



City of Tigard

Tigard Business Meeting – Minutes

TIGARD CITY COUNCIL

MEETING DATE AND TIME:	November 23, 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

Council President Wilson 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, Community Development Director Bunch, Public Works Director Koellermeier, Assistant Community Development Director Hartnett, Parks Manager Martin, City Attorney Bennett, City Recorder Wheatley

Also Present: Councilor-elect Woodard

Council President Wilson announced the City Council would be going into Executive Session:

- **EXECUTIVE SESSION:** The Tigard City Council went into Executive Session at 6:30 p.m. to discuss real property transaction negotiations and consultation with legal counsel concerning current and pending litigation under ORS 192.660(2) (e) and (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.

Executive Session concluded: 6:57 p.m.

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- STUDY SESSION
 - A. Receive Briefing on Proposed Citizen Involvement Committee Structure for High-Capacity Transit Land Use Plan

Associate Planner Daniels presented the staff report. A copy of the key facts and a summary are on file with the City Council packet materials.

After reviewing the information presented City Council agreed with staff recommendation that staff return with a resolution authorizing the establishment of the project citizen advisory committee (CAC), approving the associated purpose and charge statement, establishing meeting protocol, and designating the Tigard Transportation Advisory Committee (TTAC) as the CAC.

- B. Briefing on the Requirements to Obtain Outside Funding for the Acquisition of the Summer Creek Property - Phase 1

Parks Manager Martin presented the staff report. A copy of the key facts and a summary are on file with the City Council packet materials.

Parks Manager Martin reviewed funding sources and the requirements to obtain outside funding for the acquisition of the Summer Creek Property – Phase 1.

A resolution is scheduled on the business portion of this agenda for City Council consideration to authorize the City Manager to execute documents related to securing donations and grant funding for the acquisition of Summer Creek Property – Phase 1.

- C. Administrative Items
 - Council Calendar -
 - November 25 and 26 - Thanksgiving Holiday, City Hall Offices Closed
 - December 7, Noon - Team Building - Walnut Street Fire Station
 - December 14, 6:30 p.m. - Business Meeting - RRCCR and Town Hall
 - December 21, 6:30 p.m. - Workshop Meeting - Town Hall
 - December 24, Christmas Holiday Observed, City Hall Closed
 - December 28, 6:30 p.m. - Business Meeting - RRCCR and Town Hall
 - December 30, Noon - Goal Setting Meeting, Walnut Street Fire Station

Study Session concluded at 7:21 p.m.

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1. BUSINESS MEETING

A Council President Wilson called the meeting to order at 7:30 p.m.

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 None

E. Call to Council and Staff for Non-Agenda Items

City Manager Prosser advised there would be Non-Agenda Items, including the RFP for City Attorney services and acquisition of the Sunrise property (parks). See Agenda Item No. 10.

2. CITIZEN COMMUNICATION

A. Follow-up to Previous Citizen Communications: None

B. Tigard High School Student Envoy Tracie Tran presented an update on Tigard High School activities. A copy of her written report is on file with the packet meeting materials.

C. Citizen Communication – Sign Up Sheet: None

Council President Wilson reviewed the Consent Agenda:

3. CONSENT AGENDA: (Tigard City Council)

A. Consider Resolution Amending /Citizen Involvement Structure and Appointing Planning Commission to Serve as the State-Required Committee for Citizen Involvement on Land Use Matters

RESOLUTION NO: 10-62 - A RESOLUTION AMENDING THE CITY'S CITIZEN INVOLVEMENT STRUCTURE AND APPOINTING THE PLANNING

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COMMISSION TO SERVE AS THE STATE REQUIRED COMMITTEE FOR CITIZEN INVOLVEMENT

Council President Wilson noted that a concern has been raised about this agenda item. While no public hearing was scheduled, he said he would entertain comments from anyone present regarding the proposed resolution.

John Frewing, 7110 SW Lola Lane, Tigard, Oregon, said he is concerned that this action takes away the opportunity for citizen input. It appears to be a step closer towards a concept of a CPO4T. He said this disturbs him because he thinks CPO4M, consisting of Metzger and portions of the City of Tigard, has irregular boundaries. By creating a 4T, the citizens will be unable to plan effectively. The Intergovernmental Agreement between Tigard and Washington County regarding the Metzger area says that Tigard will consider the Metzger area in its planning actions and the County will consider Tigard in its planning actions in the Metzger area. He added that making the Planning Commission the CCI is adverse to Metzger area residents.

