City *of* Tigard

Tigard Business Meeting – Agenda

TIGARD CITY COUNCIL & LOCAL CONTRACT REVIEW BOARD

MEETING DATE AND TIME:	SEPTEMBER 3, 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: September 3, 2024 Council Meeting (https://www.tigard-or.gov/Home/Components/Calendar/Event/7091/372).

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

Tigard Business Meeting –Agenda

TIGARD CITY COUNCIL & LOCAL CONTRACT REVIEW BOARD

MEETING DATE AND TIME: SEPTEMBER 3, 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. PROCLAMATIONS AND RECOGNITION **6:35 p.m. estimated time**

   A. CONSTITUTION WEEK PROCLAMATION

   B. ADULT EDUCATION AND FAMILY LITERACY WEEK PROCLAMATION

3. PUBLIC COMMENT **6:45 p.m. estimated time**

   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 **7:00 p.m. estimated time**

5. CONSENT AGENDA: (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. **7:05 p.m. estimated time**

A. ADA RAMP 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.*

6. LEGISLATIVE PUBLIC HEARING: AN ORDINANCE AMENDING TIGARD MUNICIPAL CODE CHAPTER 2.60 REGARDING THE CITY ATTORNEY **7:10 p.m. estimated time**

7. LEGISLATIVE PUBLIC HEARING: AN ORDINANCE AMENDING TIGARD MUNICIPAL CODE CHAPTER 2.16 REGARDING THE MUNICIPAL COURT JUDGE **7:15 p.m. estimated time**

8. LEGISLATIVE PUBLIC HEARING: ORDINANCE AMENDING TIGARD MUNICIPAL CODE CHAPTER 2.64 REGARDING THE TOWN CENTER DEVELOPMENT AGENCY **7:20 p.m. estimated time**

9. UPDATE ON HEAT PUMP CASH-IN PROGRAM **7:25 p.m. estimated time**

10. NON-AGENDA ITEMS

11. 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.

12. ADJOURNMENT **7:40 p.m. estimated time**

AIS-5611 **2. A.**

Business Meeting

Meeting Date: 09/03/2024

Length (in minutes): 10 Minutes

Agenda Title: Constitution Week Proclamation

Authored By: Rebecca Hathaway

Presented By: Mayor Heidi Lueb

Item Type: Proclamation

Public Hearing Legal Ad Required?: No

Publication Date:

Information

EXPLANATION OF ISSUE

A request was received from Marcha Hunt, on behalf of Daughters of the American Revolution, for a proclamation for Constitution Week, and a statement to be made by one of her grandchildren, who are junior members of the Oregon Mayflower Society and Children of the American Revolution. They are also distant cousins of signers of the Constitution: George Washington, James Madison and Benjamin Franklin. A request was also received from Dorothea White, with Mount Hood Chapter Daughter of the American Revolution for the same proclamation.

The United States Constitution, America's most important document, stands as a testament to the tenacity of Americans throughout history to maintain their liberties, freedoms and inalienable rights. Constitution Week is celebrated annually during the week of September 17-23 to commemorate its history, importance, and bring attention to how it serves still today.

This celebration of the Constitution was started by the Daughters of the American Revolution. In 1955, DAR petitioned Congress to set aside September 17-23 annually to be dedicated to the observance of Constitution Week. The resolution was later adopted by the U.S. Congress and signed into public law on August 2, 1956, by President Dwight D. Eisenhower.

ACTION REQUESTED

Tigard residents Marcha Hunt and Dorothea White are requesting that Mayor Lueb proclaim Sept 17 - 23 , 2024 as Constitution Week in Tigard.

BACKGROUND INFORMATION

Dates of Previous and Potential Future Considerations

Constitution Week has been proclaimed annually by Tigard City Council for more than 20 years, at the request of Ms. White and the DAR.

Public Involvement

It is our history and this is the 237th Anniversary of the signing of the Constitution<

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

There are no fiscal impacts

ALTERNATIVES & RECOMMENDATION

The Mayor could choose not to proclaim Constitution Week, but it is recommended by City Teammates.

ADDITIONAL RESOURCES

https://www.dar.org/national-society/education/constitution-week

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Attachments

Constitution Week Proclamation

Proclamation

City *of* Tigard

CONSTITUTION WEEK
SEPTEMBER 17–23, 2024

WHEREAS it is the privilege and duty of the American people to commemorate the two hundred and thirty-seventh anniversary of the drafting of the Constitution of the United States of America with appropriate ceremonies and activities; and

WHEREAS Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week,

NOW, THEREFORE I, Heidi Lueb by virtue of the authority vested in me as Mayor of the City of Tigard, Oregon do hereby proclaim the week of September 17 through 23 as

CONSTITUTION WEEK

and urge all community members to study the Constitution and reflect on the privilege of being an American with all the rights and responsibilities which that privilege involves.

