten percent increase is a major modification. It is an increase which is causing city engineering staff to review the materials again and they have not quite finished that review. The proposal splits the property in an irregular fashion which did not get reviewed by the Planning Commission.

Mr. Floyd said these changes also resulted in an entirely new application packet with new plans and narrative and all technical studies have been revised. That requires a thorough analysis of the entire packet. He said this is a significant change in staff's opinion. In terms of timing it is important to note that the public had an expectation that the record was closed. We have re-noticed the project but people may have stopped participating at this point. Council does not have the benefit of Planning Commission feedback. They are the primary decision making body for quasi-judicial map amendments; council is the appeal body. Council appointed the Planning Commission members with their expertise and knowledge to make these decisions. Without their input the alternative application is a significant change in the knowledge council has before them.

Council President Snider asked if council has the authority to determine if it a significant change and remand it to the Planning Commission. City Attorney Ramis said one option is to continue the hearing and not consider the proposal; the applicant can withdraw the original and the process begins anew. He answered that the council could say it should go back to the planning commission but this runs into time deadlines. Council President Snider asked if the revision to the original application is subject to the same timeline. City Attorney Ramis said it would have a different timeline if refilled as a new application.

Councilor Snider commented that this is an example of a situation where he did not feel like the formal governmental land use process established in Oregon allows an applicant, the city and the community to come to the best decision for the entire group. City Attorney Ramis added that a former Supreme Court justice in the State of Oregon once said that if anyone wanted to find a model of the most difficult, arcane and complex system of land use they would chose Oregon's. He agreed that council is struggling with a formal system with timelines that may restrict desired flexibility.

Applicant Attorney Robinson said he had a procedural issue. City Attorney Ramis said the hearing was closed and if he had an objection he needed to put it on the record. Mayor Cook asked him to allow council to continue deliberation.

Mayor Cook said he understood Council President Snider's frustrations. He asked council if they want to discuss the original or the alternative. Council President Snider said it is not reasonable to consider the alternative when it has not gone through most of the process. Mayor Cook discussed the process and said the first decision is to decide whether to consider the alternative or the original application. Councilor Goodhouse asked if council already said they wanted to consider the alternative by opening the record again. Mayor

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Cook said we said we were willing to look at it but do not have to accept it. Council President Snider said he had hoped it would be a grand compromise between all groups and it does not appear to be

Councilor Henderson said it is a significant change. He thought there could have been some other way to at least meet the density. There should be a balance to meet the density requirements. He said he was dismayed because normally the city does not go backwards with density. He understands that they are trying to match the zoning behind it but just putting R-15 at the front does not meet the requirement.

Councilor Goodhouse had hoped for a more detailed explanation in the alternative on why R-7 zoning would have been appropriate.

Councilor Snider moved to consider the alternative application. Councilor Goodhouse seconded the motion. Mayor Cook conducted a vote and announced that the motion passed 3-2 to consider the alternative application.

	Yes	No
Council President Snider	✓	
Councilor Woodard (via phone)		✓
Mayor Cook	✓	
Councilor Goodhouse	✓	
Councilor Henderson		✓

- e. Applicant comment - City Attorney Ramis noted that the applicant has the opportunity to comment.

Michael Robinson, 1120 NW Couch, Portland, OR 97209, is the attorney for the applicant and emphasized that the city has until spring of 2016 to make a decision. He said state law allows an applicant to extend the clock another 245 days, so from the day the application was originally deemed complete the city has 365 days to make a final decision. There is plenty of time for council or the planning commission to make a new decision without running afoul of the 120-day clock. He said the applicant will grant an extension if requested. Referring to Councilor Goodhouse’s comment he pointed out that when they submitted the final written argument, they included a set of proposed findings. He said at our public hearing they would do that and we did. In addition to their final written argument there is also a set of findings demonstrating how the approval criteria were satisfied in all respects. He said they do view this as a grand compromise. They wish they could have gotten everyone to the table. They met initially with some of the city’s Community Development Department staff but could not arrange a further meeting. He said they also met with Metro and pointed out the absence of further comment from Metro so whereas they might have been opposed to the prior application they appear not to be opposed to this application. He said Council President Snider summarized it nicely and these really are not great places to make the best land use decisions and what they tried to do is encourage a conversation about

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how they might satisfy what the neighbors want, what staff believes is appropriate for the community and what the applicant can construct on that property. He said he hoped council would listen to them tonight and we can come up with that grand compromise that satisfies both what the public looks for and what is reasonable to construct on that property.

City Attorney Ramis said since the council will hear testimony on the new materials he would now read a statement on rules and procedures for testimony. He said the staff report has been available on the city's website for one week and a paper copy has been available at the public library. He said any person may offer testimony and gave the rules for testimony. He said members of the council had been asked if they had any conflicts of interest and the answer was nay. There were no challenges to council on expert contacts or to their jurisdiction or participation.

- f. Staff report on their recommendation on the new materials and whether they constitute a significant change.

Associate Planner Floyd said staff looked at the criteria and there is a 21 percent increase in proposed density which is a significant change requiring another look at the traffic study and other requirements. It would also change public expectations. Traffic has been a constant item in public comments and remarks about this project. The proposal would split zone the property in an irregular fashion and the line is not rational. There are reasons why it exists where it does but these were not reviewed by the planning commission. Staff finds that moving from a total zone change to a partial one is significant. The revisions are rather substantial and agencies did not have much time to review them as well. They warrant reexamination. This is a due process issue. Staff feels this is best reviewed again by the planning commission as a new application. He said it is important that projects get designed up front. As Attorney Robinson said, there was a math error in the date calculation which was pointed out to Mr. Floyd just before the hearing and there is more time to consider this. Staff recommendation remains the same, which is to reject the new materials.

A discussion was held on the process and options shown on the flow chart.

 Council President Snider asked if there had been any indication that the applicant wishes to withdraw their original application. Associate Planner Floyd said he has not heard from the applicant and would defer that question to them.

City Attorney Ramis asked for clarification on council's previous motion and Mayor Cook, stated council has voted only to consider the alternative but has not made a decision on whether it is a significant change. City Attorney Ramis said there are people who will want comment on whether it is a material change and Mayor Cook said he would allow testimony.

Matt Hughart, 8817 SW Greening Lane, Tigard, OR 97224, said when he signed up to speak he did not realize it could only be on whether or not this is a significant change so he did not testify.

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Deena Smick, 8679 SW Hamlet Court, Tigard, OR 97224, said, “You keep saying it does not have significant change” She said in her house they call it the, “100, 50 and 60,” and while not exact, this gives her perspective. The city wants the 100, the neighbors want the 50 and the developer is saying go with the 60. When the city says this is a significant change, she agrees that yes, this is significant change and why not go for it. She said the city is acting like significant change is bad and she realizes significant change causes work, but we are getting some compromise here. She said they do not want more houses because they want the new development to be like their neighborhood. The state and city want more houses. She said no one is listening to them but significant change means someone is listening She said significant change may mean a lot of work for the city but it means that the developer is moving and taking on more density. She asked if her testimony related to the question of significant change. Mayor Cook said yes, for her definition of significant change. But council’s definition of legal significant change means did the application change so much from the original that they either need to reject it or have the planning commission look at it. For council it does not mean it changed from 100 to 60. Ms. Smick said council should look at it.

Councilor Goodhouse reminded the public that council cannot use their feelings in this matter. They must follow state rules regarding density and it does not matter how much work they do or do not want to do. He commented that it is not a simple process.

Attorney for the Applicant Robinson said he appreciated the process and it is a good attempt to try and figure out how to make a rational decision but felt it is all quasi-judicial. He said he wanted to lodge a soft objection to the process in that they would have preferred to be notified in advance that this was how the meeting would be run. He said council is not guided by state law here but by the code criteria. He said the state goals apply but he did not think anyone was talking about statewide planning goals. The principal issue with respect to the number of units is compliance with the Urban Growth Functional Management Plan which says there cannot be more than a nominal change. He said they presented evidence that the city had a number acknowledged in its plan of 6,000 dwelling units as minimum zone capacity. The change, if talking about the alternative plan, is a loss of roughly 40 units. He said under anyone’s analysis that a criterion is satisfied so council should not think they are bound by that or some state law. City Attorney Ramis stated there is no definition of significance in the code and he is right. Council has a fair amount of discretion to decide in each case what constitutes significant change.

Mr. Robinson addressed issues raised by Associate Planner Floyd. He mentioned 21 percent increase in density. When you are trying to address a basis for denial, and the planning commission’s basis for denial was that R-12 was needed at this site, trying to adjust the number of lots to accommodate the planning commission view is not significant. He said, “We are trying to achieve what the planning commission set out to occur here.” He said traffic is another metric by which significance can be determined but in this case staff testified that traffic was not an issue. He said council heard testimony from the neighbors that it was but in rebuttal staff said the system can accommodate the traffic. He did not think this could be a basis for significance now. The split zone creates an irregular line but this is

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not significance metric. He said if council wanted to hear an explanation on the split line they could supply it but he suggested council discard that as a basis for significance.

Mr. Robinson noted that Mr. Floyd said there was not enough time for staff to review this. The city's public notice for the reopened public hearing was mailed on September 30 and that is roughly 20 days before tonight's hearing. That is the same amount of time that every quasi-judicial hearing is noticed so there is ample opportunity for agencies and the public to participate. He would not encourage council to take until spring of 2016 to make a decision but noted that council is not bound by a looming deadline. He summarized that council could not find that this is a significant change because basically the street layout is the same and the lot configuration the same. What changed is the boundary line because they are trying to address the issue that staff identified which is having R-12 against Hall Boulevard. That is why the applicant drew the line in the way they did, not to mention the fact that they wanted to keep R-7 abutting adjacent lots so they could keep faith with what the neighbors said they want, which is like lots and like housing. This is not represented by R-12.

Mr. Robinson's last point was that the city council always has the authority under ORS 227 and Tigard's Development Code Section 18.390.050.e.3 allows council to approve with conditions or deny an application. Council can make a determination to approve with a condition such as to leave R-12 along Hall Boulevard. He said the applicant urges council to find this is not significant and continue the hearing on the revised application tonight.

Council President Snider asked Mr. Robinson to help him understand how he views this entire process as quasi-judicial when even in his own statement he agreed there is no criteria. Mr. Robinson said he did not say there were no criteria but that there was no definition of significance and he tried to give council some metrics that would allow them to apply that term in the code. He said council is applying existing law to this application so making these discretionary decisions is quasi-judicial.

