



City of Tigard
Tigard Business Meeting – Minutes

**TIGARD CITY COUNCIL AND
 CITY CENTER DEVELOPMENT AGENCY**

MEETING DATE AND TIME: October 26, 2010 - 6:30 p.m.
MEETING LOCATION: City of Tigard - Town Hall - 13125 SW Hall Blvd.,
 Tigard, OR 97223

- **STUDY SESSION**

Mayor Dirksen called the meeting to order at 6:30 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, City Recorder Wheatley, Community Development Director Bunch, Assistant Community Development Director Harnett, Associate Planner Floyd, Public Works Director Koellermeier, Library Director Barnes

City Manager Prosser announced the Executive Session:

- **EXECUTIVE SESSION:** The Tigard City Council went into Executive Session at 6:30 p.m. to discuss pending litigation with legal counsel under ORS 192.660(2)(h). All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(4), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.

After the Executive Session, the City Council met in Study Session:

- Discussion of the West Bull Mountain Concept Plan. Community Development Director Bunch provided the City Council with background information:
 - Open House scheduled for October 27.

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- Councilor Buehner will attend and plans to testify.
- Referred to a flyer from the County website regarding West Bull Mountain. City Council also reviewed the timeframe for the Plan, which is one year behind schedule because of the need to go through the Urban Rural Reserve process.
- A community forum is scheduled for January.
- The Concept Plan is characterized as a non-land use activity and, therefore, the final resolution will cannot be appealed.
- Community Development Director Bunch advised of Tigard's dissatisfaction with what is occurring.
- Once the Concept Plan resolution is adopted, the Community Plan will be developed. The Community Plan will contain all regulations; i.e., zoning, street standards, etc.
- When the County was asked about governance, they advised they would be looking at all options, including the formation of service districts to provide services.
- Community Development Director Bunch reviewed the elements of the Concept Plan.
- The Plan represents a predominantly residential area with a small commercial center.
- Community Development Director Bunch advised he approached the Plan from a policy perspective. Governance is still the most significant issue.
- Tigard and other jurisdictions are opposed to unincorporated urban development.
- County staff members have repeatedly advised representatives from other jurisdictions that the Board of Commissioners want the Concept Plan to be developed without talking about governance. Governance will be discussed when the Community Plan is developed. The concern is that there is no certainty that this will be discussed at that time.
- Throughout the Concept Plan, there are references to using service districts for parks and other kinds of infrastructure.
- All but two individuals voted that Tigard should be the water provider; there is no mention of this in the Concept Plan. The Plan says the water provider has not been identified.
- Governance is important. If Tigard, in the future, becomes the governance provider, we would be expected to accept the County plan and a set of County standards and ordinances. These are inconsistent with how we operate our land-planning. It is inconsistent with the City of Tigard's Transportation System Plan, Parks Master Plan, etc.
- The Plan calls for the County to enter into an Intergovernmental Agreement with the City whereby the City could implement the Concept Plan.
- City Manager Prosser advised there was deleted language regarding a requirement that before a City annexes any of the areas within the Concept Plan the City would enter into an Intergovernmental Agreement with the County. The Plan now recommends that Urban Services Plan be amended, for which the City would have the options of agreeing to do or not.
- Community Development Director Bunch expressed his discomfort with assurance from County staff to not be concerned because this is a "just a concept." He said he is worried that the Concept Plan will be the primary determinant with regard to how

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the Community Plan will be developed resulting with Tigard being boxed in from a political standpoint. Metro says that once an area comes into the City, the City has the ability and right to proceed as the City deems appropriate. Community Development Director Bunch said, the question is “Do we want to get set up early in the process...and be locked into a particular land-use path.”

- Community Development Director Bunch advised he has another concern in that this Plan exists only in the context of Bull Mountain and West Bull Mountain. Previously, planning was done within a metropolitan context based on where jobs are and the location of major arterial and collectors streets. There is no definition of context with this Plan. There is no recognition that the area abuts Tigard’s urban services boundary.
- The County has gone through an infrastructure analysis. Costs are staggering for transportation, water, sewer, and storm water. Technical appendices are not referenced within the Concept Plan.
- To proceed, it is important that all the players have a firm grasp of the infrastructure costs, how it is addressed in stages, how it is financed over time, and who possesses the capability to address them.
- Community Development Director Bunch said the lack of substance within the Concept Plan is troublesome.
- Councilor Buehner referred to potential development and the impact it will have on the traffic system.

Mayor Dirksen referred to the upcoming open house on the Concept Plan. Concerns on the part of the City include:

- The Plan does not address the impacts to the transportation infrastructure to the surrounding communities.
- The Plan does not address the issue of governance; that is, who is going to provide and finance the public infrastructure (streets, parks, trails).
- The one small commercial district provided for within the Plan appears to be located based on the fact that is in the middle of the planning area, rather than locating it at the intersection of major streets, which would provide transportation access.