Dated this 3rd[t] day of September 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-5584 **2. B.**

Business Meeting

Meeting Date: 09/03/2024

Length (in minutes): 5 Minutes

Agenda Title: Adult Education and Family Literacy Week Proclamation

Authored By: Rebecca Hathaway

Presented By: Mayor Heidi Lueb

Item Type: Proclamation

Public Hearing Legal Ad Required?: No

Publication Date:

Information

EXPLANATION OF ISSUE

There is currently a literacy crisis happening in the U.S., one that disproportionately affects students of color, and that cannot be ignored. Celebrated annually during the third week in September, which is Literacy Month, Adult Education and Family Literacy Week uplifts the transformational work that is taking place in the field of adult education, promotes the need for increased funding, and garners bipartisan support from state and federal legislators. Adult education empowers communities by lifting individuals out of poverty, providing basic skills education in correctional settings, and providing a talent pipeline to the workforce sector.

ACTION REQUESTED

Proclaiming Adult Education and Family Literacy Week for the City of Tigard requested by the Coalition on Adult Basic Education.

BACKGROUND INFORMATION

Dates of Previous and Potential Future Considerations

Tigard has not proclaimed Adult Literacy and Family Education Week in the past.

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

This proclamation will help educate the community on equity literacy, which helps us to recognize even the subtlest forms of bias, inequity, and oppression related to race, class, gender identity and expression, sexual orientation, (dis)ability, language, religion, immigration status, and other factors.

ALTERNATIVES & RECOMMENDATION

The Mayor could choose not to proclaim Adult Literacy and Family Education week, but the City recommends supporting this proclamation.

ADDITIONAL RESOURCES

Coalition on Adult Basic Education

Attachments

Adult Education and Family Literacy Proclamation

Proclamation

City *of* Tigard

PROCLAMATION IN HONOR OF ADULT EDUCATION AND FAMILY LITERACY WEEK SEPTEMBER 16 - 20

WHEREAS, more than 43 million Americans can't read or write at the most basic level while 62.7 million lack basic math skills, as well as the credentials and skills necessary to succeed in post-secondary education; and

WHEREAS, every year, one in three young adults drops out of high school; and

WHEREAS, American Action Forum estimates that America is short an estimated 7.5 million private sector workers across all skill levels; and

WHEREAS, Adult Education programs contribute to solving these challenges by helping Americans move along the continuum in their educational journey to achieve basic skills and get prepared for career and college; and

WHEREAS, Adult Education programs in high schools and adult schools, community colleges and community centers offer low-cost, high-value programs that upgrade the skill set of our citizens; and

WHEREAS, the City of Tigard celebrates Adult Education and Family Literacy Week as a proud participant in the national Educate & Elevate Campaign which helps our citizens learn about all of their Adult Education options to attain their professional and personal goals.

NOW, THEREFORE BE IT RESOLVED, that I, Heidi Lueb, Mayor of the City of Tigard, proclaim Sept 16 - 20 as

ADULT EDUCATION AND FAMILY LITERACY WEEK

Dated this 10th day of September 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-5606	**5. A.**
Business Meeting	
Meeting Date:	09/03/2024
Length (in minutes):	Consent Item
Agenda Title:	ADA Ramp Improvements
Authored By:	Toni Riccardi
Presented By:	Project Manager Nichole George
Item Type:	Motion Requested
Public Hearing Newspaper Legal Ad Required?:	Yes
Public Hearing Publication Date in Newspaper:	07/26/2024

Information

EXPLANATION OF ISSUE

The purpose of this action is to approve the ADA Ramp Improvements contract.

ACTION REQUESTED

Staff recommends the Local Contract Review Board award a contract to D & D Concrete & Utilities for ADA Ramp Improvements in the amount of $534,503.00 and direct the City Manager to take the steps necessary to execute the contract.

BACKGROUND INFORMATION

This is the second year of the American Disabilities Act (ADA) Right of Way Program. This program implements projects from the city's 2019 ADA Transition Plan to provide equal access to public facilities. It focuses on needs in the right-of-way including curb ramps and pedestrian crossing push buttons. Selected projects are prioritized based on criteria in the ADA Transition Plan. Work under this contract includes:

- Constructing thirty (30) ramps including those from last year and new ones identified this year.
- Modifying two school entrances to support the school crossings along Lincoln.

