



City of Tigard
Tigard City Council Meeting Minutes
April 28, 2015



STUDY SESSION 6:30 p.m.

Council present: Council President Snider, Councilor Woodard, Councilor Henderson, Councilor Goodhouse. Absent: Mayor Cook

Council President Snider called the Study Session to order. He noted that the Executive Session scheduled for the Study Session was cancelled.

A. COUNCIL LIAISON REPORTS

Councilor Henderson will give a liaison report at the next meeting on homelessness.

Council President Snider updated council on the Lake Oswego Tigard Water Partnership and said there have been some technical challenges at one of the small underway 99E tunneling projects using technology that would not require an open trench but ran into trouble and they are working around that this week. He said he and Mayor Cook have been involved in discussions with councilors from other cities and this will be shared at a later date.

B. REVIEW SOLID WASTE FRANCHISE FEE AUDIT AND POTENTIAL TMC CHANGES

Finance and Information Services Director LaFrance said representatives from Tigard's two waste haulers, Waste Management and Pride Disposal were present. They have been working with staff over the past six months, discussing potential solid waste fee process changes. Tigard's Municipal Code states that there is an expected profit margin for waste haulers of 8-12 percent, with a target profit margin of 10 percent when setting rates. The rate haulers report at the end of the calendar year so a determination can be made if they fall within that range. At the end of 2013 the city conducted a rate review because the aggregate report fell beneath that range and new fees were set. But there is a problem with the timing as the haulers report at the end of the calendar year, the review is done and this is reported to council. By the time new fees are set it is halfway through the next calendar year. So in the last six months of the year that included a rate change the haulers again fell below the 8 percent range. The city and the haulers disagreed about whether there should be a rate adjustment. The city took the standpoint that there were only six months for the fees to take effect so the target may not necessarily be met and the haulers felt that the city should do something. Staff has been meeting with the haulers in an attempt to rectify this problem. In the meantime another year has passed.

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This aggregate financial report for 2014 shows a profit rate of 7.6 percent. Since it does not fall within the target, a rate adjustment is needed. Based on cost escalators provided by the haulers, staff is recommending a 7 percent increase to provide rates that will produce an expected profit of 9 percent for the last six months in 2015 and 10 percent in 2016.

Recommended code changes to Tigard Municipal Code Chapter 11.04 include setting the index to adjust fees on January 1 of each year, stating that a cost of service study will be conducted at least every five years, and in the years where a cost of service study is completed, and the rates take effect in the middle of a calendar year, the report should set expected profit for that year that takes into account the fact that the new fees were only in effect for part of the year. Other changes include updating the hauler names listed in the TMC.

Councilor Woodard asked how capital costs affect the aggregate rate of return. Mr. LaFrance said haulers amortize the value of their assets as part of their annual costs. Council President Snider said this was discussed 18 months ago during a discussion about replacing a number of trucks with those powered by natural gas. The haulers said the natural gas trucks cost \$25,000-\$30,000 more than a diesel truck. Fuel cost savings average \$800 a month per truck. They produce fewer greenhouse gas emissions and are quieter for drivers and also for neighborhoods.

Councilor Henderson asked what has eroded profits and Mr. Jeffries replied one factor is the recycled material value. They used to receive revenue for it but are now paying to process this material. This is driven by the economy in China and India and the demand for these materials is reduced. Another change is the cost to recycle green waste, or yard debris. Processing facilities have to upgrade to higher environmental standards. Mr. Leichner added that Metro fees and labor contracts are also a factor.

Council President Snider expressed concerns about what happens to the profits when the recycling market improves. Mr. LaFrance said if the haulers' profits increase so they are outside these bounds that too would trigger a rate reopener. He said the intent of setting an index would be that "we are not chasing those cycle" as much. He said he did not know if recycling cost forecasts are a component of the index. The city council was favorable to bringing these changes to the TMC and Master Fees and Charges and to a business meeting for consideration.

ADMINISTRATIVE ITEMS:

City Manager Wine discussed the council travel budget. Travel increased to \$7,000 for council and the mayor's travel rose to \$12,600. Discussion was held on whether this amount is adequate for the mayor's travel. Ms. Wine said \$10,000 was budgeted for next year's Youth Advisory trip, which is enough to send two youths and one chaperone to Washington DC for a conference.

The next fifth Tuesday occurs in June and City Manager Wine will be discussing options for some form of council engagement with the community.

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 Assistant City Manager Newton mentioned that Google Fiber wishes to meet with the city on May 14 to talk about a possible franchise. Other cities besides Portland, which already has a franchise agreement with Google, have also been contacted. Attending the meeting for Tigard will be Assistant City Manager Newton, Assistant to the City Manager Mills and city attorneys.

City Manager Wine updated council on Comcast negotiations and said the franchise agreement must have unanimous approval from all Metropolitan Area Communication Commission (MACC) cities and Hillsboro has some issues with the agreement. If Hillsboro votes no, the cities may have to move into a formal process with Comcast.

1. BUSINESS MEETING

A. Council President Snider called the City Council and Local Contract Review Board meeting to order at 7:32 p.m.

B. City Recorder Krager called the roll.

	Present	Absent
Councilor Goodhouse	x	
Councilor Henderson (<i>Left the meeting after the Study Session.</i>)		x
Council President Snider	x	
Councilor Woodard	x	
Mayor Cook		x

C. Council President Snider asked everyone to stand and join him in the pledge of allegiance.

D. Council President Snider asked council and staff for non agenda items. There were none.

2. CITIZEN COMMUNICATION

A. Follow-up to Previous Citizen Communication – City Manager Wine said there was none.

B. Citizen Communication – No one signed up to speak.

3. CONSENT AGENDA: (Tigard City Council and Local Contract Review Board)
Motion to:

A. Approve City Council Minutes:

- March 10, 2015
- March 24, 2015

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B. LOCAL CONTRACT REVIEW BOARD: AUTHORIZE THE MAYOR TO SIGN AN AGREEMENT REGARDING REVISED FUNDING FOR THE PACIFIC HIGHWAY/GAARDE STREET/McDONALD STREET INTERSECTION IMPROVEMENTS

Councilor Goodhouse moved for approval of the Consent Agenda and Councilor Woodard seconded the motion. The motion passed unanimously.

