



City of Tigard
Tigard Business Meeting - Minutes

Agenda Item No. <u>3.A.1</u>
Meeting of <u>November 9, 2010</u>

TIGARD CITY COUNCIL & LOCAL CONTRACT REVIEW BOARD

MEETING DATE AND TIME: August 10, 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

Mayor Dirksen called the meeting to order at 6:30 p.m.

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

Staff Present: City Manager Prosser, Public Works Director Koellermeier, Community Development Director Bunch, City Engineer Kyle, Assistant Finance and IT Director Smith-Wagar, Utility Division Manager Goodrich, Senior Project Engineer Murchison, City Recorder Wheatley, City Attorney Ramis

STUDY SESSION

- PRESENTATION OF THE SANITARY SEWER MASTER PLAN

City Engineer Kyle presented the staff report and PowerPoint presentation; copies are on file with the packet material. Key points included:

- In February 2007, the Council authorized the preparation of the Sanitary Sewer Master Plan.
- The project was to be integrated with Clean Water Services' update of the District-Wide Sanitary Sewer Master Plan.
- Tigard's master planning project examines the City's system capacity in more detail than the District-wide study.

An Executive Summary was also provided to the City Council.

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- PRESENTATION OF THE WATER SYSTEM MASTER PLAN

Senior Project Engineer Murchison presented the staff report and PowerPoint presentation; copies are on file with the packet material.

Tigard's Water System Master Plan is a 20-year plan that examines the water system infrastructure and its ability to deliver water to Tigard Water Service Area customers. This Master Plan analyzes the existing system, forecasts demand projections, and integrates the joint water supply with Lake Oswego. The Master Plan recommends two projects that will integrate the joint water supply with Lake Oswego, one project to extend long-term water supply and one project for fire flow deficiencies in the Canterbury Hill area.

The Sewer and Water System Master Plan, advised City Manager Prosser, are scheduled to come before the City Council on September 14, 2010 on the Consent Agenda for Council approval. After brief discussion, the Mayor and Council directed that these Plans be presented during the main business meeting so the public has an opportunity to view the presentation on these core City services.

- ADMINISTRATIVE ITEMS

- City Manager Prosser reported that Councilor Henderson asked that Item 3.5b be removed from the Consent Agenda for discussion. Part of the issue was that the Agenda Item Summary was incorrect and it has been revised. Council received a revised Agenda Item Summary for Item No. 3.5 b. for the LCRB award of contract for the Pavement Management Program Asphaltic Concrete Overlay to Knife River Corporation. The amount of the award was reduced to a not-to-exceed amount of \$475,000, which includes a small projected contingency of about \$17,000. The project was reduced with the removal of two streets: 98th Avenue from Scott Court to Greenburg Road and North Dakota Street from Greenburg Road to 95th Avenue.

Staff will respond to questions on Item 3.5b. at the time the Consent Agenda is considered during the Business Meeting.

- Council Calendar
August 17, Workshop Meeting - 6:30 p.m.
August 24, Business Meeting - Cancelled

City Manager Prosser read the following citation for the Executive Session:

- EXECUTIVE SESSION: The Tigard City Council went into Executive Session at 7:05 p.m. to review and evaluate the City Manager under ORS 192.660(2) (i).

Executive Session concluded: 7:27 p.m.

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1. BUSINESS MEETING

1.1 Mayor Dirksen called the meeting to order at 7:32:34 PM

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:

Mayor Dirksen reported that the Washington County Coordinating Committee met yesterday. There was discussion of a potential MSTIP 4 (a countywide appropriation for highway and road improvements). This was put on the “back burner” because of the economy and the County had implemented a Transportation Development Tax on new development. When this new tax was imposed, it was with the understanding that “the other leg of the stool” would be MSTIP 4 on existing development. The WCCC will move forward with discussions on how an MSTIP 4 appropriation might be formulated but initiation would not take place for a year or more.

