



City of Tigard Tigard Business Meeting - Agenda

**TIGARD CITY COUNCIL
LOCAL CONTRACT REVIEW BOARD (LCRB)
CITY CENTER DEVELOPMENT AGENCY (CCDA)**

MEETING DATE/TIME: May 11, 2010 – 6:30 p.m. Study Session; 7:30 p.m. Business Meeting

MEETING LOCATION: City of Tigard – Town Hall, 13125 SW Hall Blvd., Tigard, OR 97223

6:30 PM

○ **STUDY SESSION**

- ✓ City Manager Prosser and Public Works Director Koellermeier discussed the need for additional staff review of the Hoodview Reimbursement District finalization informational public hearing. The hearing will be carried over to May 25, 2010 and not held tonight.

City Manager Prosser read the statement for the Executive Session.

- **EXECUTIVE SESSION:** The Tigard City Council went into Executive Session at 6:35 p.m. for consultation with counsel concerning legal rights and duties regarding current litigation or litigation likely to be filed under ORS 192.660(2) (h).

Out of Executive Session and reconvened into Study Session at 7:18 p.m.

○ **STUDY SESSION CONTINUED.**

- **Administrative Items**
 - ✓ Tonight is Tigard High School Envoy Friesen's last meeting. The City Council received a proposed resolution recognizing the City Council's appreciation for his efforts.
 - ✓ Tigard Library Foundation – Application for grant funding for a needs assessment/feasibility study. The Council received a copy of a request for support from Linda Monahan, President, Tigard Library Foundation. Library Director Barnes said that the Foundation was looking to pursue grant funding for an assessment study for Tigard library capital needs and the Foundation members wanted the City Council to be aware of their efforts to apply for a grant. Councilor Webb noted that she and Bill Monahan serve on the Community Foundation and cautioned that there might be some conflict of interest concerns. Library Director

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Barnes said that Tigard Library Foundation Board President Linda Monahan was only looking to make the City Council aware that the Library Foundation would be applying for a grant. Ms. Monahan has declared that her husband, Bill Monahan, serves on the Community Foundation and he would recuse himself from voting on the application.

- ✓ Caring Closet – City Manager Prosser reviewed a request to waive a building permit fee – May 6, 2010 Marilyn Hassmann, Caring Closet Director. They are looking to build a storage shed at Tigard High School. There is a \$570 filing fee for a minor modification Type A permit. They would like the City Council to waive the fee. City Manager Prosser said generally the City does not waive fees; the fees can be paid for out of the General Fund. Councilor Webb reminded the City Council there are funds available in the Social Services budget area. City Council members agreed to pay for this permit from the Social Services area.
- In response to an inquiry from Councilor Henderson, City Recorder Wheatley explained that the meeting would be called to order, as identified on the agenda for this evening as the City Council, Local Contract Review Board and the City Center Development Agency. City Manager Prosser advised Councilor Henderson that the agenda was published identifying the meeting to cover items of the City Council, LCRB and CCDA.
- Street Maintenance Fee True-up Update (Packet Materials were distributed to the City Council.) This item was discussed after the business meeting.

1. BUSINESS MEETING

- 1.1 Mayor Dirksen called the City Council and the Local Contract Review Board to order at 7:31 p.m.
- 1.2 Roll Call

<u>Name</u>	<u>Present</u>	<u>Absent</u>
Mayor Dirksen	✓	
Councilor President Wilson	✓	
Councilor Buehner	✓	
Councilor Henderson	✓	
Councilor Webb	✓	

- 1.3 Pledge of Allegiance
- 1.4 Council Communications & Liaison Reports: None
- 1.5 Call to Council and Staff for Non-Agenda Items – None. City Manager Prosser advised there was a Study Session item to be discussed by the City Council at the end of the business meeting.

Mayor Dirksen pointed out that Agenda Item No. 7, an informational public hearing was continued from April 27 to finalize the Sanitary Sewer District. The City Council has expressed the need for further information before this can be finalized. This public hearing will be continued to May 25, 2010.

