City *of* Tigard

Tigard Business Meeting –Agenda

TIGARD CITY COUNCIL & LOCAL CONTRACT REVIEW BOARD

MEETING DATE AND TIME:	NOVEMBER 7, 2023 - 6:30 p.m. Business Meeting
MEETING LOCATION:	Hybrid - City of Tigard - Town Hall - 13125 SW Hall Blvd., Tigard, OR 97223 - See PUBLIC NOTICE below

PUBLIC NOTICE: In accordance with Oregon House Bill 2560, this will be a hybrid meeting where some Council, staff or public will participate in person and some will participate remotely.

How to comment:

- Written public comment may be submitted electronically at www.tigard-or.gov/Comments by noon the day before the meeting date.
- If attending the meeting in person, please fill out the public comment sign-in sheet at the front of the room and come to the microphone when your name is called.
- If you prefer to call in, please call 503-966-4101 when instructed to be placed in the queue. We ask that you plan on limiting your testimony to three minutes.
- You may comment by video through the Teams app. Go to this link to learn how to participate by video: November 7, 2023 Council Meeting (https://www.tigard-or.gov/Home/Components/Calendar/Event/4503/372).

Upon request, the City will endeavor to arrange for the following services:

- Qualified sign language interpreters for persons with speech or hearing impairments; and
- Qualified bilingual interpreters.

Since these services must be scheduled with outside service providers, it is important to allow as much lead time as possible. Please notify the City of your need by 5:00 p.m. on the Thursday preceding the meeting by calling: 503-718-2419 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

SEE ATTACHED AGENDA

VIEW LIVESTREAM ONLINE: https://www.tigard-or.gov/boxcast

CABLE VIEWERS: The City Council meeting will be shown live on Channel 21 (1st Tuesdays) and Channel 28 (2nd & 4th Tuesdays) at 6:30 p.m. The meeting will be rebroadcast at the following times on Channel 28:

Thursday 6:00 p.m. Friday 10:00 p.m. Saturday 7:30 p.m. Sunday 11:30 a.m. Monday 6:00 a.m.

City *of* Tigard

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MEETING DATE AND TIME: NOVEMBER 7, 2023 - 6:30 p.m. Business Meeting

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6:30 PM

1. BUSINESS MEETING

   A. Call to Order

   B. Roll Call

   C. Pledge of Allegiance

   D. Call to Council and Staff for Non-Agenda Items

2. PROCLAMATIONS AND RECOGNITION

3. PUBLIC COMMENT

   A. Follow-up to Previous Public Comment

   B. Public Comment – Written

   C. Public Comment – In Person

   D. Public Comment – Phone-In

   E. Public Comment – Video

4. CITY MANAGER REPORT **6:45 p.m. estimated time**

5. CONSENT AGENDA: (Tigard City Council and Local Contract Review Board) The Consent Agenda is used for routine items including approval of meeting minutes, contracts or intergovernmental agreements. Information on each item is available on the city's website in the packet for this meeting. These items may be enacted in one motion without separate discussion. Council members may request that an item be removed by motion for discussion and separate action. **6:50 p.m. estimated time**

A. VDI SERVER REPLACEMENT

- *Consent Agenda - Items Removed for Separate Discussion: Any items requested to be removed from the Consent Agenda for separate discussion will be considered immediately after the Council has voted on those items which do not need discussion.*

6. RENTAL REGISTRATION AND INSPECTION PROGRAM BRIEFING **6:55 p.m. estimated time**

7. RESOLUTION TO ADOPT PROTOCOL FOR PUBLIC COMMENT **7:25 p.m. estimated time**

8. NON-AGENDA ITEMS

9. EXECUTIVE SESSION: The Tigard City Council may go into Executive Session. If an Executive Session is called to order, the appropriate ORS citation will be announced identifying the applicable statute. All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(4), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.

10. ADJOURNMENT **7:35 p.m. estimated time**

AIS-5368 **5. A.**

Business Meeting

Meeting Date:	11/07/2023
Length (in minutes):	Consent Item
Agenda Title:	VDI Server Replacement
Authored By:	Toni Riccardi
Presented By:	Project Manager Eric Thornburg
Item Type:	
Public Hearing Newspaper Legal Ad Required?:	
Public Hearing Publication Date in Newspaper:	

Information

EXPLANATION OF ISSUE

The purpose of this action is to approve the purchase order for a new VDI Server Cluster.