The City issued an Invitation to Bid for the project July 26, 2024, with notice published in the Daily Journal of Commerce. The Engineer's estimate for the project was $826,505.00. Eleven (11) bids were received and opened on Thursday, August 8, 2024, at 2:00 p.m.

- D & D Concrete & Utilities - $534,503.00
- Knife River Corp - $596,945.00
- Emery & Sons Construction - $699,622.25
- Turney Excavation - $721,252.00
- MJ Hughs Construction - $731,079.00
- Pacific Excavation, LLC - $738,000.00
- Brown Contracting, Inc - $738,723.00
- Lee Contractors, Inc - $754,797.00
- Angelo Underground - $786,061.00
- Pihl Inc - $799,000.00

- Kerr Contractors - $841,893.50

The project team, including central contracting, has completed responsibility determination reviews including reference checks on similar projects completed by lowest bidder in accordance with ORS 279C.375, reviewed the bids for errors, and, after these reviews, determined that D & D Concrete & Utilities has submitted the lowest responsible bid. D & D Concrete & Utilities has no State of Oregon Construction Board violations and is not on the Bureau of Labor and Industries ineligible list. Accordingly, it is recommended that the city award the ADA Ramp Improvements contract to D & D Concrete & Utilities in the amount of $534,503.00.

ALTERNATIVES & RECOMMENDATION

The Local Contract Review Board may reject this contract award recommendation and direct staff to rescope and resolicit for the work.

ADDITIONAL RESOURCES

None

Fiscal Impact

Cost: $534,503.0

Budgeted (yes or no): Yes

Where budgeted?: FY 2025 CIP 95066

Additional Fiscal Notes:

CIP 95066 is funded by the Transportation SDCs 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.

AIS-5612 **6.**

Business Meeting

Meeting Date: 09/03/2024

Length (in minutes): 5 Minutes

Agenda Title: PUBLIC HEARING: AN ORDINANCE AMENDING TIGARD MUNICIPAL CODE CHAPTER 2.60 REGARDING THE CITY ATTORNEY

Authored By: Shelby Rihala

Presented By: City Attorney Shelby Rihala

Item Type: Motion Requested
Ordinance
Public Hearing - Legislative

Public Hearing Legal Ad Required?: No

Publication Date:

Information

EXPLANATION OF ISSUE

This proposed ordinance updates Tigard Municipal Code Chapter 2.60 regarding the City Attorney to be consistent with City Charter.

ACTION REQUESTED

Approval of the proposed ordinance.

BACKGROUND INFORMATION

With the passage of the City of Tigard Charter of 2024, approved by voters in May and effective July 1st of this year, several code updates are necessary to bring the current Municipal Code language in line with the new Charter language. This proposed ordinance addresses one such chapter, Tigard Municipal Code Chapter 2.60, related to the City Attorney. The revisions are intended to match the Charter language and do not include additional substantive changes.

ALTERNATIVES & RECOMMENDATION

Council could propose additional amendments to the Municipal Code, consistent with the Charter.

ADDITIONAL RESOURCES

Attachments

Ordinance

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

AN ORDINANCE AMENDING TIGARD MUNICIPAL CODE CHAPTER 2.60 REGARDING THE CITY ATTORNEY

WHEREAS, the City of Tigard Charter of 2024, which was approved by voters in May and went into effect on July 1, 2024, was significantly updated since the previous version; and

WHEREAS, the City's Municipal Code must now be updated to match the language in Charter; and

WHEREAS, the proposed change in this ordinance ensure that the Municipal Code is consistent with City Charter.

NOW, THEREFORE, THE CITY OF TIGARD ORDAINS AS FOLLOWS:

SECTION 1: Tigard Municipal Code Chapter 2.60 is amended to read as follows (new text in underline, deleted text in ~~strikethrough~~):

2.60.010 Appointment and Removal.

The City Attorney ~~shall be~~ is appointed by the consent of the Council, based . ~~The Attorney shall be appointed~~ solely on the basis of qualifications and experience and without regard to political considerations. Th City Attorney must be an active member in good standing of the Oregon State Bar. Appointment and removal of the City Attorney ~~shall~~ requires the ~~prior~~ consent of a majority of the full Council recorded at a public meeting. Cause ~~shall~~ is not ~~be~~ required for removal of the City Attorney.