	Yes	No
Councilor Goodhouse	x	
Councilor Henderson <i>(Absent)</i>		
Council President Snider	x	
Councilor Woodard	x	
Mayor Cook <i>(Absent)</i>		

4. CONSIDER HEAL CITY CAMPAIGN RESOLUTION

 Human Resources Director Bennett gave the staff report on joining the healthy eating and active living (HEAL) City campaign which is before council by resolution. She said HEAL is a project between the Oregon Public Health Institute and the League of Oregon Cities and is funded by Kaiser Permanente. The HEAL campaign encourages cities to create policies and expand options for every person to have affordable and convenient access to wholesome foods, encourage and provide access to physical activity and build a culture of wellness within a municipal employee group. The main three components include education about health and recognition that the status quo represents an ongoing risk to children, alternatives, resources and technical assistance. If council approves Tigard joining the campaign, the city will become one of 25 cities in Oregon actively working to improve public health. Tigard already enjoys several policies promoting healthy living in our community, from the strategic plan to the Tigard Farmers Market. There are four levels and based on initial review Tigard will come in at a level three and will aspire to attain a level four within the first year of being a campaign participant. Staff encourages council to adopt the resolution.

 Councilor Woodard asked why the LOC chose this organization among several that do similar things. He said any program like this only benefits a city and said he is favorable of the program. He said AARP has a very similar program and they have done an assessment of Tigard finding the city is a contender to being a part of their age-friendly communities program.

Councilor Goodhouse asked if there was any reason the city could not to join multiple programs. City Manager Wine said Councilor Woodard and Mayor Cook have asked staff to investigate what is involved with the AARP plan and Councilor Goodhouse mentioned learning about the Let's Move program so staff is also looking into it. Councilor Woodard said he agreed with Councilor Goodhouse's recommendation to consider the Let's Move program as it will benefit Tigard's youth.

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Councilor Goodhouse moved for approval of Resolution No. 15-14. Councilor Woodard seconded the motion. City Recorder Krager read the number and title of the resolution.

RESOLUTION NO. 15 – 14 - A RESOLUTION SETTING FORTH THE CITY OF TIGARD’S COMMITMENT TO HEALTHY LIVING FOR THE COMMUNITY

The motion passed unanimously.

	Yes	No
Councilor Goodhouse	x	
Councilor Henderson <i>(Absent)</i>		
Council President Snider	x	
Councilor Woodard	x	
Mayor Cook <i>(Absent)</i>		

5. LEGISLATIVE PUBLIC HEARING ON STORM WATER, PARKS, AND TRANSPORTATION SDCs AND FEES

- a. Council President Snider opened the public hearing. 
- b. Hearing Procedures – Council President Snider said any person wishing to comment on this matter shall be given the opportunity to do so.
- c. Staff Report – Finance and Information Services Director LaFrance, River Terrace Project Manager Shanks and FCS Consultant Todd Chase were present. Mr. LaFrance said this is the tenth time staff and the consultants have been before council in the past year to discuss the process to create a Tigard Transportation System Development Charge (SDC) and update Tigard’s Parks SDC. This has been part of a citywide process and also part of the River Terrace process. He said extensive meetings have been held with the residential development community in relation to River Terrace. Mr. LaFrance said there are two hearings for the SDCs and this first hearing is a discussion about changes to the Tigard Municipal Code and SDC methodology adoption. A second hearing will be held to consider adopting the actual fees derived from this methodology. He said staff proposes that the one-time Parks SDCs which are paid as development occurs be adopted as shown in the council packet.

Mr. LaFrance said staff will be recommending changes to transportation SDCs after having further discussion with the residential development community. Much time and thought was put into the residential transportation system development charges and as a result, a discount was provided on that fee. Council gave direction to discount the fee which resulted in about a 70 percent discount. Staff did not have the same level of discussion with the nonresidential development community and there was initially no discount provided to their projects. The proposal in council’s packet does not offer a discount. After concerns were raised by the commercial development community, staff is recommending an alternate proposal that will discount the nonresidential Transportation SDCs equal to what residential

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would receive, or about 70 percent. This increases by five percent the total unfunded city transportation projects over the next 20 years.

Another option will also be discussed. This keeps an equal discount, but reduces nonresidential SDCs and raises residential SDCs in order to maintain the same level of non-funded projects for the next 20 years.

Other options for council consideration include postponing the nonresidential SDC effective date. The rationale is that the city had extensive discussions with the residential developers but while the outreach to nonresidential developers met legal requirements, it was not at the same level as residential. This delay would help nonresidential developers work these new changes into their plans. In response to a question from Council President Snider, Mr. LaFrance said they are recommending postponing no longer than one year.

A third consideration is that council asked staff to propose a discount for smaller residential housing. The rate consultant feels this is defensible. The Home Builders Association argues that by changing the fee to be based upon the square footage of a home, the city is going away from impacts to the system and closer to a tax. No other city has done it this way so there is no case law. Because of Council's risk tolerance to becoming case law for the State, staff is recommending going back to the standard of single-family, multi-family and nonresidential classifications.

Mr. LaFrance showed a PowerPoint presentation, a copy of which is in the packet for this meeting. For Parks and Transportation SDCs there is a reimbursement portion and an improvement portion which is the bulk of the SDC.

Transit-Oriented Development (TOD) discounts were discussed. Finance and Information Services Director LaFrance said it is development in the downtown area. If a development comes in that is near mass transit and would require people to have no more than one car then they are putting fewer trips on the road so would be eligible for a discount.

Finance and Information Services Director LaFrance showed a slide of all the SDCs for Tigard, including sewer, storm water, water, transportation, parks and Washington County's transportation development tax (TDT). Option B-1 was the option in council's packet. Tigard is priced in the middle of the list of local municipalities. On a citywide basis for a single-family detached home the SDCs would be a little less than \$34,000 and in River Terrace the same home would be a little less than \$40,000. Mr. LaFrance mentioned that in North Bethany there is a Washington County Service District which will appear on a homeowner's property tax bill and will help pay for road construction. It is similar to an SDC in that it goes towards the same purpose, but it is paid differently. An SDC is paid by the developer but this charge is paid annually by the homeowner.

Mr. LaFrance said council asked for commercial development Transportation SDC information expressed through two examples, a small coffee shop and an office complex.