Council President Snider asked Mr. Robinson why, if not a significant change, did the alternative application require a 2 1/2-inch binder. Mr. Robinson said most of the materials in the binder did not change. But if council wanted to approve the compromise application they wanted to give a set of findings and a narrative. He said one of the things that come along with the complexity of Oregon land use is paper. AKS also gave revised site plans in each case to reflect the revised application. Mayor Cook noted there are 300 pages of storm water runoff and 120 pages of traffic information. He said Section 18.390 of the code says council can decide to approve it with the condition to leave R-12 zoning on Hall Boulevard so they do not need to get to significance. He said they wanted to be as cooperative as possible. Staff wanted additional information and they were happy to provide it. The weight or the volume makes it significant. When looking at the lot layout, the street configuration and the impacts it is not that different.

In response to a question from Council President Snider on precedence City Attorney Ramis said the city has a code section that is intended to address these situations but no previous experience in using it. He said it is unusual to have this code section because most cities

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have not addressed this problem but while being a step ahead in having language, there is no history in interpreting it or a definition.

Councilor Goodhouse asked Mr. Robinson if it is not a significant change and they are confident with the original, why not stick with the original application. Mr. Robinson said they were confident with the original application but in the spirit of cooperation and collaboration wanted to offer the city council something that responded in the best way they could to staff testimony. He said council could have taken an up or down vote on the R-7 zoning. But the applicant wants to develop this property in a way that makes sense for not only for the applicant's development but for what the neighborhood wanted. They could have had a decision more than a month ago that would have allowed them to move forward with whatever they got, but they thought it important to show council that they wanted to

try and address the issue. So they took the time and expense to bring it back. They feel council could still approve the R-7 zoning and that is why they provided findings with their final argument. But also, in the spirit of compromise, the applicant wanted to offer this alternative non-significant change plan.

Associate Planner Floyd said many of the comments have strayed beyond the significance question into actual approval. He said council should focus on the changes between the original application and the revised applicant. Mr. Robinson spoke about traffic impacts being insignificant based on the original staff report. That was based on a subdivision design with less housing. Additional analysis is warranted. In terms of approving this as a condition, conditions are meant to address approval criteria. He was not sure this was relevant at this time. This code section is there because it prevents ends runs around the planning commission or other hearing bodies and is intended to keep due process intact. When council is considering the interpretation this section he asked them to keep the entire process and honoring the process in mind. He said he thought it warrants new review.

- g. Council deliberation and procedural vote on whether or not new materials are a significant change.

Council President Snider moved that council consider the new materials a significant change. Councilor Goodhouse seconded the motion. Councilor Henderson asked if there could be an amendment to add a condition to bring them to a new application. The process and flow chart was discussed. City Attorney Ramis said the determination on filing a new application is in the hands of the applicant.

City Attorney Ramis said if council makes a finding now that it is a significant change, the code spells out what happens next and it does not include the option of a remand. It says you continue to consider the original application and the applicant may withdraw the original application and stop that deliberation. He said the applicant can begin a new process with an alternative application and he thought that meant filing a new application. He said in theory, before council reaches this decision they could say they want the opinion of the planning commission before you reach the decision as to its significance. Mayor Cook said

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this is saying we do not have enough facts so we are remanding it back to the planning commission and whether it gets appealed or not is unknown. City Attorney Ramis said council could do that but the issue of significant change would still be on the case and could be raised by an opponent at the planning commission hearing. The issue would not be resolved.

Councilor Woodard said he agreed that this is a significant change and he is ready to vote on going back to the original application and continue from that point forward.

Council President Snider asked City Attorney Ramis if a significant change is not found and the revised application is remanded to the planning commission, could it create a new situation that may be appealable. Mr. Ramis said council did not have the ability to end the debate on the significant change. It could be possible that everyone who has testified in this case likes the new plan and the planning commission would approve it and there would be no controversy. Council President Snider asked why such an alternative was not on their process grid and City Attorney Ramis replied that it is not in the code

Associate Planner Floyd said there are options beyond the code but staff's preference is for the cleanest, most defensible decision and that it that this is a significant change. In terms of risk there are other parties that have applicable code sections that may choose to appeal any decision. He said in terms of defending the decision, sticking to the code would be the best course of action.

Council President Snider asked if the applicant would need to pay more to reapply and Mayor Cook said it could be waived.

Council President Snider withdrew his motion to deem this a significant change so he could propose a different motion. Councilor Goodhouse withdrew his second.

In response to a question from Council President Snider, City Attorney Ramis said council can waive the application fee for the applicant but the first question is whether the applicant would withdraw this application if the city is going to provide a fee waiver for a new application. He suggested continuing this for a few minutes for a discussion with the applicant. Councilor Goodhouse asked if the applicant could be asked if they would rather stick with the original and new findings or go with the alternate.

At 9:54 p.m. Council President Snider moved for a five minute recess to allow discussion between staff and the applicant. Councilor Henderson seconded and all voted in favor. Motion passed by a majority vote. Council returned at 10:03 p.m.

City Attorney Ramis summarized that council had a question about whether the matter could be remanded to the planning commission for consideration of the revised application without an additional fee. He said they have identified a way to do that under the code. He suggested a motion that would find that the change is significant, and the council would in addition direct the existing application be suspended as authorized by the code, and that the applicant would submit to the city a new application with the significant changes and in that

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motion, council would also approve a fee waiver. The result would be no additional charge for a fee for the applicant and the revised application would go before staff for review and recommendation and a hearing before the planning commission. The issue of significant change would be resolved.

Council President Snider moved to find the change significant, suspend the existing application, request a new application be filed and approve a fee waiver for the new application. Councilor Henderson seconded the motion.

Councilor Goodhouse said he wanted to make sure the applicant was fine with submitting the revised application and not the original. Associate Planner Floyd said if the application is suspended, would it be appropriate to ask for an extension of the clock for the suspended application. City Attorney Ramis said it was his understanding is that if an application is suspended it is gone and not being considered unless council brings it up again and therefore time limits are irrelevant. He said he had no case law for that and said it may be useful to find out if the applicant agrees with that

City Attorney Ramis and Applicant Attorney Robinson discussed whether, if the council suspends the original application, it would terminate any 120-day clock issues. City Attorney Ramis said his understanding of suspension in this situation was that before the existing application can be suspended applicant must consent to a waiver of the 120-day rule. Mr. Robinson said he understood that the question is whether the 120-day clock is suspended and commented that the applicant would then be “putting all our marbles on the compromise application.” Mayor Cook suggested he talk to the applicant. After discussion with the applicant Mr. Robinson said their discussion with staff also included waiving a pre-application meeting and expediting their 30-day completeness review which they understand staff is willing to do. He said the applicant will consent to a 120-day clock waiver for the original application. If the revised application goes to the planning commission and is approved the applicant will go through the formal act of withdrawing the original application. Council President Snider asked if the things that the staff agreed to should be in the motion. Mr. Robinson said, “The answer is yes.”

Council President Snider amended his motion to include a waiver of the pre-application conference and an expedited 30-day completeness review. Councilor Henderson seconded.

Mayor Cook repeated the amendment for Councilor Woodard. He called for a vote for the amendment to include a waiver of the pre-application conference and including an expedited 30-day completeness review.

	Yes	No
Council President Snider	✓	
Councilor Woodard (via phone)	✓	
Mayor Cook	✓	
Councilor Goodhouse	✓	
Councilor Henderson	✓	

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Mayor Cook announced that the amendment to the motion passed unanimously. He asked if there was any discussion on the amended main motion. Council President Snider said he thought it was the right thing to do. Council President Snider asked for the motion to be repeated for Councilor Woodard on the phone and City Recorder Krager read the motion, as amended. Councilor Woodard said he was good with this motion and agreed it was the right thing to do.

	Yes	No
Council President Snider	✓	
Councilor Woodard (via phone)	✓	
Mayor Cook	✓	
Councilor Goodhouse	✓	
Councilor Henderson	✓	

Motion passed unanimously.

Mayor Cook spoke to audience members who had been waiting to speak and said they have a new opportunity to testify and it will be at the planning commission. He noted that if it is approved by the planning commission it will not come before council. He thanked those in the audience for attending.

6. NON AGENDA ITEMS

7. EXECUTIVE SESSION - None was held.

8. ADJOURNMENT

At 10:20 p.m. Councilor Goodhouse moved for adjournment and his motion was seconded by Council President Snider.

	Yes	No
Council President Snider	✓	
Councilor Woodard (via phone)	✓	
Mayor Cook	✓	
Councilor Goodhouse	✓	
Councilor Henderson	✓	

Carol A. Krager, City Recorder

Attest:

John L. Cook, Mayor

Date

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AIS-2360

3. C.

Business Meeting

Meeting Date: 11/10/2015
Length (in minutes): Consent Item
Agenda Title: Contract Award - Dirksen Nature Park - Environmental Education Center & Pathway Improvements
Prepared For: Joseph Barrett
Submitted By: Joseph Barrett, Finance 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 Dirksen Nature Park Environmental Education Center project to Lee Contractors in the amount of \$115,886.

STAFF RECOMMENDATION / ACTION REQUEST

Staff recommends the Local Contract Review Board award a contract for the Dirksen Nature Park Environmental Education Center project to Lee Contractors in the amount of \$115,886 and further authorize the City Manager to take the necessary steps to execute the contract.

KEY FACTS AND INFORMATION SUMMARY

As part of the overall development of Dirksen Nature Park, the city plans improvements to the Environmental Education Center on the site. A general description of the initial work included the following:

1. Mobilization, Traffic Control, Erosion Control, Clearing and Grubbing.
2. Renovations to the Education Center Building (Roofing, Cladding, Doors, Decking, etc.)
3. Parking lot improvements.
4. Installation of a LIDA water quality facility at the Environmental Education Center Building.
5. Installation of landscaping.
6. Installation of an 8' wide concrete path from Summer Creek Bridge to the Fanno Creek Trail.

7. Performance of additional and incidental work as called for by the specifications and plans.

The city issued an Invitation to Bid for this work on September 9, 2015 with bids due back to the city on September 24th. The city received the following three bids:

1. Lee Contractors - \$180,686
2. Brown Contracting - \$252,248
3. Pac Green Nursery & Landscape - Incomplete Bid

Engineer's Estimate - \$122,610

Staff reviewed the bids and has found that Lee Contractors (the contractor that completed the entryway monuments downtown) is a responsible bidder and submitted the lowest bid. However, the bid is nearly \$60,000 higher than the city's estimate. This is in large part due to higher than expected concrete work - nearly \$30,000 higher than the city's projections - and higher than expected clearing and grubbing costs. In an effort to keep future phases of the park's development at their current projected budget levels, the city is forced to look at scaling back on the work on the Environmental Education Center due to these overages. Staff is proposing to eliminate the proposed concrete path along with other minor modifications to bring the project back in alignment with available resources. Staff has discussed this with Lee Contractors and the scaled back project is estimated \$115,886. This scaled back project is what staff is recommending for contract award tonight.