2.60.020 City Attorney, Authority

The City Attorney is the chief legal officer for the City. The City Attorney appoints, manages, and may remove any employees who work exclusively in and for the City Attorney's office.

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SECTION 2: This ordinance is effective 30 days after its passage by the council, signature by the mayor, and posting by the city recorder.

PASSED: By _____ vote of all council members present after being read by number and title only, this _____ day of _____, 2024.

_____
Carol A. Krager, City Recorder

APPROVED: By Tigard City Council this _____ day of _____, 2024.

_____
Heidi Lueb, Mayor

Approved as to form:

_____
City Attorney

_____
Date

AIS-5613 **7.**

Business Meeting

Meeting Date: 09/03/2024

Length (in minutes): 5 Minutes

Agenda Title: PUBLIC HEARING: AN ORDINANCE AMENDING TIGARD MUNICIPAL CODE CHAPTER 2.16 REGARDING THE MUNICIPAL COURT JUDGE

Authored By: Shelby Rihala

Presented By: City Attorney Shelby Rihala

Item Type: Motion Requested
Ordinance
Public Hearing - Legislative

Public Hearing Legal Ad Required?: No

Publication Date:

Information

EXPLANATION OF ISSUE

This proposed ordinance updates Tigard Municipal Code Chapter 2.16 regarding the Municipal Judge to be consistent with City Charter.

ACTION REQUESTED

Approval of the proposed ordinance.

BACKGROUND INFORMATION

With the passage of the City of Tigard Charter of 2024, approved by voters in May and effective July 1st of this year, several code updates are necessary to bring the current Municipal Code language in line with the new Charter language. This proposed ordinance addresses one such chapter, Tigard Municipal Code Chapter 2.16, related to the Municipal Judge. The revisions are intended to match the Charter language and do not include additional substantive changes.

ALTERNATIVES & RECOMMENDATION

Council could propose additional amendments to the Municipal Code, consistent with the Charter.

ADDITIONAL RESOURCES

Attachments

Ordinance

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

AN ORDINANCE AMENDING TIGARD MUNICIPAL CODE CHAPTER 2.16 REGARDING THE MUNICIPAL COURT JUDGE

WHEREAS, the City of Tigard Charter of 2024, which was approved by voters in May and went into effect on July 1, 2024, was significantly updated since the previous version; and

WHEREAS, the City's Municipal Code must now be updated to match the language in Charter; and

WHEREAS, the proposed change in this ordinance ensure that the Municipal Code is consistent with City Charter.

NOW, THEREFORE, THE CITY OF TIGARD ORDAINS AS FOLLOWS:

SECTION 1: Tigard Municipal Code Chapter 2.16 is amended to read as follows (new text in underline, deleted text in ~~strikethrough~~):

2.16.010 ~~**Title of Ordinance**~~ **Tigard Municipal Court.**

Pursuant to Section 4.3 of the City of Tigard Charter, the Tigard Municipal Court has subject matter jurisdiction over every offense created by City ordinance and to the fullest extent allowed by law over all misdemeanors and violations defined and made punishable under state law, unless limited by City ordinance. ~~The ordinance codified in Chapters 2.16 through 2.26 shall be known as the "City of Tigard Court Procedures Ordinance of 1985" and may be cited as such.~~

2.16.020 **Municipal Judge.**

The ~~office of~~ Municipal Judge ~~of the City of Tigard, as provided by Section 10 of Chapter III of the Charter, shall be held by one incumbent who shall be~~ is appointed solely on the basis of qualifications and experience without regard to political considerations. Appointment and removal of the Municipal Judge ~~by the Mayor shall~~ requires the ~~prior~~ consent of a majority of the full Council recorded at a public meeting. Cause ~~shall~~ is not ~~be~~ required for removal of the Municipal Judge.