ACTION REQUESTED

Staff recommends the City Council approve the purchase order to Carahsoft for the Nutaix VDI Server hyper converged server cluster for an amount of $411,943.83 and authorize the City Manager to take the steps necessary to approve this purchase order.

BACKGROUND INFORMATION

This server cluster replaces the 5 node Dell server cluster based off VMware vCenter virtualization platform with a 6-node high performance server cluster based off Nutanix AHV virtualization platform. This cluster serves as the virtual desktop infrastructure (VDI) for 95% of all city end user computing. This cluster of servers enables greater future growth and performance while offering lower licensing costs and power consumption than previous. The "old" cluster hardware will be end of life in June 2024 and VMware support contracts will expire January 2024. This also continues the goals of energy efficacy, high systems security, and enablement of remote work.

The city solicited 3 different firms for quotes via our Nutanix representative. Upon closing, the city received 3 responses from the following companies:

- CDW
- TechHeads (Via Carasoft)
- ForeA Partners (Via Carahsoft)

The project team has completed reviews of the quotes and reviewed them for errors, and, after these reviews, determined that ForeA Partners. has submitted the lowest responsible quote. ForeA via Carahsoft Technology Corp has a NASPO Contract AR2472. Accordingly, it is recommended approval for the city manager to approve the purchase order to ForeA Partners via Carahsoft Technology Corp. in the amount of $411,943.83.

To comply with ORS279A.215 "A purchasing contracting agency shall provide public notice of intent to establish a contract or price agreement through permissive cooperative procurement if the estimated amount of the procurement exceeds $250,000" – a public notice was posted in the Daily Journal of Commerce (DJC) on November 3, 2023.

ALTERNATIVES & RECOMMENDATION

The Local Contract Review Board may choose to not award this contract and direct staff to resolicit for the work.

ADDITIONAL RESOURCES

None

Fiscal Impact

Cost: $411,943.8

Budgeted (yes or no): Yes

Where budgeted?: IT Replacement

Additional Fiscal Notes:

$800,000 was estimated as the replacement cost and is the amount budgeted in the IT Replacement ISF Fund.

Attachments

No file(s) attached.

AIS-5245 **6.**

Business Meeting

Meeting Date: 11/07/2023

Length (in minutes): 30 Minutes

Agenda Title: Rental Registration and Inspection Program Briefing

Authored By: Schuyler Warren

Presented By: Schuyler Warren

Item Type: Update, Discussion, Direct Staff

Public Hearing Legal Ad Required?: No

Publication Date:

Information

EXPLANATION OF ISSUE

One of the strategies of the Council's 2023-25 Reduce Houselessness goal is to "provide Council with options for tenant protections." The Council will receive an update on the progress in developing a rental registration and inspection program.

ACTION REQUESTED

No action is specifically requested. The Community Development team invites Council feedback and direction.

BACKGROUND INFORMATION

The Community Development team first came to Council with a slate of proposed tenant protection programs in summer 2022. Renters make up a significant portion of the city's residents, a little more than one-third as of the 2022 American Community Survey. The purpose of policies focused on tenant protections are to ensure that these Tigard residents are provided with a minimal level of housing stability, security, and safety. This is in keeping with policies in the City's Comprehensive Plan, Affordable Housing Plan, and Strategic Plan.

Ensuring that residents remain stably and safely housed is a first-line defense against a growing epidemic of houselessness.

In a follow-up Council meeting in October 2022, the Council consensus was that a rental registration and inspection program was the most promising near-term policy, ahead of relocation assistance and a right to counsel for tenants in eviction proceedings.

Rental inspections are responsive to consistent community comments received from renters in public meetings, who expressed concerns about the safety and livability of their rental units, but reservations about reporting these issues out of fear of retaliation.

In follow-up meetings with a stakeholder group that included rental property owners, managers, developers, and the Homebuilders Association, there was some support for this type of program, with the representative from the HBA reporting that the rental registration and inspection program in Gresham had been successful.

The Community Development team met with Gresham staff twice in the following months to learn more about their program development and implementation. The City's Code Compliance Officer also attended professional development sessions to learn more about property maintenance programs across the country.

Based on further Council guidance in an update in April of 2023, the CD team began to develop draft implementing legislation and program documents. The general outline of the program that would result from the current draft is being presented to Council tonight.

There is still work to be done on this program, and the CD team will continue to seek community feedback. The team has met with representatives from Multifamily Northwest, the largest rental housing industry group, to receive feedback on the broad outline of the program. Further feedback will be sought from this group as well as the group of stakeholders already involved.