OTHER ALTERNATIVES

The Local Contract Review Board may direct staff to reject all bids and reissue the Invitation to Bid.

The Local Contract Review Board may direct staff to reject all bids and place the project on hold until complete funding is made available for all phases.

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

Tigard Park System Master Plan

DATES OF PREVIOUS COUNCIL CONSIDERATION

The Tigard Council discussed this contract at their October 27, 2015 meeting.

Fiscal Impact

Cost: \$115,886

Budgeted (yes or no): Yes

Where budgeted?: Parks Capital Fund

Additional Fiscal Notes:

With changes included in a 1st Quarter Supplemental, the FY 2015-2016 construction budget for the Dirksen Park Improvements is \$194,429 with an additional \$60,000 in contingency for a total of \$254,429 available. Of this, a minimum of \$116,000, funded from the Urban Forestry Fund and a contribution from Agilyx Corporation, is for the Oak Savanna project. Additionally, approximately \$8,000 in funds must be set aside for construction administration and permitting costs. This would leave no more than \$130,429 available for this work. The Contract award is under the available funding.

Attachments

No file(s) attached.

AIS-2382

4.

Business Meeting

Meeting Date: 11/10/2015

Length (in minutes): 15 Minutes

Agenda Title: Legislative Public Hearing - Update to Chronic Nuisance Property Ordinance (TMC 7.42)

Prepared For: Jim DeSully, Police

Submitted By: Lisa Shaw, Police

Item Type: Ordinance

Meeting Type: Council Business Meeting - Main

Public Hearing: Yes

Publication Date:

Information

ISSUE

Staff recommends revisions to the Chronic Nuisance Property Ordinance (TMC. 7.42) to revise and add language, which will allow a broader range of enforcement in order to protect neighborhoods from nuisance properties.

STAFF RECOMMENDATION / ACTION REQUEST

Staff recommends revisions to the Chronic Nuisance Property Ordinance (TMC 7.42).

Summary of revisions:

1. **7.42.020 Item C:** Revise number of nuisance occurrences from four (4) to three (3), and time period from sixty (60) to one hundred twenty (120) days. Revised language included a violation for three nuisance complaints received within one hundred twenty (120) days.
2. **7.42.020 Item 1:** Language defining nuisance property for which a court has issued a search warrant based on probable cause that possession, manufacture, or delivery of a controlled substance occurred at the location.
3. **7.42.020 Item(s) 10-17:** Definitions added including prostitution, theft, arson, sexual abuse, contributing to the sexual delinquency of a minor, sexual misconduct, alcoholic liquor violations, offensive littering, illegal gambling, animal abuse, animal neglect, and animal abandonment.
4. **7.42.040 Items B & C:** Revise language from three (3) nuisance occurrences in sixty (60) to two (2) in one hundred twenty (120) days. After receiving two (2) nuisance occurrence complaints in one hundred twenty (120) days the homeowner or registered agent of the residence will receive a warning letter identifying the problem to be remedied or fines may be imposed after the third occurrence.

5. **7.42.050 Item 2:** Revise civil penalty from \$500.00 to up to \$1,000.00 per day for each day a nuisance activity occurred on the property after three (3) occurrences within a one hundred twenty (120) day period.

KEY FACTS AND INFORMATION SUMMARY

Chronic nuisance properties negatively affect the livability and safety of impacted neighborhoods and place a strain on City resources.

The existing Chronic Nuisance Property code does not address several crimes commonly associated with chronic nuisance properties. Staff proposes to add these crimes to the code definitions: prostitution, theft, arson, sexual abuse, sexual misconduct, alcoholic liquor violations, offensive littering, illegal gambling and animal abuse. Additionally, the current 'occurrence' and 'timing' thresholds that must be met before any consequences are triggered do not provide strong enough tools to hold property owners accountable in a timely manner. The proposed revisions would reduce the number of nuisance occurrences from four (4) to three (3) and increase the time period assessed from sixty (60) days to one hundred twenty (120) days.

Staff reviewed data related to a particularly egregious chronic nuisance property in order to estimate related costs. Over the most recent five year period, Tigard Police responded 233 separate times to one particular house. This equates to an average of 46 calls for service per year. Over the most recent three year period, Tigard Police spent at least 140 hours responding to this property. The cost to the department related to these most recent calls is estimated to have been between \$9,000 and \$18,000. Every hour spent responding to a nuisance call is an hour that is unavailable for more pro-active community policing and places a strain the department's ability to respond to other issues.

The current language associated with chronic nuisance property fines is ambiguous and not enough of a deterrent to be effective. Proposed revisions include updating the penalty from \$500 to \$1,000 and clarifying that the fine may be levied every day that a nuisance activity occurs on the property after the 120 day 3 occurrence threshold is met.

OTHER ALTERNATIVES

If TMC 7.42 is not updated, the current Chronic Nuisance Property Code with less effective language and more lenient thresholds will remain in effect.

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

This change supports Tigard Police Department goals to "reduce crime and the fear of crime" and to "enhance the safety and security of Tigard's residents, visitors and businesses."

DATES OF PREVIOUS COUNCIL CONSIDERATION

Staff brought this item forward during the October 27th Study Session.

Attachments

Ordinance updated

TMC showing markup

TMC clean copy

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

AN ORDINANCE AMENDING CHAPTER 7.42 OF THE TIGARD MUNICIPAL CODE
“CHRONIC NUISANCE PROPERTY” WITH UPDATED AND ADDITIONAL LANGUAGE.

WHEREAS, staff recommends that Tigard Municipal Code 742 Chronic Nuisance Property be revised with updated definitions and additional language and;

WHEREAS, the City Council wishes to update the content of Tigard Municipal Code 742.

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

SECTION 1: Tigard Municipal Code 7.42 is amended as shown in Exhibit A; text to be deleted is shown in ~~strike~~through and text to be added is shown in underline. Updated definitions and language include:

7.42.020 Definitions

Item “C”: “Chronic Nuisance Property” means property upon which ~~four (4)~~ three (3) or more distinct occurrences of any of the following acts or behavior take place during any ~~sixty (60)~~ one hundred twenty (120) day period.

Item “D”: Property for which a court has issued a search warrant based on probable cause that possession, manufacture or delivery of a controlled substance or related offenses as defined in ORS 167.203, ORS 475.005 through ORS 475.285 and/or ORS 475.940 through ORS 475.995 has occurred within the previous one hundred twenty (120) days, and the Chief of Police has determined that the search warrant was based on evidence of continuous or repeated chronic nuisance activities at the property.

Item “9”: “Prostitution” or related offenses as defined in ORS 167.007 through ORS 167.017.

Item “10”: “Theft” as defined in ORS 164.015 through ORS 164.140.

Item “11”: “Arson” or related offenses as defined in ORS 164.315 through ORS 164.335.

Item “12”: “Sexual Abuse, Contributing to the Sexual Delinquency of a Minor, or Sexual Misconduct” as defined in ORS 163.415 through ORS 163.445.

Item “13”: “Alcoholic Liquor” violations as defined in ORS 471.105 through ORS 471.482.

Item “14”: “Offensive Littering” as defined in ORS 164.805.

Item “15”: “Illegal Gambling” as defined in ORS 167.117, and/or ORS 167.122 through ORS 167.127.

Item “16”: “Animal Abuse or Neglect” as defined in ORS 167.315 through ORS 167.330; “Animal Abandonment” as defined in ORS 167.340; “Animal Fighting” as defined in ORS 167.335; or “Dog Fighting” as defined in ORS 167.365.

7.42.040 Prefilling Notification Procedure

Item "B": After ~~three (3)~~ two (2) occurrences of any of the acts or behaviors listed in Section 7.42.020.C of this chapter within a ~~sixty~~ one hundred twenty (120) day period, the Chief of Police shall provide notification via certified mail, stating the times and places of the alleged occurrences and the potential liability for violation of this chapter, to all responsible parties for the property. Responsible parties for a given property shall be presumed from the following:

Item "C": After ~~three (3)~~ two (2) occurrences of any of the acts or behaviors listed in Section 7.42.020.C of this chapter within a ~~60-day~~ one hundred twenty (120) day period, notification shall be provided as described in subsection B of this section. (Ord. 12-01 §2; Ord. 94-11).

7.42.050 Remedies

Item "2": ~~Access a civil penalty not to exceed \$500; and/or~~ If the court determines a property to be a Chronic Nuisance Property, the court may impose a civil penalty of up to \$1,000.00 per day for each day a nuisance activity occurred on the property after three (3) occurrences within a one hundred twenty (120) day time period.

SECTION 2: This ordinance shall be effective 30 days after its passage by council, signature by the mayor and posting by the city recorder.

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

Carol A. Krager, City Recorder

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

John L. Cook, Mayor

Approved as to form:

City Attorney

Date

TIGARD MUNICIPAL CODE

Chapter 7.42 CHRONIC NUISANCE PROPERTY

Sections:

- 7.42.010 Short Title
- 7.42.015 Incorporation of State Statute
- 7.42.020 Definitions
- 7.42.030 Chronic Nuisance Property
- 7.42.040 Prefiling Notification Procedure
- 7.42.045 Commencement of Actions—
Summons and Complaint
- 7.42.050 Remedies
- 7.42.060 Defenses—Mitigation of Civil
Penalty
- 7.42.070 Closure During Pendency of
Action—Emergency Closures
- 7.42.080 Enforcement of Closure
Order—Costs—Civil Penalty
- 7.42.085 Tenant Relocation Costs
- 7.42.090 Attorney Fees
- 7.42.100 Severability
- 7.42.110 Nonexclusive Remedy

7.42.010 Short Title

The ordinance codified in this chapter shall be known as the “Chronic Nuisance Ordinance,” and may also be referred to herein as “this chapter.” (Ord. 94-11)

7.42.015 Incorporation of State Statute

Any reference to state statute incorporated into this chapter refers to the statute in effect on the effective date of the ordinance codified in this chapter. (Ord. 94-11)

7.42.020 Definitions

As used in this chapter, or any code provision referenced by this chapter, the following definitions apply.

A. “Chief of police” means the chief of the

Tigard Police Department or his/her designee.