Option B-2 – Coffee shop example. A citywide commercial developer would pay a discounted amount in the same amount as provided to residential. So in this example, the citywide commercial development would be charged \$121,000 rather than \$197,000, bringing

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it closer to the North Bethany area cost. In River Terrace, the same development would pay \$122,000 instead of \$211,000. This is the scenario staff is recommending. Option B-3 has a slightly smaller discount enabling the city to keep the unfunded project list to \$420,000,000. He showed a similar slide for a 40,000 square foot office complex example. Stakeholder input was received and staff has represented that input through the recommended SDCs.

The last slide showed a side-by-side comparison for single-family residential, multi-family residential and commercial development. Option B-1 is the version in the council packet and has no discount for nonresidential development. Option B-2 is staff's recommendation (residential SDC is unchanged and nonresidential SDC is discounted an equal amount. Unfunded project costs go up five percent). Option B-3 has an increase in residential SDCs to make up for a shortfall created by the commercial discount. This scenario keeps the unfunded project cost the same.

The rationale for staff recommending Option B-2 is that there has been an extensive and cooperative exchange of information between staff, council, the community and the developers on the residential SDCs. Staff felt having a five percent impact on the unfunded project list was not as big of an impact as Option B-3 would be on residential customers. Staff is also asking for a potential delay for commercial SDCs that is later than July 1, 2015 but no later than July 1, 2016.

- d.  Public Testimony – City Attorney Ramis said this is a legislative enactment by council and not subject to land use limitations.

Proponents - No one signed up to speak.

Opponents -

John Kloor, Government Relations Coordinator for the Home Builders Association of Metropolitan Portland, read a statement, a copy of which has been entered into the record. He spoke on behalf of the more than 1,400 members of the Home Builders Association and said he was here to express concerns with the city's proposed Parks and Transportation SDC charges methodologies. He said he wanted to be clear that they support SDCs as a way of helping fund needed infrastructure. They also understand that a new area such as River Terrace has additional needs that will require extra costs. With that said, they also have a general concern with how much SDCs are rising and their impact on housing affordability. SDCs are now the second highest building cost after land in the price of most homes. SDCs are not the only way new development can pay for needed costs but they have a significant impact on home prices, affordability and mortgage debt. He requested that council consider these overall impacts and also review their specific concerns. In addition to the general concerns with housing affordability they also want to raise specific concerns related to the proposal before council.

➤ They would very much appreciate having more time to review these with city staff before council votes on the proposed methodology and increases.

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1. Parks SDC projected cost: They appreciate that a lot of work has gone into these numbers. However, the Parks SDC plan appears to contain very high estimates for some of the capital improvements needed that may be overinflating the total costs and that is impacting the proposed SDCs. They would appreciate an opportunity to review these costs in more detail.

2. Transportation SDC Impact: In North Bethany they have utilized a county service district which helps pay for the infrastructure improvements and reduces the amount put on housing through a Transportation SDC. They strongly urge Tigard to use a similar approach. Adding the proposed SDC to the existing Washington County Transportation Development Tax would create a total charge to new housing of over \$16,000 for transportation. Over the life of a mortgage that would add \$40,000-\$50,000 in debt to a homeowner.

3. On the Transportation SDC scaling to home size, no jurisdiction to date in Oregon bases Transportation SDCs off of the square footage of the home. State statute requires than an SDC must be directly related to the impact a new home has on the transportation system. The widely used and accepted practice is to base impact, using data from the Institute of Transportation Engineers (ITE) and their trip generation manual which only distinguishes trip use between multi-family and single-family homes. The fact that ITE has never been able to show a nexus between single-family home size and trip usage is telling. As is the fact that the consultants the city hired had to compile a new source from a couple of anecdotal surveys. They believe this violates ORS 223.299, which states that an SDC must have a nexus to increased usage. There is no accepted standard that shows a smaller or larger home has a lesser or greater impact on a transportation system. They appreciate this approach is being explored for affordability issues of smaller homes. However, there are other ways to accomplish this goal and they will willingly work with the city to explore some of these alternatives.

4. SDC Discounts: The FCS report states that there are discounts off of the maximum allowed SDCs for both transportation and parks. These discounts acknowledge that using the full SDC could unduly burden housing affordability and that there are other ways new users can pay for added infrastructure, e.g., bonds, utility fees, grants and credits. They support this approach but are unable to determine the discounts from the report information. They would like the opportunity to review this further with staff to better understand what is being recommended.

5. On the effective date, the draft ordinance before council has this drastic fee increase becoming effective in a little over two months, July 1, 2015. They believe strongly that any increase should have a longer lead time and be phased in so that residential development projects currently in process to begin the permitting process won't be unnecessarily burdened by additional costs that could not have been foreseen when pro forma analyses and financing were finalized.

Mr. Kloor said they realize a lot of work has gone into the proposed methodology reports and appreciate the many concerns they typically have with new methodologies that have been factored by staff and FCS Group into this work. He said they do not believe their

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concerns will lead to significant delays in review but in light of these concerns they ask that council grant a two-week continuance in order to allow for additional review and potential revised recommendations. He thanked council for their consideration.

 Council President Snider asked about point No. 2 and said when considering that the ultimate responsibility for paying for transportation is most probably the owner of the property, how does it differ to pay on annual property taxes instead of having it lumped into an SDC. Mr. Kloor said he would make the argument that on the mortgage tax through the North Bethany county service district they are not paying an interest rate. He asked how it is different in the ultimate total cost whether they are paying annually or it is lumped into an SDC. Council President Snider commented that having to finance it makes it more expensive and Mr. Kloor said that it correct.

 Councilor Goodhouse asked about Item No. 3 and what were the other ways to accomplish the goal of affordable housing. Mr. Kloor said housing affordability is a larger policy issue that they would need time to discuss with their staff as well as with the city and they would welcome that opportunity. He said the City of Portland provides SDC waivers for certain homes built that meet lower income buying standards. Incentives include accelerated permitting and other incentives to encourage the development of affordable housing. Councilor Goodhouse said he hears from developers that it is difficult to build lower priced homes because of the high SDCs and he thought if they were lower on lower prices homes it would encourage more to be built. Mr. Kloor said, “Perhaps, but with the cost of land in our region being the significantly most expensive cost in a home price, I think that lowering the SDCs slightly to encourage smaller development remains to be seen. At the end of the day it would depend on whether that penciled for developers.”

