



City of Tigard

Tigard Business Meeting - Minutes

Agenda Item No. 3.A.3
 Meeting of November 9, 2010

TIGARD CITY COUNCIL

MEETING DATE AND TIME: September 28, 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

◆ STUDY SESSION

Mayor Dirksen called the meeting to order at 6:31 p.m.:

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

Staff Present: City Manager Prosser, Assistant City Manager Newton, Public Works Director Koellermeier, Finance and Information Services Department Director LaFrance, Parks Facilities Manager Martin, Community Development Director Bunch, City Attorney Hall

- Discuss Intergovernmental Water Board Intergovernmental Agreement

Public Works Director Koellermeier reviewed this agenda item and historical background on this agenda item with the City Council. Key points included:

- The original Intergovernmental Agreements (IGA) between Tigard and the cities of Durham, King City and the Tigard Water District were executed January 1994 and amended June 2006. The Durham IGA was also amended December 1999. Tigard has an agreement with each city individually.
- This IGA addresses all the operational issues between the parties that compose the IWB.
- The Intergovernmental Water Board (IWB) proposes to update the IGA and combine all the agreements into one agreement between the City of Tigard and the other Parties.
- The IWB has discussed the IGA extensively and submitted the amended and restated IGA to Tigard staff.
- Tigard staff and the City Attorney have suggested further revisions dealing with operational issues, policy issues previously considered by the Tigard City Council, and management of the future debt to be issued by Tigard.
- The IWB will discuss the Tigard staff revisions at their October 13 meeting.

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- This will be coming back to the City Council for further review and consideration.

Public Works Director Koellermeier led the City Council members through a review of the draft of the Intergovernmental Agreement and pointed out substantive issues. The draft Intergovernmental Agreement is on file in the meeting packet materials.

Council and staff discussion included the following:

- Council President Wilson was unable to be at tonight's meeting, so Public Works Director Koellermeier relayed Council President Wilson's comments to the City Council:
 - Tigard needed "...for a good reason an exit clause, other than perpetual."
 - Questioned the payments, but Public Works Director Koellermeier explained the surcharge concept, and this appeared to be satisfactory to Council President Wilson.
 - Council President Wilson told Public Works Director Koellermeier that whatever changes were made, that Tigard's position would not be diminished for annexations. The City Attorney and Community Development Director Bunch have worked on this area of the Intergovernmental Agreement to develop language.
 - City Manager Prosser noted that Exhibit 1 will need clarification language regarding boundaries, which are subject to change in the future.
 - An outstanding issue, per Public Works Director Koellermeier, is how will the improvements that Tigard will be developing in its partnership with Lake Oswego be handled. The issue is that since ratepayers outside of the City of Tigard will be contributing revenue, the thought is by the other partners of the IWB that the improvements should become system assets. Tigard staff members note that those parties are not taking any of the risk. Public Works Director Koellermeier said that is why the current boundary language is explicit to note that any improvements that happen outside the current boundary (most of the Lake Oswego improvements) will not automatically become system assets. City Manager Prosser added that Lake Oswego has made it clear that they want the partnership with the City of Tigard and not with the IWB. There was discussion on this language. Public Works Director Koellermeier clarified that in the new agreement Tigard staff suggested that each party would pay for their share even though the bonds are secured by the rates. This is still an issue under negotiation.
 - Mayor Dirksen said he wished the other parties were reviewing this at the same time as the City Council so the City Council could hear of any concerns they might have. Public Works Director Koellermeier said the next step is to bring back any strong points the City Council might have as the discussion goes forward to the IWB with the most recent changes. This matter will likely be before the City Council another couple of times.
- Administrative Items
- Reviewed December Council meeting schedule:
 - December 14 - Business Meeting
 - December 21 - Workshop Meeting

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- December 24 - Friday - Christmas Holiday Observed (City Hall offices closed)
- December 28 - Business Meeting

At this time, City Council preference is to keep the Council schedule and hold all three meetings in December. If an agenda has only a few items, City Council might consider combining a meeting and cancelling one meeting.

- Poll Council for preference for receipt of monthly board and committee meeting minutes -- online or paper copy?

Staff will check feasibility of adding board and committee meeting minutes to the council packet disk(s) or sending City Council members an email with a link to the meeting minutes on the City's website. Councilor Buehner prefers paper copy for review.

- Council Calendar
 - October 5 - Town Hall Meeting - 7 p.m. – Per City Attorney Ramis' recommendation and because a quorum could be present at this meeting, Councilor Webb advised she would take meeting notes for the record.
 - October 12 - Business Meeting (6:30 Study Session; 7:30 Business Meeting)
 - October 19 - Workshop Meeting (6:30 p.m.)
 - October 26 - Business Meeting

City Manager Prosser stated the reason for the Executive Session as noted below:

◆ EXECUTIVE SESSION: The Tigard City Council went into Executive Session at 6:54 p.m. to discuss real property transaction negotiations and for consultation with legal counsel regarding potential litigation under ORS 192.660(2) e and h.

Executive Session concluded at 7:28 p.m.

1. BUSINESS MEETING

A. Mayor Dirksen called the meeting to order at 7:33:30 PM

B. Roll Call

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

C. Pledge of Allegiance

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- D. Council Communications & Liaison Reports: Councilor Henderson advised he would have a report at the end of the meeting.
- E. Call to Council and Staff for Non-Agenda Items: None

7:34:41 PM

2. CITIZEN COMMUNICATION: None

A. Follow-up to Previous Citizen Communication:

On September 14, 2010, Ellen Witham requested clarification regarding the City’s regulations about having chickens in the City of Tigard; she has chickens on her property and wants to keep them. City Manager Prosser reported Community Development Department staff is working with the City Attorney’s office to review language in the Code to determine if there appears to be a need to clear up ambiguity with regard to livestock regulations. The question of urban chickens will be presented to the Neighborhood Networks for their input. Chickens are allowed with restrictions.

