



## City of Tigard

### Tigard City Council/CCDA Meeting Minutes

November 10, 2015

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#### STUDY SESSION

- A. COUNCIL LIAISON REPORTS - Councilor Woodard reported on the PRAB meeting where they received an update on the proposed Park and Recreation Charge (PARC). He said the Friends of Bull Mountain have raised \$23,000 and still need \$45,000 in order to be eligible for a Nature in Neighborhoods \$125,900 grant from Metro.

Councilor Henderson reported on the Willamette River Water Coalition meeting and distributed a diagram showing their proposed governance format. He said they want three council representatives from the cities.

Council President Snider said he met with the Audit Committee and things look good with very minor issues identified. He also reported on the Lake Oswego/Tigard Water Partnership. He noted that discussions will be necessary to consider future governance over the water system. Options include continuing oversight between the two cities as is done currently or creating a separate entity such as South Fork Water District. Uniform representation is desired but costs to run it need to be considered.

Mayor Cook noted recent ribbon cuttings for the Waluga Reservoir and the Gladstone River Intake Pump System (RIPS). The Bonita Pump Station is undergoing testing. Mayor Cook described some of the sessions he attended at the National League of Cities Conference including economic development and downtown areas.

Councilor Goodhouse represented the city at the Costco gas station ribbon cutting. He attended the TTAC meeting where a discussion was held on the street maintenance fee and sidewalk gap program. TTAC will weigh in on the street maintenance fee and are suggesting increasing the percentage paid by commercial property owners.

- B. BRIEFING ON AN AGREEMENT WITH METRO REGARDING A GRANT TO DEVELOP DIRKSEN NATURE PARK - Project Managers Staedter and Peck briefed council on the project and efforts to shift elements in order to arrive at the 2:1 match for the Metro grant. Work will include two boardwalks, a nature play area, wetland restoration, the environmental education center and interpretives. Mayor Cook asked if there was an issue if half-street improvements are not done near the environmental education center. Project Manager Peck said that is a condition of approval but there is no specific timeline. Funding will be sought for that and the city is not restricted by a deadline. In response to a question from Councilor Woodard, Project Manager Staedter said that Agilyx is a local company that donated \$49,000 because they want to help the city. Camas bulbs were planted, also donated by Agilyx.

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C. DISCUSSION ON UPCOMING CONTRACTS - Contracts Manager Barrett described two contracts (utility billing and street sweeping) and one IGA. Assistant Finance Director Fitzpatrick was introduced to council. Council authorized staff to put the utility billing and street sweeping contracts on a future consent agenda. The IGA is with the Portland Police Bureau. They are putting together a multi-jurisdictional Intellectual Property Crime Enforcement Task Force (IPCE) through a COPS grant and requested that Tigard’s commercial crimes unit participate on this on an overtime basis. The IGA specifies that the grant will cover the cost of police staff overtime and possibly training. Lt. Eskew and Sgt. Erickson discussed this growing area of criminal activity (fake Coach handbags, etc.) which does not stop at city boundaries. Council said this IGA may be placed on a future consent agenda. Councilor Henderson asked if the business tax pays for gasoline for the commercial crimes unit officers and Finance and Information Services Director LaFrance said staff will get a response for him.

1. BUSINESS MEETING – November 10, 2015



- A. At 7:37 p.m. Mayor Cook called the meeting to order.
- B. City Recorder Krager called the roll.

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

- C Mayor Cook asked everyone to stand and join him in the Pledge of Allegiance.
- D Mayor Cook called to council and staff for Non-Agenda Items. None

2. CITIZEN COMMUNICATION

- A. Follow-up to Previous Citizen Communication - None
- B. Tigard High School Student Envoy - Student Body President Shaina Azbari recapped recent and future events at Tigard High. An Open Table event educated students on cultural diversity and brought them together over food donated by restaurants and the community. There were 300 students at this after-school event. A Halloween event allowed children an opportunity to do Halloween activities and trick or treat without having to be outside in the cold, wet weather. The annual Veterans Assembly and Breakfast was held on November 6 with over 70 veterans attending. The first THS Open Mic night was held tonight and there will be a Poetry Slam next week. Leadership

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students represented Tigard High at the Oregon Association of Student Councils. The girls soccer team made it into the semi-finals.