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2. PROCLAMATION - EMS (EMERGENCY MEDICAL SERVICES) WEEK – May 16-22, 2010

Mayor Dirksen issued the proclamation. Justin Scott from Metro West Ambulance thanked the Mayor and advised Metro West is honored to serve the Tigard community. He presented the Mayor with a plaque and invited the Mayor and City Council members to attend a barbecue at their Hillsboro Headquarters of May 13, 2010.

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3. CITIZEN COMMUNICATION

- Tigard High School Student Envoy Taylor Friesen presented his report on activities. A copy of his report is on file in the City Recorder's office.

This is Mr. Friesen's last appearance at a City Council meeting as he is graduating.

The City Council considered a resolution in acknowledgement of Mr. Friesen for his service this past school year.

Motion by Mayor Dirksen, seconded by Council President Wilson, to approve Resolution No. 10-21.

RESOLUTION NO. 10-21 – A RESOLUTION ACKNOWLEDGING AND COMMENDING TAYLOR FRIESEN FOR HIS SERVICE AS THE TIGARD HIGH SCHOOL STUDENT ENVOY TO THE CITY OF TIGARD

The motion was approved by a unanimous vote of Council present.

Mayor Dirksen:	Yes
Council President Wilson	Yes
Councilor Buehner	Yes
Councilor Henderson	Yes
Councilor Webb	Yes

- Tigard Chamber of Commerce Chief Executive Officer Debi Mollahan presented the highlights of recent and future activities of the Tigard Chamber. A copy of the report is on file in the City Recorder's office.
- Citizen Communications Sign Up Sheet
 - John Frewing - requested policy direction; his written request is below:

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Parks Master Plan -- I am looking at Chapter 6, Recommendations, on page 65 in my copy of the Master Plan. "The City should examine open space properties to determine the appropriate management and use of specific properties or portions of properties."

It further says "Existing open space classifications provided in the Comprehensive Plan lack a clear management direction that would assist the community in identifying, for example, land that is protected for ecological values and land that would support nature-oriented recreation."

I hope Tigard can provide the direction noted in the Master Plan so that open space/natural areas can receive the same planning and eventual care as other Tigard owned properties.

- Plaid Pantry – Chris Gerard, President and CEO – presented approximately 1000 signatures objecting to ODOT’s proposed median for Highway 99W. Mr. Gerard asked that the City Council advocate that ODOT reconsider the median. Petitions, a copy of the oral presentation, and additional documentation were submitted for the record.

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4. HONOR TIGARD HIGH SCHOOL SPEECH TEAM FOR WINNING THE 2010 OREGON SCHOOL ACTIVITIES ASSOCIATION (OSSA) STATE SPEECH CHAMPIONSHIP

- Mayor Dirksen said the City Council recognizes the achievement of the Speech Team. The President of the Team, Nurinthong Lungrath came forward. Mayor Dirksen said the Tigard High Team scored 56 points and the second place scored 49 points. The City Council commended the team for its good work. The team and coach were applauded. The Mayor gave each team member a City of Tigard coffee mug filled with chocolate along with a City of Tigard pin.

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Mayor Dirksen reviewed the Consent Agenda:

5. CONSENT AGENDA:

- 5.1 Approve Council Minutes for January 19, February 9, and February 16, 2010
- 5.2 Receive and File:
 - a. Council Calendar
 - b. Tentative Agenda
- 5.3 Appoint Members of Urban Forestry Code Revisions Citizen Advisory Committee (CAC)

Resolution No. 10-22 – A RESOLUTION APPOINTING MEMBERS TO THE URBAN FORESTRY CODE REVISIONS PROJECT CITIZEN ADVISORY COMMITTEE

Representatives from existing boards and committees

- Jason Rogers, Parks and Recreation Advisory Board
- Scott Bernhard, DC, Parks and Recreation Advisory Board
- Dave Walsh, Planning Commission

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- Don Schmidt, Planning Commission
- Bret Lieuallen, Tree Board
- Tony Tycer, Tree Board

Representatives from the development community

- Ken Gertz, Portland Metropolitan Home Builders
- John Wyland, developer

Representative from the environmental community

- Brian Wegener, Tualatin Riverkeepers and Board Member of Oregon Community Trees

Representative from the landscape/arborist profession

- Morgan E. Holen, ISA Certified Arborist

Citizens at-large

- John Frewing

- 5.4 LCRB - Award Contract for Financial Consulting Services (Water Rate Study and SDC Update)
- 5.5 Adoption of Tentative Agreement between Tigard Police Officer’s Association (TPOA) and the City of Tigard

Motion by Council President Wilson, seconded by Councilor Webb, to approve the Consent Agenda.

