



City of Tigard  
 City Center Development Agency and City Council  
 Joint Meeting Minutes  
 June 2, 2015



1. CITY CENTER DEVELOPMENT AGENCY BOARD AND CITY COUNCIL MEETING

- A. Chair Cook called the meeting to order at 6:30 p.m.
- B. Deputy City Recorder Alley called the roll:

<u>Name</u>	<u>Present</u>	<u>Absent</u>
Chair Cook	✓	
Director Goodhouse	✓	
Director Henderson	✓	
Director Snider	✓	
Director Woodard	✓	

- C. Pledge of Allegiance – Chair Cook led the Pledge of Allegiance.
- D. Call to CCDA and Staff for Non Agenda Items – Executive Director Wine advised the board she had a report for Non Agenda items.

2. APPROVE CITY CENTER DEVELOPMENT AGENCY MINUTES

Director Snider motioned to approve the May 5, 2015 CCDA Minutes. Director Woodard seconded the motion. Motion passed by the following votes of the board:

<u>Name</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Chair Cook	✓		
Director Goodhouse	✓		
Director Henderson			✓
Director Snider	✓		
Director Woodard	✓		

3. DISCUSSION WITH TIGARD DOWNTOWN ALLIANCE REGARDING PARTNERSHIP EFFORTS FOR DOWNTOWN REVITALIZATION

Economic Development Manager Purdy introduced Tigard Downtown Alliance (TDA) members Mr. DeAngelo, TDA President; Ms. Mollohan, TDA Treasurer; Ms. Shearer, TDA Secretary; and Mr. Murphy, TDA Board member.

TDA President DeAngelo provided the staff report, accompanied by a PowerPoint, stating the TDA’s 2016 goals are to:

- Increase TDA Awareness
- Create more sponsor dollars which should be obtainable when the 501(c)(3) status is achieved.
- Activate more grant opportunities
- Get greater stakeholder engagement
- Move towards hiring a part-time staff member

These goals will be obtained with the proposed 2015-2016 performance measures of operating under the four point Oregon Main Street (OMS) Approach, which are:

- Organization & Capacity Building
- Marketing and Promotion
- Design and Beautification
- Economic Restructuring

Achieving those four points will be done by actively managing two projects in each of the four areas. Deliverables will be:

- Annual budget creation
- Annual work plan submission
- Volunteer hour reporting & tracking
- Connect projects to city of Tigard's Strategic Vision
- Grow Stakeholder Participation/Outreach to Rotary, Regional Arts & Culture Council (RACC), Washington County Visitors Association (WCVA), and Metro
- Goal setting with Municipal Partners
- Dollar for dollar funding matches between the City and TDA with the TDA obtaining stakeholder contributions through sponsorships, grants and earned income.

The organization is looking to change the dialog with downtown businesses to a more information driven approach on what is important to the downtown. The TDA is studying other city's walking districts to see what has been successful to bring home to Tigard. Events that have surfaced are an annual bus tour, parades, car show, Taste of Tigard, art fundraiser and chalk art festival. Continued efforts are on strengthening marketing and promotion of downtown.

The Art Walk 2015 was successful with:

- 22 participating businesses/artists
- Addition of a pop up gallery
- Printed over 1,000 maps
- Live artist demonstrations
- In-kind sponsors from Allied, Pacific Paint, DP Nicoli, DeAngelo's, B&B Printing and Metro Glean Art. Columbia Bank sponsored and cross promoted.
- Segue to creation of a public art program
- Captured a \$5,000 grant from Metro Enterprising Places
- Hundreds of volunteer hours
- OMS Submission – Excellence in Downtown Revitalization Awards

Upcoming events are the Street Festival on September 12, 2015 with many previous and new offerings, downtown trick or treating and the tree lighting. The council can continue to expect exceptional programming, additions to downtown, TDA being the information conduit to stakeholder groups and increased creativity to get the job done. The TDA Board thanked the CCDA Board for their support and the opportunity to continue the great work of the downtown.

Director Henderson asked if the TDA membership was growing and by how many members. Mr. DeAngelo answered membership has been neutral with 36 sustaining members. Ms. Shearer stated there were inquiries about membership during the art walk.

Director Snider asked if the TDA had interest in partnering with the CCAC to develop a roof art program in downtown. Ms. Shearer responded she provided Mr. Farrelly one idea of doing a rooftop deck, but in order to accomplish the project it would need a tenant improvement program.