- C. Tigard Area Chamber of Commerce – CEO Debi Mollahan was unable to attend and will give an update at the next business meeting.
- D. Citizen Communication – Sign up Sheet.

 Mark Forker, 5293 NE Elam Young Parkway, Hillsboro, OR 97124, from the Willamette West Habitat for Humanity spoke. He said since 1988 they celebrate at property tax time and remind city councils that families in Habitat homes contribute \$190,000 in property taxes to help build better roads and bridges. This is more than the county would receive if Habitat was not helping people move from substandard rental housing into homes. He said, “Our success is your success.” He shared that they bought some land in King City and will build 60 units. Mayor Cook said staff has been looking for property in Tigard and Metzger. Mr. Forker said they would like to help to move that along.

Steve Kraemer, 14931 SW 88<sup>th</sup> Avenue, Tigard, OR 97223, said he read about a 10 percent water rate increase one year ago. The news story said there were few complaints. He said he had been paying \$40-45 every other month and his bill increased to \$132, which is three times what he had been paying. His house is eight years old. Early complaints to the city got him responses on how to save water. He heard from Mayor Cook and Utility Manager Goodrich who said the problem is not his usage but that his house has a 1-inch water meter making the base rate higher. He said he pays 2.5 cents per gallon but others are paying one cent for the same amount. He has been told the city will not be discussing the rate schedule until 2018. He suggested that the city divide the meter cost evenly among all users. Those with five-eighth inch meters would pay \$2.60 more but those with one-inch meters would pay \$29.49 less.

 Council President Snider said the responses from staff and mayor did not adequately answer his question and there is a rationale for why it costs more to provide service to a one-inch meter. The difference is that he has a water meter that requires that the city is able to provide him with more water at a peak time than anyone else with a smaller meter. The infrastructure to be able to do that costs more. He used the analogy of a fire department. Citizens have to pay for the readiness of the system whether it is in use or not. It will not be equitable to have it be completely based on a use charge because the system has to be bigger for a one inch meter. Mr. Kraemer suggested a 20 percent upcharge for someone with more capacity would be more reasonable.

Councilor Woodard said he recognized him from an Intergovernmental Water Board meeting where he spoke about this and staff told him he may need to decommission some sinks in his house but Mr. Kraemer was not willing to do this. That discussion ended by suggesting he take this to council. He said council does not have a good solution at this time but maybe the timeframe for the rate discussion could be moved up. Mayor Cook clarified that water meter sizes are based upon the number of faucets, toilets and sinks are built into the house. Based on the size of the meter, whether it be five-eighths or one inch,

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the city is required to be able to supply water to all of those faucets, even if there are only two people living in the home. A house could be sold next week to a family of eight. The charge is based on the city having the capacity. Mr. Kraemer said he did not want to alter anything in his house because he does plan to sell it in the future. He said he just wanted to bring this to the attention of the council.

Council President Snider said there is a general city policy to charge the actual service cost to customers and if this became a conversation happening prior to 2018 he would support that.

- 3. CONSENT AGENDA: (Tigard City Council and Local Contract Review Board) Mayor Cook noted that Councilor Henderson requested that Item C be removed for separate discussion.

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

Council President Snider moved for approval of the Consent Agenda minus Item C. Councilor Woodard seconded the motion.

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

Local Contract Review Board:

- C. CONSIDERATION OF A CONTRACT AWARD FOR DIRKSEN NATURE PARK ENVIRONMENTAL EDUCATION CENTER AND PATHWAY IMPROVEMENTS

Councilor Henderson asked to hear the staff report. Contracts Manager Barrett and Project Coordinator Peck gave the staff report. Contracts Manager Barrett said this contract is for improvements to the Dirksen Nature Park Environmental Education Center and Pathway Improvements. The project included mobilization, traffic control, erosion control, clearing and grubbing, improvements to the center itself, parking lot improvements, installation of a

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LIDA water quality facility, landscaping, an 8-foot wide concrete path and incidental work. The city issued an invitation to bid with bids due on September 24. One bid of three received was disqualified as it only addressed the landscaping portion. A review of the bids showed that the lowest bid was still \$60,000 over the engineer’s estimate. Staff reviewed the project and since it is being phased in order to keep full funding for future years, they decided to scale it back. Staff suggested removing the concrete pathway and the first contractor was willing to lower their bid to \$115,000. They asked the second contractor about taking out the concrete pathways but their bid is still \$50,000 higher at \$190,000. Staff feels moving forward with these reductions is within the contracting rules and is a viable option. He said council is being asked to approve a \$115,000 contract with Lee Contractors.

