City *of* Tigard

Tigard Business Meeting – Agenda

TIGARD CITY COUNCIL

MEETING DATE AND TIME:	JULY 9, 2024 - 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 two minutes.
- You may comment by video through the Teams app. Go to this link to learn how to participate by video: July 9, 2024 Council Meeting (https://www.tigard-or.gov/Home/Components/Calendar/Event/6362/372).

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: JULY 9, 2024 - 6:30 p.m. Business Meeting
MEETING LOCATION: Hybrid - City of Tigard - Town Hall - 13125 SW Hall Blvd., Tigard, OR 97223

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. ADMINISTER OATH OF OFFICE TO COUNCILOR JAKE SCHLACK **6:35 p.m. estimated time**

3. PROCLAMATIONS AND RECOGNITION

   A. PARK & RECREATION MONTH PROCLAMATION **6:45 p.m. estimated time**

   B. SARCOMA AWARENESS MONTH PROCLAMATION **6:50 p.m. estimated time**

4. PUBLIC COMMENT **6:55 p.m. estimated time**

   A. Follow-up to Previous Public Comment

   B. Tigard Area Chamber of Commerce

   C. Police Chief/Police Department Update

D. Public Comment – Written

E. Public Comment – In Person

F. Public Comment – Phone-In

G. Public Comment – Video

5. CITY MANAGER REPORT **7:10 p.m. estimated time**

6. 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. **7:15 p.m. estimated time**

A. RESOLUTION TO APPOINT MUNICIPAL JUDGE PRO TEMPORE

B. SW NORTH DAKOTA STREET STORM IMPROVEMENTS

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

7. NON-AGENDA ITEMS

8. EXECUTIVE SESSION: The Tigard City Council will go into Executive Session to consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed, under ORS 192.660(2)(h). All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(4), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public. **7:20 p.m. estimated time**

9. ADJOURNMENT **8:00 p.m. estimated time**

AIS-5581 **2.**

Business Meeting

Meeting Date: 07/09/2024

Length (in minutes): 10 Minutes

Agenda Title: Administer Oath of Office to Councilor Jake Schlack

Authored By: Carol Krager

Presented By:

Item Type: Update, Discussion, Direct Staff

Public Hearing Legal Ad Required?: No

Publication Date:

Information

EXPLANATION OF ISSUE

Jake Schlack was selected for appointment to the six-month Council vacancy position. Section 3.2 of the City's Charter requires all Councilors subscribe and swear or affirm an oath before carrying out the duties of office.

ACTION REQUESTED

Judge Oberdorfer will administer the ceremonial oath of office to Councilor Schlack.

BACKGROUND INFORMATION

After the resignation of Councilor Jai Raj Singh on May 3rd, the City Council chose to make an appointment to fill the remainder of Councilor Singh's 2024 term and place a two-year position on the November ballot for the remaining years on the term.

The six-month vacancy appointment was advertised, and by the June 7th deadline, eleven people had applied. Eight met the residency requirement and completed the application, attached a resume and responded to three questions. The Council discussed applicant responses at their June 18th meeting and selected four candidates to return for an interview to be held at the June 25th Council meeting. At that meeting, Council voted to appoint Jake Schlack to fill the six-month vacancy.

Pursuant to Section 3.2 of the Tigard City Charter, Councilor Schlack must subscribe and swear or affirm an oath before assuming the duties of office. Tigard Municipal Judge Oberdorfer will administer the ceremonial oath.

ALTERNATIVES & RECOMMENDATION

ADDITIONAL RESOURCES

N/A

Attachments

No file(s) attached.

AIS-5568 **3. A.**

Business Meeting

Meeting Date: 07/09/2024

Length (in minutes): 5 Minutes

Agenda Title: Park & Recreation Month Proclamation

Authored By: Jessica Love

Presented By: Kaitlyn Leaf, Recreation Coordinator

Item Type:

Public Hearing
Legal Ad Required?:

Publication Date: 06/06/2024

Information

EXPLANATION OF ISSUE

For nearly 40 years, our country has celebrated Park and Recreation Month in July to promote building strong, vibrant and resilient communities through the power of parks and recreation. This month is dedicated to recognizing and celebrating the more than 160,000 full-time park and recreation professionals — along with hundreds of thousands of part-time and seasonal workers and volunteers — who maintain our country's local, state and community parks. July is recognized as Park & Recreation Month.

ACTION REQUESTED

The Tigard team recommends the Mayor to proclaim July as Park & Recreation Month.

BACKGROUND INFORMATION

Dates of Previous and Potential Future Considerations

The City of Tigard has proclaimed Park & Recreation Month in years past.