~~The compensation of the Municipal Judge shall be fixed by resolution of the City Council.~~

2.16.030 **Pro Tempore Municipal Judge.**

The ~~office of~~ City may appoint one or more Pro Tempore Municipal Judges. ~~of the Municipal Court for the City is created. One or more pro tempore municipal judges may be incumbent at any given time. The holder(s) of the office shall be subject to appointment and removal in like manner as herein provided with respect to the Municipal Judge.~~ A pro tempore municipal judge ~~shall~~ may act only when the Municipal Judge is unable to perform ~~his~~ their duties. ~~by reason of absence from the City, illness, vacation, disqualification as~~

~~provided by ORS §221.353, or as specifically determined by the Court Administrator, and in such circumstances the court personnel will assign one of the pro tempore judges to serve in lieu of the Municipal Judge.~~

~~The Pro Tempore Municipal Judge shall have the same powers and be compensated in the same manner as the Municipal Judge.~~

2.16.040 **Qualification of Judges.**

All municipal court judges, including judges pro tempore, must be active members in good standing of the Oregon State Bar. ~~The incumbent in the office of Municipal Judge and each of the offices of Pro Tempore Municipal Judge shall be a person in good standing to practice law before the Supreme Court of the state of Oregon.~~

2.16.050 **Powers of Municipal Judges.**

The ~~Municipal~~ Presiding Judge exercises general supervision over the judicial functions of the Municipal Court and its judges and has authority over the dockets and assignment of cases. ~~when acting as such, shall perform all the duties and~~ Municipal Judges have all the inherent and statutory powers of a Justice of the Peace ~~within the jurisdictional limits of the office of Municipal Judge,~~ and such additional powers as may be specifically conferred by the Tigard Municipal Code, including the power to issue search warrants and warrants to enter property and abate civil infractions.

2.16.060 **Time for Holding Court.**

The Municipal Judge ~~shall~~ may establish by order a regular time and regular place for holding court sessions. In addition, Municipal Court may be held at such other times as the Judge deems reasonable and necessary for the protection of the rights of persons accused of violation of City ordinances.

2.16.070 **Warrants**.

A warrant may be issued if the Municipal Judge is satisfied that there are facts and circumstances tending to show that the objects of the requested search are in the places identified in the request, or, in the case of a warrant to enter property and abate a civil infraction, that the infraction exists. Request for warrants should normally be supported by affidavits, however, when circumstances make it impractical for the warrant to be obtained in person it may be granted by telephone based on oral statements made under oath. The oral statement ~~shall~~ will be recorded and transmitted and retained as a part of the record of the proceeding.

-

SECTION 2: This ordinance is effective 30 days after its passage by the council, signature by the mayor, and posting by the city recorder.

PASSED: By _____ vote of all council members present after being read by number and title only, this _____ day of _____, 2024.

Carol A. Krager, City Recorder

APPROVED: By Tigard City Council this _____ day of _____, 2024.

Heidi Lueb, Mayor

Approved as to form:

City Attorney

Date

AIS-5617 **8.**

Business Meeting

Meeting Date: 09/03/2024

Length (in minutes): 5 Minutes

Agenda Title: LEGISLATIVE PUBLIC HEARING: ORDINANCE AMENDING TIGARD MUNICIPAL CODE CHAPTER 2.64 REGARDING THE TOWN CENTER DEVELOPMENT AGENCY

Authored By: Shelby Rihala

Presented By: City Attorney Rihala

Item Type: Motion Requested
Ordinance
Public Hearing - Legislative

Public Hearing Legal Ad Required?: No

Publication Date:

Information

EXPLANATION OF ISSUE

This proposed ordinance updates Tigard Municipal Code Chapter 2.64 regarding the Town Center Development Agency to be consistent with City Charter.

ACTION REQUESTED

Approval of the proposed ordinance.

BACKGROUND INFORMATION

With the passage of the City of Tigard Charter of 2024, approved by voters in May and effective July 1st of this year, several code updates are necessary to bring the current Municipal Code language in line with the new Charter language. This proposed ordinance addresses one such chapter, Tigard Municipal Code Chapter 2.64, related to the Town Center Development Agency. The new Charter removed the requirement for a public vote on tax increment financing plans and amendments and this ordinance reflects that change. Additionally, the Charter now requires Council ground rules, so the reference to rules is deleted from this chapter in order to avoid any potential conflict with Council's adopted ground rules.

ALTERNATIVES & RECOMMENDATION

Council could propose additional amendments to the Municipal Code, consistent with the Charter.

ADDITIONAL RESOURCES

Attachments

Ordinance

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

AN ORDINANCE AMENDING TIGARD MUNICIPAL CODE CHAPTER 2.64 REGARDING THE TOWN CENTER DEVELOPMENT AGENCY

WHEREAS, the City of Tigard Charter of 2024, which was approved by voters in May and went into effect on July 1, 2024, was significantly updated since the previous version; and

WHEREAS, the City's Municipal Code must now be updated to match the language in Charter; and

WHEREAS, the proposed change in this ordinance ensure that the Municipal Code is consistent with City Charter.