Councilor Henderson said this was discussed this at the October 27 council meeting and it was noted then that the low bid was 47 percent higher than the engineer’s estimate. He said something had to be done but is concerned that there was no discussion by the LCRB of what that was. The LCRB has not seen any contracts and he does not want money issues such as this put on the consent agenda. He also said that the contract they are being asked to approve is “estimated” to be \$115,000 and does not know if that is true. Contracts Manager Barrett said the contract will be written for the low bid amount but staff says “estimated” because unforeseen things occur in any construction project and may make this a little higher or lower. He said they will go through the full amendment process if that happens.

Councilor Henderson said his point was that this should not have been put on the consent agenda with making a disclosure. Mayor Cook said it was put on tonight’s consent agenda because two weeks ago council was asked if it was alright to do that and they all said yes.

Councilor Henderson said council understood there were problems with this bid that needed to be solved. He said, “We are the LCRB and we need to do more due diligence.” Council President Snider said perhaps council needs to be more deliberate about the decision to put something on the consent agenda and the time to pull it would be at that time.

Councilor Henderson moved for approval of the contract. Councilor Goodhouse seconded the motion. Mayor Cook conducted a vote and the motion passed unanimously.

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

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4. LEGISLATIVE PUBLIC HEARING – UPDATE TO CHRONIC NUISANCE PROPERTY ORDINANCE (TIGARD MUNICIPAL CODE CHAPTER 7.42)

- a. Mayor Cook opened the public hearing and announced that this is a legislative public hearing in which any person shall be given the opportunity to comment.
- b. Staff Report: Police Chief Orr and Detective Foulkes gave the staff report which proposes several changes to the existing Chapter 7.42 of the Tigard Municipal Code on chronic nuisance property. The amount of nuisances triggering a consequence was decreased from four to three and the time where the nuisances are counted increased from 60 to 120 days. Several crimes were added to the list. After two occurrences the police chief would send a registered letter to the homeowner describing the process that will be followed if a third crime is reported within the 120 day timeframe. The existing ordinance did not prescribe when a fine would be imposed and these proposed changes state that the penalty can be charged per day after three occurrences within 120 days.
- c. Public Testimony – No one signed up to speak.
- d. Council Questions and Discussion

Councilor Woodard asked if this would reduce chronic nuisance property calls. Police Chief Orr replied that when he worked in Portland there was a similar ordinance and it was a good tool. It was usually sufficient to send warning notification to property owners or renters and they did not have to go to the legislative action.

- e. Mayor Cook closed the public hearing.
- f. Council Discussion and Consideration

Council President Snider said he would be remiss if he did not mention that he lives close to a nuisance property and asked for support as his neighborhood has dealt with a 15-year running battle about this.

Council President Snider moved to approve Ordinance 15-17. Councilor Goodhouse seconded the motion.

Mayor Cook asked City Recorder Krager to read the number and title of the ordinance.

**Ordinance No. 15-17 – AN ORDINANCE AMENDING CHAPTER 7.42 OF THE TIGARD MUNICIPAL CODE “CHRONIC NUISANCE PROPERTY” WITH UPDATED AND ADDITIONAL LANGUAGE**

City Recorder Krager conducted a roll-call vote of council.

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

Mayor Cook announced that Ordinance No. 15-17 passed unanimously.

5. INFORMATIONAL PUBLIC HEARING – CITY MANAGER EVALUATION CRITERIA AND PROCESS ADOPTION

- a. 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: Human Resources Director Bennett gave the staff report.
- c. Council questions of staff – None
- d. Public Testimony - No one signed up to speak.
- e. Council Questions and Discussion

Council President Snider said this is the process council will use to evaluate the city manager’s performance. In Oregon it is the statute to hold a public hearing to seek feedback from the public for the evaluation process. Mayor Cook said the council hires the city manager, city attorney and municipal judge. The city manager hires the police chief, public works director and other executive staff.