Jim Long, 10730 SW 72nd Avenue, Tigard, Oregon said he was present to speak as a citizen of Tigard and he is also the Chair of CPO4M. CPO4M looks at land use actions and plans each month. Within the boundary of CPO4M, more residents live in Tigard than in Metzger or other areas. He said the Planning Commission members are appointed. Citizen communications is organic and spontaneous. People need to feel that they have the power to do things. The CPO tries to empower people so they can participate. The CPO talks about a number of other issues besides land use. He described his concerns with the Planning Commission's appoint as the CCI. He supports efforts to increase citizen participation and hoped the City will have a good way to evaluate how this proposal is working if implemented. He said CPO will continue to look at land use issues and bring their input to the City of Tigard.

Assistant Community Development Director Hartnett followed up to the testimony just offered. She reminded the City Council that the action before the City Council is a follow up to the discussion held in June 2010. At that time a proposal was brought before the City Council jointly from the Community Development Department and Administration. This is the three-pronged approach proposed, which was in response to budget cuts that were taken earlier this year. It is staff's effort to continue to have robust citizen involvement in Tigard while making sure we are using volunteers' time wisely and asking them to be involved appropriately. There is a state requirement for a citizen involvement committee to oversee land use decisions (part of State Goal 1). This requirement is also repeated in the City of Tigard's Comprehensive Plan in more broad terms. The Comprehensive Plan not only talks about land use decisions, it also talks about projects and programs that go well beyond land use.

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In the past Tigard has relied on a single committee, which was also called the Committee for Citizen Involvement. While it had the same name, it was not necessarily intended to mean exactly the same thing. The Committee for Citizen Involvement had the responsibility of all three of the Comprehensive Plan goal statements, which include making recommendations to the City regarding ways to engage the public in City issues, projects, and land use processes; help implement and develop a public information and citizen involvement program applicable to a wide range of issues and support the enhancement of Tigard's overall level and quality of civic engagement by promoting meaningful citizen involvement in City government.

The proposal brought to the City Council in June received concurrence from the City Council to move forward. In that proposal, the assignment of citizen involvement was spread among all of the citizen advisory boards and commissions for the topic area for which they have responsibility. Because the Planning Commission deals with land use matters, would fulfill the state requirement for citizen involvement for land use decisions. The proposed resolution would make these changes for the Planning Commission and have the other Boards and Committees amend their bylaws to reflect their responsibility for public involvement. The current committee for citizen involvement would be transformed and its focus would be on the neighborhood network program.

Councilor Henderson asked if the CCI function within the Planning Commission will be conducted as part of the Planning Commission meeting or will it be held separately. Assistant Community Development Director Hartnett said it would become part of the responsibilities of the Planning Commission in their role. It would be shown as a specific agenda item, if staff was bringing to them a public involvement plan for a land use related matter.

Assistant Community Development Director Hartnett referred to the question of how the City Council would monitor the effectiveness of the citizen involvement. This responsibility will be listed in the charges for the various committees and it will become part of the requirements for the Planning Commission to report to the City Council in their joint annual meeting regarding how their CCI role is being met. This is a state requirement and this was called out in the letter attached to the proposed resolution.

Councilor Buehner said this would appear to provide better oversight since the City Council regularly meets with the Planning Commission.

Council President Wilson commented that he does not have any concerns.

Assistant Community Development Director Hartnett advised that the staff routinely (as part of public and citizen involvement on land use processes) involves the CPOs. This would not change with adoption of the proposed resolution.

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

The motion passed by a unanimous vote of City Council present:

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

Councilor Buehner said she has served as the CPO Chair in the past and she is sensitive to this issue of public involvement in all phases.

4. PRESENTATION OF LIFESAVING AWARDS

Police Chief Al Orr presented lifesaving awards Police Officer George Hicks (Tigard PD), Officer Brian Jackson (Tigard PD) and Officer Michael Rowe (Beaverton PD) for preventing a suicidal male from jumping off the Hall Boulevard overpass of Highway 217 on July 14, 2010.