NOW, THEREFORE, THE CITY OF TIGARD ORDAINS AS FOLLOWS:

SECTION 1: Tigard Municipal Code Chapter 2.64 is amended to read as follows (new text in underline, deleted text in ~~strikethrough~~):

2.64.010 **Need Declared.**

Pursuant to ORS 457.035, the city council declares that blighted areas now exist in the city and that there is currently a need for an urban renewal agency to function in the city.

2.64.020 **Title.**

The urban renewal agency created by this chapter ~~shall be known as~~ is referred to as the Town Center Development Agency.

2.64.030 **Membership.**

The Board of the Town Center Development Agency ~~shall be~~ is comprised of members of the city council as it lawfully exists from time to time. Any change in membership of the city council ~~shall~~ automatically, and without need for further legislative action, constitutes an identical change in the membership of the Board of the Town Center Development Agency.

2.64.040 **Powers.**

Subject to the limitations imposed by Section 2.64.050, the Town Center Development Agency ~~shall have~~ has authority to exercise all powers available to the agency under ORS Chapter 457, including, but not limited to, the power of eminent domain. The powers conferred to this agency by ORS Chapter 457 are in addition and supplemental to the powers conferred by any other law.

2.64.050 **Limitation on Action.**

Any act of the Board of the Town Center Development Agency ~~shall be considered~~ is the act of the urban renewal agency only and ~~shall~~ will not be considered an act of the city council, even though membership of both are identical. ~~The Town Center Development Agency shall not exercise any power which, by Charter, requires voter approval.~~

~~2.64.060 **Rules of Procedures.**~~

~~A. The agency shall serve with integrity, perform the duties of the position and obey the laws of the federal, state and local governments. This is required to protect the public's confidence in the integrity of their local government's fair and effective operation.~~
~~B. Council will govern proceedings of the agency where they do not conflict with these rules or statutory provisions.~~
~~C. A violation of the council shall not be considered a basis for challenging the validity of any agency decision.~~
~~D. An agency member may be subject to a council resolution of censure for misconduct, nonperformance of duty and failure to obey the laws of the federal, state and local governments. Misconduct includes not honoring the provisions of the council groundrules.~~
~~E. Early recognition of the questioned conduct is encouraged. Progressive counsel may occur with the agency member but is not required prior to passage of a resolution of censure.~~

2.64.0760 **Advisory Commission Established.**

The Town Center Advisory Commission is established. The commission ~~shall~~ may be comprised of up to 15 members appointed by the city council. The purpose of the commission is to assist in implementation of the city's ~~duly enacted~~ urban renewal ~~plan(s)~~ plans, to make recommendations to the Town Center Development Agency, and to help inform Tigard's ~~citizens~~ community members of the content and activities of urban renewal plans.

-

SECTION 2: This ordinance is effective 30 days after its passage by the council, signature by the mayor, and posting by the city recorder.

PASSED: By _____ vote of all council members present after being read by number and title only, this _____ day of _____, 2024.

_____
Carol A. Krager, City Recorder

APPROVED: By Tigard City Council this _____ day of _____, 2024.

Heidi Lueb, Mayor

Approved as to form:

City Attorney

Date

AIS-5585 **9.**

Business Meeting

Meeting Date: 09/03/2024

Length (in minutes): 15 Minutes

Agenda Title: Update on Heat Pump Cash-in Program

Authored By: Tina Escalera

Presented By: Tina Escalera

Item Type: Update, Discussion, Direct Staff

Public Hearing Legal Ad Required?: No

Publication Date:

Information

EXPLANATION OF ISSUE

An update on the Economic Development team's Heat Pump Cash-In program which encourages homeowners in the city to install new energy-efficient heat pumps.

ACTION REQUESTED

No Council action is needed.

BACKGROUND INFORMATION

The Tigard Heat Pump Cash-In Program is a pioneering initiative born from Oregon Department of Energy funding, aimed at fostering investment in climate-friendly infrastructure. This innovative program represents a collaboration between the City of Tigard and Earth Advantage, designed to provide residents with access to energy-efficient heating and cooling solutions. Earth Advantage is a nonprofit organization that partners with entities across the country to develop tangible, systemic solutions for climate-friendly housing.