The motion was approved by a unanimous vote of Council present.

Mayor Dirksen:	Yes
Council President Wilson	Yes
Councilor Buehner	Yes
Councilor Henderson	Yes
Councilor Webb	Yes

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- 6. RECEIVE UPDATE ON TIGARD YOUTH ADVISORY COUNCIL (TYAC), TIGARD TURNS THE TIDE AND STUD (STOP TIGARD UNDERAGE DRINKING)

Alexander Carsh, President of Tigard Youth Advisory Council and Nurinthong Lungrath, Vice President of the Tigard Youth Advisory Council introduced themselves and presented the update to the City Council. Their slide presentation is on file in the City Recorder’s office.

Mayor Dirksen commended the students for the work that they do on behalf of the TYAC.

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Representatives of Tigard Turns the Tide (TTT) and Stop Tigard Underage Drinking introduced themselves.

Sophomore Class Officer Katie Ventry made a presentation to Library Director Margaret Barnes, who is a community organizer and leader and a very caring adult. The STUD members asked Director Barnes to come forward and to show their thanks they presented her with a bouquet of roses and a certificate to choose multiple books from the Library and have them dedicated to Ms. Barnes' name. Ms. Barnes was the President of TTT from 2007 to 2009.

The students showed a video produced in 2010 showing the history of TTT and explains why it takes everyone working together to make a difference. Council members also received a packet of information prepared by the students.

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The Mayor and Council commended the students for their work and offered words of support and encouragement.

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7. INFORMATIONAL PUBLIC HEARING – CONTINUED FROM APRIL 27, 2010 – FINALIZE SANITARY SEWER REIMBURSEMENT DISTRICT #45 (HOODVIEW)

The hearing was continued to May 25, 2010.

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8. PRESENTATION OF PACIFIC HIGHWAY VISION DOCUMENT BY THE UNIVERSITY OF OREGON PORTLAND URBAN ARCHITECTURE RESEARCH LABORATORY

Community Development Director Bunch introduced Hans Joachim Neis, Director of University of Oregon Program (Portland) and Rebecca Fitzsimmons, U of O Graduate Student. Community Development Director Bunch acknowledge the work by Tigard staff member Associate Planner Farrelly. He also introduced James Pettinari, Professor at the University of Oregon who was instrumental in the project.

Introductory remarks by Community Development Director Bunch included the following:

- The document before the City Council is the Executive Summary of about 200 pages and hundreds of images. The work for the project was done over a period of four school terms.
- This is a second design vision. The principles and concepts were based on the Tigard Downtown Future Vision; however, the project before the City Council is significantly different.
- There is not much in the national or research literature about strip commercial development, while there has been a lot of work done for downtown developments.

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- Tigard, through its Council goals to implement the 99W Transportation and Management Plan, pursue light rail, address congestion on 99W, and to make Tigard a *Place to Call Home*, the project team thought it was time to begin to develop an Urban Design Vision for Pacific Highway. Pacific Highway is an urban corridor and identified as part of the high capacity transit plan priorities for Metro.
- The document is a tool. It is not a final document, it does not make specific recommendations, and is not a specific site-planning document. It is intended as a prelude to the more-intensive period of planning for high capacity transit.
- The document establishes a broad range of principles and goals translated into visual imagery.
- The document addresses 2000 acres that span 4.5 miles through the City of Tigard, which makes it an area about ten times larger than the area of the first plan for the Downtown.
- There are approximately 400 miles of transportation corridors in the Portland Metropolitan Region. This issue is also significant throughout the country and worldwide. However, there has not been much done in terms of researching and studying these corridors.
- Another reason for the project was to establish relationships and leverage resources. The project allowed the team to spend a great deal of time with others within the region who are also very interested in the project. They worked with people from Oregon Department of Transportation, TriMet, City of Portland, other design and business professionals.
- People are interested because we have an Urban Growth Boundary in this area who want to explore the idea of making a linear development pattern work and become more than it is.
- The team wanted to develop a common language; a basis by which to begin the technically difficult and expensive work of planning for high capacity transit in the future.
- Other resources were leveraged. A TGM grant was awarded to study high capacity transit planning in the corridor.
- The document does not provide specifics; however, it provides the principles, a common language, and tools by which we can engage the community.