Councilor Buehner reported that the Finance and Taxation Committee had a telephone conference meeting this morning. The League of Oregon Cities Board has voted that “Protect Shared Revenues” is the No. 1 priority. The second priority is to review all of the property tax exemptions that exist statewide to determine if they make sense and if there is a set of criteria that can be used. The third priority is to develop a strategy to educate the public about the long-term impacts of Measure 50 and 55 on local jurisdictions and how it is affecting the state budget.

1.5 Call to Council and Staff for Non-Agenda Items: None

2. CITIZEN COMMUNICATION

2.1 Follow-up to Previous Citizen Communication: None

2.2 Tigard Area Chamber of Commerce Update – Executive Director Mollahan presented an update of current events for the Chamber. A summary of her report is on file with the packet materials.

2.3 Citizen Communication – Sign Up Sheet: None

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7:39:58 PM

Mayor Dirksen reviewed the Consent Agenda:

3. CONSENT AGENDA: (Tigard City Council & Local Contract Review Board)
 - 3.1 Receive and File:
 - a. Council Calendar
 - b. Tentative Agenda
 - 3.2 Approve Council Minutes:
 - a. May 25, 2010
 - 3.3 Appoint Donald Schmidt, Current Planning Commission Alternate, to the Planning Commission - Resolution No. 10-41

RESOLUTION NO. 10-41 -- A RESOLUTION APPOINTING DONALD SCHMIDT TO THE PLANNING COMMISSION

- 3.4 Approve an Intergovernmental Agreement with the Tigard-Tualatin School District for the City of Tigard's Participation in Year Three of the Safe Schools Grant and Authorize the City Manager to Sign the Agreement
- 3.5 Local Contract Review Board:
 - a. Award Contract for Purchase of Two Chevrolet/Tahoe Police Vehicles through the State of Oregon Contract
 - b. *Award Contract for Pavement Management Program Pavement Overlay to Knife River Corporation – removed for separate consideration*

Motion by Council President Wilson, seconded by Councilor Webb, to approve the Consent Agenda, with Item No. 3.5 b removed for separate discussion.

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

Discussion of Item 3.5b:

Councilor Buehner advised she would recuse herself from discussion of 3.5b because one of the contractors is a family relation. Mayor Dirksen suggested Councilor Buehner recuse herself from the vote on this item, but not the discussion.

Councilor Henderson said there was a revision to the original staff report and he asked staff to explain the changes. Senior Management Analyst Barrett explained that when the original bids were received, they far exceeded the City Engineer's estimate along with what was left of the budget appropriations. After examining all the information for this item, the size of the project needed to be reduced to fit within budget appropriations. Senior Management Analyst Barrett referred to the revised Agenda Item Summary, which reflects

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removal of two of the streets from the original project. Those streets are: 98th Avenue from Scott Court to Greenburg Road and the North Dakota Street from Greenburg Road to 95th Avenue. By removing these two streets, the total contract award is reduced by about \$75,000. The award amount along with a small contingency of \$17,000 equals \$475,000.

In response to a question from Councilor Henderson, Senior Management Analyst Barrett explained they have not talked with the contractor yet. If the Council approves this item, staff can begin the negotiations with the contractor.

In response to a question from Councilor Henderson, Senior Management Analyst Barrett advised this was not a lump sum contract; it is a unit-priced contract. Staff is able to negotiate terms to reduce linear feet/miles.

Senior Management Analyst Barrett commented on the difference between the Engineer's Estimate and the bids received. Since February, asphalt prices have increased about 18.5 percent, which is greater than what staff anticipated.

Councilor Henderson reported his review of this bid. He noted the widespread range in mobilization numbers among the bids received. Senior Management Analyst Barrett said staff often sees varying amounts proposed in mobilization figures, possibly because this is where the contractors place their profit margin for the contract.