Program Development and Partnerships

This climate-friendly energy efficiency program encourages Tigard homeowners to install heat pumps by removing the cost barrier -- with up to $11,000 in reimbursement. The program was developed by the City of Tigard, in collaboration with Earth Advantage, and represents a first-of-its-kind approach in the region. Leveraging relationships with local contractors, the Energy Trust of Oregon, and trade associations working with BIPOC (Black, Indigenous, and People of Color) contractors, the program was carefully crafted to ensure broad access and participation. When an applicant is selected for funding through the heat pump installation rebate, funds are earmarked from Earth Advantage's funds. After successful installation & inspection, the city makes payment to the contractor and Tigard is reimbursed by Earth Advantage. There is no net loss to the city for managing the program.

Program Launch and Immediate Impact

Within a month of its launch on April 4, 2024, the Tigard Heat Pump Cash-In Program received an overwhelming response from the community with 104 applications. This rapid uptake prompted Earth Advantage and the City of Tigard to pause the intake of new applicants to the program on May 11, 2024, to effectively manage the high demand. Applications from homeowners that did not have a functioning heating or cooling system, were over the age of 60, disabled, and/or were below the federal poverty level

were given priority.

We are currently working with 22 qualified households to complete heat pump installations. Once they have all been completed, Earth Advantage will re-evaluate the funding available for our region and possibly reopen the program.

Key Statistics from the Program's Applicants:

- 54% of applicants are over the age of 60, highlighting the critical need for effective cooling systems among older residents.
- 16% of applicants are disabled, showing the program's vital role in supporting vulnerable community members.
- 20% of applicants identify as a race other than white, reflecting the program's success in reaching diverse populations.
- 44% of applicants had no functioning cooling system, emphasizing the urgent demand for affordable cooling solutions.

Financial Impact and Community Benefit
In just six weeks, the City of Tigard allocated the program's entire $200,000 in reserved funds. This achievement underscores the community's significant need for, and interest in, energy-efficient technologies. A key measure of the program's success was realized during a recent heatwave, as participants were provided with life-saving cooling solutions. The Tigard Heat Pump Cash-In Program not only meets immediate needs, but sets a precedent for future climate-friendly initiatives in the region.

As the first program of its kind, this initiative has drawn attention from neighboring cities, eager to implement similar models. The Tigard Heat Pump Cash-In Program demonstrates how collaboration, innovation, and strategic partnerships can lead to successful, life-saving community programs.

ALTERNATIVES & RECOMMENDATION

The Heat Pump Cash-In Program advances the Tigard City Council's sustainability goals. No alternative policy action is needed.

ADDITIONAL RESOURCES

N/A

Attachments

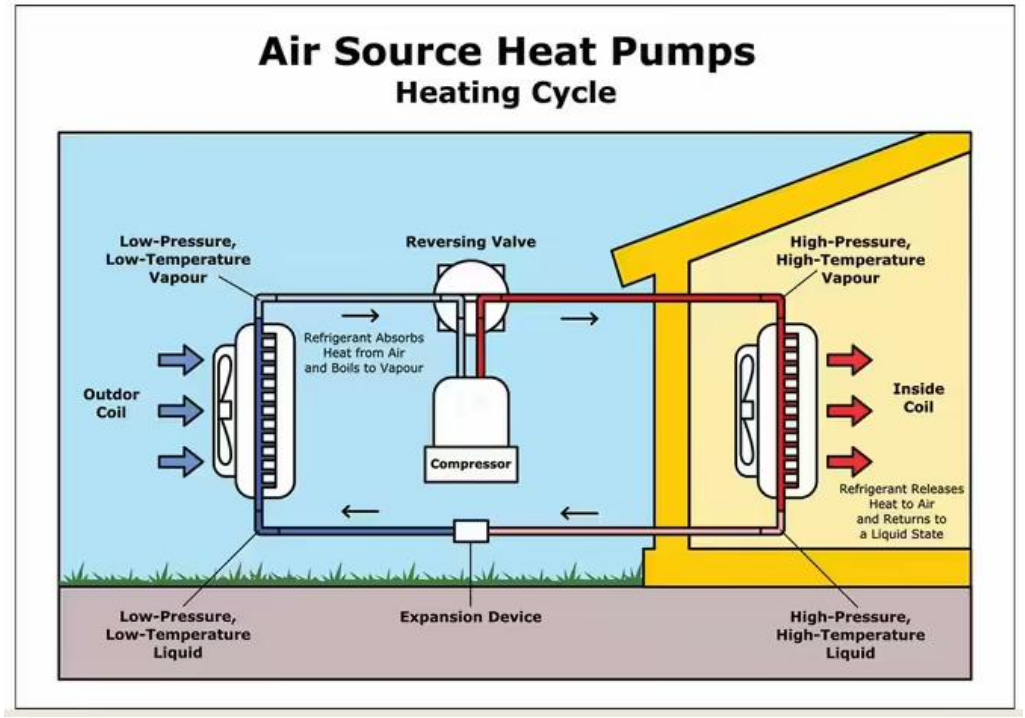
Slideshow

Tigard Heat Pump Cash-In Program



Presented by: Tina Escalera
Economic Development Specialist

Tigard Heat Pump Cash-In Program



Heat pumps are an energy-efficient alternative to air conditioners and furnaces and can be used in all climates.