B. “City manager” means the city manager or his/her designee.

C. “Chronic nuisance property” means property upon which ~~four~~ three (3) or more distinct occurrences of any of the following acts or behaviors take place during any ~~60-day~~ one hundred twenty day (120) period.

1. Property for which a court has issued a search warrant based on probable cause that possession, manufacture or delivery of a controlled substance or related offenses as defined in ORS 167.203, ORS 475.005 through ORS 475.285 and/or ORS 475.940 through ORS 475.995 has occurred within the previous 120 days and the Chief of Police has determined that the search warrant was based on evidence of continuous or repeated chronic nuisance activities at the property.

2. “Harassment,” as described in ORS 166.065;

3. “Fire or discharge of a gun or weapon,” as described in Section 7.32.120 of this code;

4. “Disorderly conduct,” as described in ORS 166.025;

5. “Public indecency,” as described in Section 7.32.110 of this code;

6. “Unlawful use or possession of weapons or firearms,” as described in ORS 166.210 through 166.275;

7. “Violation of the Uniform Controlled Substances Act,” as described in ORS Chapter 475;

8. “Assault,” as described in ORS

TIGARD MUNICIPAL CODE

163.160, 163.165, 163.175, or 163.185;

9. “Menacing,” as described in ORS 163.190.

10. “Prostitution” or related offenses as described in ORS 167.007 through ORS 167.017.

11. “Theft” as described in ORS 164.015 through ORS 164.140.

12. “Arson” or related offenses as described in ORS 164.315 through ORS 164.335.

13. “Sexual Abuse, Contributing to the Delinquency of a Minor, or Sexual Misconduct” as described in ORS 163.415 through ORS 163.445.

14. Alcoholic liquor violations as described in ORS 471.105 through ORS 471.482.

15. “Offensive Littering” as described in ORS 164.805.

16. “Illegal Gambling” as described in ORS 167.117, and/or ORS 167.122 through ORS 167.127.

17. “Animal Abuse or Neglect”, ORS 167.315 through ORS 167.330; “Animal Abandonment”, ORS 167.340; “Animal Fighting”, ORS 167.355; or “Dog Fighting”, ORS 167.365.

D. “Code enforcement officer” means the chief of police or the city attorney, as designated by the city manager.

E. “Hearings officer” or “civil infractions hearings officer” means the municipal judge of the City of Tigard.

F. “Owner” means the person or persons having legal or equitable title to the property.

G. “Property” means any real property including land and that which is affixed, incidental or appurtenant to land, including but not limited to any premises, room, apartment, house, building or structure or any separate part or portion thereof, whether permanent or not.

H. “Responsible party” includes each of the following:

1. The owner of the property, or the owner’s manager or agent or other person in control of the property on behalf of the owner; or

2. The person occupying the property, including bailee, lessee, tenant or other person having possession. (Ord. 03-08; Ord. 94-11)

7.42.030 Chronic Nuisance Property

A. The acts or omissions described herein are hereby declared to be public nuisances of the sort that commonly recur in relation to a given property, thereby requiring the remedies set out in this chapter.

B. Any property within the City of Tigard which becomes chronic nuisance property is in violation of this chapter and subject to its remedies.

C. Any person who is a responsible party for property which becomes a chronic nuisance property shall be in violation of this chapter and subject to its remedies. (Ord. 94-11)

7.42.040 Prefiling Notification Procedure

A. Except as otherwise noted herein, notwithstanding Section 1.16.060.B of this code, this section sets out procedures to be used in processing an infraction of this chapter.

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B. After ~~three~~ two (2) occurrences of any of the acts or behaviors listed in Section 7.42.020.C of this chapter within a ~~sixty (60)~~ 120-day period, the chief of police shall provide notification via certified mail, stating the times and places of the alleged occurrences and the potential liability for violation of this chapter, to all responsible parties for the property. Responsible parties for a given property shall be presumed from the following:

1. The owner and the owner's agent, as shown on the tax rolls of Washington County;
2. The resident of the property, as shown on the records of the water department.

C. After ~~three~~ two occurrences of any of the acts or behaviors listed in Section 7.42.020.C of this chapter within a ~~60-day~~ 120 day period, notification shall be provided as described in subsection B of this section. (Ord. 12-01 §2; Ord. 94-11)

7.42.045 Commencement of Actions— Summons and Complaint

A. A uniform infraction summons and complaint, containing the following parts, may be served upon any responsible party for chronic nuisance property, citing that party into municipal court.

1. The summons;
2. The complaint; and
3. A description of the alleged occurrences leading to violation of this chapter, stating the times and places of those occurrences.

B. The uniform infraction summons shall contain the following information:

1. The file number;

2. The name and address of each respondent;

3. The infraction with which the respondent is charged;

4. The date, time, and place at which the hearing on the infraction is to take place;

5. An explanation of the respondent's obligation to appear at this hearing, and that failure to appear may result in a default judgment being taken against the respondent;

6. An explanation of the respondent's right to a hearing, right to representation by counsel at personal expense, right to cross examine adverse witnesses, and right to compulsory process for the production of witnesses;

7. Notice that the cost of the hearing, including witness fees, may be charged to the respondent if the final order of the court finds that the property is a chronic nuisance property.

C. The uniform infraction complaint shall contain the following information:

1. The date, time, and place the alleged infractions occurred;

2. The date on which the complaint was issued;

3. A notice to the respondent that a civil complaint has been filed with the Municipal Court.

D. Service of the summons and complaint shall be accomplished as described in Section 1.16.230 of this code. In addition to the affidavit described in subsection G of that section, a return receipt of certified mailing which indicates

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delivery of the summons and complaint to the respondent's last known address, or a certified mailing which has been returned by the post office "unclaimed," shall also create a rebuttable presumption that the respondent had the required notice.

E. The hearing for determination as to whether an infraction has been committed shall take place in the manner described in Sections 1.16.250 through 1.16.300 and 1.16.320 of this code.

F. Subject to the limitations of Section 1.16.230.G of this code, a default judgment may be entered against a respondent who fails to appear at the scheduled hearing. Upon such judgment, the court may prescribe the remedies described in this chapter. (Ord. 12-01 §2; Ord. 94-11)

7.42.050 Remedies

A. Upon finding that the respondent has violated this chapter, the court may:

1. Require that the chronic nuisance property be closed and secured against all use and occupancy for a period of not less than 30, but not more than 180, days; and/or

2. ~~Assess a civil penalty not to exceed \$500; and/or~~ If the court determines a property to be a Chronic Nuisance Property, the court may impose a civil penalty of up to \$1,000.00 per day for each day a nuisance activity occurred on the property after three (3) nuisance activities have occurred on the property within a 120 day time period.

3. Employ any other remedy deemed by the court to be appropriate to abate the nuisance.

B. In lieu of closure of the property

pursuant to subsection A of this section, the respondent may file a bond acceptable to the court. Such bond shall be in an amount set by the court not to exceed the value of the property closed as determined by the court, and shall be conditioned upon the non-recurrence of any of the acts or behaviors listed at Section 7.42.020.C of this chapter for a period of one year after the judgment. Acceptance of the bond described herein is further subject to the court's satisfaction of the respondent's good faith commitment to abatement of the nuisance. (Ord. 94-11)

7.42.060 Defenses—Mitigation of Civil Penalty

A. It is a defense to an action brought pursuant to this chapter that the responsible party at the time in question could not, in the exercise of reasonable care or diligence, determine that the property had become chronic nuisance property, or could not, in spite of the exercise of reasonable care and diligence, control the conduct leading to the finding that the property is chronic nuisance property. However, it is no defense under this subsection that the party was not at the property at the time of the incidents leading to the chronic nuisance situation.

B. In implementing the remedies described in this chapter, the court may consider any of the following factors, as they may be appropriate, and shall cite those found applicable:

1. The actions taken by the owner(s) to mitigate or correct the problem at the property;

2. The financial condition of the owner;

3. Whether the problem at the property was repeated or continuous;

4. The magnitude or gravity of the problem;

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5. The cooperativeness of the owner(s) with the city in remedying the problem;

6. The cost to the city of investigating and correcting or attempting to correct the condition;

7. Any other factor deemed by the court to be relevant. (Ord. 94-11)

7.42.070 Closure During Pendency of Action—Emergency Closures

In addition to any other remedy available to the city under this chapter, in the event that the chief of police finds that a property constitutes an immediate threat to the public safety and welfare, the city may apply to any court of competent jurisdiction for such interim relief as is deemed by the city manager to be appropriate. In such event, the notification and commencement of action procedures set forth in Sections 7.42.040 and 7.42.045 need not be complied with. (Ord. 03-08; Ord. 94-11)

7.42.080 Enforcement of Closure Order—Costs—Civil Penalty

A. The court may authorize the city to physically secure the property against use or occupancy in the event that the owner(s) fail to do so within the time specified by the court.

B. The court may assess on the property owner the following costs incurred by the city in effecting a closure of property:

1. Costs incurred in actually physically securing the property against use;

2. Administrative costs and attorney's fees in bringing the action for violation of this chapter.

C. The city manager may, within 14 days of written decision by the court, submit a signed and detailed statement of costs to the court for its review. If no objection to the statement is made within the period prescribed by Oregon Rule of Civil Procedure 68, a copy of the statement, including a legal description of the property, shall be forwarded to the office of the city finance director who thereafter shall enter the same in the city's lien docket in the same manner prescribed by Section 1.16.710 of this code.

