



City of Tigard
Tigard Business Meeting – Minutes

TIGARD CITY COUNCIL AND LOCAL CONTRACT REVIEW BOARD

MEETING DATE AND TIME: November 9, 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	✓	
Council President Wilson	✓	
Councilor Buehner	✓	
Councilor Henderson	✓	
Councilor Webb	✓	

Staff Present: City Manager Prosser, Assistant City Manager Newton, Public Works Director Koellermeier, Senior Management Analyst Wyatt, Associate Planner/Arborist Prager, Associate Planner Caines, Assistant Community Development Director Harnett, Community Development Director Bunch, Finance and Information Services Department Director LaFrance, City Attorney Ramis, City Recorder Wheatley

- **STUDY SESSION**

- A. **DISCUSS URBAN FORESTRY PROGRAM FUNDING**

Staff Presenter: Assistant Community Development Director Harnett introduced topic. Associate Planner/Arborist Prager reviewed Agenda Item Summary.

Issue before the City Council: At its November 16, 2010 joint meeting with Council, the Tree Board wants to discuss the prospect of developing a comprehensive urban forestry funding proposal as part of their 2011 goals.

Staff provided background on the Tree Board's proposal, explained how it relates to the funding discussions that are part of the Urban Forestry Code Revisions project, and asked the City Council if it is comfortable with the approach.

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Staff reviewed the Agenda Item Summary. During City Council comments, Council members indicated they were supportive of the comprehensive urban forestry program but would be cautious about looking at any budget-related increases.

The Tree Board and the Urban Forestry Code Revisions Citizen Advisory Committee have done work on urban forestry funding projects. Assistant Community Development Director Hartnett referred to the upcoming City Council meeting with the Tree Board next week. She suggested City Council might want to give budget guidance and discuss role delineation between the Tree Board and the Urban Forestry Citizen Advisory Committee. Guiding principles (attached to the Agenda Item Summary) will also be discussed with the City Council next week.

After receiving input from the City Council and the Citizen Advisory Board, the Tree Board will return to the City Council in February with recommendations to develop a sustainable and ongoing urban forest enhancement program.

B. UPDATE ON THE TREE GROVE PRESERVATION PROGRAM OPEN HOUSE

Staff Presenter: Assistant Community Development Director Hartnett

Issue before the City Council: The City held an open house on October 6, 2010 to receive public input on the tree grove preservation program element of the Urban Forestry Code Revision project.

The two biggest concerns raised by the community to this point is the ability to remove hazard trees and retaining the ability to develop the property if they choose to do so in the future. The message from staff has been consistent, that hazard trees within a tree grove will be treated the same as outside a tree grove. Regarding development of property, the message has been the tree grove preservation program is intended to be flexible and incentive based and, through this process, the City is looking for ways to provide options to property owners who would like to retain the tree groves on their property but would be limited in their choices by the current development code.

At this point, staff does not feel there is a sentiment among property owners that would result in a wholesale removal of trees before a program could be established. Staffs' messages of flexibility and incentives have been consistent and received favorably and interim regulations should not be necessary at this time. If, as the project progresses, a shift toward a more regulatory approach were to emerge, the subject of interim regulations should be revisited.

Additionally, based on Council feedback, the project will now be titled the Tigard Tree Grove Preservation Program as opposed to the original title including the term protection.

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C. DISCUSS THE PRELIMINARY NOVEMBER 2, 2010 ELECTION RESULTS

Staff Presenter: City Manager Prosser and Public Works Director Koellermeier

Issue before the City Council: Discuss the preliminary November 2, 2010 election results for the WCCLS Local Option Levy Renewal, the County Public Safety Levy renewal, and the Tigard Parks Bond Measure.

All three measures were approved by the voters. Public Works Director Koellermeier reported that in about three weeks City Council will receive a staff-prepared schedule proposing an 18-month critical path timeline for financing activities (working with financial advisers) and proposing an activity outline subsequent to voter-approval of a bond measure for up to \$17 million toward acquiring open spaces, protecting clean water, and improving parklands.