5. INFORMATIONAL PUBLIC HEARING - CONSIDER A RESOLUTION FINALIZING SANITARY SEWER REIMBURSEMENT DISTRICT NO. 48 - LOWER SW CHERRY DRIVE

- Council President Wilson opened the public hearing.
- City Engineer Kyle presented the staff report. A copy of the key facts and a summary are on file with the City Council packet materials.
- Staff Report: Public Works Department
- Public Testimony: None
- City Engineer Kyle advised the staff recommendation is for City Council approval of report and draft resolution
- Motion by Councilor Webb, seconded by Councilor Buehner, to approve Resolution No. 10-63.

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RESOLUTION NO. 10-63 - A RESOLUTION FINALIZING SANITARY SEWER REIMBURSEMENT DISTRICT NO. 48 (LOWER SW CHERRY DRIVE) AND AMENDING THE PRELIMINARY CITY ENGINEER'S REPORT CONTAINED IN RESOLUTION NO. 10-37

The motion passed by a unanimous vote of City Council present:

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

6. REOPEN LEGISLATIVE PUBLIC HEARING FROM OCTOBER 12, 2010 (CPA2010-00001) TO ADOPT TIGARD 2035 TRANSPORTATION SYSTEM PLAN UPDATE
 - Council President Wilson reopened the Legislative Public Hearing from October 12, 2010.
 - Hearing Procedure: Attorney Bennett reviewed the hearing procedures. Public testimony was closed on October 12, 2010. The hearing was reopened for consideration of the staff report (Attachment 5 - Exhibit C in the Agenda Item packet material) and recommendation (Attachment 1 in the Agenda Item packet material).
 - There were no declarations or challenges regarding the Tigard City Council considering this matter.
 - Senior Transportation Planner Gray presented the staff report. Also present was Senior Planner Wyss.
 - A comprehensive staff presentation on this matter was conducted at the City Council hearing of October 12, 2010. Tonight's hearing will be focused on the recommended changes and addressing the October 12 testimony.
 - Senior Transportation Planner Gray referred to a memorandum from staff outlining the specific staff-recommended amendments to the Transportation System Plan (Attachment 1 to the Agenda Item packet material).
 - Exhibit C to the proposed ordinance is titled, *Second Supplemental Staff Report*, which outlines the testimony from the October 12 hearing as well as the staff response and recommendation.
 - The supplemental staff report content was reviewed.
 - A PowerPoint slide presentation was referred to during the staff report to the City Council; a copy of the presentation is on file with the City Council packet meeting material.

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- The five recommended amendments to the proposed ordinance, outlined in Attachment 1 to the Agenda Item Summary, were reviewed.
- Council Questions/Discussion
 - Councilor Buehner noted that the Plan addresses collectors and arterials, but it does not address local streets. Senior Transportation Planner Gray said this is correct; the emphasis is on arterials and collectors.
- Public Testimony

Neutral:

- Brian Dunn, Group Mackenzie, 1515 SE Water Avenue, Suite 100, Portland OR 97214, advised his company represents Mr. Fred Fields' property. He noted he provided testimony at the last hearing and said he had an additional letter he would like to submit into the record. He reviewed the elements of this letter:
 - In response to the second supplemental staff report, he advised they proposed previously three amendments for the Council's consideration. He reviewed the three options they proposed on October 12.
 - Group Mackenzie has concerns with staff's review of the first two options:
 - Option 1 – Reestablishing the Wall Street Extension Project. Staff contends that in development of the TSP, there were considerable barriers, environmental impacts, and associated costs that make the Wall Street Extension Project cost prohibitive and infeasible. Group Mackenzie is looking for the analysis and documentation to support this. Staff has directed them to some of the technical memorandums that contain additional details, but those details are not specific enough. (Volume 3, Technical Memorandum 5 and the Technical Appendices of Volume 1.)
 - Technical Memorandum 5 identifies the seven criteria that were used to evaluate the individual TSP projects.
 - The Wall Street Extension Project earned a moderate-benefit rating for the first four criteria and received a lower no-benefit rating for the last three criteria. Mr. Dunn said he believes staff's interpretation of this ranking was that the benefits were not strong enough to "win over this project and keep it on the TSP list."
 - Mr. Dunn said that the ranking system is qualitative and based on measures that have no weighting so there no direct way to compare or weight multi-modal mobility to environmental justice. He said this is important because providing at least some quantitative analysis is important.
 - Almost all of the bicycle and pedestrian projects identify significant, positive results for multi-modal mobility, system capacity and safety. This Wall Street Project would address all three of those things. It would provide

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a new facility for autos, bicyclists, and pedestrians from Hall Blvd. to Hunziker Street. The rankings for the first three measures should be significantly positive; that is, the highest ranking. They only received an average ranking.