 Kelly Hossaini, attorney with Miller Nash said she was representing the Tigard-Tualatin School District, She mentioned that TTSD Chief Financial Officer David Moore and TTSD Board Member Maureen Wolf were also present.

Ms. Hossaini said TTSD is concerned about the nonresidential portion of the Transportation SDCs because that is what they would pay when building a new school. When they received the information they ran scenarios to determine how it might affect the district’s ability to provide new school facilities and were shocked. The proposed City of Tigard Transportation SDC for a new 600-student elementary school outside of River Terrace would be \$1.2 million. Adding that to the county’s Transportation Development Tax would increase the Transportation SDCs for a new elementary school to over \$1.4 million. She said she attached a table to her written testimony showing the cost of an elementary school built in different Portland metropolitan jurisdictions. She said the Portland Transportation SDC would be about \$203,000, compared to \$1.4 million. In Sherwood, which is one of the few cities in Washington County that has a city Transportation SDC, the SDC for a new school would only be \$289,000 for a 600-student elementary school. She heard that last year Sherwood reduced their Transportation SDCs by 50 percent and that original SDC was far less than what is proposed here. She suggested that staff do some research on this. Part of the reason it was reduced was because of the economic impact it was having in the city.

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Ms. Hossaini said that a 600-student elementary school built in River Terrace would have Transportation SDCs of \$1.6 million in River Terrace. The table she prepared shows that in North Bethany, which is comparable to River Terrace, it would be \$408,000. She said it was hard to overestimate the impact this SDC would have on the district's ability to provide needed school facilities. She said what may not be obvious is that this fee will put the brakes on economic development efforts in the city, which in turn will harm the district because it depends on a healthy tax base to fund local option levies. Local option levies allow the district to fund a full school year and will do so in this biennium when other school districts in Washington County are expecting to cut their school years.

Ms. Hossaini said staff has given council the option of reducing the Transportation SDCs for nonresidential uses. She said it is their understanding that the proposed SDC for residential development has always assumed a discount. A discount for nonresidential development is helpful but what the district would ask is that staff take some additional time to consider the nonresidential Transportation SDC. She said it does not seem that stakeholders in the community who will be most affected by it have had time to review it. The school district only learned this evening what the details of the discount might be. She said they also ask that the city give their economic development team time to vet this with the development community so it can be implemented with the least impact on its economic development goals. This might include a delay, a phase-in, a reduction, or all of those things.

 David Moore, Chief Financial Officer for Tigard-Tualatin School District said an additional impact of \$1 million could impact overall construction cost by 1-2 percent. This represents one-two fewer classrooms to serve students. He said the District has true concern about the economic impact in the Tigard community with these SDCs. TTSD is one of the few districts in the metro area that did not reduce school days during the recession. A good part of this was due to the local option levy that supplemented insufficient state funding. He requested more time to vet the nonresidential SDCs with city staff. He said there was a lot of outreach to the residential developers and the district, as a nonresidential partner did not get that opportunity. They need this to vet the impact on the district. He said at a minimum, they are asking for that outreach or at least consideration of the discounted level SDCs for the school district.

 Council Goodhouse said the numbers the district is using do not take into account the credit for the SDCs.

 Michael Marino, Senior Vice President at NAI - Norris Beggs & Simpson, said he is an industrial real estate broker and has been working closely with the City of Tigard and its economic development staff on the Fred Fields site on Hunziker and Wall Streets. He commented that he is excited about the project. The proposed Transportation and Park SDCs are concerning. After hearing staff's recommendation to council he is concerned that the nonresidential side has not had enough input on this or enough time to vet their concerns on the proposed schedule. He said it would be healthy to include the nonresidential community in these discussions. It sounds like the residential side got their fair due. The Fred Fields site is an important project to the City of Tigard and will bring

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well-paying jobs, strong employment and in turn will hopefully assist those with the jobs purchase homes in River Terrace.

Mr. Merino said heaping on increased SDC fees in addition to the Washington County SDC fees seems counterproductive to the entire development process. He said further discussion, especially on the nonresidential side should take place and he asked council to delay and not adopt the fees proposed by staff. He mentioned that the developer on the Fields project, Trammel Crow, was present. He closed by saying the economy has gotten better but the real estate market has not improved enough for rental rates to support the developer paying the proposed SDCs.

 Steve Wells, Trammel Crow Co., 1300 SW 5th Avenue, Suite 3050, Portland, OR, said they are the contract purchaser for 18 acres of Fields property slated for industrial development and have been working with Tigard's Economic Development Manager Purdy. He said he was excited about the Enterprise Zone put in place to help make development a reality on the industrial site. He said he wished he could say the discount on the SDCs is great but even with a 70 percent discount, Washington County is by far the most expensive place to develop office and industrial property in terms of the TDT and parks fees. It is very difficult in Washington County to cover the extra cost of the county's TDT. Depending on the type of development, industrial or office, the TDT in Washington County is two to four times what it is in Multnomah County, Clackamas County or Portland. Adding 60 percent on top of that makes it three to six times more. He gave examples of square footage costs. General office space is \$3.64 per foot in Portland, \$4.30 in Clackamas County and \$13.00 in Tigard. A medical building in Portland is \$9.57, in Clackamas around \$14.00 and \$42.00 in Tigard. Light industrial costs \$2.25 in Portland, \$2.70 in Clackamas and even with the discount would cost \$8-\$9 a foot in Tigard. To be \$5-\$6 more than any other part in town, on a \$70-\$80 project, is a big deal for the development community. He said costs are rising faster than values currently and the project next year will be difficult. He said they expect to come in for project permits next summer but if these SDCs are in place, even at the discounted rate, there will be a significant burden on this prospective project in Tigard.