Councilor Henderson commented that Senior Management Analyst Barrett and Streets and Transportation Senior Project Engineer McCarthy participated in the bid process; however, he did not see where Senior Management Analyst Barrett also signed off on the staff report. He asked about the staff procedures. Senior Management Analyst Barrett commented on the newness of the agenda management software. Typically, he reviews agenda items proposed for the Local Contract Review Board. For this agenda item, the time schedule was compressed and all the reviews were done in just a few hours. Assistant Finance and IT Director Smith-Wagar also reviewed this agenda item before it went to City Manager Prosser. The City Manager explained that the review process for items created in the new software. The approvals route is from the originator to supervisor, and to the Department Director. If the item has a financial impact, it goes to the Finance Department and if it is an LCRB item, it goes to Senior Management Analyst Barrett before it goes to the Finance Director. The item then goes to the City Recorder before it comes to the City Manager for final sign-off.

Senior Management Analyst Barrett commented on changes to the process where the plan is to request bids much earlier next year than we did this year.

In response to a question from Councilor Henderson about budget appropriations. Assistant Finance and IT Director Smith-Wagar said this item was funded from the Street Maintenance Fee Fund.

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In response to a question from Councilor Henderson about the Garrett slurry pavement overlay commitment for \$335,000, Senior Management Analyst Barrett advised this was two projects. One is the standard Pavement Management Program (a component of the slurry seal program). The other project was for \$10,000 for the Garrett Street overlay. Streets and Transportation Senior Project Engineer McCarthy advised we received a grant to add a sidewalk and those bids were low, so money was left from the grant that was used to pay for most of the Garrett Street overlay, with the remaining costs paid through the Street Maintenance Fee fund. City Manager Prosser explained the accounting procedures; the total appropriation was a combination of Street Maintenance Fee funds and grant funds.

In response to a request for clarification from Councilor Henderson, Mayor Dirksen offered that \$1.2 million is the total revenue within the Street Maintenance Fee. The Pavement Management Program is a component of projects to be funded by the Street Maintenance Fee; another component is the Slurry Seal Program. Streets and Transportation Senior Project Engineer McCarthy added that the Street Maintenance Fee revenues would be increasing this year because of an increase to the fee. For paving projects, the money will not be spent until it is received. The \$1.2 million will be collected over the course of FY 10/11. We are spending this year what was collected in FY 09/10, which is budgeted at \$840,000 and, of that, \$12,000 is marked for right-of-way maintenance. Of the \$827,900 amount allocated for paving, \$315,000 is for the Slurry Seal Program that was on the Consent Agenda two weeks ago. About \$10,000 is for the remainder of the overlay on Garrett Street. Staff is now requesting \$475,000 for the Pavement Overlay Program.

7:51:29

Mayor Dirksen said it is his understanding, from reading the original Agenda Item Summary, that the Engineer's Estimate was \$458,000, which was within the appropriations. But, the lowest bid was \$533,000 and in excess of the available appropriation money. The Mayor said he now understands that with the removal of the two projects (revised Agenda Item Summary), the amount requested is \$475,000. Is this within the limit of the appropriation for the year? Senior Management Analyst Barrett responded, "Yes, it is."

Councilor Henderson said that after the Council considers this item and at a later time, he would like to review information to determine what the Street Maintenance Fee looks like. He added that he hoped staff was working with the contractor to make sure he could do the project. In response to a question from Councilor Henderson, Senior Management Analyst Barrett explained the contingency number was selected to make the project around \$475,000. After this is appropriated, there will be \$25,000 remaining in the Street Maintenance Fee Fund.

Streets and Transportation Senior Project Engineer McCarthy advised Councilor Henderson that the contract documents were prepared in-house. Senior Management Analyst Barrett advised there are budget appropriations in the Fund for staff time.

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Motion by Mayor Dirksen, seconded by Councilor Webb, to approve the contract award for the Pavement Management Program Pavement Overlay to Knife River Corporation.

The motion passed by a majority vote of Council present. Councilor Buehner did not participate in the discussion nor did she vote on this item.

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

7:54:38 PM

4. LEGISLATIVE PUBLIC HEARING TO CONSIDER ADOPTION OF REVISED FINDINGS FOR THE URBAN FORESTRY COMPREHENSIVE PLAN AMENDMENT - CPA2008-00002

APPLICANT: City of Tigard, 13125 SW Hall Boulevard, Tigard, OR 97223

REQUEST:

To re-adopt the Comprehensive Plan Amendment pertaining to Tigard's Urban Forest, subject to new findings of fact.