- The cost effectiveness measure is “a little sticky.” There is a cost associated with the Wall Street Extension project, which is identified by the City to be about \$15 million. It is important to weigh that against what other alternatives would have to be done if this project was removed. In the 2002 TSP the Wall Street connection is in place and the Plan identified no need to widen Hall Blvd. and Bonita Road in the vicinity. In the proposed updated TSP, two projects were identified to widen Hall Blvd. and Bonita Road to four-five lanes at a cost around \$5.25 million for Hall Blvd., and \$20 million to widen Bonita Road to five lanes.
 - He said that if the City staff does not agree with any of their findings or their position, then there should be more documentation to address their concerns.
 - Amendment 2 – showing the Wall Street Extension on Milton Court. It was stated earlier that the TSP does not try to address local access. He said it does address arterial and collector streets; Wall Street is designated as a collector street. By addressing local street connectivity, this would pertain to the gap in connectivity across Mr. Fred Fields’ property. This was identified in the 2002 TSP and in the current TSP. Now, the Wall Street Project is gone and there is a gap in connectivity that is not addressed.
- Mr. Dunn summarized that to rectify Mr. Fields’ concerns regarding street connectivity to his property, they continue to request the City Council consider the three options proposed previously during their testimony.
- Brian Wegener, Tualatin Riverkeepers, 12360 SW Main Street, Tigard, Oregon 97223, commended staff for including the replacement of the Hall Blvd. Bridge in the Transportation System Plan. This has long been a problem with flooding. The impact on Fanno Creek is when a bottleneck is created that accelerates the water, which results in down cutting in the stream, which is damaging to habitat.
 - Phil Grillo on behalf of Mr. Fred Fields, 111 SW Fifth Avenue, Portland, Oregon 97204, advised he has comments to supplement testimony given by Mr. Dunn and provide additional background on what was contained in the supplemental staff report.
 - Mr. Grillo said it is important to recognize that they currently have two quasi-judicial land use applications pending with the City of Tigard with regard to the Wall Street Extension. The first application is scheduled to be before the City Council on December 14, 2010. The other application is likely to be heard by the City Land Use Hearings Officer.

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- Mr. Grillo said he thinks it is critical that that City Council not amend the TSP for a project that has long been planned for which there are pending permits. This raises the possibility of essentially changing the rules under which these applications will potentially be heard.
 - Mr. Grillo said it is important, long-term, to protect the opportunity to extend the Wall Street beyond Mr. Fields’ property to connect to Hunziker Street. The planning period for use in the TSP is 25 years and will be used to consider what long-term connections will have to be made. We do not know what will happen in 25 years. Obviously, there are impediments for this project with regard to the railroad and WES; however, none of us is good at predicting what will happen in 25 years. He said it is an important goal ultimately to connect Wall Street to Hunziker Street.
 - Mr. Grillo said he believes it is important to protect and preserve the opportunity ultimately to connect Hall Blvd. to Milton Court via the Wall Street Extension. There has been discussion about this in the context of the application that will be coming before the City Council on December 14. He said he does not believe the Fields’ property should be using Milton Court as any sort of primary access; but they do think it is an important opportunity for secondary access ultimately to connect Hall Blvd. to Milton Court and that is also something that has been in the Tigard TSP for a long time.
 - Mr. Grillo said he believes it would be unfair and not in the interests of the City to remove the Wall Street Extension project from the TSP at this time.
 - John Frewing, 7110 SW Lola Lane, Tigard, OR 97223, said he believes it is the job of the City Council to do the balancing and weighing. There is no need to have a mathematical calculation to evaluate; rather, the City Council would use its judgment as they have been elected to do so. He said the Fields’ representative's suggestion to have some “kind of scoring card” is not appropriate for this situation.
 - Glenna Thompson, 13676 SW Hall Blvd., Unit 2, Tigard, Oregon 97223, referred to Mr. Dunn’s comment about the bridge and how it would help bicycle and pedestrian traffic. She said she does not believe this to be true because she lives at this location and observes the traffic along the Fanno Creek Trail. She said a bridge would disrupt the trail of pedestrians and bicycles and would be dangerous. She is also opposed to the bridge because it would disturb the wildlife.
- Staff Comments – Senior Transportation Planner Gray responded to the testimony presented above:
 - She said she did not hear a new recommended proposed amendment. Council President Wilson asked her to respond to the question about the adequacy of findings. Senior Transportation Planner Gray advised the challenge was a little more expansive than what was presented in testimony at the October 12 hearing. In particular, Mr. Dunn talked about the need for more quantitative analysis. She said there was a great deal of quantitative analysis and the analysis was summarized and reported throughout the TSP. She advised the analysis was completed in both qualitative and quantitative ways. The