 Clayton Hering, 1708 SW Highland Road, Portland, OR 97221, testified on three things:

1. The city says it wants jobs. He has been before council several times working through the process with city staff, who have been quite cooperative. But tonight we are talking about a public policy that could significantly hurt the potential to create those jobs. Capital is very efficient. It will go where it will get the best return. The significant increase puts Tigard in a disadvantaged position and will slow down economic development for both industrial and multi-family.
2. He is Board Chairman for Norris Beggs Simpson and has been in the industry for 43 years and Tigard has a reputation for being difficult to work with simply because of attitudes and public policy; but this is almost criminal. Council needs to understand that development takes 18, 24, or 36 months to put together. There was nothing like this on the table when they signed a contract with the city. Now they are under contract but the

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proposal is to implement this July 1. This is unfair. The rules of the game have changed. Development does not move that fast.

3. Listen to people practicing in the market, not just consultants. In observing 40 brokers operating all over the market, he sees that this particular SDC proposal is bad for job creation, bad for economic development and bad for attracting housing. He added that there is big talk now about affordable housing. But the city comes along and adds another cost. This will kill the opportunity to do affordable housing with this SDC proposed for nonresidential. He said he had a lot of confidence with this council and is working well with staff but this felt like a hit in the face. He said he was hopeful that this could be resolved.

Neutral testimony –

 Fred Gast, Polygon Northwest, 109 East 13th Street, Vancouver, WA 98660, said he had planned specifically to speak about parks but wanted to weigh in on other information presented by staff. He said they are supportive of Option B-2. He spoke about how parks are integral and they are significant supporters of parks in any community they develop. He said he was all for vibrant, active, amenity filled parks that will attract people to a neighborhood. Ultimately, people are attracted to a neighborhood first and then a house. His main concern was with the cost estimates used to create the backdrop for the parks fees themselves. He noted they worked with staff on the Transportation SDCs and were able to reconcile what their cost experience was with staff estimates. In doing so, they discovered many areas where costs were overstated. They were able to work out concerns with staff and ended up with numbers somewhere in between. They would like a similar opportunity with parks. He asked if council had received correspondence from Jim Lang, which gave a real-world example of a recently built park. He asked for time to ensure that the numbers are in keeping with actual experience. He said as a developer with significant holdings in River Terrace, Polygon will be building many of these parks and they do not want to pay an inflated fee on top of what it costs to build. He commented that they were excited to get started in River Terrace and from their point of view it has been a very beneficial and positive experience working with the city.

Council President Snider noted Mr. Gast had spoken before council in the past and had been positive about the process, the level of input and staff responsiveness. He asked if the city fell short regarding Parks SDCs. Mr. Gast replied that it had not been long ago when they saw what the SDC would be for parks and figured the impact of the fee. He said there was not as much visibility. Council President Snider asked if he thought there was an opportunity to partner further on this and Mr. Gast replied, “Absolutely.”

 Michael Robinson, 1120 NW Couch Street, Portland, OR 97209, said he represented West Hills Development. He said Mr. Dan Grimberg was also present and in the audience. He said he agreed with those asking for a continuance and believed additional time is warranted. He said city staff has been very good to work with through the River Terrace process and there should be more opportunity to address issues raised on the residential side. He referred to a letter sent to Finance and Information Services Director LaFrance today and reiterated three points from it.

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1. They agree with the staff recommendation to eliminate the scaled fee proposal for single-family dwellings.
2. They are concerned about cost estimates for transportation improvements and want additional time to discuss this with staff.
3. The city's SDC program should consider the upcoming county MSTIP bond program. They have high confidence that it will be enacted this year and it may pay for some of the arterials in River Terrace.

He thanked council for their time and hoped they will grant a short continuance to discuss these issues with staff.

 Jamie Stasny, 17933 NW Evergreen Parkway, Beaverton, OR 97006, spoke on behalf of Metropolitan Land Group. She echoed testimony given by others that the Transportation SDC is too onerous on the development community. They encourage further analysis on the project cost estimates. They have always proposed that the city consider a similar approach as North Bethany where a county service district is being used. This changes the way the financial picture looks and the burden is not up front on the developer but can be paid over time by the resident. She said the Parks SDC is excessive and has increased significantly since they first saw the draft last week. There has not been a lot of time to review the project cost list. They request a continuance of this hearing to allow time to coordinate with staff and resolve issues.

 Carine Arendes, 9524 SW North Dakota Street, Tigard, 97223, said a lot has been heard from the development community but we have not heard a lot from the park users or Tigard transportation system users. She said she was not speaking for or against the SDCs but when the issue came up a few months ago it was noted that many communities are struggling with paying for their infrastructure improvements. In areas of green fields development like North Bethany and Cooper Mountain there are increases but some other communities that are not doing this yet. Tigard may be on the forefront of potential push for municipalities to find funding solutions to pay for the costs of providing services to our citizens. We should not be surprised that there is some shock about this. However, we are hearing from the development community that they want to take some time to think about these things a little. Time is money for these folks and if they are expressing a need to look at the issue that is something we should be considering. She added that construction costs are rising, not just for buildings, but also for roads. We need to find a sustainable way to fund those.

 Robert Van Vlack 15585 SW 109th Tigard, OR, asked, "If the developers are not going to pay the cost of the upgrade in the infrastructure, who does? It would be residents of the city of Tigard paying to build up the infrastructure. How does that work?" Council President Snider said that is an excellent question and one he intends to ask during the council discussion. Mr. Van Vlack said he lives in a 55 and older community of 1,700 residents in Summerfield. Most are on a fixed income and he would rather not see the burden dumped on them, but would like development to pay their way when coming into a community.

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e. Council questions.

Councilor Woodard asked how something like the Bethany service district could be applied. Finance and Information Services Director LaFrance said the concept was considered but staff found that as an incorporated city Tigard cannot do that. Consultant Chase said their service district includes a \$1.25 levy per thousand assessed value, primarily used for transportation improvements and capital projects. That lowered the burden of the SDC requirements but an average homeowner would pay \$430 a year, which is not insignificant. Cities have the option for a voter-approved levy for a special area, such as River Terrace.

Councilor Goodhouse said if less gets paid by developers the cost could spill over to Tigard citizens on their utility bills. Mr. LaFrance said if the city collects less through SDCs, fewer projects on the 20-year list will be completed. This could mean more congested roads or it could mean that improvements will be paid by current and future residents and not by developers putting in the roads or paying SDCs.