D. Persons assessed the costs of closure and/or civil penalty pursuant to this chapter shall be jointly and severally liable for the payment thereof to the city. (Ord. 12-01 §2; Ord. 03-08; Ord. 94-11)

7.42.085 Tenant Relocation Costs

A "tenant" (as defined by ORS 90.100(16)) of chronic nuisance property may be entitled to reasonable relocation costs, if without actual notice the tenant moved into the property after the property owner or his/her agent received notice of an action brought pursuant to this chapter. Any allowable costs will be determined by the city, and shall be a liability upon the owner of the chronic nuisance property. (Ord. 94-11)

7.42.090 Attorney Fees

In any action brought pursuant to this chapter, the court may, in its discretion, award reasonable attorney's fees to the prevailing party. (Ord. 94-11)

7.42.100 Severability

If any provision of this chapter, or its application to any person or circumstance, is held to be invalid for any reason, the remainder of the chapter, or the application of its provisions to other persons or circumstances, shall not in any way be affected. (Ord. 94-11)

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7.42.110 Nonexclusive Remedy

The remedy described in this chapter shall not be the exclusive remedy of the city for the acts and behaviors described in Section 7.42.020.C. (Ord. 94-11) ■

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Chapter 7.42 CHRONIC NUISANCE PROPERTY

Sections:

- 7.42.010 Short Title
- 7.42.015 Incorporation of State Statute
- 7.42.020 Definitions
- 7.42.030 Chronic Nuisance Property
- 7.42.040 Prefiling Notification Procedure
- 7.42.045 Commencement of Actions—
Summons and Complaint
- 7.42.050 Remedies
- 7.42.060 Defenses—Mitigation of Civil
Penalty
- 7.42.070 Closure During Pendency of
Action—Emergency Closures
- 7.42.080 Enforcement of Closure
Order—Costs—Civil Penalty
- 7.42.085 Tenant Relocation Costs
- 7.42.090 Attorney Fees
- 7.42.100 Severability
- 7.42.110 Nonexclusive Remedy

7.42.010 Short Title

The ordinance codified in this chapter shall be known as the “Chronic Nuisance Ordinance,” and may also be referred to herein as “this chapter.” (Ord. 94-11)

7.42.015 Incorporation of State Statute

Any reference to state statute incorporated into this chapter refers to the statute in effect on the effective date of the ordinance codified in this chapter. (Ord. 94-11)

7.42.020 Definitions

As used in this chapter, or any code provision referenced by this chapter, the following definitions apply.

A. “Chief of police” means the chief of the

Tigard Police Department or his/her designee.

B. “City manager” means the city manager or his/her designee.

C. “Chronic nuisance property” means property upon which three (3) or more distinct occurrences of any of the following acts or behaviors take place during any one hundred twenty (120) day period:

1. Property for which a court has issued a search warrant based on probable cause that possession, manufacture or delivery of a controlled substance or related offenses as defined in ORS. 167.203, ORS. 475.005 through ORS. 475.285 and/or ORS. 475.940 through ORS. 475.995 has occurred within the previous one hundred twenty (120) days and the Chief of Police has determined that the search warrant was based on evidence of continuous or repeated chronic nuisance activities at the property.

2. “Harassment,” as described in ORS 166.065;

3. “Fire or discharge of a gun or weapon,” as described in Section 7.32.120 of this code;

4. “Disorderly conduct,” as described in ORS 166.025;

5. “Public indecency,” as described in Section 7.32.110 of this code;

6. “Unlawful use or possession of weapons or firearms,” as described in ORS 166.210 through 166.275;

7. “Violation of the Uniform Controlled Substances Act,” as described in ORS Chapter 475;

8. “Assault,” as described in ORS

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163.160, 163.165, 163.175, or 163.185;

9. “Menacing,” as described in ORS 163.190.

10. “Prostitution” or related offenses as described in ORS. 167.007 through ORS. 167.017.

11. “Theft” as described in ORS. 164.015 through ORS. 164.140

12. “Arson” or related offenses as described in ORS. 164.315 thorough ORS. 164.335.

13. “Sexual Abuse, Contributing to the Sexual Delinquency of a Minor or Sexual Misconduct” as described in ORS. 163.415 through ORS. 163.445.

14. Alcoholic liquor violations as described in ORS. 471.105 through ORS. 471.482.

15. “Offensive Littering” as described in ORS. 164.805.

16. “Illegal Gambling” as described in ORS. 167.117 and/or ORS. 167.122 through ORS. 167.127.

17. “Animal Abuse or Neglect” as described in ORS. 167.315 through ORS. 167.330; “Animal Abandonment” ORS. 167.340; “Animal Fighting” ORS. 167.355 or “Dog Fighting” ORS. 167.365.

D. “Code enforcement officer” means the chief of police or the city attorney, as designated by the city manager.

E. “Hearings officer” or “civil infractions hearings officer” means the municipal judge of

the City of Tigard.

F. “Owner” means the person or persons having legal or equitable title to the property.

G. “Property” means any real property including land and that which is affixed, incidental or appurtenant to land, including but not limited to any premises, room, apartment, house, building or structure or any separate part or portion thereof, whether permanent or not.

H. “Responsible party” includes each of the following:

1. The owner of the property, or the owner’s manager or agent or other person in control of the property on behalf of the owner; or

2. The person occupying the property, including bailee, lessee, tenant or other person having possession. (Ord. 03-08; Ord. 94-11)

7.42.030 Chronic Nuisance Property

A. The acts or omissions described herein are hereby declared to be public nuisances of the sort that commonly recur in relation to a given property, thereby requiring the remedies set out in this chapter.

B. Any property within the City of Tigard which becomes chronic nuisance property is in violation of this chapter and subject to its remedies.

C. Any person who is a responsible party for property which becomes a chronic nuisance property shall be in violation of this chapter and subject to its remedies. (Ord. 94-11)

7.42.040 Prefiling Notification Procedure

A. Except as otherwise noted herein, notwithstanding Section 1.16.060.B of

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this code, this section sets out procedures to be used in processing an infraction of this chapter.

B. After two (2) occurrences of any of the acts or behaviors listed in Section 7.42.020.C of this chapter within a one hundred twenty (120) day period, the chief of police shall provide notification via certified mail, stating the times and places of the alleged occurrences and the potential liability for violation of this chapter, to all responsible parties for the property. Responsible parties for a given property shall be presumed from the following:

1. The owner and the owner's agent, as shown on the tax rolls of Washington County;
2. The resident of the property, as shown on the records of the water department.

C. After two (2) occurrences of any of the acts or behaviors listed in Section 7.42.020.C of this chapter within a one hundred twenty (120) day period, notification shall be provided as described in subsection B of this section. (Ord. 12-01 §2; Ord. 94-11)

7.42.045 Commencement of Actions— Summons and Complaint

A. A uniform infraction summons and complaint, containing the following parts, may be served upon any responsible party for chronic nuisance property, citing that party into municipal court.

1. The summons;
2. The complaint; and
3. A description of the alleged occurrences leading to violation of this chapter, stating the times and places of those occurrences.

B. The uniform infraction summons shall contain the following information:

1. The file number;
2. The name and address of each respondent;
3. The infraction with which the respondent is charged;
4. The date, time, and place at which the hearing on the infraction is to take place;
5. An explanation of the respondent's obligation to appear at this hearing, and that failure to appear may result in a default judgment being taken against the respondent;
6. An explanation of the respondent's right to a hearing, right to representation by counsel at personal expense, right to cross examine adverse witnesses, and right to compulsory process for the production of witnesses;
7. Notice that the cost of the hearing, including witness fees, may be charged to the respondent if the final order of the court finds that the property is a chronic nuisance property.

C. The uniform infraction complaint shall contain the following information:

1. The date, time, and place the alleged infractions occurred;
2. The date on which the complaint was issued;
3. A notice to the respondent that a civil complaint has been filed with the Municipal Court.

D. Service of the summons and complaint

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shall be accomplished as described in Section 1.16.230 of this code. In addition to the affidavit described in subsection G of that section, a return receipt of certified mailing which indicates delivery of the summons and complaint to the respondent's last known address, or a certified mailing which has been returned by the post office "unclaimed," shall also create a rebuttable presumption that the respondent had the required notice.

E. The hearing for determination as to whether an infraction has been committed shall take place in the manner described in Sections 1.16.250 through 1.16.300 and 1.16.320 of this code.

F. Subject to the limitations of Section 1.16.230.G of this code, a default judgment may be entered against a respondent who fails to appear at the scheduled hearing. Upon such judgment, the court may prescribe the remedies described in this chapter. (Ord. 12-01 §2; Ord. 94-11)

7.42.050 Remedies

A. Upon finding that the respondent has violated this chapter, the court may:

1. Require that the chronic nuisance property be closed and secured against all use and occupancy for a period of not less than 30, but not more than 180, days; and/or

2. If the court determines a property to be a Chronic Nuisance Property, the court may impose a civil penalty of up to \$1,000.00 per day for each day a nuisance activity occurred on the property after three (3) nuisance activities have occurred on the property within a one hundred twenty (120) day time period.

3. Employ any other remedy deemed by the court to be appropriate to abate the

nuisance.

B. In lieu of closure of the property pursuant to subsection A of this section, the respondent may file a bond acceptable to the court. Such bond shall be in an amount set by the court not to exceed the value of the property closed as determined by the court, and shall be conditioned upon the non-recurrence of any of the acts or behaviors listed at Section 7.42.020.C of this chapter for a period of one year after the judgment. Acceptance of the bond described herein is further subject to the court's satisfaction of the respondent's good faith commitment to abatement of the nuisance. (Ord. 94-11)

7.42.060 Defenses—Mitigation of Civil Penalty

A. It is a defense to an action brought pursuant to this chapter that the responsible party at the time in question could not, in the exercise of reasonable care or diligence, determine that the property had become chronic nuisance property, or could not, in spite of the exercise of reasonable care and diligence, control the conduct leading to the finding that the property is chronic nuisance property. However, it is no defense under this subsection that the party was not at the property at the time of the incidents leading to the chronic nuisance situation.

B. In implementing the remedies described in this chapter, the court may consider any of the following factors, as they may be appropriate, and shall cite those found applicable:

1. The actions taken by the owner(s) to mitigate or correct the problem at the property;

2. The financial condition of the owner;

3. Whether the problem at the property was repeated or continuous;

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4. The magnitude or gravity of the problem;

5. The cooperativeness of the owner(s) with the city in remedying the problem;

6. The cost to the city of investigating and correcting or attempting to correct the condition;

7. Any other factor deemed by the court to be relevant. (Ord. 94-11)

7.42.070 Closure During Pendency of Action—Emergency Closures

In addition to any other remedy available to the city under this chapter, in the event that the chief of police finds that a property constitutes an immediate threat to the public safety and welfare, the city may apply to any court of competent jurisdiction for such interim relief as is deemed by the city manager to be appropriate. In such event, the notification and commencement of action procedures set forth in Sections 7.42.040 and 7.42.045 need not be complied with. (Ord. 03-08; Ord. 94-11)

7.42.080 Enforcement of Closure Order—Costs—Civil Penalty

A. The court may authorize the city to physically secure the property against use or occupancy in the event that the owner(s) fail to do so within the time specified by the court.

B. The court may assess on the property owner the following costs incurred by the city in effecting a closure of property:

1. Costs incurred in actually physically securing the property against use;

2. Administrative costs and attorneys

fees in bringing the action for violation of this chapter.