LOCATION: Citywide

ZONE: All City zoning districts

APPLICABLE REVIEW CRITERIA:

Community Development Code Chapters 18.380 and 18.390; Comprehensive Plan Chapters Citizen Involvement, Land Use Planning, Natural Resources and Historic Areas, Environmental Quality; Hazards, Parks, Recreation, Trails & Open Space; Economic Development, Housing, Public Facilities and Services; Metro Functional Plan Titles 3 and 13; and Statewide Planning Goals 1, 2, 4, 5, 6, 7, 9, 10, 11 and 13.

- Mayor Dirksen opened the public hearing.
- Review Hearing Procedures: City Attorney Ramis reviewed the hearing procedures.
- Declarations: Does any Council member wish to declare or discuss a conflict of interest or abstention. None.
- Staff Report: Associate Planner Floyd gave the staff report and a copy of the written report is on file with the packet materials. 7:58:50 PM
- Public Testimony
 - John Frewing, 7110 SW Lola Lane, Tigard, Oregon testified. His testimony included the following:

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- Concerned that there has been a two-year hiatus on this section of the Comprehensive Plan update and, as a citizen, he does not know what has transpired during that time.
- He does not know what the stipulated agreements are as referenced in the Agenda Item Summary. The public ought to be able to review these agreements before this item is considered by the City Council.
- He asked if the Council has reviewed the stipulated agreements.
- He was concerned about what was decided for the Homebuilders and asked how the HBA issues were settled.
- While the Comprehensive Plan language has not been changed, the findings are amended. He pointed out that the findings author the intent and because the findings support the policies, they can be used to argue a land use case to support the policy. He does not have a copy of the old findings vs. the new findings. These should be available for comparison.

Council President Wilson said Mr. Frewing’s concerns are valid and he had similar questions for staff. He said he wants to confirm with staff that the Homebuilders took issue with the Goal 5 language, with particular interest in the first paragraph, Page 4 of the findings, where it says:

The proposed Urban Forest Policy does not amend the City’s acknowledged Goal 5 Program or inventories. The Urban Forest Policy is aspirational and descriptive in nature in intent and effect...

These conflicts are historical and the discussions revolved around whether some of the Comprehensive Plan language is regulatory. Council President Wilson said he sees the proposed changes as “housekeeping” to avoid litigation and our intent is unchanged.

Associate Planner Floyd said the intent has not changed and these are housekeeping measures. The Homebuilders saw weaknesses in the previous findings; these updated findings are intended to avert litigation.

Associate Planner Floyd referred to Mr. Frewing’s testimony about the stipulated agreements. These agreements are in the file and are basically for extensions of time to file the record, which never occurred. City Attorney Ramis further explained that there was a criticism leveled by the Homebuilders that the findings did not explain clearly the intentions with respect to aspirational and regulatory aspects. The findings lay that out. The Homebuilders made the point that they understood the staff’s intention, but the language of the findings was not clear enough. These findings are an attempt to clarify.

City Attorney Ramis referred to the stipulations and agreements and confirmed that staff is correct. There are some stipulations by which we extended the time so that the Homebuilders and the staff could continue to have their conversations. Later, there was a stipulation whereby the City remanded the decision so the jurisdiction was back before the City Council. The idea was to address the litigation through conversation and exchange and

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then bring the issue before the City Council rather than to spend the money and time on litigation.

Mr. Frewing referred to Associate Planner Floyd's comment that there were findings on four of the statewide goals and now there are findings on six or eight; there are findings on some new goals. Mr. Frewing said he does not oppose this, but the wording gives a lot to the Homebuilders and not much to the citizens of Tigard. As an example, he referred to Statewide Planning Goal 10 (Page 6 of 19):

These goals and policies do not reduce the amount of buildable lands available nor require a lowering of allowable densities.

Mr. Frewing said there might be some forested lands or groves of trees, where the Code does not allow development. He said it looks to him as if the Homebuilders have tried to tighten up the provisions that favor their interest in getting the highest number of houses on a piece of land.