Community Development Director Bunch acknowledged the University of Oregon students who worked on the project, and Crista Gardner of Metro who was instrumental in securing the TGM grant to take this to the next step.

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University of Oregon Professor Neis thanked Community Development Director Bunch for the introduction of this project. His comments included thanks to the City Council for giving them the opportunity to conduct this research. The urban corridor is a new problem in the world that has been researched very little. He referred to their presentation in February and was appreciative that Council President Wilson participated. Professor Neis's comments included the following:

- The Executive Summary sums up the work to date and will serve as the foundation for the next steps in the larger project.
- The next steps are to produce concrete results to create a new kind of corridor that serves the people well and possibly to serve as a model for other corridors in Portland and the region as well other cities in America and the world.
- He referred to the cultural emphasis of this study. In 2009, Mayor Dirksen gave the group some solid advice and direction by emphasizing that the corridor is not mainly a technical transportation study but it is also, and possibly foremost, a study that tries to focus on how to

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create a more livable and worthwhile urban environment for all the people of Tigard and, in particular, for those who live around and along the Pacific Highway. The group took this advice seriously and tried to find ways to envision a very positive livable and sustainable future for the citizens of Tigard by focusing on the lives of people in the communities, neighborhoods, and businesses within this particular context of the corridor.

- This work has been accepted for presentation at a major international conference in Hamburg, Germany on August 20-23, 2010. This work in Tigard might serve as an inspiration for other cities dealing with this problem/phenomenon. He said he hoped that someone from the City of Tigard would be able to join them in presenting the case at the conference. He distributed information regarding the conference.

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Associate Planner Farrelly and Graduate Student Fitzsimmons reviewed the Executive Summary. The slide presentation is on file in the City Recorder's office.

After the presentation, City Council offered their comments highlighted as follows:

- Councilor Webb commented that it appears there many communities that have similar issues.
- Council President Wilson said he would like more time to review the report and will probably have additional comments. He said the findings appear to be "spot on" and liked how they were presented. He said the report contains good imagery that will provoke a lot of discussion about what might be possible. He said he would have liked to see more diagrams because they help test concepts. If there were more diagrams, he would like to see them incorporated in the final document.
- Council President Wilson acknowledged what was presented tonight is just the beginning. He would have liked to see something more between the analysis and the final pictures. Overall, it was a good effort and a vast improvement from what the product was the last time they met.
- Councilor Henderson asked about the term "gray field." Community Development Director Bunch said this is a relatively new term from the urban design perspective. In the mid-1990's they started using it for areas that are developed, but are mostly parking lots and roadways accompanied by low-density buildings, similar to what has occurred on Pacific Highway where only about a tenth to a quarter of the land is covered by buildings. The urban design profession looks at these areas as having great potential: Parking lots can be redeveloped, the buildings can be redeveloped into more compact, efficient urban forms.
- Councilor Henderson noted the approach taken for the project of integrating the community. As he reviewed the map, he said he liked the image of the area where he has property at the corner of Walnut and Pacific Highway.
- Councilor Buehner said the work by the students was wonderful. It would be helpful for her to be given tools to take the imagery to the business community and have discussions about how redevelopment could practically occur over the next ten to twenty years. Most of the businesses are automobile oriented and do not function without a certain amount of parking. The plan seems to leap from the current environment to a multi-modal environment, with a very different look and feel, with no connection to make it understandable to someone who is a business owner. It is a great idea in theory, but she said she did not see how to get "from Point A to Point B..." in a way that the business community will be able to buy into the project.