Council President Wilson added he had a criticism in that if Tigard were to plan this in the context of the City, we would transfer some of the density from the Plan area to places where it would be better served (Triangle and Downtown). He noted there is no bus service for the area.

Councilor Webb pointed out that there was a Bull Mountain Community Plan and Tigard followed it as it was developed. No one had a complete grip on how development was occurring. No planning document was formally adopted. Mayor Dirksen said the Bull Mountain Community Plan was referred to as if had the rule of law, yet it was only a Concept Plan.

Community Development Director Bunch said staff is developing options the City Council will want to consider.

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Community Development Director Bunch referred to the marked-up versions of the Concept Plan, which were distributed to the City Council for review. This document is online.

- Administrative Items:
 - Council Calendar
 - November 8 - Special Meeting - 6:00 p.m. (Dinner) 7:00 p.m. Meeting - Lake Oswego - West End Building, Santiam Room, 4101 Kruse Way, Lake Oswego
 - November 9 - Business Meeting - 6:30 p.m.
 - November 11 - Veterans Day Holiday, City Offices Closed
 - November 16 - Workshop Meeting - 6:30 p.m.
 - November 23 - Business Meeting - 6:30 p.m.
 - November 24-25 - Thanksgiving Holiday, City Offices Closed

1. BUSINESS MEETING

- A. Mayor Dirksen called the meeting to order at 7:35 pm.
- B. Roll Call

Name	Present	Absent
Mayor Dirksen	✓	
Council President Wilson	✓	
Councilor Buehner	✓	
Councilor Henderson	✓	
Councilor Webb	✓	

- C. Pledge of Allegiance
- D. Council Communications & Liaison Reports

Councilor Buehner noted she had made a brief report on the Finance and Taxation Committee Meeting last Friday, which was sent to the Mayor and City Council.

- E. Call to Council and Staff for Non-Agenda Items None

2. CITIZEN COMMUNICATION

- A. Follow-up to Previous Citizen Communication - None
- B. Citizen Communication:

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- Pavel Goberman, P O Box 1664, Beaverton OR 97075, read from a prepared statement regarding his complaint against the Oregon State Bar (OSB) asking the City to suspend the OSB's business license. A copy of Mr. Goberman's letter, dated October 26, 2010, is on file with the packet material. In this letter Mr. Goberman alleges a number of violations by the OSB including violating the United States Constitution. Mr. Goberman advised he will also be running for public office; he requested voters write in his name.

Mayor Dirksen reviewed the Consent Agenda:

3. CONSENT AGENDA:

A. Approve Council Minutes:

1. July 20, 2010
2. July 27, 2010
3. August 17, 2010
4. October 5, 2010 - Town Hall Meeting Notes

B. Appoint Richard Shavey, Current Planning Commission Alternate, to the Planning Commission - Resolution 10-53

- A RESOLUTION APPOINTING RICHARD SHAVEY TO THE PLANNING COMMISSION

C. Approve Intergovernmental Agreement Between the City, Metro, and the Oregon Department of Transportation to Develop a Transportation Growth Management Grant Funded High Capacity Transit Corridor Land Use Plan - Resolution No. 10-54

- A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AND ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE OREGON DEPARTMENT OF TRANSPORTATION AND METRO FOR THE TIGARD HIGH CAPACITY TRANSIT CORRIDOR LAND USE PLAN, FUNDED THROUGH A TRANSPORTATION GROWTH MANAGEMENT GRANT

D. Approve Standard Telecommunications Franchise Agreement with XO Communications Services, Inc. - Resolution 10-55

- A RESOLUTION GRANTING A NON-EXCLUSIVE UTILITY FRANCHISE TO XO COMMUNICATIONS SERVICES, INC PURSUANT TO TIGARD MUNICIPAL CODE SECTION 15.06.060

Councilor Henderson asked Mayor Dirksen to share information with the public regarding Item 3.C.; he noted the importance of this Intergovernmental Agreement.

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Mayor Dirksen presented information on Item 3.C., after which the City Council adopted the Consent Agenda by a unanimous vote of City Council present. Motion by Council President Wilson; second by Councilor Henderson – Councilor Webb abstained from voting on the July 27, 2010 City Council minutes because she was absent for that meeting; she advised she would vote on the remaining items.

	Yes	No
Mayor Dirksen	✓	
Council President Wilson	✓	
Councilor Buehner	✓	
Councilor Henderson	✓	
Councilor Webb	✓	(abstained from voting on the July 27, 2010, City Council meeting minutes.)

4. UPDATE ON COUNCIL GROUNDRULES

- Senior Management Analyst Wyatt presented the staff report. After City Council discussion, Council adopted Ordinance No. 10-16. The City Council continued the resolution and the ordinance and resolution in Agenda Item No. 5 to the November 9, 2010, City Council meeting. Councilor Buehner and Councilor Henderson have suggestions for staff to incorporate into the proposed resolutions.