C. The city manager may, within 14 days of written decision by the court, submit a signed and detailed statement of costs to the court for its review. If no objection to the statement is made within the period prescribed by Oregon Rule of Civil Procedure 68, a copy of the statement, including a legal description of the property, shall be forwarded to the office of the city finance director who thereafter shall enter the same in the city's lien docket in the same manner prescribed by Section 1.16.710 of this code.

D. Persons assessed the costs of closure and/or civil penalty pursuant to this chapter shall be jointly and severally liable for the payment thereof to the city. (Ord. 12-01 §2; Ord. 03-08; Ord. 94-11)

7.42.085 Tenant Relocation Costs

A "tenant" (as defined by ORS 90.100(16)) of chronic nuisance property may be entitled to reasonable relocation costs, if without actual notice the tenant moved into the property after the property owner or his/her agent received notice of an action brought pursuant to this chapter. Any allowable costs will be determined by the city, and shall be a liability upon the owner of the chronic nuisance property. (Ord. 94-11)

7.42.090 Attorney Fees

In any action brought pursuant to this chapter, the court may, in its discretion, award reasonable attorneys fees to the prevailing party. (Ord. 94-11)

7.42.100 Severability

If any provision of this chapter, or its application to any person or circumstance, is held to be invalid for any reason, the remainder of the

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chapter, or the application of its provisions to other persons or circumstances, shall not in any way be affected. (Ord. 94-11)

7.42.110 Nonexclusive Remedy

The remedy described in this chapter shall not be the exclusive remedy of the city for the acts and behaviors described in Section 7.42.020.C. (Ord. 94-11) ■

AIS-2368

5.

Business Meeting

Meeting Date: 11/10/2015

Length (in minutes): 15 Minutes

Agenda Title: Informational Public Hearing - City Manager Evaluation Criteria and Process Adoption

Prepared For: Dana Bennett, City Management

Submitted By: Dana Bennett, City Management

Item Type: Motion Requested
Public Hearing - Informational

Meeting Type: Council Business Meeting - Main

Public Hearing: Yes

Publication Date:

Information

ISSUE

Is there any public input or comment regarding the criteria and/or process that will be used to conduct the annual performance evaluation of the City Manager?

STAFF RECOMMENDATION / ACTION REQUEST

Received public input regarding the criteria and/or process to be used for the annual evaluation of the City Manager.

If there is comment, then staff recommend that Council discuss whether any changes are needed and if so provide direction staff.

If there are no changes indicated through the public comment process, then staff recommend that the Council adopt the attached City Manager Evaluation Criteria and Process as presented.

KEY FACTS AND INFORMATION SUMMARY

On October 13, 2015 the City Council selected the review criteria and process to be used to evaluate the performance of the City Manager. The purpose of this hearing is to provide the public an opportunity to give input on the criteria and/or process that Council intend to use.

OTHER ALTERNATIVES

NA

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

NA

DATES OF PREVIOUS COUNCIL CONSIDERATION

Council considered the City Manager's evaluation criteria and process during a study session held on October 13, 2015

Attachments

to showcase the history, culture and identity that makes Tigard unique.

In 2014, the city signed a 99-year lease with ODOT Rail for use of this property. Along with acquisition of right-of-way in 2014, the city held three community focus groups to explore design themes and concepts for this multi-modal corridor. Focus group participants included members of City Council, Tigard Downtown Alliance, City Center Advisory Commission, Tigard Transportation Advisory Committee, and city staff. On January 20, 2015, Resolve Architect, Suenn Ho, presented preliminary concepts to the Tigard City Council. A final community discussion was held in February with the focus group to review the draft concept.

In June 2015, the Tigard Street Trail 100% design concept was reviewed by the City Center Advisory Commission, which suggested additional amenities and strongly expressed support for the concept. The following August this information was shared with the CCDA.

In summer 2015, as part of the Lighter Quicker Cheaper program to implement the Strategic Plan, the Public Works Department paved a temporary asphalt path along this rail corridor to allow public use in the interim -- in advance of funding to design and build the fully envisioned Tigard Street Heritage Trail.

Last year, the City of Tigard submitted a very competitive Connect Oregon proposal seeking \$1.2 million in funding for the trail segment we now call the Tigard Street Heritage Trail. Schematics from last year's proposal, which include base infrastructure and the multi-modal trail alignment, are attached to this AIS. During the last two rounds of proposal review, Tigard's application was ranked as a Tier 2 project, just 7 below the cut off for Tier 1 projects. Since last year's review, the Connect Oregon program has changed some of the funding requirements. These changes should improve the score of our application compared to the type of projects that outranked Tigard's proposal last year.

This is the sixth round of Connect Oregon transportation funding for multi-modal transportation projects that have an economic impact on the region or the state. This funding from the State of Oregon is lottery bond based and intended to support investments in air, rail, marine, transit and bicycle/pedestrian infrastructure. Projects are expected to improve safety, economic activity, and access for residents. \$45 million is available statewide. Applications for funding are due November 20, 2015. Award notification is expected sometime after August 2016. The amount of Tigard's Connect Oregon VI grant request will be based upon the amount of local match we can secure for this project.

OTHER ALTERNATIVES

Delay making this funding request, forgo this funding opportunity, or pair this funding opportunity with a different multi-modal transportation project that meets the requirements and expectations of Connect Oregon VI funding.

COUNCIL OR CCDA GOALS, POLICIES, MASTER PLANS

Investing in infrastructure that supports the Tigard economy and connects our workforce and residents to employment and centers of commerce is consistent with Tigard's Comprehensive Plan Goal 9 and the City's strategic vision of a more walkable, healthy and interconnected community. Grant funding to support the Tigard Street Heritage trail reflects Goal 2 objectives which seeks to ensure development supports the strategic vision by making best use of under developed land, promoting Tigard's healthy business climate, and investing in public spaces.

Tigard City Council Goals and Milestones 2015-17

Goal #2 Make Downtown Tigard a Place Where People Want to Be.

Increase walkable access to open space by advancing plans for new downtown open space, including the Tigard Street Trail plaza, the Fanno Creek Overlook and a Main Street plaza, including programming.

Tigard Greenways Trails System Master Plan

Tigard Street Trail: Short-term recommended project list

City Center Urban Renewal Plan

Projects

C. Bike/Pedestrian Facilities

8. Conversion of Existing North Rail Corridor into a Multi-use Pedestrian Trail

City of Tigard Capital Improvement Project List

Ranked on the qualified project list.

DATES OF PREVIOUS CONSIDERATION

January 20, 2015 - Tigard Street Trail Design Concepts

August 8, 2015 – Tigard Street Heritage Trail Concepts

Fiscal Impact

Cost: TBD

Budgeted (yes or no): Yes

Where budgeted?: CIP Qualified List

Additional Fiscal Notes:

Connect Oregon VI funding requires a minimum 30% match. Larger local match improves the competitiveness of the grant request.

This project is listed on the CIP Qualified List with a \$160,000 appropriation. Washington County MSTIP funds may also be used as local match for Connect Oregon VI projects. About \$240,000 in MSTIP funding from Washington County is available. We are preparing a request for that funding.

Attachments

Connect Oregon VI project memo

Transit Infrastructure Alignment



City of Tigard

Memorandum

To: Mayor John Cook and City Council

From: Lloyd Purdy, Economic Development Manager

Re: Tigard Street Heritage Trail & Pursuit of Connect Oregon VI Grant Funding

Date: October 26, 2017

The Tigard Street Heritage Trail upgrades about $\frac{3}{4}$ of a mile of rail spur right-of-way into a dedicated off street walk/bike path which will ultimately include lighting, fencing, amenities, art and public space connecting to downtown Tigard and the Tigard Transit Station.

Resolve Architect Suenn Ho worked with the following design guidelines to explore the potential of the Tigard Street Heritage Trail.

Design Guidelines

- Create various points of place-making opportunity along the former rail line.
- Accent the linear crescent shape of the right-of-way to create visual interest on approach for both autos and pedestrians.
- Connect with historic Main Street.
- Celebrate the early development of Tigardville and the city's rail history.
- Connect with the Fanno Creek Trail.
- Support Tigard's Strategic Plan and Vision.
- Recognize that installations and trail amenities may need to be relocated if the railroad reclaims the easement.

The “Tigard Street Heritage Trail” concept is the result of input from a focus group, community stakeholders and professional research. This concept provides for an active trail that celebrates Tigard’s people, heritage, nature and art.

The Tigard Street Heritage Trail concept also integrates the following elements, ideas, features and themes which the community and stakeholders feel are important to a complete trail.

Elements/Ideas/Features & Themes

- Relevant to the history of the community,
- Built upon the 2010 Tigard Greenway Trail Master Plan,
- Connect to the surrounding network of trails,
- Activate the trail for use by all ages,
- Provide opportunity for fitness,