- f. Mayor Cook closed the public hearing.
- g. Council Discussion and Consideration

Councilor Woodard moved to approve the criteria and adopt the process for the city manager evaluation. Councilor Goodhouse seconded the motion and it passed unanimously.

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

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6. INTENT TO PURSUE GRANT FUNDING: CONNECT OREGON VI – TIGARD STREET TRAIL

Economic Development Manager Purdy gave the staff report on this grant opportunity. A Connect Oregon grant was pursued one year ago and while the city scored well, their submission did not get above the line to receive the grant from ODOT. He reviewed the scoring criteria and found the application was deficient in two areas: not enough matching funds and the city did not control the site at the time of application. Since then, City Manager Wine negotiated a lease agreement with the railroad, ensuring a higher score in that category. The new proposal suggests that the city improve its match. Mayor Cook shared the good news that Economic Development Manager Purdy and Senior Transportation Planner Brown asked for \$240,000 in Major Streets and Transportation Infrastructure Projects (MSTIP) funds as part of the matching funds (more than half of the local match) for the grant. The Washington County Coordinating Committee (WCCC) approved their request. Mr. Purdy said the city has been thinking of the Tigard Street Trail as more than a path and has explored concepts with designer Suenn Ho. This grant is for projects that improve the transportation infrastructure and have an economic development impact and this project does this. He said council is being asked tonight if they would authorize the City Manager to sign the grant application.

Councilor Henderson asked if staff could identify where the \$60,000 of in-kind services will come from. Economic Development Manager Purdy said anything we do that has value, such as staff time, meets the requirement donations do not. Volunteer hours would not count in this instance.

Councilor Goodhouse commented that the Tigard Street Trail gets used, even at night and he noted that lights were an element of the grant. Economic Development Manager Purdy said it is proven that this trail will get used. Councilor Woodard said people come up from the road to get on the trail so they can walk and bike without being in traffic. He liked the concept plan and possibilities of what can be done. He applauded everyone working together on this project.

Council President Snider moved to approve the city manager signing the grant application. Councilor Goodhouse seconded the motion. Mayor Cook conducted a vote and announced the motion passed unanimously.

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

Mayor Cook announced that this next item is a City Center Development Agency agenda item.

7. INFORMATIONAL PUBLIC HEARING: SPECIAL SUPPLEMENTAL AMENDMENT – CITY CENTER DEVELOPMENT AGENCY

- 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. Staff Report: Finance and Information Services Director LaFrance gave the staff report. The city has an agreement with a developer who will build a multi-family housing project and as part of the agreement the developer has agreed to purchase the property. The CCDA will help incentivize the development and pay a portion of the system development charges (SDCs). This supplemental budget amendment recognizes the revenue and appropriation of the expenditure for paying those fees. There will be no impact on fund balances.
- c. CCDA questions of staff: None
- d. Public Testimony - No one signed up to speak.
- e. CCDA Questions and Discussion

Director Henderson said if the property was worth \$3.1 million and SDCs are \$3.1 million it would be the same. Finance and Information Services Director LaFrance said they agreed to pay \$1.65 million in revenue and the city will pay \$3.1 in SDCs. Director Henderson said the SDC amount rose from an earlier amount of \$2.4 million and he did not realize the SDCs had increased. Mr. LaFrance said he was not familiar with the \$2.4 million amount. Chair Cook noted that the expenditure amount also includes the building permits and other charges.

- f. Chair Cook closed the public hearing.
- g. CCDA Discussion and Consideration

Director Snider moved to approve CCDA Resolution No. 15-06. Director Goodhouse seconded the motion. Chair Cook asked City Recorder Krager to read the number and title of the resolution.

**CCDA Resolution No. 15-06 – A RESOLUTION TO ADOPT A SUPPLEMENTAL BUDGET AMENDMENT TO THE FY 2016 CITY CENTER DEVELOPMENT AGENCY BUDGET**

Chair Cook conducted a vote of the CCDA and the motion passed unanimously.