During discussion on this agenda item, a motion was considered by the City Council to amend language contained in the proposed resolution:

Motion by Councilor Henderson, seconded by Mayor Dirksen, to incorporate changes to the Tigard City Council groundrules. City Manager Prosser stated the changes referred to in the motion as follows:

- Language on Page 9 under Communication with City Boards and Committees so that the final bullet under the first section would read: “Board members do not report to individual Council members. Individual Councilors have no authority to remove Board members.
- Language on Page 12, under Respect and Care in the fourth bullet down should be changed to “Respect the distinction between the role of the citizens, the Council and staff.”

	Yes	No
Mayor Dirksen	✓	
Council President Wilson	✓	
Councilor Buehner	✓	
Councilor Henderson	✓	
Councilor Webb	✓	

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Motion by Councilor Buehner, seconded by Councilor Webb, to adopt Ordinance No. 10-16.

- o AN ORDINANCE AMENDING TIGARD MUNICIPAL CODE CHAPTERS 2.44, CITY COUNCIL; 2.46, LOCAL CONTRACT REVIEW BOARD; AND 2.64, CITY CENTER DEVELOPMENT AGENCY BY ADDING REFERENCES TO RULES OF PROCEDURES INCLUDING COUNCIL GROUNDRULES

	Yes	No
Mayor Dirksen	✓	
Council President Wilson	✓	
Councilor Buehner	✓	
Councilor Henderson	✓	
Councilor Webb	✓	

Consideration of the proposed resolution was tabled to November 9, 2010.
Agenda Item No. 5 continued to the November 9, 2010, City Council meeting.

5. ORDINANCE AMENDING THE TIGARD MUNICIPAL CODE AND A RESOLUTION PERTAINING TO A CODE OF CONDUCT FOR APPOINTED BOARD, COMMITTEE, AND COMMISSION MEMBERS

6. MONTHLY UPDATE ON CAPITAL IMPROVEMENT PROGRAM PROJECTS FOR PACIFIC HIGHWAY, MAIN STREET, GREENBURG ROAD, AND BURNHAM STREET

Engineering Manager McMillan presented the staff report and reviewed in detail the status of the Burnham Street project. A status report of the capital improvement projects is contained in the Agenda Item Statement filed with the meeting packet material.

Streets and Transportation Project Engineer McCarthy presented a PowerPoint presentation on the Pacific Highway Project. A copy of the presentation is on file with the meeting packet materials.

7. DISCUSSION TO PREPARE FOR THE NOVEMBER 16, 2010 COUNCIL MEETING WITH JASON TELL, OREGON DEPARTMENT OF TRANSPORTATION REGION 1 MANAGER

City Manager Prosser introduced this agenda item.

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Jason Tell, Oregon Department of Transportation (ODOT) Region 1 Manager, will meet with the Council on November 16, 2010 to discuss topics of mutual interest, including development of principles of cooperation and collaboration. Staff proposes that principles of partnership be discussed and mutually agreed upon between the City of Tigard and ODOT, which will lead to solutions before problems occur. The Agenda Item Summary before the City Council contains five suggested principles developed by staff. City Manager Prosser reviewed the principles.

Council discussion included the following:

- Councilor Webb referred to past discussions of the City of Tigard taking over Hall Boulevard. She said this should still be on the agenda. Streets and Transportation Project Engineer McCarthy noted that ODOT is willing to turn over the jurisdiction to the City of Tigard. An inventory is underway to identify issues with Hall Boulevard to have available when this is discussed with ODOT. One of the big issues is the bridge over Fanno Creek, which is too narrow, low, and old. Councilor Webb said, and Mayor Dirksen agreed, that ODOT might work with us to find funding for strategic problem areas and it would be a good investment.
- Councilor Buehner referred to proposals for “backage” roads, to close driveways and to help with efficient traffic flow. Mayor Dirksen noted that ODOT has recently begun to address access management more aggressively. He noted the need to offer an alternative when a driveway is closed.
- Mayor Dirksen said we would want to emphasize to ODOT that improving local roads would take the burden from State roads; therefore, it is appropriate for State funds to be used on local roads.
- Councilor Henderson questioned if there were things that Beaverton was doing with respect to Hall Boulevard that Tigard could review in light of the connection between the two cities. Streets and Transportation Senior Project Engineer McCarthy said he believes Beaverton already has jurisdiction over their portion of Hall Boulevard. Mayor Dirksen said he did not know if Beaverton has jurisdiction over all of Hall Boulevard within their city limits; but they have control over most of it. Streets and Transportation Senior Project Engineer McCarthy said he had a good meeting with ODOT staff yesterday and they expressed their desire that Hall Boulevard no longer be a state highway.
- Mayor Dirksen said that there is Metro proposal for the metro region that all streets and highways would revert to the local jurisdiction where located. Under that proposal, the portion of Pacific Highway within the City of Tigard would transfer to Tigard for responsibility and funding.
- Councilor Henderson asked if we would receive more gas tax revenue if we took jurisdiction over a state highway. Mayor Dirksen and Streets and Transportation Senior Project Engineer McCarthy said they did not believe we would receive additional gas tax revenue. Gas tax revenue disbursement is based on population. City Manager Prosser said when the City talks with ODOT about taking over a highway, we also have to have the conversation about the conditions under which we will assume responsibility; i.e., providing funds, specific improvement needed before transfer, etc.