Mr. Frewing noted that Goal No. 9, Economic Development, says *this new policy calls for flexibility in development standards and appropriate tree planting requirements to ensure that the urban forest is sustained and in a manner that does not discourage investment or economic activity.* Mr. Frewing said that he thinks that saving trees in Tigard might, in fact, inhibit some particular development or economic activity. He said, "This is just another case where I think the HBA has squeezed in words here so that when we get down to an argument on some development years from now – if we're still alive – they will point to these words for support."

City Attorney Ramis said he wanted to be very clear on one point. This language was not vetted with the HBA; they did not offer this language. This is our staff's description of their intention that backs up the language of the Comprehensive Plan.

Councilor Buehner said it was important to recognize that these comments were made in other chapters of the Comprehensive Plan. Staff has reiterated the language that was included in other chapters and included that language in these findings.

In response to a question from Mr. Frewing whether staff agrees with Councilor Buehner's statement above, Associate Planner Floyd said these are broad aspirational goals and they do link into other goals and policies in the Comprehensive Plan. Mr. Frewing asked if these words were in the Comprehensive Plan in the findings under Goals 9 and 10 noting that 9 and 10 do not relate to trees. Mr. Floyd said that specific references to other sections of the Comprehensive Plan come later in the findings. In terms of what is before the Council tonight, these findings are bolstered by the annotated bibliography, which was also linked in support of the proposed revised findings. The language is broadly linking to the themes of the Comprehensive Plan in other areas.

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8:16:32 PM

- Staff Recommendation: Associate Planner Floyd said the staff recommends Council readopt the Urban Forest Comprehensive Plan text amendment as previously approved under Ordinance No. 08-08, subject to new findings contained in the Staff Report, Exhibit A, with any alterations that may be determined necessary through the public hearing process.
- Council Discussion

8:17:07

Councilor Webb supports the language as proposed by staff; noting similarities to what had been approved in 2008.

Councilor Buehner said she sees this predominately as a housekeeping item to avoid the expense of a LUBA process. The changes to the findings are de minimis and will save the public the cost of a LUBA appeal and take care of the HBA concerns.

Councilor Henderson asked if this had become a bottleneck in the Comprehensive Plan implementation. Associate Planner Floyd characterized this item as a “hanger on” where we needed to establish a firm legislative foundation for urban forestry. The Urban Forestry Program Development Code amendments are underway with discussions now at the Citizens Advisory Commission, so it is important to take care of this matter in a timely fashion. Mayor Dirksen said this is a good point. We have a task force in place that is looking at potential code amendments and they cannot fully address the matter until this legislative basis is in place.

Council President Wilson agreed this matter was essentially a housekeeping item. He said he appreciated Mr. Frewing’s comments to assure open and honest governance. He said he supported the recommendation of staff.

8:20:12

- Council Consideration: Ordinance No. 10-11

Motion by Councilor Webb, seconded by Council President Wilson to adopt Ordinance No. 10-11.

ORDINANCE NO. 10-11 -- AN ORDINANCE READOPTING COMPREHENSIVE PLAN AMENDMENT CPA 2008-00002 TO ADD GOALS, POLICIES, AND RECOMMENDED ACTION MEASURES PERTAINING TO STATEWIDE PLANNING GOAL 2, AS ORIGINALLY ADOPTED IN ORDINANCE 08-08

The motion was approved by a unanimous vote of Council.

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

8:21:41 PM

5. RECEIVE COMPREHENSIVE PLAN PERIODIC REVIEW UPDATE

- Staff Report was presented by Senior Planner Wyss. A copy of the staff report is on file in the meeting packet material. The work program for the periodic review was approved by the Department of Land Conservation and Development on April 15, 2010. Per the ORS the City now has three years to complete the work program (April 15, 2013). He reviewed the tasks included in the work program and the schedule to complete the review.