 Council President Snider noted that a few people testified about the Parks SDCs being too high or not accurate. He asked if staff felt this would benefit from a process similar to what was done for Transportation SDCs. Mr. LaFrance said yes, that could be done but questioned how much of an impact it would have on the SDC. He said however, direction from council is that River Terrace development happens this summer so we need to act quickly. Council President Snider asked for a definition of “quickly.” Mr. LaFrance said staff desires to have this on a council business meeting agenda in May. He said there is not enough time to put in the same level of effort that was done for Transportation SDCs because there was more lead time. He said staff could meet and look for efficiencies but he wanted to set up the expectation in advance that they may not be able to have the same level of effort.

Councilor Woodard expressed concerns about the nonresidential SDC impact on schools, small businesses and economic development. He asked if there was any better discount scenario for schools. He said there is \$420 million in projects that need to be done in 20 years but maybe the city does not complete the entire list. He acknowledged that was just moving things down the road. He suggested there be at least some review on the Parks and Transportation SDCs.

Finance and Information Services Director LaFrance responded that a lot of effort went into transportation SDCs and they could work even further which might make staff more uncomfortable and developers less uncomfortable but he thought they had struck that balance already on the project costs. He noted that project costs form the backbone of what can be charged for SDCs. He said from a staff standpoint, “That ship has sailed.” Mr. LaFrance said there could be discussions on Parks SDCs within a two-week period. Council President Snider said he had the utmost confidence that the developer group in the audience would participate.

Councilor Woodard said he was not as concerned with the Parks SDC but thought the Transportation total was high. Council President Snider said the only place for movement was to fund less and do fewer projects in the future. Councilor Woodard commented on

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the short time period to review the nonresidential SDCs. Mr. LaFrance said there is complete recognition that there was not the same level of conversation on nonresidential and staff is recommending the same discount level as residential. If council, from a policy standpoint, wants to envision a scenario where nonresidential is given a different discount, staff can delay adoption and implementation. But if council feels there is equity, further discussion would not bear much fruit for council. Council President Snider said they are looking at funding a basic elementary school that has SDCs costing 3-4 times what they would be in most jurisdictions and the district did not have time to review updated numbers. He did not like this process. Councilor Woodard said he wanted nonresidential developers to have a separate discussion.

Councilor Goodhouse asked Consultant Chase how the figures were arrived at for the smaller homes. Consultant Chase said the IT publishes a trip generation that not only takes into account dwelling units but also takes into account people in the dwelling unit, but they do not publish a rate based on the square feet of a detached home. He took the Metro trip information from models which showed that as the number of people per dwelling increases, trips increase. The National Association of Home Builders has studies that indicate the average number of people per dwelling unit per square feet in a detached home. They correlated three options: three or fewer bedroom homes, homes with three bedrooms or more and then five bedroom homes. Builders said they would like to build more cottage homes but do not want to be charged the same as an estate house. Councilor Goodhouse asked about other options to encourage builders to build affordable homes. Consultant Chase said this option is that it is revenue neutral. Fee waivers were another option which would be a decision to undercharge and subsidize that type of housing.

Senior Planner Shanks clarified the timeline, saying the goal for River Terrace implementation, was to get things moving this summer. Staff thought it advisable to get the infrastructure financing in place as soon as possible, with July 1 as a good target date. Code amendments adopted in February allow developers to start applications but compliance is delayed as SDCs are not locked into place until a developer pulls a building permit. Although this is months away, the longer the fees are hanging out there unresolved the more uncomfortable it is for the developers and for the city. July 1 is not a magical date if council wants staff to spend more time on this, as long as that particular development community is comfortable with the fees unresolved. She said she is hearing from them tonight that they would like more time.

 Council President Snider asked the City Attorney about the letter from the Home Builders Association, specifically the allegation that one of the methodologies used violates ORS 223.299.

City Attorney Ramis said he has not had time to study the letter. He asked if the letter pertained to charging a sliding scale for size and square footage of a house and said in his experience that was an untested methodology. He said he did not know of any litigation experience that would support using it. The statute is written in general terms so in the end it will be a question of whether or not the city can justify, based upon actual data, the use of that particular methodology. He did not think it was prohibited by the statute but the question is whether we can meet the burden of proof demonstrating that it is supported by

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the evidence. Council President Snider said more people live in a bigger house and more people generate more trips; it intuitively makes sense. City Attorney Ramis said the test of the methodology is the circuit court proceeding and the question will be whether or not we have in our existing record the data that would support that methodology. Council President Snider asked staff if they believe we do.

Consultant Chase responded that ideally there would be three ways to demonstrate this opposed to one, and more diligence on cities that have adopted a similar approach. City Attorney Ramis said, "But again, the question is, is the data in the record now? That will be the test." Consultant Chase said this policy is revenue neutral. Council President Snider asked if the Stakeholder Working Group and others offering feedback favored this. Senior Planner Shanks replied that among letters received before this hearing, one developer did not support the tiered approach to housing; two did not like it and did not think it was legal and the other two were silent. Finance and Information Services Director LaFrance said it was a policy suggested by council at the last workshop.

Councilor Woodard said he was favorable towards affordable housing but thought there were other ways to get it developed. He expressed discomfort with the potential legal risk and did not want the city to be a case study in litigation. Council President Snider agreed and said he had a lack of confidence in this approach.

 Council President Snider asked for comments on the MSTIP as a funding source. Mr. LaFrance said it fits in well with our funding strategy and would not impact the proposal before council tonight. He said the MSTIP deals with Roy Rogers Road which is a county Transportation Development Tax funded project in the methodology. It does not impact citywide or River Terrace SDCs. Consultant Chase said they are only including a small portion of Roy Rogers Road in their methodology. It is a much bigger project than the City of Tigard would do so two thirds of the cost is not there. Mr. LaFrance said there is a strong likelihood that the county will help expand Roy Rogers Road.

Council President Snider asked for a revised figure on what the Transportation SDC was for the 600 student school with the current discount. Mr. LaFrance said the city portion would go from \$1.2 million to around \$400,000. Consultant Chase said including the county's TDT it would bring it to \$600,000. He added that when developing a new school in Portland they are building around roads and infrastructure that is most likely already there. It might be cheaper to pay the impact fees in River Terrace than to build roads. But if you build the roads, you will get credits for a good proportion of that.