Dates of Previous and Potential Future Considerations
July 2022 - Council briefing
October 2022 - Council briefing
April 2023 - Council briefing
December 2023 - Council briefing
February 2024 - Council adoption consideration

Public Involvement
January 2023 - Stakeholder meeting
September 2023 - Multifamily NW meeting
October 2023 - Stakeholder meeting

Impacts (Community, Budget, Policies and Plans/Strategic Connection)

ALTERNATIVES & RECOMMENDATION
No alternative presented at this time.

ADDITIONAL RESOURCES

Attachments

Presentation



Rental Registrations and Inspections:
Continued City Council Discussion

City Council
November 7, 2023

CITY OF Tigard

The State of Housing in Tigard and Region

- **Shortages**
  - Metro region is currently underbuilt by around 50,000 housing units (2021 OHNA pilot study - EcoNorthwest)
- **Costs**
  - Rent increases have outpaced inflation and wage growth for half a decade or more (Oregon Office of Economic Analysis)
- **Rent Burden**
  - Tigard is a state-designated rent burdened community every years since inception of tracking in 2019 (OHCS, Census Bureau)

Guidance on Housing Equity

- **Local Policy Guidance**
  - Affordable Housing Plan (2019)
  - Housing Needs Analysis (2021)
- **Local Constituent Guidance**
  - Annual renter meetings
  - Direct requests to teammates and Council from tenants
  - Tenant rights groups
  - Code complaints

Why Consider Proactive Rental Inspections (PRI)?

- Everyone deserves the right to a healthy and safe home environment.
- City receives habitability complaints on a regular basis.
- Many more tenants report through city events that they have habitability concerns but do not report them for fear of reprisal.
- Landlords are sometimes not notified of life and safety concerns that inspections can catch.
- Reduce liability for landlords.

PRI Program Core Ideals

- **Focus on compliance, not penalties**
- **Ensure tenants are provided with habitable units**
- **Assist property owners with identifying issues**
- **Operate the program with integrity, transparency, and efficiency**

Two Elements of a PRI Program

1) Rental Registrations

- Annual registrations like a business license
- Require a nominal fee based on number of units
- Scaled equitably for both small and large landlords
- Provides better tracking of housing stock

2) Rental Inspections

- Small number of randomly selected units annually
- Inspected using international code
- Advance notice provided to both landlord and tenant

Local and National Precedents

- Gresham has had a rental registration and inspection program since 2008.
- Corvallis has a rental registration program, but no inspection program.
- Examples of cities with proactive rental inspection (PRI) programs:
  - Seattle (734,000)
  - Tulsa, OK (411,000)
  - Cincinnati, OH (309,000)
  - Syracuse, NY (146,000)
  - Concord, CA (148,000)
  - Richmond, CA (115,000)
  - Lewisville, TX (112,000)
  - Brentwood, CA (67,000)
  - Midland, MI (42,000)
  - Urbana, IL (38,000)
  - La Vista, NE (17,000)
  - Prospect Heights, IL (16,000)
  - Federal Heights, CO (14,000)
  - Oakwood, OH (9,500)

Understanding the Stakeholders Involved

- **Tenants**
- **Housing Developers**
  - Market-rate
  - Affordable
- **Property Owners/Landlords**
- **Property Managers**

Feedback from Property Managers and Landlords

- **January Meeting**
  - Costs of registrations can get passed on to tenants.
  - Positive experience with inspections in Gresham.
  - Concern than inspections not hold up development process.

- **Multifamily NW**
  - Concern about regulatory burden of registration.
  - Fees seem like a “cash grab” by city.

How PRI Is Enacted – Current Framework

- **Licensing requirement added to Title 5**
- **Property Maintenance Code (Chapter 14.16) updated**
- **Fees and Charges schedule amended to list fees**

How PRI Is Implemented – Current Workplan

- **Delayed effective dates for licensing – give a full year notice**
- **Inspections begin in 2025**
- **Develop outreach and landlord materials in first quarter 2024**
- **Roll out program concurrently with Total Tyler permitting to avoid redundant work**

Key Policy Questions Still Unresolved

- **Which version of the International Property Maintenance Code should be adopted?**
- **How should licensing fees be set and scaled so that they are equitable?**
- **Should fees be waived for the first year of registrations?**
- **When should penalties for non-registration begin to apply?**

Next Steps

- **Lots of outreach to stakeholders**
- **Another Council briefing in December**
- **Return with ordinance in February**



Discussion

What questions and concerns does the Council have?