D. ADMINISTRATIVE ITEMS

- Council Preference: Consensus of City Council was to continue to report progress on goals on a quarterly basis, highlighting especially notable progress on particular goals. Councilor Henderson expressed a preference for a format to one used previously that showed the progress for each quarter.
- Team Building Date - Tuesday, December 7, noon – 5 p.m., location to be announced.
- 2011 Goal Setting Meeting – Thursday, December 30, starting at noon, location to be announced.
- Ceremonial Council Meeting - January 11, 2011
 - No study session - photos from 6:30-7 p.m.
 - 7-7:30 - light dinner
 - Oaths of Office
 - Inaugural remarks of newly elected officials
 - Elect Council President for 2011 - 2012
 - State of the City Address
 - Reception to follow the meeting
- Council Calendar:
 - Thursday, November 11 - Veterans Day Holiday - City Hall Closed
 - Tuesday, November 16 - Council Workshop Meeting - 6:30 p.m.
 - Tuesday, November 23 - Council Business Meeting - 6:30 p.m.
 - Thursday and Friday, November 26 and 26, Thanksgiving Holiday - City Hall Closed

- EXECUTIVE SESSION: Cancelled

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1. BUSINESS MEETING

- A. Mayor Dirksen called the meeting to order at 7:30 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
- D. Council Communications & Liaison Reports
- E. Call to Council and Staff for Non-Agenda Items

2. CITIZEN COMMUNICATION

- A. Follow-up to Previous Citizen Communication - None
- B. Tigard High School Student Envoy – No report.
- C. Tigard Area Chamber of Commerce – Executive Director Debi Mollahan presented the report of past and upcoming activity at the Chamber of Commerce. A summary is on file with the packet material for the meeting.
- D. Citizen Communication –

Chris Garstek, representing Tigard Dog Park Committee expressed appreciation for all who worked on the Tigard parks and open space bond measure. She urged the Council to pursue the purchase of the dog park as soon as possible.

Mayor Dirksen reviewed the Consent Agenda:

3. CONSENT AGENDA (Tigard City Council and Local Contract Review Board)

- A. Approve Council Minutes:
 - 1. August 10, 2010
 - 2. September 14, 2010
 - 3. September 28, 2010

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- B. Receive and File:
 - 1. Tentative Agenda
 - 2. Council Calendar

- C. Approve Submittal of Oregon Department of Transportation Flexible Funds Application for Improvements to 121st Avenue.

Resolution No. 10-56

RESOLUTION SUPPORTING AN APPLICATION FOR OREGON DEPARTMENT OF TRANSPORTATION FLEXIBLE FUND PROGRAM FUNDS TO FINANCE THE CONSTRUCTION OF SIDEWALK AND RELATED IMPROVEMENTS ALONG PORTIONS OF SW 121ST AVENUE

- D. Local Contract Review Board:
 - 1. Award Contract for Street Sweeping Services to Water Truck Services, Inc.

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

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

- 4. PROCLAIM DECEMBER 6-12, 2010 HUMAN RIGHTS WEEK AND DECEMBER 10, 2010 HUMAN RIGHTS DAY

Mayor Dirksen announced the Human Rights Week and Day proclamation.

Presentation was given by Emily Gottfried Oregon Area Jewish Committee and Jessica Ritter, Pacific University, members of the Washington County Human Rights Council.

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5. INFORMATIONAL PUBLIC HEARING TO CONSIDER A RESOLUTION ESTABLISHING CANTERBURY SANITARY SEWER REIMBURSEMENT DISTRICT NO. 50

Mayor Dirksen opened the public hearing and the staff report was presented by City Engineer Kyle. The proposed district includes a City-owned lot (John Tigard House) and one residential lot. There was no public testimony. Mayor Dirksen closed the public hearing.

During City Council discussion, Council President Wilson requested information regarding an inventory of properties remaining to be scheduled for sewer reimbursement districts. This information will be sent to the Council in their newsletter packet on Friday, November 19.

- City Council Consideration: **Resolution No. 10-57**

A RESOLUTION ESTABLISHING SANITARY SEWER REIMBURSEMENT DISTRICT NO. 50 (SW CANTERBURY LANE).