The Planning Commission will be acting as the Advisory Committee for the periodic review. The Commission has already reviewed the materials for Task 1 and will meet in September to review Tasks 2 and 3 and the initial analysis of Task 4. The Commission will meet at their regular monthly meetings with the periodic review on their agenda throughout the remainder of the process with the goal to come up with an Economic Opportunities Analysis that suits the City's needs.

Senior Planner Wyss said he would return to the City Council in a few months for an update on the process.

8:27:45

- Council Discussion

Councilor Buehner asked when the remaining tasks would be undertaken as part of the Periodic Review. Senior Planner Wyss responded with the following timeline:

- Population and Housing Review – will be done this autumn and anticipates that it will be submitted by the end of the calendar year.
- Downtown Development Standards – will be done in the next couple of weeks.
- Economic Opportunities Analysis – will be submitted upon its completion around next May or June.
- Public Facility Plan – referred to the recent update of the Water and Sewer Master Plans as well as a scheduled update on the Transportation System Plan (to be submitted as a task by the end of this calendar year). All the information for these Plans along with the Storm Water Master Plan will be compiled and scheduled for completion by December 2012.
- Population Forecast and Coordination with Metro – is a standard work task that is identified for all Metro jurisdictions and assures that Metro is given information to assure that all jurisdictions are working under the same forecasting.

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Councilor Buehner noted that when working on the Urban and Rural Reserves Process, some parameters were established regarding population projections. She asked if we will have updated projections at the time we work on the Periodic Review, or will we be still be operating on the projections done for the 2009/10 study? Senior Planner Wyss said his understanding was that Metro is just finishing their forecast and starting the next model phase, so we will operate under the *point forecast* during our periodic review.

In response to a question from Councilor Henderson, Senior Planner Wyss advised that Periodic Review is supposed to occur every five-seven years. It has been the early 1990's since Tigard has gone through Periodic Review along with most other jurisdictions because of state funding issues. According to the Oregon Revised Statutes, once the Work Program is approved by the Department of Land Conservation and Development (DLCD), this is when the three-year clock begins. Councilor Henderson asked if the \$35,000 was adequate to fund this program. Senior Planner Wyss advised this amount was adequate; no matching funding was required by the City. The match is for staff and materials. The City will be doing much of the mapping and GIS analysis and because we update the buildable lands inventory every year, we already have that information.

In response to a question from Councilor Henderson about the format of the report, Senior Planner Wyss explained that each task is submitted separately to DLCD for compliance review and, if complete, the task will be removed from the work program.

- Mayor Dirksen asked for a procedural check saying he realized he did not officially close the previous public hearing. City Attorney Ramis advised this did not warrant procedure prejudice and no additional City Council Consideration was necessary.

6. RECEIVE UPDATE ON CAPITAL IMPROVEMENT PROJECTS

Staff presentation was reviewed on the following projects; a copy of the presentation is on file with the Council packet materials.

- 10 Million Gallon Reservoir Improvement and Transfer Pump Station Project (Presentation by City Engineer Kyle and Senior Project Engineer Murchison)
- Pacific Highway/ Greenburg Road/ Main Street/ and Hall Blvd intersection upgrade (Presentation by Streets and Transportation Senior Project Engineer McCarthy)

8:55:02 PM

7. CONSIDER AN ORDINANCE AMENDING THE TIGARD MUNICIPAL CODE TO ESTABLISH A PLANNING COMMISSION SUBCOMMITTEE AS THE DOWNTOWN DESIGN REVIEW BOARD AND CONSIDER A RESOLUTION TO APPOINT MEMBERS

Redevelopment Project Manager Farrelly presented the staff report.

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The issue before the Council was: *Shall Council approve an ordinance amending the Tigard Municipal Code Chapter 2.08 to establish a subcommittee of the Planning Commission to serve as the Downtown Design Review Board and approve a resolution appointing Planning Commissioner Karen Ryan and Planning Commission Alternates Donald Schmidt and Richard Shavy as members of the Design Review Board?*

Staff believes only a few applicants would choose the Downtown Review Board process for approval of their projects and most would choose the Type II decision path.