Public Involvement

To help celebrate Parks & Recreation Month, our Recreation Division will be hosting weekly "Pop Up in the Park" events at various parks throughout Tigard in July. These smaller, focused recreation events are quite popular and provide a fun and free way for Tigard families to connect with the program. At these events, community members will be able to collect park sign magnets. Additionally, we will be hosting a social media campaign spotlighting Tigard's parks and our Parks & Recreation teammates throughout the month.

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

N/A

ALTERNATIVES & RECOMMENDATION

The Mayor may choose not to publicly proclaim Park & Recreation Month.

ADDITIONAL RESOURCES

N/A

Attachments

Park & Rec Month Proclamation

Proclamation

City *of* Tigard

PARK & RECREATION MONTH
JULY 2024

WHEREAS, parks and recreation programming is critical to Tigard's livability and important to healthy, welcoming communities throughout the country; and

WHEREAS, parks and recreation promote health and wellness, improving the physical and mental health of residents living near community parks; and

WHEREAS, park and recreation activities promote time spent in nature and may positively impact mental health by increasing cognitive performance and well-being, alleviating symptoms of conditions like depression, attention deficit disorders, and Alzheimer's; and

WHEREAS, parks and recreation encourage physical activity by providing space for popular sports, pedestrian trails, and activities designed to support active lifestyles; and

WHEREAS, educational recreation activities provide youth with structured out-of-school time programming that offers opportunities to learn sports, team activities, and environmental awareness that support childhood development; and

WHEREAS, parks and recreation programs increase a community's economic prosperity through increased property values, expansion of the local tax base, increased tourism, the attraction and retention of businesses, and even reduced crime in public spaces; and

WHEREAS, parks and recreation are fundamental to the environmental well-being of our community and essential to adaptable infrastructure that makes a community resilient in the face of natural disasters and climate change; and

WHEREAS, Tigard's parks and natural recreation areas ensure the ecological beauty of our community and provide a place for children and adults to connect with nature and recreate outdoors; and

WHEREAS, the U.S. House of Representatives has designated July as Parks and Recreation Month in recognition of the benefits derived from parks and recreation resources.

NOW, THEREFORE, BE IT RESOLVED the City of Tigard Mayor does hereby proclaim the entire month of July as

PARK & RECREATION MONTH

in Tigard, Oregon, and encourages people throughout the city to explore our parks, trails, and greenspaces and participate in the summer's recreational events.

Dated this 9th day of July 2024

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Tigard to be affixed.

_____
Heidi Lueb, Mayor
City of Tigard

Attest:

_____
Jesse Raymundo, Deputy City Recorder

AIS-5569 **3. B.**

Business Meeting

Meeting Date: 07/09/2024

Length (in minutes): 5 Minutes

Agenda Title: Sarcoma Awareness Month Proclamation

Authored By: Rebecca Hathaway

Presented By:

Item Type: Proclamation

Public Hearing Legal Ad Required?: No

Publication Date:

Information

EXPLANATION OF ISSUE

Sarcoma is a rare cancer in adults (1% of all adult cancers), but rather prevalent in children (about 20% of all childhood cancers). Each year, approximately 17,000 people in the U.S. are diagnosed with sarcoma.

There are more than 100 identified types of sarcoma—each with unique behavior and treatment approaches. Sarcoma occurs in people of all ages and backgrounds. Although it represents only about 1% of adult cancers, sarcoma accounts for approximately 15% of all pediatric cancers. According to the Sarcoma Foundation of America, sarcoma is often considered "the forgotten cancer" due to the public's lack of understanding and awareness of the disease.

In 2021, Senator Johnson (R-WIS) introduced a resolution designating July 2021 as National Sarcoma Awareness Month, to raise awareness of sarcoma, a form of cancer, and to honor the life of Melissa Locke and the many other Americans that this disease affects. Thanks to the perseverance of Senator Johnson's office and sarcoma advocate Brendan Locke, the resolution passed the Senate by Unanimous Consent on August 9, 2021.

ACTION REQUESTED

The Tigard team asks the Mayor to proclaim the month of July 2024 as Sarcoma Awareness Month in Tigard.

BACKGROUND INFORMATION

Dates of Previous and Potential Future Considerations

The City has not previously recognized Sarcoma Awareness Month

Public Involvement

According to the Sarcoma Foundation of America, sarcoma is often considered "the forgotten cancer" due to the public's lack of understanding and awareness of the disease. In keeping with the city's Strategic Vision to become an equitable community that is walkable, healthy, and accessible for everyone, proclaiming Sarcoma Awareness Month will help educate our community about this important health

matter. Many people aren't even aware sarcoma exists – as a result, there's far less information out there when compared to the well-known cases of cancers. Because of a lack of awareness and understanding, it's more difficult to encourage research and drug development.