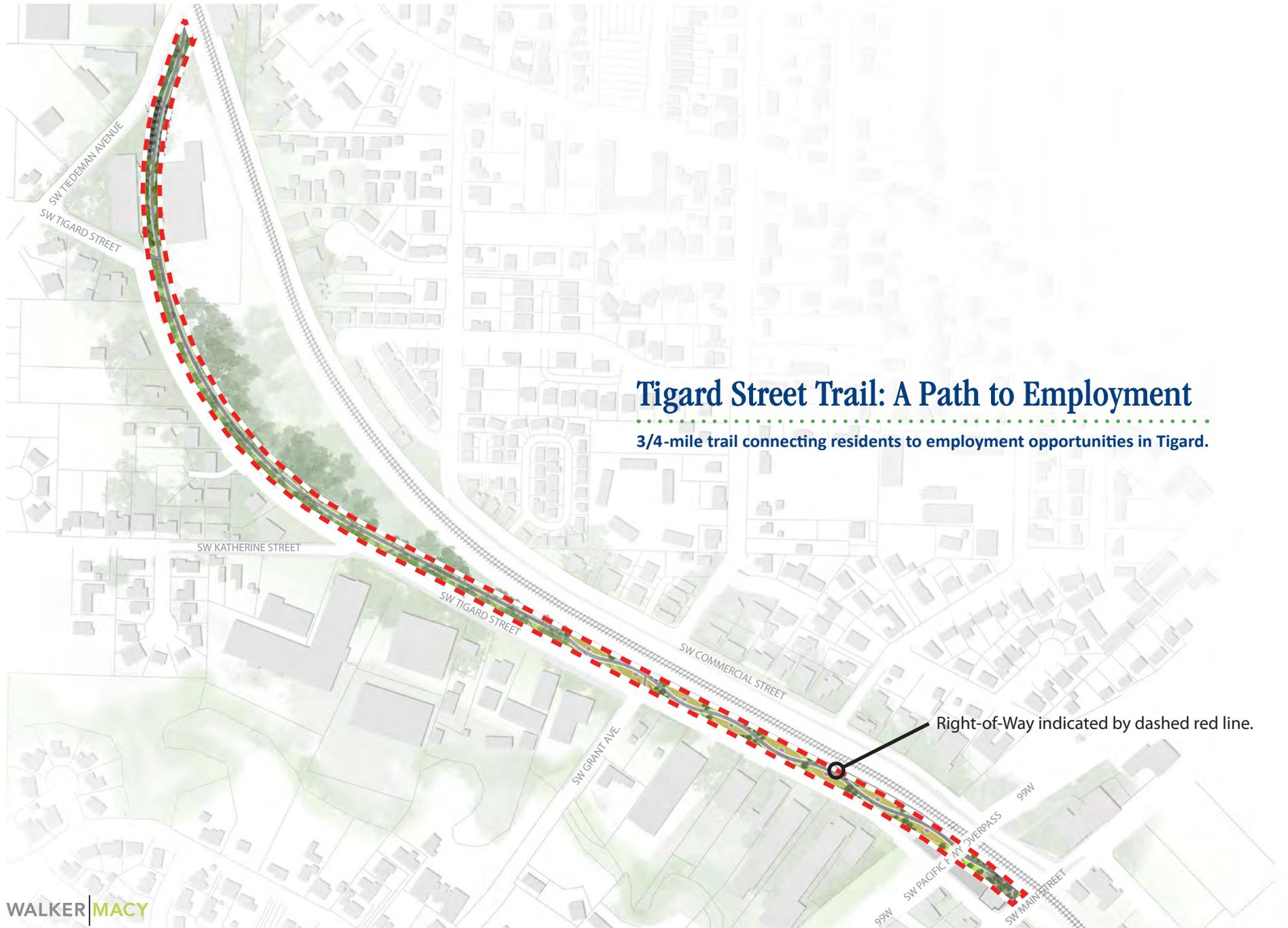
- Create unique features like a Veterans memorial, a BMX track, an outdoor event/market space, some parking,
- Celebrate with seasonal décor,
- Respect the environment and native vegetation,
- Accommodate all users including those with strollers, wheelchairs, bicycles and dogs,
- A safe, durable, low maintenance public trail,
- Conveniently placed emergency-police assistance kiosks,
- Clean and safe toilet facilities (ADA standard),
- Drinking fountains,
- Public art,
- Playful splash pad features, and
- Trail lighting.

As proposed, the Tigard Street Heritage Trail is envisioned as more than a path and more than a uniquely Tigard experience. It is also expected to connect and integrate with five unique locations around downtown Tigard.

Tigard Street Heritage Trail Connects

- 1) A community plaza where the trail meets Main Street (including the area under the viaduct);
- 2) A commons area that includes concepts for a dog park and/or BMX track;
- 3) A stage area for performance space;
- 4) A plaza at the north (Tiedeman) entrance; and
- 5) The Fanno Creek Trail.

This vision for the Tigard Street Heritage Trail begins with a strong foundation of multi-modal transit infrastructure (surface treatments, lighting, safety fencing and pedestrian/bike amenities) connecting residents to commerce in downtown Tigard, regional transit options and regional employment opportunities. ODOT's Connect Oregon VI funding, leveraged against local match, can help build that foundation.



Tigard Street Trail: A Path to Employment

3/4-mile trail connecting residents to employment opportunities in Tigard.

Right-of-Way indicated by dashed red line.

Tigard Street Trail: A Path to Employment

EXISTING TRAIL CONDITIONS



Abandoned rail spur becomes a path to employment linking residents with jobs downtown and in adjacent industrial-zoned properties, as well as regionally through downtown Tigard's transit station. Provides connections to Portland, Beaverton and other light-rail linked cities.



In Tigard, at least 85 percent of the workforce commutes out of the city daily. With more jobs in Tigard than residents, Tigard also supplies the regional labor market with skilled professionals and employment opportunities. The Tigard Street Trail becomes a path to employment connecting residents (workforce) with jobs locally and regionally.



This path to employment connects to a downtown commercial core of 250 employers and the surrounding 33 industrial-zoned properties as well as another 200 firms within walking distance of downtown.



This adaptive reuse of transit infrastructure will provide a safe biking and walking connection from Tiedeman Avenue to Main Street and the Tigard Transit Center. The existing gravel would be replaced with a hard surface trail, with lighting, landscaping, and improved safety fencing next to the active rail line.



In addition to filling a gap in the transportation system, this project improves safety in two critical ways. First, it would improve the current barrier along the trail where it is adjacent to the active PWR and WES track. Second, it would ensure maintenance and visibility on this neglected right of way. In its current form, this half-mile inactive rail alignment has fallen into disrepair, with overgrown and fallen trees, informal paths heading toward the active tracks, and signs of illegal camping. At least one local resident has taken it upon himself to pick up litter almost daily, due to the absence of dedicated maintenance.



In Tigard, 85 percent of the workforce commutes out of the city daily. A “Path to Employment” connects Tigard’s workforce to centers of employment. This includes connectivity to a downtown commercial core of 250 employers and 33 industrial-zoned properties. Regionally, a path to employment connects Tigard’s 50,000 residents to employment centers ranging from Downtown Portland to Beaverton via WES commuter rail, light rail, and seven bus routes accessible at the downtown transit station.

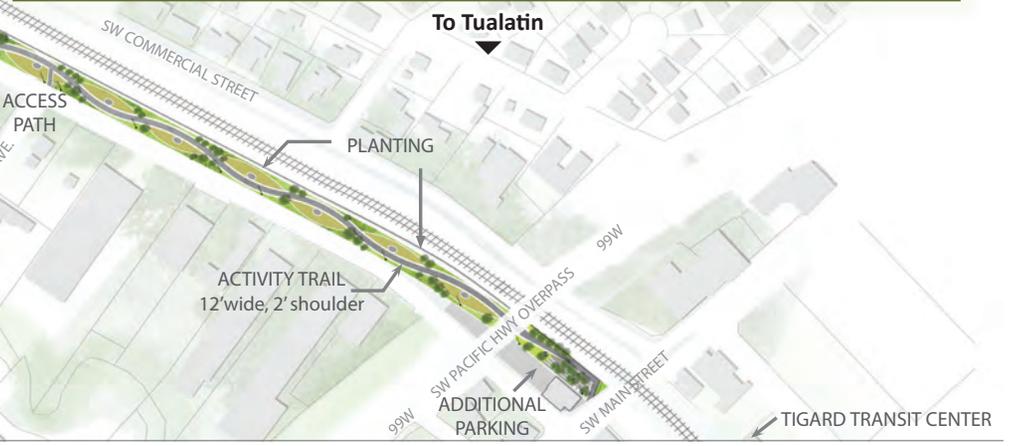
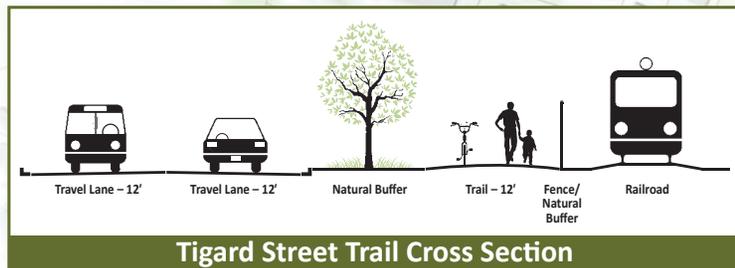
A fully connected multimodal transit system is needed to serve this fluid regional employment market. A Path to Employment links new connections from Tigard’s neighborhoods to existing mass transit and employment centers. The Tigard Street Trail is a path to employment connecting residents to local and regional jobs. It will use the inactive rail corridor along Tigard Street from Tiedeman Avenue to downtown Tigard and the Tigard Transit Center/WES transit station. It currently has no sidewalks or other bicycle/pedestrian infrastructure. The proposed “Path to Employment” builds upon a 16-foot gravel path (rail bed rock) surface. The alignment would make use of existing sidewalks downtown and a bicycle/pedestrian bridge on Tigard Street to also connect to the Fanno Creek Trail and the Summer Creek Trail—linking even more homes into a multimodal transit system from door front to desk.

The Tigard Street Trail is a multimillion dollar infrastructure investment. Tigard will seek funding from a range of partners to help build this project that connects our residents to their jobs.



Tigard Street Trail: A Path to Employment

3/4-mile trail connecting residents to employment opportunities in Tigard.



WALKER | MACY

City of Tigard - TIGARD STREET TRAIL Proposed Plan



ILLUSTRATIVE SCHEMATIC

AIS-2400

7.

Business Meeting

Meeting Date: 11/10/2015

Length (in minutes): 10 Minutes

Agenda Title: Special Supplemental: City Center Development Agency Appropriation

Submitted By: Carissa Collins, Finance and Information Services

Item Type: Motion Requested Resolution Public Hearing - Informational **Meeting Type:** City Center Development Agency

Public Hearing Yes

Newspaper Legal Ad Required?:

Public Hearing Publication 11/05/2015

Date in Newspaper:

Information

ISSUE

The city's recognition of revenues and use of \$1.65M in proceeds from the sale of three contiguous properties located at the previous sites of the Public Works Yard and Dog Park on Ash Avenue for residential development.

STAFF RECOMMENDATION / ACTION REQUEST

Approve the supplemental amendment to the FY 2016 Adopted Budget of the City Center Development Agency.

KEY FACTS AND INFORMATION SUMMARY

On April 14, 2015 the Board of the City Center Development Agency (CCDA) authorized its Executive Director to sign a Disposition and Development Agreement (DDA) with developers DIG Tigard LLC and Capstone Greenlight LLC. The DDA will lead to the construction of 165 units of market rate housing and 2,000 square feet of commercial development in two buildings on three contiguous properties currently owned by the City Center Development Agency (previously the sites of the Ash Avenue Public Works Yard and Ash Avenue Dog Park). The construction of this \$26 million, 171,000 square foot development will be the first significant market rate residential development since the Downtown revitalization efforts got underway in 2005. As included in the DDA the developers have formed a new corporate entity, called Premium Property-Tigard LLC.

The DDA specifies that the developers pay the appraised value for the property, which is

\$1,650,000. The DDA also states that this amount will then be spent to help offset the estimated \$3.1 million in System Development Charges (SDC) and permit costs that the project will incur.

OTHER ALTERNATIVES

Do not approve the supplemental amendment to the FY 2016 Adopted Budget of the City Center Development Agency.