Creating a Downtown Design Review Board is a long-term goal; however, a separate board would have little to do. As an interim measure, staff recommends a subcommittee of the Planning Commission be designated as the Downtown Design Review Board.

Redevelopment Project Manager Farrelly reported there is an error in the staff report. The second paragraph in the Key Facts section of the Agenda Item Summary, it states that the subcommittee would make a recommendation to the Planning Commission but, in fact, the Design Review Board would have the authority to issue final orders. The ordinance contains the correct language.

The Planning Commission reviewed this course of action a couple of months ago and expressed support. Planning Commissioners Karen Ryan, Donald Schmidt along with Alternate Planning Commissioner Richard Shavy have volunteered to serve on this board.

An emergency is being declared for the ordinance should someone decide to use this procedure.

Councilor Buehner asked City Attorney Ramis if specific language was needed in the ordinance regarding the alternate member of the Planning Commission having voting rights on the Board. After discussion, City Attorney Ramis concluded the language as proposed is adequate.

- Council Consideration: Ordinance No. 10-12 and Resolution No. 10-42

Motion by Councilor Webb, seconded by Councilor Buehner, to adopt Ordinance No. 10-12.

ORDINANCE NO. 10-12 -- AN ORDINANCE AMENDING THE TIGARD MUNICIPAL CODE CHAPTER 2.08 AUTHORIZING THE TIGARD CITY COUNCIL TO APPOINT A SUBCOMMITTEE OF THE PLANNING COMMISSION TO SERVE AS THE DOWNTOWN DESIGN REVIEW BOARD FOR THE OPTIONAL TYPE III-C DISCRETIONARY DESIGN REVIEW PROCEDURE AS SPECIFIED IN THE TIGARD DEVELOPMENT CODE AND DECLARING AN EMERGENCY

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

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

Before consideration of Resolution No. 10-42 Councilor Buehner noted the language in the resolution title should be revised to identify Donald Schmidt as a Planning Commission member and not an alternate. Mr. Schmidt was appointed to the Planning Commission earlier this evening.

Motion by Councilor Buehner, seconded by Council President Wilson appointing Planning Commissioners Karen Ryan and Donald Schmidt and Planning Commissioner Alternate Richard Shavy as members of the Downtown Design Review Board.

RESOLUTION NO. 10-42 -- A RESOLUTION APPOINTING PLANNING COMMISSIONER KAREN RYAN AND DONALD SCHMIDT AND PLANNING COMMISSION ALTERNATES RICHARD SHAVEY AS MEMBERS OF THE DOWNTOWN DESIGN REVIEW BOARD

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

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

9:04:18

8. CONSIDER WHETHER TO CALL A PUBLIC HEARING ON SEPTEMBER 14, 2010, FOR BOUNDARY CLARIFICATION BETWEEN THE CITY OF TIGARD AND THE TUALATIN VALLEY WATER DISTRICT

- Utility Division Manager Goodrich presented this agenda item. This is before the City Council to consider whether to call a public hearing for a boundary clarification. In November 2009 and December 2009 the Council reviewed and approved the withdrawal of territory from the Tualatin Valley Water District. One property, however, was omitted from the prior process, which must be redone to include the property. Staff is requesting to schedule a public hearing on September 14.

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Motion by Mayor Dirksen, seconded by Councilor Buehner, to set a public hearing to consider the proposed ordinance to withdraw territory from the Tualatin Valley Water District.

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

9. COUNCIL LIAISON REPORTS: None

10. NON AGENDA ITEMS: None

11. EXECUTIVE SESSION: Not held

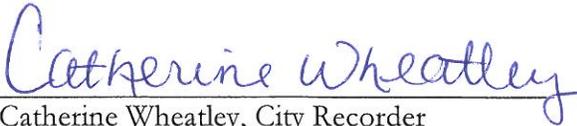
9:06:44 PM

12. ADJOURNMENT

Motion by Council President Wilson, seconded Councilor Webb, to adjourn the meeting.

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

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


Catherine Wheatley, City Recorder

Attest:



Mayor, City of Tigard

Date: 11.9.2010

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