Motion by Council President Wilson, seconded by Councilor Webb, to adopt Resolution No. 10-57.

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

6. INFORMATIONAL PUBLIC HEARING TO CONSIDER A RESOLUTION ADOPTING THE WATER RATE STUDY

- Mayor Dirksen opened the public hearing and the staff report was presented by Public Works Director Koellermeier and Finance and Information Services Department Director LaFrance. The PowerPoint slides are on file with the packet meeting material. One person, Sue Bielke, offered testimony. She submitted a letter for the record, which summarized her testimony opposing the proposed water rate increase of 30% and opposing using water from the Clackamas River. Ms. Bielke stated she did not want to lose Bull Run as a source of water for Tigard.

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- Staff Recommendations:
 1. Adopt the Water Rate Study by resolution.
 2. Adopt resolution amending the Master Fees and Charges Schedule – includes five-year rate plan.
 3. Adopt SDC methodology and amendment to fees and charges on December 14, 2010.
 4. Support monthly billing and “Care to Share.”

- Council asked questions and requested staff to keep residents informed of rates and plans for water for Tigard and other jurisdictions in the region.

- Council Discussion – All Council members offered comments in support of the Water Rate Study.

- Mayor Dirksen closed the public hearing.
- City Council Consideration: **Resolution No. 10-58**

A RESOLUTION ADOPTING THE WATER RATE STUDY WHICH PROVIDES A LONG-TERM FINANCING STRATEGY TO FUND THE LAKE OSWEGO-TIGARD WATER PARTNERSHIP AND OTHER WATER CAPITAL IMPROVEMENTS

Motion by Councilor Webb, seconded by Councilor Buehner, to adopt Resolution No. 10-58.

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

7. CONSIDER A RESOLUTION AMENDING THE MASTER FEES AND CHARGES SCHEDULE TO INCREASE WATER RATES
 - Staff Report was presented by Finance and Information Services Department Director LaFrance.

Issue before the City Council: Shall the City Council consider a resolution amending the 2010-2011 Master Fees and Charges Schedule to increase water rates over the next five years?

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- Council Consideration: **Resolution No. 10-59**

A RESOLUTION TO AMEND THE MASTER FEES AND CHARGES SCHEDULE, AS ADOPTED BY RESOLUTION 10-30, TO INCREASE WATER RATES TO FUND THE LAKE OSWEGO -TIGARD WATER PARTNERSHIP AND OTHER CAPITAL IMPROVEMENTS

Motion by Council President Wilson, seconded by Councilor Webb, to adopt Resolution No. 10-59.

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

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

8. REVIEW AND DISCUSS LEGISLATIVE AGENDA FOR 2011 OREGON LEGISLATIVE SESSION

- Staff Report was presented by Senior Management Analyst Wyatt. To prepare for the 2011 Oregon Legislative Session, Tigard representatives will be meeting with Senator Burdick and Representative Doherty. Earlier today, staff met with Lake Oswego regarding legislative issues surrounding the water project.
- Councilor Buehner referred to a memorandum she wrote to the Mayor and City Manager about what will be coming from the League of Oregon Cities Finance and Taxation Committee. She asked if the City wants to take any position on the proposal to adopt a new strategy to look at long term planning rather than only looking at what is anticipated for the next year with regard to issues affecting cities. Mayor Dirksen said he thought the Committee's direction was a good one to provide stability to the state revenue stream. He said is satisfied to have LOC take the lead on this since it is a statewide issue. He commented that the legislative priorities before the City Council tonight are those that affect the City of Tigard directly.