COUNCIL OR CCDA GOALS, POLICIES, MASTER PLANS

2. Make downtown Tigard a place where people want to be.

DATES OF PREVIOUS CONSIDERATION

n/a

Fiscal Impact

Cost: \$1,650,000

Budgeted (yes or no): No

Where Budgeted (department/program): CCDA

Additional Fiscal Notes:

The city will receive a total of \$1,650,000 from the sale of three properties owned by the CCDA. Proceeds from the sale are to be used towards payment of system development charges. There is no impact on fund balance. Exhibit A contains the details.

Attachments

Resolution

Exhibit A

CITY OF TIGARD, OREGON
CITY CENTER DEVELOPMENT AGENCY
RESOLUTION NO. 15-____

A RESOLUTION TO ADOPT A SUPPLEMENTAL BUDGET AMENDMENT
TO THE FY 2016 CITY CENTER DEVELOPMENT AGENCY BUDGET.

WHEREAS, the city acknowledges those items that were unknown at the time the FY 2016 Budget was adopted; and

WHEREAS, the CCDA recognizes a total of \$1,650,000 in additional requirements that are offset by additional resources of equal amount.

NOW, THEREFORE, BE IT RESOLVED, by the Tigard City Center Development Agency that:

SECTION 1: The FY 2015-16 Budget is hereby amended as detailed in Exhibit A.

SECTION 2: This resolution is effective immediately upon passage.

PASSED: This _____ day of _____, 2015.

Chair – City of Tigard
City Center Development Agency

ATTEST:

Recorder – City of Tigard City Center Development Agency

CCDA01. Burnham Street/Ash Avenue Development

A request totaling \$1.65M is required to recognize the proceeds from the sale of three contiguous properties to Capstone Greenlight LLC for residential development. As a result of the developers agreement, the developer will purchase the land from the city for \$1.65 million. In turn, the city will pay \$1.65 million of the estimated \$3.1 million in system development charges. This action will show an increase in Miscellaneous revenues of \$1.65 million along with an equal increase in capital program expenditures with the Urban Renewal Capital Improvement Fund.

	Q1 Revised Budget	Amendment	Revised Budget
Urban Renewal Capital Improvement Fund			
Resources	Beginning Fund Balance		
	\$ 445,700		\$ 445,700
Property Taxes	\$ -		\$ -
Franchise Fees	\$ -		\$ -
Licenses & Permits	\$ -		\$ -
Intergovernmental	\$ -		\$ -
Charges for Services	\$ 84,000		\$ 84,000
Fines & Forfeitures	\$ -		\$ -
Interest Earnings	\$ -		\$ -
Miscellaneous	\$ -	\$ 1,650,000	\$ 1,650,000
Other Financing Sources	\$ -		\$ -
Transfers In from Other Funds	\$ 190,300		\$ 190,300
Total Resources	\$ 720,000	\$ 1,650,000	\$ 2,370,000
Requirements			
Community Development	\$ -		\$ -
Community Services	\$ -		\$ -
Policy and Administration	\$ -		\$ -
Public Works	\$ -		\$ -
Program Expenditures Total	\$ -	\$ -	\$ -
Debt Service	\$ -		\$ -
Loans	\$ -		\$ -
Work-In-Progress	\$ 720,000	\$ 1,650,000	\$ 2,370,000
Transfers to Other Funds	\$ -		\$ -
Contingency	\$ -		\$ -
Total Budget	\$ 720,000	\$ 1,650,000	\$ 2,370,000
Reserve For Future Expenditure	\$ -	\$ -	\$ -
Total Requirements	\$ 720,000	\$ 1,650,000	\$ 2,370,000

AIS-2406

8.

Business Meeting

Meeting Date: 11/10/2015

Length (in minutes): 10 Minutes

Agenda Title: Public Hearing: FY 2016 Adopted Budget Amendment

Submitted By: Carissa Collins, Finance
and Information Services

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

Public Hearing Yes

Newspaper Legal Ad Required?:

Public Hearing Publication 11/03/2015

Date in Newspaper:

Information

ISSUE

An amendment to appropriate \$100,000 to hire 2.0 FTE in the FY 2016 Adopted Budget is being requested to address increased workload in the Engineering Division resulting from increased development activities.

STAFF RECOMMENDATION / ACTION REQUEST

Approve the supplemental to the FY 2016 Adopted Budget.

KEY FACTS AND INFORMATION SUMMARY

The adopted budget for Engineering was developed with the expectation that approximately 56% of staff time would be spent in the implementation of the Capital Improvement Program. About 29% would be spent on Private Development work and the remaining 15% on preliminary engineering work. During the first quarter of FY 2016, actual staff time has been spent on the increased activities in private development at about 41% in various parts of the city including River Terrace. The change in how Engineering staff is spending their time is important in two ways. First, the additional time on development demonstrates the need for staffing. Second, Engineering time is charged to the capital project in the same manner as a consultant. The reimbursement from the capital projects is a key General Fund revenue. The reduction in time spent on CIP is resulting in a lower amount of General Fund revenue than budgeted for the year.

To handle the increased activity, the department has had to dedicate a majority of its technician time to private development and decrease its support of projects in the Capital

Improvement Program (CIP). These combined actions have facilitated a need for additional staffing in Engineering to accommodate the increased activity. A total of 2.0 fulltime equivalent positions is being requested by Public Works Engineering: an Engineering Technician II and a Management Analyst. The Engineering Tech II position will support transportation engineering needs including the update of GIS mapping layers that are Engineering's responsibility that are currently not met due to the increase in development activity. The Management Analyst position will provide budget and analysis work including CIP development as well as management of the division's process for acquiring and administering grants.

OTHER ALTERNATIVES

Do not approve the supplemental amendment to the FY 2016 Adopted Budget.

COUNCIL OR CCDA GOALS, POLICIES, MASTER PLANS

4. Enable groundbreaking in River Terrace by Summer 2015.

DATES OF PREVIOUS CONSIDERATION

N/A

Fiscal Impact

Cost: \$100,000

Budgeted (yes or no): No

Where Budgeted (department/program): PW/Engineering

Additional Fiscal Notes:

A request in the amount of \$100,000 is being made to pay for 2.0 full-time equivalent positions in Public Works Engineering: an Engineering Tech II and a Management Analyst. The costs of the two positions was prorated for 6 months of the current fiscal year. Ongoing costs for these two positions will be an estimated \$171,000 per year beginning in FY 2017.

To pay for the additional appropriation, General Fund development permit revenues have already received an increase of approximately \$890,000 over the annual budget during the first quarter of the fiscal year as a result of River Terrace development activity. The increased revenue from the first quarter and future River Terrace permits will be used to fund the additional appropriation this fiscal year as well as future years, as well as help offset the reduction in reimbursements from CIP projects. Exhibit A contains the details for Fiscal Year 2015-16.

Attachments

Resolution

Exhibit A

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

A RESOLUTION TO AMEND THE FY 2016 ADOPTED BUDGET TO APPROPRIATE \$100,000 IN PUBLIC WORKS ENGINEERING THAT WILL BE USED TO ADD 2.0 FTE DUE TO AN INCREASE IN DEVELOPMENT ACTIVITIES.

WHEREAS, the city acknowledges those items that were unknown at the time the FY 2016 Budget was adopted; and

WHEREAS, the city recognizes approximately \$890,000 of General Fund revenues resulting from increased development activities; and

WHEREAS, a total of \$100,000 of additional appropriation is required for the addition of 2.0 full-time equivalent positions to the Engineering division; and

WHEREAS, the 2.0 FTE's are prorated for 6 months of the current fiscal year; and

WHEREAS, the additional 2.0 FTE's are estimated to generate an ongoing cost to the city of \$171,000 annually in future years beginning in FY 2017; and

WHEREAS, the city acknowledges that the increase in requirements of \$100,000 is offset by the increase in General Fund revenues of \$890,000.

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

SECTION 1: The FY 2015-16 Budget is hereby amended as detailed in Exhibits A.

SECTION : This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2015.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard

PW01. Engineering Division - FTE Additions

An additional appropriation of \$100,000 is required to pay for two full-time equivalent positions; an Engineering Tech II and a Management Analyst. The additional appropriation for 2.0 FTE is required to accommodate for the substantial increase in development activities citywide including River Terrace. The requested \$100,000 of additional appropriation is prorated for 6 months of the current fiscal year. The cost of these 2.0 FTE are estimated to be approximately \$171,000 next fiscal year. As a result of the development activities, especially River Terrace, General Fund resources have increased by \$890,000 so far this fiscal year. The revenue generated by River Terrace will fund the additional FTE in future years. This action will increase Public Works program expenditures by \$100,000, and increase Reserve for Future Expenditure by \$790,000.

General Fund		Revised Budget	Amendment	Revised Budget
Resources	Beginning Fund Balance	\$ 10,709,593		\$ 10,709,593
	Property Taxes	\$ 14,330,765		\$ 14,330,765
	Franchise Fees	\$ 5,909,165		\$ 5,909,165
	Licenses & Permits	\$ 1,352,420	\$ 890,000	\$ 2,242,420
	Intergovernmental	\$ 5,432,785		\$ 5,432,785
	Charges for Services	\$ 3,039,908		\$ 3,039,908
	Fines & Forfeitures	\$ 873,006		\$ 873,006
	Interest Earnings	\$ 103,722		\$ 103,722
	Miscellaneous	\$ 56,432		\$ 56,432
	Other Financing Sources	\$ -		\$ -
	Transfers In from Other Funds	\$ -		\$ -
	Total Resources	\$ 41,807,796	\$ 890,000	\$ 42,697,796
Requirements				
	Community Development	\$ 4,037,179		\$ 4,037,179
	Community Services	\$ 22,242,907		\$ 22,242,907
	Policy and Administration	\$ 899,502		\$ 899,502
	Public Works	\$ 4,118,322	\$ 100,000	\$ 4,218,322
	Program Expenditures Total	\$ 31,297,910	\$ 100,000	\$ 31,397,910
	Debt Service	\$ -		\$ -
	Loans	\$ -		\$ -
	Work-In-Progress	\$ -		\$ -
	Transfers to Other Funds	\$ 3,434,936		\$ 3,434,936
	Contingency	\$ 1,120,000		\$ 1,120,000
	Total Budget	\$ 35,852,846	\$ 100,000	\$ 35,952,846
	Reserve For Future Expenditure	\$ 5,954,950	\$ 790,000	\$ 6,744,950
	Total Requirements	\$ 41,807,796	\$ 890,000	\$ 42,697,796