Director Snider asked if the TDA had discussed the possibility of a ballot measure for a community center with a recreation focus and the TDA's perspective on the issue. Mr. Murphy answered the TDA had not been approached yet. He suggested that any significant change in the district should be evaluated for consistency with the district plan. To his knowledge this had not been adequately addressed. Mr. DeAngelo said citizens deserve greater recreation opportunities, but expressed concern with a center located downtown for the tax increment financing, trip generation and infrastructure support. Mr. DeAngelo said he asked Mr. Brown detailed questions which had not been answered satisfactorily. He stated he did not believe the information necessary to make a qualified decision had been obtained.

Chair Cook thanked the TDA Board for their presentation and said he looked forward to working with them more.

#### 4. UPDATE ON THE DOWNTOWN PARKING PLAN

Redevelopment Project Manager Farrelly provided an update, accompanied by a PowerPoint, reporting on-going downtown projects were:

1. Parking Utilization Study: A consultant will conduct a parking utilization study on June 4 to see how spaces are being used for on-street spaces and private lots, a turnover occupancy analysis and a peak use study. The consultant will provide the template so volunteers can do future assessments. The study area will be in downtown, a bit down Burnham Street and to the transit station. Updating 2010 data will include changes with the green street improvements. In 2010 on-street peak occupancy was around 58 percent and off street was at 52 percent. At the end there will be a baseline to compare to the 2010 study to see if the problem is getting better or worse. If we find there is really high utilization we might start talking about more active methods of management which could include enforcement. Staff will have the results in September.
2. 15 Minute Parking Spaces Criteria: The TDA parking subcommittee and consultant developed criteria for 15 minute parking spaces. The spaces should be located at the end of the blocks; limited to high turnover businesses such as dry cleaners, banks or bakeries; and businesses that do not have their own private parking lot. The criteria will be monitored for proper usage and consideration of going back to two hour spaces if no need is shown for the 15 minute space.
3. Development of a Parking Marketing and Communications Strategy: A map of downtown parking areas is being finalized and maps will be distributed to downtown businesses which can share them with their customers and employees.

Director Woodard expressed concern for people riding the WES or other public transit parking on Burnham Street and Main Street. He asked how that is being addressed and if there were any two hour parking signs currently posted. Mr. Farrelly answered two hour parking signs are at key locations on Main Street. The community service officers will investigate if they get a complaint. Director Woodard suggested exploring the use of volunteers to enforce this. Director Snider said there is no reason why a city could not use its authority to bestow volunteers to do parking enforcement and there is nothing preventing a city from doing that. Concern was expressed by the board for the need to address this issue.

Chair Cook thanked Mr. Farrelly for his presentation and said the board will be interested in seeing the final results at an upcoming meeting.

5. UPDATE ON EPA BROWNFIELDS INITIATIVE PROGRAM

Redevelopment Project Manager Farrelly provided an update, accompanied by a PowerPoint, giving an update of the status of the Brownfields grant program including a summary of the three year work program. Mr. Farrelly reported the city started the Brownfields initiative to better understand the issue of environmental contamination and effects on redevelopment; outreach to property owners, residents and other stakeholders; act as a problem-solver in readying private and public properties for redevelopment; and obtain substantial funds from the Environmental Protection Agency (EPA) and the state to address the problem. In May 2014 the city of Tigard was awarded a Brownfields assessment grant for \$400,000. The funds will be utilized for inventory, assessment, planning for clean-up and engaging with the public. The three year work plan for the grant is to conduct a citywide inventory in industrial, commercial, and employment lands; public outreach; approximately 14 Phase I and eight Phase II assessments; and clean-up and re-use planning. Public outreach work began with the initial outreach focusing on environmental justice communities, owners of contaminated or potentially contaminated properties, and two open houses scheduled for October with one for general audience and one for property owners. The consultants think this is a good way to engage and glean what the property owners are seeking in the clean-up such as more park lands, accessibility by walking to businesses and more public spaces, and whatever they identify this program can provide them. This also supports the strategic plan of becoming the most walkable community in the Pacific Northwest. Clean-up grants will be open in the fall and the city hopes to apply to clean-up a property on Main Street.

Chair Cook asked when the city held the open houses for state grants were there more requests than the city had funding for. Mr. Farrelly answered there were two applications and enough money to fund both projects.

Chair Cook said most people expect contaminated soil when purchasing property that used contaminations like a gas station or dry cleaners, but it took people a while to catch on that when purchasing a piece of property several lots down from a businesses that had contamination, it leaches over to underneath their building. Mr. Farrelly responded he agreed and the most dangerous contamination is when it gets into the groundwater.

Mr. Farrelly stated in a few months he would return with an update and that he intends to apply for a clean-up grant in the fall with news of an award in April 2016.