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analysis was completed in partnership with those agencies that helped fund this project (DLCD, ODOT) and other agencies, Citizens Advisory Committee and the Planning Commission. The analyses were completed at an appropriate level for a long-range, broadly scoped Transportation System Plan.

- City Council Questions
 - Councilor Buehner said she proposed an amendment to re-designate Scholls Ferry Road as a principal arterial as opposed to an arterial. She recalled that staff agreed that the volume and function of the road met the standards to be a principal arterial but because Scholls Ferry is a Washington County road, it needs to be re-designated in the Washington County Plan. She noted that Washington County will be updating their Transportation System Plan soon and Beaverton is also beginning this process. She asked if it would be appropriate for staff to approach the staff of the other entities to determine if the re-designation of Scholls Ferry Road as a principal arterial in all three plans. Could this then be amended in our TSP?
 - Senior Transportation Planner Gray said she believed this could be done; however, the Beaverton TSP might have already been adopted as they were progressing at the same pace as the City of Tigard on their TSP update. Washington County is planning on doing an update. She advised that she talked to a planner from Washington County and their classification of a principal arterial would require that it be a state-owned highway.
 - Council President Wilson commented that this was a former state highway and the volume of traffic on Scholls Ferry Road has not gone down since it was a state highway, so this does not make sense to him.
 - Senior Transportation Planner Gray agreed she believes this road should be classified as a principal arterial. The functional classifications are useful to get an image of the way the street functions in terms of its traffic volume and cross-sections. Therefore, Pacific Highway and Scholls Ferry Road are consistent. The functional classifications also direct us to what policy documents and agencies refer to for design and performance measures and Washington County uses the principal arterial designation which will direct people to the Oregon Department of Transportation (ODOT).
 - Attorney Bennett referred to Senior Transportation Planner Gray's comments about the quantitative and qualitative analysis required by the Transportation System Plan. The TSP is a broad planning document, not intended to be a finely detailed planning document. Senior Transportation Planner Gray has already identified the amount of analysis that went into looking at and analyzing the Wall Street Extension. If the City were to want a more in-depth analysis, such as a feasibility analysis, then there would be the challenge that this should be done in every situation. This would turn this planning process into one with greatly increased amounts of cost and time. Staff does not believe the Transportation Planning Rule requires this. Council President Wilson said he agrees and had planned to make a similar point during his comments.

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- Council President Wilson closed the public hearing.
- Council discussion:
 - Councilor Henderson said he understands the TSP has taken a long time and a lot of work and he agrees with much of what has occurred. However, he said there are some inconsistencies. He referred to Ash Street and Walnut Street. He said that he is aware that this is a general look and he understands what the citizenry wants but also looks at this from a transportation point of view, which can seem to be inconsistent. He said in the example of Wall Street, there were people before us that thought this was a good idea. He said he did not know if this is the time for this to be changed. He said he did not think, "...we have thought through all the thoughts...necessary to make that project work." The Fields' property is basically isolated, we are boxing ourselves in, and he does not think the staff proposal for the extension is the right thing to do at this time.
 - Councilor Webb noted that the only items before the City Council are the five amendments proposed by staff. She said this has been worked on for a number of years and she said she would be voting yes on the Transportation System Plan including the five changes, "as is."
 - Councilor Buehner said she would also be voting for the amendments that staff has proposed. She continues to have issue with the designation of Scholls Ferry Road and said she hopes that staff will follow up on this matter as it might help us in the long term to obtain funding.
 - Council President Wilson concurred that the TSP is a general document. Nothing in the TSP precludes any particular property owner from having access to his property or to making transportation improvements "on his own nickel." The TSP covers the entire City and, if we were to wait to adopt a TSP until every conceivable development application came in, we would never adopt anything. The fact that the City Council will be hearing a particular application in a few weeks is irrelevant and does not impact the TSP. He said he does not believe anyone's rights are affected whatsoever by not including a particular street. He said he agreed with the comment that the amount of qualitative/quantitative analyses was sufficient. He said he supports the recommended changes. He said he believes this TSP update is far superior to the one completed in 2002.