	Yes	No
Director Goodhouse	x	
Director Henderson	x	
Director Snider	x	
Director Woodard	x	
Chair Cook	x	

8. INFORMATIONAL PUBLIC HEARING: FY 2016 ADOPTED BUDGET AMENDMENT

- a. 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: Finance and Information Services Director LaFrance said this is a supplemental amendment of \$100,000. The development happening in River Terrace has increased the workload in the engineering department, implicating the completion of the capital improvement plan. River Terrace development also creates revenue and almost \$900,000 of engineering permit fees has been received by the city and this is expected to continue for the next two years. The \$100,000 will help hire two engineering staff members enabling them to work on the River Terrace engineering and also help complete the Capital Improvement Plan (CIP). There is a need to seek grants for the CIP from outside agencies. One of the positions is a management analyst to assist with this. The annual cost of the additional staff will cost \$170,000. After looking at the latest financial forecast staff realized that impact to the forecasted fund balance was negligible.
- c. Council questions of staff:
 

Council President Snider asked if the new staff members will be temporary or permanent. Mr. LaFrance said they will be permanent and that is why staff looked at the long term forecast. He said the city considers them consulting engineers. He expects to see an increase in need with River Terrace. Financially it appears to be a push but the nature of engineering work will need additional adjusting as it has, both up and down, over the years.

Councilor Henderson noted that the city lost some engineers and asked if they were replaced and are these additional FTE's. Mr. LaFrance said there was a recent reorganization in engineering and the city needs to add resources now for one developer's projects in River Terrace. He said Engineer Faha predicted that the additional staff will help with the initial bulge and there may be additional work. There could be more changes. He clarified for Councilor Woodard that the \$100,000 is pro-rated for the fiscal year and is the full cost for salaries and benefits for two engineering staff.
- d. Public Testimony: Mayor Cook noted that no one signed up to speak and asked if anyone in the audience wanted to speak. There was none.

- e. Mayor Cook closed the public hearing.
- f. Council Discussion and Consideration

Council President Snider motioned to approve Resolution No. 15-50. Councilor Goodhouse seconded the motion. Mayor Cook asked City Recorder Krager to read the number and title of the resolution.

**Resolution No. 15-50 – 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**

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

Mayor Cook announced that the resolution passed unanimously.

Mayor Cook announced that the remainder of the meeting is a City Center Development Agency meeting.

- 9. EXECUTIVE SESSION - At 8:40 p.m. Chair Cook announced that the Tigard City Center Development Agency was entering into Executive Session to discuss real property under ORS 192.660 (2) (e) and that the CCDA will reconvene in public session after the Executive Session. At 9:21 p.m. the CCDA reconvened in Town Hall for public session.



10. NON AGENDA ITEMS

Redevelopment Project Manager Farrelly gave a brief synopsis of a non-agenda item under consideration. Staff is asking the CCDA to authorize the Executive Director of the CCDA to execute a second amendment to the Disposition and Development Agreement for the Ash and Burnham Street properties. They will build 165 units of housing and 2,000 square feet of commercial space. The bank has requested that the city subordinate the agency’s right to repurchase the property in a worst case scenario where the developer failed to complete the project. The CCDA will still have the right to repurchase the property but it is a change to the DDA so they are requesting approval of this resolution.

Director Snider moved to approve CCDA Resolution 15-07 and Director Goodhouse seconded the motion.

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**CCDA RESOLUTION NO. 15-07 – A RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR OF THE CITY CENTER DEVELOPMENT AGENCY TO EXECUTE A SECOND AMENDMENT TO THE DISPOSITION AND DEVELOPMENT AGREEMENT TO REDEVELOP THE ASH/BURNHAM PROPERTIES**

Chair Cook conducted a vote. The motion passed unanimously.

	Yes	No
Director Goodhouse	x	
Director Henderson	x	
Director Snider	x	
Director Woodard	x	
Chair Cook	x	

Redevelopment Project Manager Farrelly announced that the groundbreaking ceremony for the Ash/Burnham Street project is at 4:00 p.m. on Monday, November 16.

**11. ADJOURNMENT**

At 9:24 p.m. Director Henderson motioned to adjourn. Director Woodard seconded the motion. All voted in favor.

	Yes	No
Director Goodhouse	x	
Director Henderson	x	
Director Snider	x	
Director Woodard	x	
Chair Cook	x	

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Carol A. Krager, City Recorder

Attest:

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John L. Cook, Mayor

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Date