6. **CITY COUNCIL: CONSIDER A RESOLUTION DECLARING SUPPORT OF THE ANNEXATION OF RIVER TERRACE INTO THE CLEAN WATER SERVICES' SERVICE DISTRICT**

Senior Planner Shanks reported approval of this resolution is before the Council pursuant to ORS 198.720. Approving the resolution supports the annexation of all of River Terrace into the Clean Water Services (CWS) district. Once approved, the resolution will be provided to Washington County staff who is currently reviewing developer applications.

Councilor Henderson asked why this approval did not happen prior to today. Ms. Shanks answered her understanding was because it was on the edge of the urbanized boundary making it a UGB boundary issue.

Mayor Cook said TriMet has a boundary where a payroll tax is assessed, and 80 percent of River Terrace is inside of that boundary, but everything on the other side of Roy Rogers Road is not inside the TriMet payroll boundary. Mayor Cook asked if the tax was going to be assessed in all of River Terrace. Finance and Information Services Director LaFrance said he was unsure but was more than happy to find out more information and report back.

Councilor Henderson motioned to approve Resolution No. 15-25. Councilor Snider seconded the motion. Motion passed by unanimous vote of the council.

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

7. **CITY COUNCIL: CONTINUED DISCUSSION ON A POTENTIAL BALLOT MEASURE FOR A COMMUNITY CENTER**

City Manager Wine reported this follows discussion from the May 17 and May 26 council meetings to consider placing a ballot measure on the November ballot. Guidance was to include in the measure a bond of \$30 million, building size of 60,000 square feet, facilities like a swimming pool, and have it in the vicinity of downtown. Tonight staff made available the advice from legal and bond counsels and draft recommended ballot title language, which was entered into the record.

Councilor Woodard entered into the record an alternate ballot measure, a sample agreement with the YMCA, the city of Sherwood ballot measure and articles centered on Sherwood's ballot measure. Councilor Woodard stated the council facilitates the process and then lets the community decide at an election. He stated he was in support of the YMCA and would like the council's support as well. He understood the urban renewal tax increment could be affected by a community center in downtown, but at one point there was a community center and a festival road drawn into the downtown plans. He cautioned moving forward while working off the 2006 plans and continuing to go down the same path without any new ideas or initiatives. There is a lot more to be gained from a community center than to hold too much weight on the loss of incremental tax dollars. Not taking the issue to a vote of the people because the city has not had time to review it is not a good reason; the city can reverse plan just like Sherwood did.

Ms. Wine stated staff sought out legal and bond counsel opinion on election law regarding drafting ballot language with reference to the YMCA as the operator and asked Finance and Information Services Director LaFrance to report on the findings. Mr. LaFrance reported bond counsel gave advice on the ballot title, question and content of the explanatory statement. The first concern had to do with the dollar figure being specified in the measure without a study and then later find it costs more than \$30 million to build. The city will then have to find other means to finance it because the city will not be able to get additional bond funds. The second concern was specifically mentioning the YMCA, as the community will be paying debt over twenty years and if at some point that relationship is severed then the city will no longer be able to levy the tax dollars to pay the remaining debt. The city will have to use other general tax resources. Right now a \$30 million bond at 20 years would be a payment of roughly \$2.5 million dollars annually; taking this out of the general fund would be a big hit.

Council President Snider asked for clarification on what the difference was between a ballot title and ballot content. Ms. Wine answered the three parts to a ballot title are the caption, question and summary. By content it means it could be in any one of those three. Council President Snider said he felt it is good to know this because it is not intuitively obvious to the lay person in the room.

Councilor Woodard asked what obligations the city had if the grass roots initiative submits ballot language. Mr. LaFrance answered the city would be under the exact same obligation. Councilor Woodard stated the city is either working with an initiative or council referral and possibly could occur with the city having no partnership until it goes through the vote and then the city would have to react. He stated the reason the

survey numbers were so popular was because of the brand and the understanding of the YMCA as the operator.

Council President Snider asked if the city was permitted to state “an operator like” and then list a few examples or not mention a specific operator at all. Mr. LaFrance recommended stating the facility would be operated by a non-profit. Council President Snider asked if the city asked the bond counsel’s opinion for a general operator or was it specific to the YMCA. Mr. LaFrance responded staff asked specifically about operation by the YMCA, but staff knows the bond counsel was comfortable with putting operated by a non-profit.

Councilor Goodhouse said if the ballot states operated by a non-profit then the citizens can place arguments in the voter’s pamphlet supporting the YMCA as the operator. As for what the city is putting forward it would be prudent and good business to put non-profit.

