



City of Tigard

Tigard Business Meeting – Minutes

TIGARD CITY COUNCIL & LOCAL CONTRACT REVIEW BOARD	
MEETING DATE AND TIME:	December 14, 2010 - 6:30 p.m. Study Session; 7:30 p.m. Business Meeting
MEETING LOCATION:	City of Tigard - Town Hall - 13125 SW Hall Blvd., Tigard, OR 97223

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

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

Staff Present: City Manager Prosser, Assistant City Manager Newton, Financial and Information Technology Director LaFrance, City Attorney Ramis, City Attorney Jones, Community Development Director Bunch, Assistant Community Development Director Hartnett, Public Works Director Koellermeier, Assistant Financial and Information Services Director Smith-Wagar, City Recorder Wheatley

- **STUDY SESSION**
 - Present information on Water and Parks Bonds – Financial and Information Technology Director LaFrance reviewed staff report with the City Council.
 - At the December 28, 2010 Business Meeting, action will be requested of Council to authorize the sale of Water Revenue Bonds and two series of General Obligation Bonds: 1) for \$17 million in Parks Bonds, and 2) for potential refunding of Tigard's outstanding Library Bonds.

TIGARD CITY COUNCIL MEETING MINUTES – December 14, 2010

- The Water Rate Study that will finance the Water Revenue Bonds was adopted by Council in Resolution No. 10-58 on November 9, 2010.
- The Parks Bonds were approved by the voters of the City of Tigard in Measure 34-181 on November 2, 2010 in the amount of \$17,000,000.
- Tigard currently has one other General Obligation Bond that was issued to pay for the Tigard Library authorized by the voters of the City of Tigard on May 21, 2002. Council is being asked to approve a resolution authorizing the sale of General Obligation bonds in one or more series for the \$17 mil for parks and, if it provides savings to Tigard, to issue refunding general obligation bonds to refinance the Library Bonds.

City Manager Prosser reviewed the following with the City Council:

➤ Administrative Items

- TVF&R requests a 2011 Joint Meeting with the Tigard City Council, which would include a tour of their new headquarters building, a dinner and then an informal meeting on any issues Tigard might want to discuss. They suggest Wednesday, February 23, 2011, at 6 p.m. Council members agreed to meet on February 23rd as suggested by TVF&R.
- Council Calendar:
 - December 21, Workshop Meeting - 6:30 p.m.
 - December 24, Christmas Holiday Observed, City Hall Offices Closed
 - December 28, Business Meeting - 6:30 p.m. Reception for Councilor Webb; 7:30 p.m. Business Meeting
 - December 30, Council Goal Setting Meeting - Noon at the Walnut Street Fire Station
 - December 31 New Year Holiday Observed, City Hall Office Closed
- EXECUTIVE SESSION: The Tigard City Council went into Executive Session at 6:42 p. m. to discuss real property transaction negotiations under 192.660 (2) (e).

Executive Session concluded at 6:51 p.m.

TIGARD CITY COUNCIL MEETING MINUTES – December 14, 2010

1. BUSINESS MEETING - DECEMBER 14, 2010

- a. Mayor Dirksen called the meeting to order at 7:30 p.m.
- b. Roll Call
- c. Pledge of Allegiance
- d. Council Communications & Liaison Reports

Mayor Dirksen reported he attended the Oregon Leadership Economic Summit on December 13, 2010. He advised he assembled materials from this meeting and will make them available to the City Council members.

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

2. CITIZEN COMMUNICATION

- a. Follow-up to Previous Citizen Communication: None
- b. Tigard High School Student Envoy - Associated Student Body Activities Director Anthony Quach presented the monthly update to the City Council on behalf of Tracie Tran. His written report is on file with the packet material.
- c. Tigard Area Chamber of Commerce – Debi Mollahan updated the City Council. Her written report is on file with the packet material.
- d. Citizen Communication – Sign Up Sheet

John Frewing, 7110 SW Lola Lane, Tigard, Oregon 97223, advised of his concern regarding processing of land use applications. He said the Tigard Code provides that when the City receives changes to an existing application, the City shall either work on one application or the other application. He said he is concerned that this is not the process being followed with a current proceeding. He referred to Mr. Phil Grillo's statement regarding the feasibility of a pivot road (referencing current applications on property owned by Mr. Fred Fields). He said he thinks the City should deal with only one of the applications.

Mayor Dirksen asked for a response from the City Attorney. City Attorney Ramis advised the Code does not prevent someone from filing more than one application. There is the possibility that when someone has multiple ideas for the development of their land they could, in theory, apply for each of those ideas. They would take the ideas through the process to determine which ones could be approved. The applicant might decide to proceed with the application for which they have approval. This is permitted. City Attorney Ramis agreed this potentially could become a messy process. He concurred with Mr. Frewing that it could become difficult to keep things sorted out. City Attorney Ramis

TIGARD CITY COUNCIL MEETING MINUTES – December 14, 2010

said it was his hope that because there was a continuance on the one application, there could be focus on the other application and the issues resolved. City Attorney Ramis said the submittal of multiple applications is not something the City can control.