- Council consideration:

Motion by Councilor Webb, seconded by Councilor Buehner, to adopt Ordinance No. 10-18, as amended.

ORDINANCE NO. 10-18 - AN ORDINANCE ADOPTING COMPREHENSIVE PLAN AMENDMENT CPA 2010-00001 TO AMEND THE CURRENT TIGARD

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COMPREHENSIVE PLAN GOAL 12: TRANSPORTATION AND THE TIGARD
PUBLIC FACILITIES PLAN TO INCORPORATE THE TIGARD 2035
TRANSPORTATION SYSTEM PLAN, AS AMENDED

Councilor Buehner commented that applications that Mr. Fields' attorney referred to during his testimony were made under the old rules. The new rules do not apply. The TSP adopted tonight would only apply to applications filed after the effective date of the ordinance.

City Recorder Wheatley conducted a roll-call vote on the motion:

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

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

7. RECEIVE UPDATE REGARDING THE TREE GROVE PRESERVATION ELEMENT
OF THE TIGARD URBAN FORESTRY CODE REVISION PROJECT

Senior Planner Wyss presented the staff report:

- The Tree Grove Preservation Program is one of the components of the overall Urban Forestry Code Revision project.
- Referred to an October 12, 2010, Open House.
- Developing the preservation program came about because of community priorities within the Urban Forestry Master Plan process. The Council approved the Master Plan about a year ago.
- The program is intended to preserve the remaining groves of native trees in the community through a flexible, incentive-based program, while following the rules of Statewide Planning Goal 5.
- The City has contracted with Winterbrook Planning, who will assist the City through this project. Winterbrook has completed an existing data review and the inventory field work.
- Council directed staff and Winterbrook to perform an evaluation of 100 tree groves that were two acres or larger representing 930 acres (12 percent of the City).
- Winterbrook applied specific criteria to each of the 100 groves; i.e., predominately native species, contiguous canopy cover, and other criteria. This generally removed fragmented groves. As a result 70 groves were identified as significant, consisting of 544 acres. These 70 groves will move forward and included in the program.
- The groves range in size from about 1+ to 54 acres. The median size is 3.78 acres.
- The groves were scored high, medium or low based on specific criteria, which were reviewed by Senior Planner Wyss. One of the highest scoring groves is located along the Fanno Creek

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Trail at Tiedeman with one portion owned the by City and the other owned by the School District.

- A number of the groves are located along stream corridors and there are a number that are publicly owned.
- Goal 5 rules were followed with regarding to notification of the property owners to advise that a portion of a tree grove was on their property. These owners were invited to the October Open House. Eighty property owners attended, visited with the staff and consultants and were able to ask and have questions answered. The community support appears to be positive and consistent with Urban Forestry Master Plan recommendation.
- There are two steps remaining in completing the Tree Grove Preservation Program: 1) Complete an economic, social, environmental, and energy analysis (ESEE), and 2) Develop a draft program that will go through a review process with Urban Forestry Code Revision Citizen Advisory Committee. The community will have an opportunity to review again at a mid-February Open House.

City Council questions:

- In response to a question from Councilor Henderson, Senior Planner Wyss advised that this is an incentive-based preservation program. Properties will be allowed to develop. A process will be created for the property owner to take advantage of some incentives to protect those tree groves.
- Council President Wilson asked what percentage of the groves are already either publicly owned or protected in some other way; i.e., Clean Water Service buffers, wetlands, set-aside properties from a previous development, etc. Senior Planner Wyss said those numbers are not available now; however, staff could conduct a GIS analysis and provide this information. Senior Planner Wyss concurred with Council President Wilson's observation that many of the groves are on public property, but are not wholly contained on public land as they are contiguous to private properties. This is where the incentive-based program will be beneficial.
- Council President Wilson asked how the ESEE process would apply if the City chooses an incentive-based approach. Senior Planner Wyss said that in an urban setting, a lot of times what is allowable or prohibited does not fit within the scope of a city's land-use program. Therefore, it is the "limit category" that gets played out in the regulations or incentive-based programs.
- Councilor Buehner noted there are some parcels that were specifically designated as dedicated open space when certain subdivisions were developed. Technically, these parcels remain in private ownership as common area for those subdivisions. She asked if this program provides an opportunity for the City to pick up some of those parcels, if appropriate. Senior Planner Wyss advised that some of the incentives might include outright City purchase or City assistance with conservation easements; however, there would have to be a funding source identified.
- Council President Wilson recalled that during the 1990's the City approved a lot of PUD's and subdivisions. At that time, it was the City's policy not to accept these kinds of parcels even if the developer wanted to give them over. Council President Wilson said he never agreed with that policy, but said it is more difficult to acquire them now because the City

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would be dealing with a homeowners association requiring wide agreement unless the property is condemned. He suggested that this conversation might be better within the context of the application of the dollars from the Parks Bond. Councilor Buehner added that in some of the subdivisions the homeowners association is defunct. Senior Planner Wyss said there are three primary levels to the program:

- City-owned property
- Properties already protected through planned development
- Properties that are still developable (this is where the incentives for property owners will be focused)
- Councilor Buehner said that many of the properties that were designated as open space within subdivisions are not being maintained. She said she was concerned whether the City should be proactive within this policy to resolve how these areas can be maintained. Senior Planner Wyss said this will be explored through this process.

8. **CONSIDER A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE FUNDING DOCUMENTS RELATED TO THE ACQUISITION OF THE SUMMER CREEK PROPERTY - PHASE 1**

- Public Works Director Koellermeier and Parks Manager Martin presented the staff report.
 - On March 23, 2010, the Council adopted Resolution No. 10-15, approving the purchase of the Summer Creek Property.
 - The City has worked in conjunction with the Trust for Public Lands, an organization which obtained an exclusive option to purchase the property.
 - The City actively sought donations and grants to fund the \$5.33 million property purchase. The current funding package includes:
 - Clean Water Services donation - \$100,000
 - Washington County local share funds donation - \$400,000
 - A Metro Nature in Neighborhoods grant- \$1 million
 - An Oregon Watershed Enhancement Board (OWEB) grant - \$1 million
 - City of Tigard local share funds from the Metro Bond Measure - \$873,317
 - The donations, grants, and other funding commitments total \$3,373,317. The remaining balance, approximately \$2 million, can be funded through proceeds from the Tigard parks bond measure.
 - Funding from the county, Metro, and OWEB is contingent upon the City's successful execution of various documents including intergovernmental agreements, a grant agreement, an easement and a declaration. Other documents and forms may also be required. Therefore, staff is requesting the Council authorize the City Manager to execute all documents related to securing donations and grant funding associated with the acquisition of the Summer Creek Property - Phase 1.
- Council Discussion/Consideration

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Council President Wilson commented on the City’s efforts to leverage additional funds. He referred to the passage of the park bond, which was approved by a small margin. Emphasis is on watching expenditure of those dollars carefully. The action before the City Council represents the first one to utilize proceeds from the park bond.

Motion by Councilor Buehner, seconded by Councilor Henderson, to adopt Resolution No. 10-64.

RESOLUTION NO. 10-64 - A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE ALL DOCUMENTS RELATED TO SECURING DONATIONS AND GRANT FUNDING ASSOCIATED WITH ACQUISITION OF THE SUMMER CREEK PROPERTY - PHASE 1

The motion passed by a unanimous vote of City Council present:

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

9. COUNCIL LIAISON REPORTS: None

10. NON AGENDA ITEMS

Real Property Acquisition – Sunrise Property

Public Works Director Koellermeier presented information on a proposed property acquisition to be funded as a result of the approval of the Parks Bond. Negotiations have been concluded on the parcel known as the Sunrise property. The property is currently secured by the Trust for Public Lands (TPL), which has an option to exercise and the City needs to take action to acquire the property from TPL.

The purchase price for the property is \$5 million. The City has looked at this property several times over the last three years. The property has not developed because of the current economy and this has allowed the City to entertain its purchase. TPL will be acquiring the property and we anticipate the real estate transaction to close in the early spring if the City Council decides to take action.