Council President Snider expressed concern of specifying the YMCA in the ballot title for the financial obligation if the YMCA no longer is the operator. This concern is precisely why the council wants to work with the community. He did not think the group supporting the community center understood the city’s potential burden if the YMCA does not become the operator. He stated he did not want to put the city at risk with a single operator or have an agreement with the YMCA specifying the YMCA would pay the remaining funds if they could not fulfill those operating obligations. Given what has been said he cannot support naming the YMCA as the specific operator as it would be foolish to tie the city’s hands for twenty years.

Councilor Woodard suggested the city takes risks in every project. Council President Snider responded those risks are mitigated and not naming an operator in the ballot measure is mitigating that risk for the community center. Councilor Goodhouse said there is going to be enough mention surrounding the YMCA and most likely the YMCA will be operating it, but it is a good sound business decision to make sure the council does not bind the city in the ballot measure. Mayor Cook also expressed concern with relying on payment language in the agreement because there are no guarantees as the YMCA could go bankrupt.

Ms. Wine stated direction had not been received from council to negotiate an agreement with the YMCA. Mr. Hall has shown interest to enter into an agreement and maybe a level of certainty and a lower level of risk exists if the council knew what the terms of such an agreement would be with the YMCA.

Council President Snider suggested researching purchasing bond insurance as a way to manage the risk. Mr. LaFrance said he would be willing to explore that.

Councilor Goodhouse stated he was comfortable moving forward with not listing an operator. Council President Snider said he could support moving forward with a “skinny proposal” on the ballot stating \$34.5 million bond and not naming a sole operator. Rather, listing three or four examples unless the city can purchase bond insurance to mitigate the risk. Councilor Henderson said the YMCA as the operator has a lot of pull and is a big factor. He expressed concern the issue had not been vetted enough and understands the public wants a community program somewhere in the community.

City Attorney Rihala said the decision has two issues; the legal and political question. The political question is who is to operate it, location of the facility and the amenities inside the facility which are entirely the council’s discretion. The law limits what council can and cannot do in election materials. The draft ballot language is simple because it is within the parameters of what can legally be done. It is advised to not name the YMCA because it boxes the city in. It is suggested to do a competitive bidding single exemption process in order to comply with the city’s procurement policy. In terms of the election materials of what can be offered, it is cautioned to not be specific because the ballot language cannot be misleading and the city does not have an agreement in place specifying what will be in the center. What is placed in the ballot language must be built or the ballot title would be considered a misleading ballot title. It comes back to the separation of the political and legal decisions. What the council wants the ballot to say is their policy decisions.

Councilor Woodard said he would be ok with the non-profit language if that preserves the integrity of the city's financial responsibility.

Ms. Wine stated if the city is going to purchase land and construct a building then the city needs to go through the competitive bidding process to come up with the bond numbers. Discussion commenced on how much the obligation bond should be for in the ballot measure. Council consensus was to go with \$34.5 million.

Ms. Wine asked if council had concern about the question. Council consensus was to continue as proposed.

Ms. Wine said the next section of the ballot title is the summary which need only state what will be constructed and not anything that cannot be provided.

Councilor Goodhouse suggested changing the language to state providing athletic and recreational facilities with emphasis on community programs like community events. Council President Snider said the intent is to provide community event space and athletic, fitness and recreational facilities.

Councilor Goodhouse asked if stating "the assessment of tax on homeowners will not be until the money is borrowed" and "the total amount borrowed is not known until full assessment has been completed" could be added.

Consensus by council was for legal counsel to draft another ballot title, have bond counsel review the new ballot title and have the city council consider it at a future meeting.

Mr. LaFrance repeated Mr. Brown's sentiment shared with Mr. LaFrance that Mr. Brown is of the opinion the YMCA would be supportive of the language of a non-profit organization.

Council President Snider asked if the city could be considered a non-profit if it ended up having to operate the community center. Mr. LaFrance answered it would be acceptable under the current language as proposed. Ms. Rihala elaborated stating a for-profit organization would not be acceptable as there would be tax consequences.

Ms. Wine summarized the three main discuss points as:

- Not naming an operator and follow a procurement process as suggested by legal counsel.
- Council's wishes to enter into negotiations with the YMCA or not.
- Draft new ballot language from what was heard tonight and place it on a future agenda for council decision.

Mayor Cook thanked staff for their presentation.