7:35:19 PM

B. Citizen Communication – Sign Up Sheet – None

7:39:15 PM

Mayor Dirksen reviewed the Consent Agenda:

- 3. CONSENT AGENDA: (Tigard City Council) These items are considered routine and may be enacted in one motion without separate discussion. Anyone may request that an item be removed by motion for discussion and separate action.
 - A. Approve Submittal of an Application for Community Development Block Grant Funds to Finance Sidewalk Improvements on Frewing Street - Resolution No. 10-50
 - B. Amend the Master Fees and Charges Schedule to Adopt a Flat Fee for the Installation of Prescriptive Solar Photo-Voltaic Systems - Resolution No. 10-51

Motion by Councilor Webb, seconded by Councilor Buehner, to approve the Consent Agenda.

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

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

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7:40:11 PM

4. PUBLIC HEARING - SUPPLEMENTAL APPROPRIATION AMENDMENT TO FY 2011 BUDGET: FORWARD FROM PRIOR FISCAL YEAR AND RECOGNIZE REVENUE FROM AMERICAN RECOVERY AND REINVESTMENT ACT

Finance and Information Services Department Director LaFrance presented the staff report. The issue before the Council was:

Supplemental appropriation to amend the FY 2011 Adopted Budget including the carry forward of items from the prior year that need to be appropriated this fiscal year. In addition, the city needs to recognize revenue provided by the American Recovery & Reinvestment Act (ARRA) to be utilized in the Capital Improvement Program (CIP).

Details of the proposal are contained in the Agenda Item Summary and resolution submitted to the City Council.

The public hearing was conducted. There was no public testimony.

City Council considered Resolution No. 10-52.

Motion by Councilor Webb, seconded by Councilor Buehner, to adopt Resolution No. 10-52.

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

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

7:54:06 PM

5. CONSIDER ORDINANCE ADOPTING TUALATIN VALLEY FIRE & RESCUE ORDINANCE NO. 10-02 ADOPTING THE OREGON FIRE CODE AND REPEALING CITY OF TIGARD ORDINANCE NO. 07-18

Building Official VanDomelen and TVF&R Staff Liaison to the City of Tigard John Dalby presented the staff report information to the City Council, which is summarized in the Agenda Item Summary for this agenda item.

The issue before the City Council was:

Consider approving an ordinance to adopt Tualatin Valley Fire and Rescue (TVF&R) Ordinance 10-02 adopting the 2010 Oregon Fire Code and repeal City of Tigard Ordinance 07-18.

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City Council considered Ordinance No. 10-14.

Motion by Councilor Buehner, seconded by Councilor Webb, to adopt Ordinance No. 10-14.

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

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

8:00:53 PM

6. LEGISLATIVE PUBLIC HEARING CONTINUED FROM SEPTEMBER 14, 2010 - CONSIDER ADOPTING USE CLASSIFICATION DEVELOPMENT CODE AMENDMENT (DCA2010-00004)

REQUEST: The City of Tigard proposes to amend Community Development Code Chapter 18.130 in a manner that redistributes and clarifies the descriptive nature of each use classification. Allowed, restricted, or non-allowed uses are not being substantially affected with the exception of uses categorized as Personal Services and Repair-Oriented-Retail. Proposed changes will also clarify the distinction between primary and accessory uses. LOCATION: Citywide. ZONE: Citywide. APPLICABLE REVIEW CRITERIA: Community Development Code Chapters 18.130, 18.380 and 18.390; Comprehensive Plan Goals 1, Public Involvement; Goal 2, Land Use Planning; Goal 9, Economic Development; Goal 10, Housing; and Statewide Planning Goals 1, 2, 9 and 10. The proposed amendments are available for review at http://www.tigardor.gov/city_hall/departments/cd/code_amendment.asp.

8:03:05 PM

The hearing was convened by Mayor Dirksen. No additional public testimony was received as this portion of the hearing concluded on September 14, 2010. Associate Planner Floyd presented the three changes as discussed by the City Council on September 14, 2010, which are summarized in the Agenda Item Summary submitted to the City Council. City Council considered Ordinance No. 10-15.

Motion by Councilor Webb, seconded by Councilor Buehner, to adopt Ordinance No. 10-15.

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

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

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7. COUNCIL LIAISON REPORTS

Councilor Henderson presented a report on activities at the recent League of Oregon Cities conference. Items he reviewed included the governor's debate, upcoming legislative issues, new rules on urban renewal formation, and sustainability.

8. EXECUTIVE SESSION: Not held.

9. NON AGENDA ITEMS: None

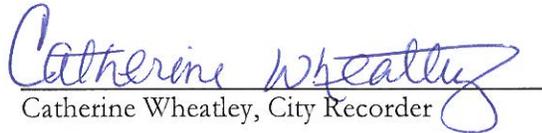
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10. ADJOURNMENT:

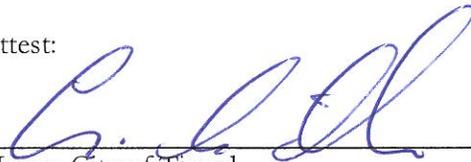
Motion by Councilor Webb, seconded by Councilor Buehner, to adjourn the meeting.

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

Mayor Dirksen	Yes
Council President Wilson	Absent
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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