Councilor Buehner asked if the City will be prepared to do some road improvements on Sunrise Lane to provide better access. Public Works Director Koellermeier said the transaction would acquire the property; development of the property will be a future action.

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Motion by Councilor Buehner, seconded by Councilor Webb, that the City Council authorize the City Manager or his designee to execute the Purchase and Sale Agreement between the City of Tigard and the Trust for Public Lands to acquire the Sunrise Property upon satisfactory review of the documents.

The motion passed by a unanimous vote of City Council present:

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

Report on Washington County Hearing – West Bull Mountain Concept Plan

Assistant City Manager Newton presented the report. She communicated, during the hearing, the City’s concerns about the West Bull Mountain Concept Plan. She said that at the Board Workshop Meeting Washington County Commissioner Rogers commented on a Town Hall held in Tigard referencing the questions asked by Councilor Buehner regarding the issues of water, parks, and traffic. Commissioner Rogers indicated his concern about answering these questions. The County staff reassured Commissioner Rogers that this is the first phase and Phase 2 will be to address those issues.

Assistant City Manager Newton advised that Washington County Commissioner Schouten raised concerns about how this area might be served by parks and asked a number of questions regarding the proximity of the areas within the Concept Plan to the City of Tigard.

Assistant City Manager Newton presented a letter that had been presented to the Tigard Planning Commission and an alternate resolution proposed by the City of Tigard. Washington County’s legal counsel cautioned the Board of Commissioners regarding changing the name of the Concept Plan because Metro advised the County that the Concept Plan as developed meets the Metro Rules and statewide planning goals. City Manager Prosser clarified that the City of Tigard was proposing the change to designate the Concept as an Urban Form Diagram. The City also suggested that rather than adopting this Plan or Diagram, that the County accept it. Assistant City Manager Newton said that under the County’s process, they must adopt (they cannot accept).

During the hearing Assistant City Manager Newton said Commissioner Rogers reiterated that he is concerned moving forward. He said the issues raised by Tigard and Beaverton need to be addressed.

The Concept Plan was adopted unanimously by the Commissioners. Board Chair Brian attended the meeting via telephone and also made comments.

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City Attorney Request for Proposals (RFP)

Assistant City Manager Newton referred to a memorandum distributed to the City Council last week asking how the City Council would want to proceed with the legal services (prosecutor, real estate, franchise) RFP, which is different from the City Attorney RFP. The City Attorney reports to the City Council and the City Council would conduct the interviews for the City Attorney services.

Councilor Buehner said she would feel more comfortable if the RFP could specify that applicants could apply to handle just one specialty. Assistant City Manager Newton said the RFP for specialized service will be clear that firms could submit an RFP for specific specialty legal services. Councilor Buehner said a description of how specialty services might be provided by other firms should be stated within the general RFP.

Councilor Buehner said her preference would be to have interviews done by one or two City Council members rather than the entire City Council. Councilor Webb agreed with Councilor Buehner. Council President Wilson said that City Council should be involved in selection of the firm that will report to the City Council. The other areas are technical and agreed that staff and a representative from the City Council would be the preferred way to choose a firm(s) for those services.

Councilor Buehner asked if there were a number of applications for the City Attorney services, could a smaller group perform the preliminary evaluation so the entire City Council would only have two to interview. Assistant City Manager Newton suggested the City Council members could score the firms to determine who they would interview. Final determination on procedures can be done once it is known how many firms have applied. Responses to the RFP are due January 11. Interviews are schedule for late January/early February.

Assistant City Manager Newton advised an extension for the current City Attorney firm is scheduled for City Council consideration on December 28, 2010.

For the City Attorney contract, it will be a five-year contract, renewable annually.

- Council President Wilson noted he had a follow up question with regard to the earlier discussion on the West Bull Mountain Concept Plan. He asked about the process followed for Damascus. City Manager Prosser said he thought that Damascus was different insofar as it was not close to any other City and the only option was to create a new City. Councilor Buehner said she attended some of the meetings held at the time Damascus was incorporating. She said the infrastructure issues were not addressed in the planning, which is why Damascus proceeded with incorporation as they felt they were not given an opportunity to deal with those issues and the financial burden. Assistant City Manager Newton offered that the Community Development

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