Thank you.

AIS-5375 **7.**

Business Meeting

Meeting Date: 11/07/2023

Length (in minutes): 10 Minutes

Agenda Title: Resolution to Adopt Protocol for Public Comment

Authored By: Shelby Rihala

Presented By: City Attorney Shelby Rihala

Item Type: Motion Requested
Resolution

Public Hearing Legal Ad Required?: No

Publication Date:

Information

EXPLANATION OF ISSUE

The proposed resolution establishes rules for public comment at Council meetings with the goal of ensuring respectful communication.

ACTION REQUESTED

Approve the proposed resolution to adopt rules for public comment at City Council meetings.

BACKGROUND INFORMATION

Public comment is an essential element of representative democracy and the Tigard City Council recognizes the constitutional rights of persons to share comments and concerns with Council. At the same time, the City is able to impose reasonable limitations on the time, place and manner of speech as long as the restrictions are content neutral and narrowly tailored to serve a significant governmental interest and leave open ample alternatives for communication. Council meetings are a limited public forum, meaning there is more ability for a council to establish time limits for speaking, rules of decorum, unacceptable conduct, a process for disruptive behavior, and other rules related running meetings.

The proposed protocol for public comment is intended to preserve order at City Council meetings, avoid disruptions of City business, and ensure a respectful opportunity for community members to share their voices. While the City Council welcomes all viewpoints and perspectives, it does not condone discriminatory or hateful comments, nor disruptions to the conduct of Council business.

ALTERNATIVES & RECOMMENDATION

Council could amend the proposed protocol, adopt as presented, or decline to adopt.

ADDITIONAL RESOURCES

Attachments

Resolution

Public Comment Protocol

CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
RESOLUTION NO. 23-

A RESOLUTION OF THE CITY OF TIGARD ADOPTING A PROTOCOL FOR PUBLIC COMMENT AT CITY COUNCIL MEETINGS.

WHEREAS, City Council meetings are a limited public forum, meaning that Council may adopt reasonable time, place, and manner restrictions on the speech allowed during meetings, so long as the restrictions are content neutral; and

WHEREAS, the Tigard City Council places a strong value on receiving public comment at meetings; and

WHEREAS, while City Council welcomes all viewpoints and perspectives, it does not condone discriminatory or hateful comments, nor will it allow disruptions to conducting Council business; and

WHEREAS, the protocol for public comment establishes content neutral rules for the conduct of City Council meetings.

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

SECTION 1: The Tigard City Council adopts the attached Protocol for Public Comment to apply to all City Council meetings.

SECTION 2: This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2023.

_____
Mayor - City of Tigard

ATTEST:

_____
City Recorder - City of Tigard

Tigard City Council
Protocol for Public Comment

I. Remarks to Council as a Whole During Comment/Hearings. Generally, remarks should be addressed to the Council as a body rather than directed to any particular member. A question may only be asked of a Council member with the permission of the Mayor or presiding officer.

II. Respectful and Courteous Input at Public Comment/Hearings. The Council's intent is to be welcoming and inclusive toward all speakers at public meetings, and to create an atmosphere of mutual care and respect. Council meetings often provide an opportunity to provide public input, and for community members to share thoughts and opinions with their elected leaders. Personal attacks or threats; disruption of the meeting; use of obscene, vulgar, or discriminatory language; or in any way discouraging anyone else from participating are not acceptable. While community members may disagree with each other or the City on issues and give critical feedback, they are expected to do so respectfully, in accordance with these rules.

III. Disruption at Public Meetings. The Mayor or presiding officer may interrupt members of the public speaking to Council if they are engaging in personal attacks, attacks on identity (gender, race, sexuality, etc.) or other discriminatory comments, engaging in accusatory, insulting, offensive or harmful behavior that disrupts the Council meeting, or not speaking to the subject matter of a public hearing.

Any member of the audience who disrupts a Council meeting may be asked to stop, and if the disruption continues, may be excluded from the meeting (or muted in a virtual meeting) by the Mayor or presiding officer if necessary to maintain order, conduct business efficiently, or allow others the ability to participate. Violations of this rule may be stopped immediately, particularly related to discriminatory or racist comments. Such disruptions will be addressed as efficiently as possible.

IV. Viewpoint Neutral. The Mayor and Council will enforce these rules uniformly and treat all perspectives and opinions consistently.