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- Council President Wilson commented that the property tax limitation measure that Oregon implemented several years ago created a certain amount of stability in times of recession. Cities in Oregon have fewer problems because of that measure than elsewhere around the country. The state has huge issues filling their budget gaps and it might be best to wait until some stability is restored at the state level before talking about the way cities are financed. Councilor Buehner clarified that the LOC committee is looking to determine how to pay for government at the state level. There will be impact to cities because there are already discussions about removing some of the revenue sharing to cities. Unless we address the underlying issues that affect the entire manner in which the state is funded, we start to see it greatly affect us. We are also facing issues with some of counties no longer receiving timber funds, as they will likely be coming to ask for help from the legislature. This proposal is to develop a strategy to deal with these funding issues and that the League would take some sort of a leadership role to get the process going. No one has wanted, to this point, to deal with the difficult questions. For example, should the state be responsible for the majority of funding of K-12 education?
- Mayor Dirksen noted that as a short-term goal, Tigard has on its legislative list to maintain a commitment from the state for state-shared revenue. There have been statements made that there are no plans to discontinue state-shared revenues; however, this will need to be monitored.
- Mayor Dirksen referred to the Transportation Planning Rule and its impact on transportation facilities and land use planning for cities. League of Oregon Cities has heard from several of their members and it is one of the primary issues for both the LOC Transportation Committee and the Community Development Committee.
- Councilor Buehner asked that we make sure (now that we have census information) that Oregon Department of Transportation (ODOT) does a correct reallocation of its funding to its various regions. Official census numbers are anticipated by March and Councilor Buehner pointed out that reapportionment must be completed during the upcoming legislative session.
- Senior Management Analyst Wyatt advised there is proposed legislation for the upcoming session for ballot collection changes. One change proposed is that the person voting would have to be the one to deposit it in the ballot box. There have been reports of people collecting ballots from households and not depositing them in the ballot box throughout the state.
- Councilor Buehner noted an issue in terms of reevaluating the various tax incentive programs. She said it would be good to monitor this proposal.

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9. CONSIDER AMENDMENTS TO COUNCIL GROUNDRULES (RESOLUTION) AND CODE OF CONDUCT FOR APPOINTED BOARDS AND COMMITTEES (ORDINANCE AND RESOLUTION) - CONTINUED FROM THE OCTOBER 26, 2010 CITY COUNCIL MEETING

- Staff Report for Council Groundrules presented by Assistant to the City Manager Mills.
- Issue before the City Council: Consider updates to the Council Groundrules.
- Council Consideration - **Resolution No. 10-60**

A RESOLUTION AMENDING THE COUNCIL GROUNDRULES, ADDING THE CODE OF CONDUCT, AND SUPERSEDING RESOLUTION NO. 08-45

Motion by Councilor Webb, seconded by Councilor Buehner, to adopt Resolution No. 10-60.

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

- Code of Conduct for Appointed Boards and Committees

Issues before the City Council:

- A. Adopt ordinance recognizing the Code of Conduct for all appointed members of the City's boards, committees and commissions and removing old information about the Planning Commission member removal process.
- B. Adopt resolution establishing a Code of Conduct for all appointed members of the City's boards, committees and commissions as amended by Councilor Henderson.

Ordinance No. 10-17

AN ORDINANCE CREATING TIGARD MUNICIPAL CODE SECTION 2.07, CODE OF CONDUCT FOR APPOINTED OFFICIALS SERVING ON CITY BOARDS, COMMITTEES AND COMMISSIONS, AND AMENDING CHAPTER 2.08, PLANNING COMMISSION, BY DELETING SECTION 2.08.030, COMMISSION REMOVAL

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Motion by Councilor Buehner, seconded by Councilor Webb, to adopt Ordinance No. 10-17.

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

Resolution No. 10-61

A RESOLUTION ESTABLISHING THE CODE OF CONDUCT FOR APPOINTED MEMBERS OF THE CITY'S BOARDS, COMMITTEES AND COMMISSIONS

Motion by Councilor Webb, seconded by Councilor Buehner, to adopt Resolution No. 10-61.

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

10. UPDATE ON 3RD QUARTER COUNCIL GOAL STATUS

- Staff Report presented by Senior Management Analyst Wyatt.

Issue before the City Council: Update Council on progress made on Council Goals during the 3rd Quarter of 2010. The Agenda Item Summary contains a report on goal status for the 3rd Quarter.

11. COUNCIL LIAISON REPORTS - None

12. NON AGENDA ITEMS - None

13. EXECUTIVE SESSION: Not held.

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