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- Community Development Director Bunch responded to Councilor Buehner saying he thought this was an astute observation. He said he thought the process required would be to do some actual site design, specific designs employing the principles and findings in the report. He said he has done work in other cities with high capacity transit and they worked with business and property owners in charrets when there were development opportunities. There is an economic development side to this proposal, which is important when planning for the future. The Urban Land Institute emphasizes that for us to manage and redevelop the strip, there has to be an engaged citizen effort to establish development associations that have the interest of commercial businesses in mind. The principle that is important is that “we want the strip to be economically viable and vibrant for it to be able to make the transition and not necessarily have to rely on traffic to be a vibrant, economically strong center.”
- Councilor Buehner said she was particularly concerned as she watched the building of east-west light rail through the downtown and saw a number of businesses that were “run out of business.” Part of the problem had to do with how the plan for the construction was developed; it did not work sufficiently with the business community to help them survive. She added her concern was with the businesses oriented toward the automobile in low-density areas. This is not an efficient use of the land; the challenge will be to get the local business community involved. Community Development Director Bunch responded that with the Transportation Growth Management (TGM) next step, there would be an engaged citizen outreach effort. He said we would want to make sure that the land use and high capacity transit are well coordinated.
- Professor Neis commented that one couldn’t realistically predict 50 years ahead. This large area could not be planned in as much detail as would be possible for an inter-city study. The project is more of a method and offered principles for development. As you begin, the “picture may change completely” depending on the area being redeveloped. The plan offers a place to start for the discussion and work toward results that are more concrete. Councilor Buehner said her point was to make sure the presentations are in a manner that the business community and citizens could understand because right now it is “fairly esoteric.”
- Mayor Dirksen said this is a bold vision and a basis for discussion to stimulate thinking about possibilities. While we cannot predict what will happen 50 years from now, he said we have to try so there is a foundation for discussion and to begin planning. Things will not remain as they are today if the future issues and challenges are to be dealt with. We cannot wait for “it to just to happen to us, we need to be ready for it.”

The Mayor said that he and the City Council are anxious to receive the entire document. He said this should also be distributed to the Planning Commission.

Councilor Henderson referred to the model of the project of the model on display before them. In response to his question, Associate Planner Farrelly said the model would be stored at the Public Works building and then set up for certain community events. City Manager Prosser said it might be displayed in the City Hall Library. Staff will look into an area where it might be displayed.

9:12:13 PM

9. RECEIVE UPDATES ON BURNHAM STREET AND CAPITAL IMPROVEMENT PROJECTS

City Engineer Kyle, Engineering Manager McMillan and Streets and Transportation Project Engineer McCarthy presented slides updating the City Council on the Burnham Street and Capital Improvement projects. A copy of the slide presentation is on file in the City Recorder's office.

9:23:24 PM

10. APPROVE INTERGOVERNMENTAL AGREEMENT WITH ODOT ACCEPTING TRANSPORTATION GROWTH MANAGEMENT GRANT FUNDS TO FINANCE THE GREENWAY TRAIL SYSTEM MASTER PLAN

Project Planner Roberts briefly reviewed the staff report. Also present was Parks and Facilities Manager Steve Martin. Staff is seeking approval of an Intergovernmental Agreement with Oregon Department of Transportation accepting \$100,000 to pay for consultants to carry out the Park System Master Plan Study. The City's contribution is for in-kind management and staff time. The consultants have been hired by the Oregon Department of Transportation and consist of a team of three firms: Kittelson & Associates, Alta Planning and Design, and Mason, Bruce and Gerard. A couple of weeks ago, the City Council appointed a citizen advisory committee for this study.

The work scope includes focusing on alignments that would infill gaps within the trail system.

Mayor Dirksen commented that this Intergovernmental Agreement is to produce a master plan and identify gaps in the system to move forward on detailed design and construction. Project Planner Roberts advised this would provide concept-level alignments, not preliminary engineering design.

Motion by Councilor Webb, seconded by Councilor Buehner, to approve the Intergovernmental Agreement with the State of Oregon and the City of Tigard.

The motion was approved by a unanimous vote of Council present.

Mayor Dirksen:	Yes
Council President Wilson	Yes
Councilor Buehner	Yes
Councilor Henderson	Yes
Councilor Webb	Yes

- Response to Citizen Comment from John Frewing by Parks Manager Steve Martin.