In response to a question from Councilor Goodhouse, Consultant Chase said the TDT was capped as a policy choice and jurisdictions in Washington County are beginning to look at nonresidential rates and be competitive in the market but still charge a nonresidential use for its impact on roads. Councilor Goodhouse reiterated that if the city offers too much of a discount the residents of Tigard will need to pick up the rest on a utility bill or elsewhere.

Consultant Chase said another strategy to consider is a non-remonstrance clause in development agreements so a local improvement district (LID) can be formed if needed to fund a gap in a project required to serve development in the future. Happy Valley and other

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areas have done this. Council does not have to decide everything tonight. It can be revisited every five years.

Council President Snider asked for comments on statements by developers that the Fields property is going to be 2-4 to 3-6 times more expensive in commercial or industrial development than Multnomah or Clackamas County. Mr. LaFrance said staff has not done a comparison on areas other than Washington County. Consultant Chase said Tigard is at the high end of the region in nonresidential development. He suggested there might be certain types of nonresidential development that the city might want to incentivize more than others, such as family-wage jobs versus service jobs. Policy decisions on incentives can be held later.

Councilor Woodard asked for Economic Development Director Purdy's input on this but Mr. Purdy indicated he had none at this time.

- f.  Staff recommendation: Mr. LaFrance said the staff recommendation is to adopt the Parks SDCs as put before the council and adopt Option B-2 for Transportation SDCs with an implementation date for nonresidential Transportation SDCs of not later than July 1, 2016.
- g. Council President Snider closed the public hearing. He asked for council discussion and consideration.
- h. Council Discussion and Consideration: Ordinance No. 15-08

Councilor Woodard moved for adoption of Ordinance No. 15-08, look at nonresidential at a later time. Finance and Information Services Director LaFrance repeated that the staff recommendation is to approve the Parks SDC methodology as is in front of council, unchanged. The staff recommendation on Transportation SDCs is to adopt Option B-2, nonresidential SDCs discounted as the same rate as residential. Additionally, to accommodate the time for nonresidential commercial developers time to incorporate new fees into their work, the nonresidential SDC has a delayed implementation date one year later than residential.

In response to a question from Councilor Woodard, Mr. LaFrance confirmed council can always amend the fees at a later date. Council President Snider asked where Option B-2 leaves the issue of housing size and Mr. LaFrance said it goes back to the standard single-family, multi-family and nonresidential classifications without the small home discount and additional charge for larger homes.

Councilor Woodard said he wanted more discussion on using the same discount rate for nonresidential. Councilor Goodhouse noted that if a delayed implementation date of July 2016 is selected, council could go back and amend it. Council President Snider said an important process step was missed with commercial development. While he welcomed the developers present at the meeting it is quite another thing to have a public body identify issues whose main interest is educating our children. He expressed concern and said he

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wanted more of an opportunity to review nonresidential impacts. The school's needs align with the concerns of the developers, particularly on the nonresidential side.

Councilor Woodard moved for approval of Ordinance No. 15-08 per recommendation of staff less the nonresidential portion so SDC methodology can be reviewed. Mr. LaFrance asked if he meant nonresidential for Parks or for Transportation SDCs. Councilor Woodard said just for Transportation SDCs for nonresidential. City Manager Wine said the staff recommendation includes Option B-2.

There was no second for the motion. Council President Snider commented that with feedback received on the Parks methodology and because cost concerns were identified by a developer that has generally been supportive, the city should take time to review this. He recommended the review happen rapidly, within two weeks. He said he is supportive of moving ahead with Option B2, minus nonresidential and with a July 1, 2015 implementation date. He said Parks SDCs altogether need more review. City Manager Wine said there could be time allotted in the May workshop to continue the discussion.

Councilor Goodhouse moved to adopt Ordinance No. 15-08, with Option B, minus parks and nonresidential SDCs. Councilor Woodard seconded the motion. Council President Snider clarified that the option Councilor Goodhouse meant was, "B-2." Council President Snider asked City Recorder Krager to repeat the motion:

ORDINANCE NO. 15-08 – AN ORDINANCE REPEALING ORDINANCE NO. 95-28 AND 93-33 IN THEIR ENTIRETY AND ADOPTING A METHODOLOGY AND OTHER PROVISIONS RELATING TO THE IMPOSITION AND COLLECTION OF SYSTEM DEVELOPMENT CHARGES FOR TRANSPORTATION FACILITIES AND REPLACING TMC 3.24, RECOMMENDING OPTION B-2, WITHOUT PARKS AND WITHOUT NONRESIDENTIAL SDCs

City Recorder Krager conducted a roll call vote:

	Yes	No
Councilor Goodhouse	x	
Councilor Henderson (<i>absent</i>)		
Council President Snider	x	
Councilor Woodard	x	
Mayor Cook (<i>absent</i>)		

Council President Snider announced that Ordinance No. 15-08 was adopted by a unanimous vote of City Council present.

6. AMEND MASTER FEES AND CHARGES FOR PARKS AND TRANSPORTATION

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- a. Council President Snider opened the public hearing.
- b. Finance and Information Services Director LaFrance gave the staff report and said council just adopted the methodology for part of the transportation SDCs and this resolution will amend the fees and charges schedule. He suggested that the motion reflect the actions taken by council in the prior hearing so it would only be for amending the residential Transportation SDC commensurate with Option B-2. This resolution also authorizes the City Manager to approve and amend the policy guidelines related to implementing the SDCs.
- c. Public Testimony: Council President Snider asked if anyone wanted to speak.

Michael Robinson, representing West Hills Development, 1120 NW Couch Street, 10th Floor, Portland, OR, 97208, said that because of council's action to adopt the residential portion of the Transportation SDCs in the prior hearing, West Hills Development needs to go on the record as opposing the adoption of the master fees and charges for Transportation. He said they need to do this to preserve their right to appeal. They appreciate their relationship with city staff, the Planning Commission and with Council but this is a standing matter. They do not know whether or not they will appeal. He said they would have preferred to have been given a slight delay for additional time to talk about the Transportation SDCs but they appreciate the council's position.

Jon Kloor, representing the Home Builders Association of Metropolitan Portland, 15555 SW Bangy Road, Lake Oswego, OR 97035, said similar to what Mr. Robinson stated, in order to preserve their right to appeal, he is on the record to oppose, based on council's previous decision to adopt the residential Transportation SDC methodology without allowing a postponement of two weeks.