Impacts (Community, Budget, Policies and Plans/Strategic Connection)
This proclamation reinforces the City's goal for a healthy community.

ALTERNATIVES & RECOMMENDATION

The Mayor could choose not to issue this proclamation, but city teammates feel that by fostering understanding, promoting early detection, and supporting those affected by sarcoma, we can make a positive impact on the lives of patients and their loved ones.

ADDITIONAL RESOURCES

https://www.curesarcoma.org/
https://my.clevelandclinic.org/health/diseases/17934-sarcoma

Attachments

Sarcoma Awareness Month Proclamation

Proclamation

City *of* Tigard

SARCOMA AWARENESS MONTH
JULY 2024

WHEREAS, sarcoma cancers are rare and often aggressive cancers that grow in the bones, muscles, and soft tissues of the body, and

WHEREAS, sarcoma cancers are often diagnosed too late for effective treatment, and

WHEREAS, sarcoma cancers are among the most common cancers occurring in children and young adults and are too often misdiagnosed as an athletic or other injury; and

WHEREAS, the National Cancer Institute recognizes that sarcoma is often misdiagnosed and underreported; and

WHEREAS, earlier diagnosis and proper treatment of sarcoma tumors could lead to increasing survival rates by as much as 20%, saving thousands of lives.

NOW THEREFORE BE IT RESOLVED, that I, Heidi Lueb, City of Tigard Mayor, do hereby proclaim the entire month of July as

SARCOMA AWARENESS MONTH

and urges the Tigard community to increase sarcoma awareness, education, and support.

Dated this 9th day of July 2024

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Tigard to be affixed.

_____
Heidi Lueb, Mayor
City of Tigard

Attest:

_____
Jesse Raymundo, Deputy City Recorder

AIS-5562	**6. A.**
Business Meeting	
Meeting Date:	07/09/2024
Length (in minutes):	Consent Item
Agenda Title:	Resolution to Appoint Municipal Judge Pro Tem
Authored By:	Emily Oberdorfer
Presented By:	Municipal Judge Oberdorfer
Item Type:	Motion Requested Resolution
Public Hearing Newspaper Legal Ad Required?:	No
Public Hearing Publication Date in Newspaper:	

Information

EXPLANATION OF ISSUE

The Tigard Municipal Court needs an additional Judge Pro Tempore to ensure access to justice.

ACTION REQUESTED

Approval of resolution.

BACKGROUND INFORMATION

There is a need for a judge pro tempore to serve when the municipal judge is unable to perform their duties by reason of absence from the city, illness, vacation, disqualification as provided by ORS 221.347 or as specifically determined by the court operations supervisor; Nicole Warren's employment history, professional reputation, and judicial philosophy make her well-suited to be a Judge Pro Tempore with Tigard's Municipal Court.

J. Nicole Warren is in good standing to practice law in the State of Oregon as required by code and has passed all background checks and security certification.

ALTERNATIVES & RECOMMENDATION

Council could choose not to approve the appointment and there would not be coverage for court during Municipal Judge Oberdorfer's absence.

ADDITIONAL RESOURCES

N/A

Attachments

Resolution

Resume

CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
RESOLUTION NO. 24-

A RESOLUTION APPOINTING J. NICOLE WARREN AS TIGARD MUNICIPAL COURT JUDGE PRO TEMPORE.

WHEREAS, Section 10 of the Tigard City Charter provides for the office of municipal judge and Chapter 2.16 of the Tigard Municipal Code provides for the office of judge pro tempore; and

WHEREAS, there is a need for a judge pro tempore to serve when the municipal judge is unable to perform their duties by reason of absence from the city, illness, vacation, disqualification as provided by ORS 221.347 or as specifically determined by the court operations supervisor; and

WHEREAS, Presiding Judge Oberdorfer found their experience, skills, abilities, and judicial philosophy to be in line with the courts needs and City Council goals; and

WHEREAS, J. Nicole Warren is in good standing to practice law in the State of Oregon as required by code and has passed all background checks and security certification.

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

SECTION 1: J. Nicole Warren is appointed as judge pro tempore for the Tigard Municipal Court.

SECTION 2: This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2024.

_____
Mayor - City of Tigard

ATTEST:

_____
City Recorder - City of Tigard

J. Nicole Warren

Attorney

nicole@gazzolawarren.com
503-295-3025 (office)
503-957-2389 (cell)
Portland, OR

WORK EXPERIENCE

Gazzola & Warren, PC

Partner

Portland, OR | 2020 - current

- Senior partner focusing on Family Law and Personal Injury cases
- Family law: manage 20+ active cases ranging from high conflict divorce, high asset divorce, contested custody, child support issues, modification of custody and parenting time, contested restraining orders, and more.
- Frequent litigation including multi-day trials
- Personal injury: represent injured plaintiff's in a wide range of negligence cases, most often motor vehicle accidents and premises liability cases. Depositions, motion practice, intensive mediation and negotiation are frequent occurences. I have negotiated over $1,000,000 in settlement funds for my clients over the years.