On average heat pumps use 40-60% less energy compared to traditional heating or cooling systems.

Tigard Heat Pump Cash-In Program Partners

OREGON DEPARTMENT OF ENERGY

earthadvantage®

Grant dollars provide financial assistance for the purchase and installation of heat pumps and related upgrades.

CITY OF Tigard

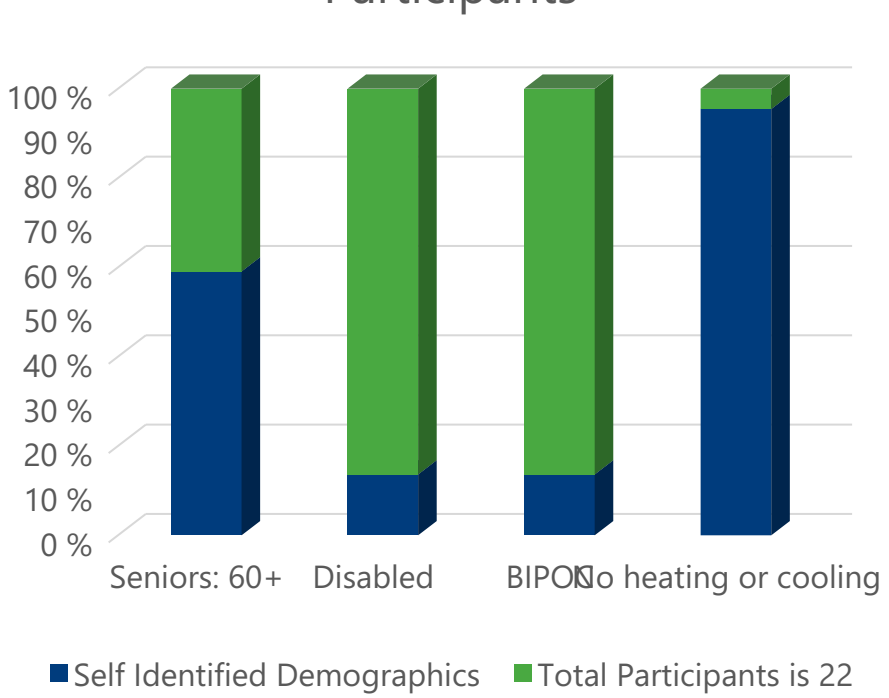
TIGARD HEAT PUMP CASH-IN PROGRAM

Tigard Heat Pump Cash-In Program Process



- ***Online Application***
- ***Eligibility and prioritization***
- ***Funds reserved with Earth Advantage***
- ***90 days to complete heat pump install***
- ***Payment of reserved funds requested to Earth Advantage***
- ***Contractor reimbursed***

Tigard Heat Pump Cash-In Program Impact



To support the program's goal to provide equitable access to heating and cooling solutions, applicants who belong to environmental justice communities will be prioritized. These communities are defined in OAR 330-270-0040.

Future of Tigard Heat Pump Cash-In Program

- ***Program Support***
- ***Partnership with Earth Advantage***
- ***Monitoring additional funding sources***
- ***Continue to support regional interest in program model success***



Tigard Heat Pump Cash-In Program Outcome



8/15/24

Dear Tina and City of Tigard,

With gratitude, I wish to express heart felt thanks for the generous and very much appreciated Heat Pump Cash-in Program offered this summer. I still can't recall how I happened upon this offer, however just yesterday we had the installation of our new mini-split unit take place. What a blessing to have this in our home to remedy the extreme heat and cold we have dealt with and endured for the past 17+ years.

You make Tigard a better place and we are so thankful for this great little place we call home. Thank you for all you do!

With gratitude,

- ***16 New Heat Pumps installed.***
- ***10 Homes received electrical and or weatherization upgrades.***
- ***$125,535 dollars granted from Earth Advantage***
- ***Several letters of appreciation***