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At the request of Mayor Dirksen, Parks and Facilities Manager Martin addressed the question regarding Comprehensive Plan Direction for Open Space and Natural Areas. Mr. Frewing indicated he felt there was a disconnect between the Park System Master Plan and the supporting documentation from the Comprehensive Plan. Council President Wilson said Mr. Frewing said the Parks Board felt that the Comprehensive Plan did not give policy direction to inform the Parks Master Plan relative to open space.

Parks and Facilities Manager Martin said there have been a couple comments on the fact that there is a lot of detail in the capital improvements for developed parks in the Master Plan, but there is not a level of detail in the open space. The feeling was that open space is more of a case of “you get it where it is”; that is, you do not target an open space in the middle of a neighborhood that is all developed. The open space detail was not provided.

Mayor Dirksen commented on a capital improvement plan identifying how dollars will be spent to develop. Open space and natural areas are not developed, so they would not be listed in the capital improvement plan. Mr. Martin said there is a graph listing open space areas to be acquired; however, they do not have a lot of detail. Councilor Buehner referred to previous comments by Mr. Frewing where he indicated he thought open space should be off limits to the public. City Manager Prosser suggested that staff follow up with Mr. Frewing.

9:32:45 PM

- Motion by Council President Wilson, seconded by Councilor Webb, to adjourn the business meeting and convene into a Council Study Session meeting.

The motion was approved by a unanimous vote of Council present.

Mayor Dirksen:	Yes
Council President Wilson	Yes
Councilor Buehner	Yes
Councilor Henderson	Yes
Councilor Webb	Yes

STUDY SESSION:

- Street Maintenance Fee True-up Update (Packet Materials were distributed to the City Council.)

City Manager Prosser said that since the adoption of the street maintenance fee, there were some businesses that raised concerns about the basis of their fee’s calculation. City Council directed staff to do a “true up” on calculations.

Streets and Transportation Project Engineer McCarthy reported on the findings and the methodology used for the true up process. The final results were presented in the City Council’s packet materials before them. He summarized the information contained in the staff report.

Streets and Transportation Project Engineer McCarthy noted some questions. During staff’s review, they found properties that were either vacant or had vacant spaces. The current ordinance places the responsibility on the property owner to apply to the City for a vacancy

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waiver of the fee; however, owners typically have not done so. The Council could offer some sort of a waiver to some of these vacant businesses. There are 120 properties affected and most of these are partial vacancies. The total vacancies would amount to about \$35,000.

Streets and Transportation Project Engineer McCarthy advised that the vast majority of businesses fee calculation base was close, within \$10 per month. Most of the decreases to the street maintenance fee charges would be because of vacancies that businesses have not applied for. Some of the increases in fees were due to reclassifications of type of business being done at the location. Streets and Transportation Project Engineer McCarthy noted that what individual businesses and property owners are paying is confidential information, so no specific businesses will be discussed tonight. Other major increases in the fee were because of new businesses or significant changes in use.

Councilor Henderson announced he has a conflict of interest because of his ownership of the Hudson Plaza. In response to a question from Councilor Henderson, Streets and Transportation Project Engineer McCarthy advised the total amount of residential contribution into the street maintenance fee fund is about \$700,000.

Mayor Dirksen said the true up work was good and would be useful information as a database of information.

Councilor Buehner asked if there would be a need to devote staff time to make sure this information stays up to date. City Manager Prosser said staff has talked about this. Help was provided from a part-time engineering technician for this project and there is no funding in the budget to continue. Additional money has been found as a result of this project. One of the options City Council might consider is whether to take some of the street maintenance fee money to fund a half-time position for monthly checks on building and land use permits to catch new businesses coming in and also to periodically perform drive-by and site visits to maintain the database. This could also help with business license collections.