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- Councilor Buehner said a portion of Hall Boulevard travels through the Metzger area in unincorporated Washington County. Streets and Transportation Senior Project Engineer McCarthy reviewed the portion of Hall in and out of the City limits; the state is looking to bring the County to the table to discuss the portion in the County. The County has Hall Boulevard as a road that would be logical to come under County jurisdiction. Mayor Dirksen referred to identification by the County of roads that are of countywide significance as it relates to funding priorities.
- Council President Wilson said the approach to review principles with ODOT is a good one. He said he hoped the principles as presented tonight are specific enough so that it might even spark some disagreement, which would lead to good dialogue to discover where there are philosophical differences.
- Community Development Director Bunch said the implementing actions are meant to be built upon and inclusive. For example, we want to amend the Transportation Planning Rule, we think the Oregon Highway Plan is too restrictive, and ODOT standards, in some respects, do not provide for the development of an interesting, attractive streetscape. As we continue to base our discussion on the principles, we can challenge ODOT's and our own perceptions by referring to the details that make the principles work.
- City Manager Prosser agreed with Council President Wilson that dialogue is needed. ODOT and the City of Tigard have legitimately differing views. He suggested that when we submit the principles to Mr. Tell that we invite/challenge ODOT to come up with their own version of principles for discussion. The important outcome of the meeting with Mr. Tell is to discuss the partnership and how it will be worked to the benefit of both parties.
- Council President Wilson said he has visited with Mr. Tell and recounted the results of those discussions. Having an understanding of the principles of a partnership might facilitate resolving specific issues if each agency can understand the philosophical underpinnings of one another. It is time to talk on a higher level about relationships.
- Mayor Dirksen suggested that "implementing actions" be in bullet form on the document drafted by staff, so that none get lost.
- Mayor Dirksen suggested that backage roads be included under Principle No. 1.
- Mayor Dirksen suggested that the principles be discussed more than specific actions when the City Council meets with Mr. Tell.
- City Manager Prosser suggested that the plan for discussion with Mr. Tell is to open up the dialogue. We need to think about how to get the conversation started and then how to proceed. He asked City Council members if this would be something for which the staff should take the lead or should it be a City Council subcommittee. This could also be a topic to discuss with Mr. Tell. City Manager Prosser noted it would be good to contemplate what would be a good timeline to bring closure to this part of the discussion so we could move forward to the partnership.
- City Manager Prosser and City Council discussed preparation for the meeting with Mr. Tell and to communicate to Mr. Tell the City Council's agenda topics that they would like to cover in the meeting. Streets and Transportation Senior Project Engineer

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McCarthy referred to a recent meeting with ODOT staff who were willing to listen and wanted to hear what Tigard has to say and are advocates for Tigard in “ODOT circles.” Streets and Transportation Senior Project Engineer McCarthy said the staff has been good about bringing a perspective for fairness and helping us to understand their organizational culture while being receptive to our reasoning.

- City Attorney Ramis suggested the principles be clearly stated so that it is not vague and prompts conversation. If there is no disagreement or dialogue, then “you really haven’t sharpened it up enough.” He cautioned against using verbs such as “balance” or “support” or “promote” because these are too general.
- Council President Wilson added to City Attorney Ramis’ suggestion by saying we are “not trying to make enemies” but we are trying to define the different perspectives.
- Community Development Director Bunch said staff would reword the principles with “action words.” Staff will prepare the next draft and email these to the City Council members for review before it is forwarded to Mr. Tell.

8. COUNCIL LIAISON REPORTS:

Councilor Buehner reported that the LOC Finance and Taxation Committee met last week to discuss updates, which are summarized in a report she sent to City Council. The majority of the meeting was spent discussing the need to make a major policy change for LOC to begin looking at and implementing long-term financing issues for the State. Should LOC take a leadership role is also under consideration. LOC Board members will be invited to an upcoming Committee meeting to weigh-in on approaches for long-term financial stability statewide.

9. NON AGENDA ITEMS: None

10. EXECUTIVE SESSION: Not held.

9:06 p.m.

11. ADJOURNMENT

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

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

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