Michael Robinson, representing West Hills Development, 1120 NW Couch Street, 10th Floor, Portland, OR, 97208, said he wanted to incorporate their testimony, including written testimony dated today from the prior hearing into the testimony from this hearing as well.

- d. Council Consideration and discussion.

Councilor Woodard moved for approval of Resolution No. 15-15 with staff amendments. Mr. LaFrance said staff recommendation is to adopt the resolution and the master fees and charges schedule commensurate with the decisions made in the prior hearing, that would be to adopt the Transportation SDCs for residential development, commensurate with Option B-2 from the prior hearing.

- e. Council President Snider closed the public hearing and said the motion to approve the resolution needs to occur after the hearing is closed.

Councilor Woodard moved to approve Resolution No. 15-15 with what he said prior. Councilor Goodhouse seconded the motion. City Recorder Krager read the resolution.

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**RESOLUTION NO. 15-15 – A RESOLUTION ADOPTING RESIDENTIAL
TRANSPORTATION SYSTEM DEVELOPMENT CHARGES AS STATED IN
OPTION B-2, WHICH AMENDS RESOLUTION NO. 14-31 AND
AUTHORIZING THE CITY MANAGER TO APPROVE AND
AMEND SYSTEM DEVELOPMENT CHARGE PROCEDURES GUIDE**

	Yes	No
Councilor Goodhouse	x	
Councilor Henderson (<i>absent</i>)		
Council President Snider	x	
Councilor Woodard	x	
Mayor Cook (<i>absent</i>)		

Council President Snider announced that Resolution No. 15-15 was approved by a unanimous vote of City Council present.

7. BRIEFING ON CAPITAL IMPROVEMENT PLAN (CIP) PROJECTS *Will be rescheduled.*



8. LOCAL CONTRACT REVIEW BOARD – UPCOMING CONTRACT DISCUSSION –
DOWNTOWN ENTRYWAY MONUMENTS

Public Contracts Manager Barrett gave the staff report on this item. The contract is for walls and monuments for gateway art installation at two locations at the south and north end of Main Street at Highway 99W. Staff will bring to council at a future meeting a recommendation to approve a contract. The improvements include 237 linear feet of wall with natural stone facing, “Welcome to Downtown Tigard” signage, seating, artwork base, electrical and water utilities. He said this project will implement the Tigard Downtown Streetscape Design Plan. The prominence of the gateway will attract new visitors to downtown and assist in place making for the downtown and the city. The Tigard Downtown Alliance and others have identified art as an important part of the downtown. The city contracted with Koch Landscape Architecture for the design and issued a request for bids to build it on March 23. Three bids were received. The bids included Alternate 1 which was to build the two monuments concurrently, Alternate 2 which was to build the south gateway followed by the north gateway 12-18 months later. Upon the bid opening staff found the lead contractor had both the low base bid and the low Alternate 1 bid. Staff will bring a recommendation to council in a few weeks to approve a \$349,000 contract for the base bid and Alternate 1 – building the bases concurrently.

Council President Snider verified that the discussion is on the site preparation and building of the wall and monument. Redevelopment Project Manager Farrelly said part of the artist’s contract is to install the artwork. Councilor Woodard asked about budget figures listed on the agenda item summary fiscal notes. Redevelopment Project Manager Farrelly clarified that there was \$675,000 in the CCDA tax increment financing budget for property purchase but that will likely be paid for by park bond funds, so that money is free to be used for another purpose.

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Councilor Woodard said gateways are important and there is a lot invested in the artwork. He said the city needs to brand the downtown and this will be a perfect segue into the heart of the city. He said he is in favor of Alternate 1 (concurrent building) and Council President Snider agreed. Councilor Goodhouse commented about the amount and said there are many other needs in the city. Council President Snider said the key is what this does to further activate the downtown and send a clear signal that downtown Tigard is a new and exciting place to be.

Council President Snider requested that staff be prepared for a discussion of the artwork color and the relative value of the art by the community. Redevelopment Project Manager Farrelly said the CCAC Public Art Sub-committee worked on this for many months and member Valerie Otani is here to discuss the process.

CCAC Public Art Subcommittee member Valerie Otani said Council President Snider brought up some good points. She said everyone has opinions on public art and there will be controversy. She showed a slide of the elk statue in downtown Portland. When it was installed the Elks organization was very critical of the design. A Calder sculpture in Grand Rapids was reviled. Yet after a while this became their brand and the sculpture now appears on their logo flag. She showed slides of other artwork in cities and said everyone has comments early on but then there is a period of adjustment. She noted that the original Tigard sculpture was a brown, bronze color but this did not meet visibility requirements. Red and yellow colors did not work because they matched the nearby commercial businesses. The artist came up with a pink color which will stand out against the nearby green trees. She noted that any color selection will appear lighter when flooded with sunlight. The colors will change in different weather and lighting. The artist created faceted petals specifically to create light and shadows.

Council President Snider said there was criticism of the former design and he has recently heard criticism about the current design. In response to a comment by Councilor Goodhouse asking why the city cannot pay for increased library hours but can afford to install art, Councilor Woodard said he recognized Councilor Goodhouse's frustration but the city cannot mix funds; they are in different pots of money. He noted the difficulty of communicating this to citizens. Council President Snider said another important distinction is that this is a one-time installation expense rather than an ongoing operating expense.

Public Contracts Manager Barrett said this contract will come before council on May 26. Council President Snider requested that Assistant City Manager Newton discuss this with Councilor Henderson and Mayor Cook so that any bid award questions get worked through with staff prior to the May 26 meeting.

9. NON AGENDA ITEMS None.

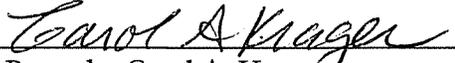
10. EXECUTIVE SESSION: None held.

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11. ADJOURNMENT

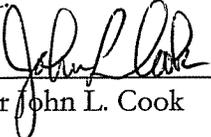
At 10:10 p.m. Councilor Goodhouse motioned to adjourn. Councilor Woodard seconded the motion and the motion passed unanimously.

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



City Recorder Carol A. Krager

Attest:



Mayor John L. Cook

Date: August 18, 2015

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