Mr. Frewing said he agreed multiple applications could be submitted, but he said they should not be mixed up. Mayor Dirksen advised the City Council has had conversations regarding keeping the applications separate. He acknowledged that Mr. Frewing raised an important point.

Mayor Dirksen reviewed the Consent Agenda:

3. CONSENT AGENDA: (Tigard City Council and Local Contract Review Board)
 - a. Approve Council Meeting Minutes:
 1. October 12, 2010
 - b. Receive and File:
 1. Official November 2, 2010 Election Results-Electing a Mayor, Two City Councilors, and Approval of a Bond to Acquire Open Spaces, Protect Clean Water, Improve Parklands
 2. Council Calendar
 3. Council Tentative Agenda for Future Meeting Topics
 - c. Appoint Wayne Gross and Paul Jackson to the Tree Board

RESOLUTION NO. 10-65 - A RESOLUTION APPOINTING WAYNE GROSS AND PAUL JACKSON TO THE TREE BOARD AS AT-LARGE MEMBERS
 - d. Reappoint Elise Shearer, Appoint Linli Pao and Phil Thornburg as Voting Members, and Appoint Kouri Chavez as an Alternate Member of the City Center Advisory Commission

RESOLUTION NO. 10-66 -- A RESOLUTION REAPPOINTING ELISE SHEARER, AND APPOINTING LINLI PAO AND PHIL THORNBURG AS VOTING MEMBERS TO THE CITY CENTER ADVISORY COMMISSION AND APPOINTING KOURI CHAVEZ AS AN ALTERNATE TO THE CITY CENTER ADVISORY COMMISSION
 - e. Appoint Margaret Faber to the Park and Recreation Advisory Board

RESOLUTION NO. 10-67 -- A RESOLUTION APPOINTING MARGARET FABER TO THE PARK AND RECREATION ADVISORY BOARD
 - f. Reappoint Margaret Doherty and Appoint Jason Rogers as Voting Members of the Planning Commission

TIGARD CITY COUNCIL MEETING MINUTES – December 14, 2010

RESOLUTION NO. 10-68 -- A RESOLUTION REAPPOINTING MARGARET DOHERTY AND APPOINTING JASON ROGERS AS VOTING MEMBERS TO THE PLANNING COMMISSION

- g. Authorize the formation of a High Capacity Transit Land Use Plan Citizen Advisory Committee; Approve Required Purpose; Charge Statement; Meeting Protocol, and Appoint Members

RESOLUTION NO. 10-69 -- A RESOLUTION ESTABLISHING A CITIZEN ADVISORY COMMITTEE (CAC) FOR THE HIGH CAPACITY TRANSIT LAND USE STUDY AND APPOINTING THE TIGARD TRANSPORTATION ADVISORY COMMITTEE AND TWO ADDITIONAL INDIVIDUALS TO SERVE AS THE CAC

- h. Appoint Michael Stevenson, Dennis Mitchell, and Karen Hughart to the Transportation Advisory Committee; Appoint Kim Moreland as an Alternate to the Transportation Advisory Committee

RESOLUTION NO. 10-70 -- A RESOLUTION APPOINTING KAREN HUGHART, DENNIS MITCHELL, AND MIKE STEVENSON AS VOTING MEMBERS AND APPOINTING KIM MORELAND AS AN ALTERNATE MEMBER OF THE TRANSPORTATION ADVISORY COMMITTEE.

- i. Amend Intergovernmental Agreement for the Knoll at Tigard Community Development Block Grant
- j. Local Contract Review Board
 - 1. Award Contract for Utility Bill Printing and Mailing to Bend Mailing

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

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

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

TIGARD CITY COUNCIL MEETING MINUTES – December 14, 2010

4. INFORMATIONAL PUBLIC HEARING TO CONSIDER A RESOLUTION ADOPTING WATER SYSTEM DEVELOPMENT CHARGE METHODOLOGY

- Mayor Dirksen opened the public hearing.
- Hearing Procedures: This was an informational public hearing in which any person was given the opportunity to comment.
- Declarations or Challenges: None.
- Staff Report: Public Works Department – Utility Division Manager Goodrich presented the staff report. Also present were Paul Matthews and Joe Healy of Red Oak Consulting and they presented a report on the findings of their methodology.

The City's consultant has completed a comprehensive water financial plan which included a Water Rate Study and Water System Development Charge (SDC) Update.