Gazzola & Hull, PC

Associate Attorney

Portland, OR | 2010 - 2020

- Mentored by Chip Gazzola & David Hull to practice family law with immediate trial exposure and experience.
- Years 1-2, initially assigned cases by the partners to manage. Soon after, began receiving and handling my own cases through referrals.
- Met and advised clients multiple times a week regarding all things family law: divorce, custody, child support, spousal support, modification, relocation, restraining orders.
- Frequent trials including high conflict divorce cases requiring expert testimony, extensive evidence and motion practice

Rose City Defense Consortium

Certified Law Student

Portland, OR | 2008 - 2010

- Mentored by Alex Hamalian to work as a public defender C.L.S
- Handled misdemeanor case load including DUII cases, traffic infractions, property crimes and other low level offenses
- Negotiated plea deals on behalf of clients with the D.A

SKILLS

- Trial and Evidence Procedure
- Legal Research
- Client Relations
- Negotiations
- Client Collaboration

EDUCATION

Juris Doctorate

Lewis & Clark Law School

2009

Portland, OR

Bachelor of Arts

English

Colorado College

2002

Colorado Springs, CO

BAR ADMISSIONS

- Oregon
- Washington
- Federal Court

AIS-5578	**6. B.**
Business Meeting	
Meeting Date:	07/09/2024
Length (in minutes):	Consent Item
Agenda Title:	SW North Dakota Street Storm Improvements
Authored By:	Toni Riccardi
Presented By:	Project Manager Ross Horton
Item Type:	
Public Hearing Newspaper Legal Ad Required?:	Yes
Public Hearing Publication Date in Newspaper:	05/20/2024

Information

EXPLANATION OF ISSUE

The purpose of this action is to approve the SW North Dakota Street Storm Improvements contract.

ACTION REQUESTED

It is recommended that the Local Contract Review Board award the SW North Dakota Street Storm Improvements contract to JQ Construction in the amount of $574,099.00 and direct the City Manager to take the steps necessary to execute the contract.

BACKGROUND INFORMATION

The current stormwater management infrastructure on SW North Dakota Street between SW 108th Avenue and SW 105th Place is unable to properly handle the volume of stormwater discharged during severe rain events. The stormwater in this area is currently routed through surface stormwater channels and culverts which are prone to clogging with debris and overflowing onto private property and the street. These overflows cause property damage and create hazardous driving conditions.

This project will install approximately 880 feet of new stormwater main in SW North Dakota Street to bypass the existing stormwater channels and culverts in the project area, connecting to other existing stormwater facilities, and moving the majority of stormwater management infrastructure for this area underground. The project will also abandon a water main in the project area that is past its useful life.

The City issued an Invitation to Bid for the project May 20, 2024, with notice published in the Daily Journal of Commerce. The Engineer's estimate for the project was $725,631.00 Nine (9) bids were received and opened on Thursday, June 6, 2024, at 2:00 p.m.

- Trench Line Excavation $716,269.36
- N8 Holmlund Inc $725,296.00
- Pacific Excavation $693,000.00
- Braun Construction $577,711.20
- Pihl Inc. $697,000.00
- JQ Construction $574,099.00
- Moore Excavation $938,803.00

- Turney Excavating $631,438.00
- Subcom Excavation $770,000.00

The project team, including central contracting, completed a responsibility determination review of the bid in accordance with ORS 279C.375, reviewed the bid for errors, and, after these reviews, determined that JQ Construction had submitted a responsible bid. JQ Construction has no State of Oregon Construction Board violations and is not on the Bureau of Labor and Industries ineligible list. Accordingly, it is recommended the city award the SW North Dakota Street Storm Improvements contract to JQ Construction for the amount of $574,099.00.

ALTERNATIVES & RECOMMENDATION

The Local Contract Review Board may reject this contract award recommendation and direct staff to rescope and resolicit for the work. This would likely result in a higher cost as other agencies begin to absorb contractor capacity for their annual street infrastructure work.

ADDITIONAL RESOURCES

None

Fiscal Impact

Cost: $574,099.0

Budgeted (yes or no): Yes

Where budgeted?: FY 2025 CIP 94054

Additional Fiscal Notes:

Additional Fiscal Notes: CIP 94054 is funded by the stormwater and water fund. The contract is within the total construction budget in the FY 2025 CIP and does not represent any change to the overall project budget.

Attachments

No file(s) attached.