City Manager Prosser said that because the street maintenance fee is collected through the utility bill, those bills go out on a two-month cycle. Staff needs City Council direction to get this into the system so bills can be issued on July 1. City Council, and staff reviewed the following:

- Properties were found that were being over-charged. Do we want to issue refunds? And, if so, for what period of time?
- What should be done about businesses that were undercharged and if there is to be some charge for what should have been paid to the City, for what period of time? Should there be a phase-in of payment.
- The way the Tigard Municipal Code is written now allows a single water meter property to apply for a suspension of the street maintenance fee when the water meter is turned off due to a vacancy. This is the Code's "vacancy credit." A number of properties were discovered vacant as well as a the situation where there is a single water meter, but there are multiple tenants. Some tenant spaces are vacant and some are not. Under the Code there is no way to do a waiver for multi-tenant spaces using a single water meter. This circumstance would have to be handled by the property owner notifying the City when there is a vacancy and then when the vacancy is filled. A number of vacancies were found during the review for

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this project. We could say that because we know those spaces were vacant, the City would not charge them for a certain time period. Staff was not sure if they would recommend tying this vacant space issue to this project. However, given the economic conditions and vacant properties have been verified, perhaps there could be credit for a set period of time, i.e., six months or a year. Staff would prefer to give credits on utility bills for vacancies. Councilor Webb noted her preference that the time period would be for one year.

- Mayor Dirksen suggested that property owners would need to reapply for the vacancy suspension of the street maintenance fee every year.
- Public Works Director Koellermeier responded favorably to Mayor Dirksen's suggestion and that from this point forward to follow the ordinance where it would be the responsibility of the owner to inform the City of the vacancy. There might be a need for a Code amendment that the waiver be requested annually. There was discussion whether this should be on a yearly basis or every six months. Councilor Henderson said that to get a credit, the unit should be vacant for at least two months to match the billing process. Public Works Director Koellermeier said one approach would automatically reinstate the street maintenance fee charge at the end of a specified period, unless the business reapplied for the waiver.
- Councilor Buehner said she thought six months was more reasonable than every year.
- Mayor Dirksen suggested that a reminder be sent with the bill reminding property owners they have the opportunity to apply for waivers.
- Public Works Director Koellermeier said each of the properties would receive a direct mail piece explaining the calculations.
- Mayor Dirksen recommended credits (rather than a refund) for those businesses that were overcharged. The time period to go back to calculate the credit would be one year.
- Mayor Dirksen suggested that for those properties who would now owe more than \$50, this could be collected by a phase-in.
- In response to a question from Councilor Buehner, Streets and Transportation Project Engineer McCarthy said most of the businesses that have an increase in their fee was because of misidentification of the business use; i.e., retail sales not bulk sales or a new building with higher intensity use. Some undercharges were because of the City's mistake.
- Eight-hundred businesses pay the street maintenance fee and they will all receive individual notices showing their calculation and asking them if the calculation appears to be correct.
- Mayor Dirksen said offering businesses a phase-in of payment of the street maintenance fee would show good will.
- Streets and Transportation Project Engineer McCarthy said several businesses own multiple properties. Mayor Dirksen said each property would need to be considered separately.
- City Manager Prosser recommended that staff implement a phase-in to collect from those businesses that underpaid to be done the same way as the basic fee – over a nine-month period. Streets and Transportation Project Engineer McCarthy clarified that half would be collected in the first nine months and the other half on April 1st. Overpayment, due to inaccuracies, would be handled by issuing credits. There would be no need for adjustments because of changes to businesses. The threshold for issuing credits would be \$10. The adjustments would be based retroactively for one year.

Public Works Director Koellermeier summarized the direction from the City Council:

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- Vacancies found for six months – send letters to explain how to challenge. A waiver would need to be applied for every six months. This is not temporary and would require a Code change. Assistant Finance and IT Director Smith-Wagar clarified that if the water meter is locked off, then the business would not be required to apply for a waiver. Currently, businesses that have water meters off and locked are not being charged a street maintenance fee. Vacancy credits will be from this point forward, not retroactively. Point forward means from the time that the Code change is approved by the City Council.
- Credits will be issued because of inaccuracies on the part of the City.
- The threshold is \$10 per month for credits.
- The City will issue credits retroactively one year.
- Phase-in for payment by businesses that were undercharged will be for inaccuracies that are more than \$50.
- City Council agreed to fund a part-time position with street maintenance fee funds to keep the database current.

ADJOURNMENT: The meeting adjourned at 10:08 p.m.

Catherine Wheatley, City Recorder

Attest:

Mayor, City of Tigard

Date: _____

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