## 8. **CITY COUNCIL: CONTINUED DISCUSSION ON TIGARD CITY CHARTER REVIEW**

Assistant City Manager Newton reported this is continued discussion from December 22, 2014, March 17, 2015 and May 12, 2015. Tonight's discussion is to deliberate on:

1. Council resignation if running for another city office.
2. Election by district or at-large.
3. Total number of councilors.
4. Council president term.
5. Make changes prospective.

1. Ms. Newton introduced the first item for discussion to consider the requirement that the mayor or councilor resign in order to run for another city office.

Council President Snider said it comes down to if a councilor is not on the same election cycle as the mayor they must resign to make the process equitable.

Councilor Goodhouse said he agreed to continue that practice.

Councilor Henderson said he could support the current practice of having to resign as potential issues may arise.

Mayor Cook said he did not like the required resignation because it creates divisiveness.

Councilor Woodard expressed opinion that talent is lost when a council member is forced to resign but turnover within council may not be a bad idea as a council cannot get over divisiveness within the council. He stated he was undecided.

Mayor Cook said he was undecided as well as turnover is good sometimes, but then if the terms are lengthened to sixteen years it seemed counterpoint. It did not seem fair that the mayor could run for another office, but the councilor could not.

Consensus was met to remove the language to require a resignation if running for another city office.

2. Ms. Newton said the next item is changing councilor positions to be elected by district instead of at-large.

Councilor Goodhouse shared he observed at times that the strongest candidates did not get elected in a district system because the two strongest candidates lived in the same district.

Council President Snider stated he would support an at-large or geographic district system. He stated he did not like the position concept. This sets up the possibility of targeting one person to run for one seat and then four other people to run for another. He said, talk about not getting the best person and creating divisiveness.

Councilor Woodard stated he preferred at-large.

Councilor Henderson stated he could see how electing by district could address an areas specific needs.

Discussion commenced on how the boundaries would be drawn. Ms. Newton clarified boundaries would be drawn by the county based on population.

Mayor Cook said he is not in favor of this process and would prefer to remain at-large.

Council consensus was to maintain charter language to be elected at-large.

3. Ms. Newton stated the next item was the potential change in the total number of council members.

Mayor Cook clarified if additional council members were to be considered the number would have to remain odd with a seven or nine member council. He expressed concern with the efficiency of getting matters decided and the length of meeting times with the additional members. He stated a benefit would be the additional help and division of liaison committees.

Councilor Henderson said there is a lot of work to be done and a couple more people would help a lot with liaison committees.

Council President Snider said the practical implications of adding two more people providing comments on everything, the council would need to be prepared for meetings to go to 11:00 p.m. The more people contributing to the discussion adds more complexity to the discussion which means they get longer.

Councilor Goodhouse said he did not feel the benefits of adding two councilors to lighten the liaison committee commitments outweighed the potential for discussion complexity and extended meeting time.

Councilor Woodard said he works pretty hard in the background and sometimes thinks it would be nice to have the extra councilors. It could be a benefit having a couple more for representation as the population grows to ensure the new areas annexed have a voice. Councilor Woodard suggested looking at in a year after recent development of property progresses.

Council consensus was to maintain charter language to be a five member council.

4. Ms. Newton said the next consideration is for setting the council president's term as two years or one year.

Council consensus was to maintain charter language for council president to be a two year term.

5. Ms. Newton said the last discussion item is to make the changes prospective or not. She clarified prospective means if the charter amendments passed they would apply to the current council or if it is not prospective they would apply to new councilors.

Discussion commenced on the political appearance of not having the amendments being prospective and the equality of being prospective. Council consensus was to be prospective and apply to the sitting council.

Ms. Newton reported back on the question if the charter language pertaining to the Willamette River water being used for city of Tigard drinking water applied to the Tualatin Valley Water District (TVWD) and as detailed in a memo written to the council it does not apply to TVWD.

## 9. NON AGENDA ITEMS

Ms. Wine reported comments have been made about what is occurring in the Public Work's parking lot and it is torn up due to a bad patch of asphalt.

Ms. Newton reported staff has reserved the shelter at Summerlake Park on July 7 from 6-8 p.m. for the Cookout with the Council.

## 10. EXECUTIVE SESSION – None.

11. ADJOURNMENT

At 9:47 p.m. Director Woodard motioned to adjourn the meeting. Director Goodhouse seconded the motion and all voted in favor.

<u>Name</u>	<u>Yes</u>	<u>No</u>
Chair Cook	✓	
Director Goodhouse	✓	
Director Henderson	✓	
Director Snider	✓	
Director Woodard	✓	

\_\_\_\_\_  
Norma I. Alley, Deputy City Recorder

Attest:

\_\_\_\_\_  
Chair, City Center Development Agency

Date: \_\_\_\_\_