The first part of the financial plan, the Water Rate Study, was adopted on November 9, 2010. The Council is now being asked to adopt the second part of the financial plan, the SDC methodology.

SDCs are fees levied on new development to recover some of the cost for the additional infrastructure needed to serve that development. The SDC methodology provides a uniform and equitable framework for establishing fees and charges.

Tigard's water SDCs were last updated in 2000.

The methodology used to establish SDCs needs to be updated on a regular basis to ensure fees accurately reflect infrastructure building costs and changing water system priorities. Examples of new priorities incorporated in the proposed methodology include capital improvements listed in the 2010 Water Master Plan and projects related to the Lake Oswego-Tigard Water Partnership.

The proposed resolution adopts the water SDC methodology that establishes the maximum allowable SDCs; it does not set SDCs. This action is scheduled to come before Council in the form of an amendment to the Master Fees and Charges Schedule on December 28, 2010.

The Intergovernmental Water Board approved the water SDC methodology on September 8, 2010.

- Public Testimony

Ernie Platt of the Metropolitan Portland Homebuilders Association referred to his written material, which is on file in the Council meeting packet material. He thanked the staff and the consultant on the process followed. At this point, he is in support with the methodology

TIGARD CITY COUNCIL MEETING MINUTES – December 14, 2010

proposed in the resolution. He will comment on some issues when this is discussed on December 28, 2010.

- Staff Recommendation Utility Division Manager Goodrich recommended the City Council adopt the proposed resolution.

- Council Discussion
 - Councilor Buehner noted appreciation for the work done by Red Oak Consulting.
 - Mayor Dirksen noted this was a complex project and thanked the consultants for their work. Additional discussion on this matter will occur on December 28, 2010.
 - In response to a comment by Council President Wilson, Utility Division Manager Goodrich advised the current policy is for no charge for temporary water meters.
 - Mayor Dirksen referred to a recent increase in water rates; this is a similar action in that this will be an increase in payment due for new construction.

- Mayor Dirksen closed the public hearing.

- Council Consideration

Motion by Councilor Buehner, seconded by Councilor Webb, to approve Resolution No. 10-71.

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

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

RESOLUTION NO. 10-71 -- A RESOLUTION TO ADOPT WATER SYSTEM DEVELOPMENT CHARGE METHODOLOGY

5. CONSIDER A RESOLUTION APPROVING AN AMENDMENT TO THE WATER PARTNERSHIP INTERGOVERNMENTAL AGREEMENT, INCLUDING THE CAPITAL IMPROVEMENT PLAN

- Staff Report – Public Works Director Koellermeier presented the staff report.

In August 2008 the cities of Tigard and Lake Oswego entered into a water partnership formalized in the Intergovernmental Agreement Regarding Water Supply Facilities, Design, Construction, and Operation (Agreement).

TIGARD CITY COUNCIL MEETING MINUTES – December 14, 2010

The Agreement created an Oversight Committee comprised of two members from each party's City Council. Councilors Buehner and Webb serve as Tigard's representatives. The Oversight Committee is charged with reviewing and making recommendations on proposed capital improvement projects.

Under the 2008 Agreement, the Tigard and Lake Oswego City Councils must approve the Supply Facilities Capital Improvement Plan. The Lake Oswego City Council will consider the plan on December 7.

Public Works Director Koellermeier recommended City Council adopt the proposed resolution.

- Council Consideration –

Motion by Councilor Webb, seconded by Council President Wilson, to approve Resolution No. 10-72.

RESOLUTION NO. 10-72 -- A RESOLUTION APPROVING THE SECOND AMENDMENT TO THE WATER PARTNERSHIP INTERGOVERNMENTAL AGREEMENT, INCLUDING THE SUPPLY FACILITIES CAPITAL IMPROVEMENT PLAN, AND AUTHORIZING THE MAYOR TO EXECUTE THE AMENDMENT

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

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

- Mayor Dirksen opened the public hearing for Agenda Item No. 6 and the hearing was continued to February 22, 2011. The continuance was requested by the applicant.

**NOTICE
AGENDA ITEM NO. 6
THE QUASI-JUDICIAL PUBLIC HEARING WILL BE OPENED AND CONTINUED
TO
FEBRUARY 22, 2011**

6. QUASI-JUDICIAL PUBLIC HEARING - COMPREHENSIVE PLAN AMENDMENT, SENSITIVE LANDS REVIEWS AND ADJUSTMENT TO EXTEND WALL STREET TO FIELDS' PROPERTY
8:20 p.m. (time is estimated)

TIGARD CITY COUNCIL MEETING MINUTES – December 14, 2010

COMPREHENSIVE PLAN AMENDMENT (CPA) 2009-00004/SENSITIVE LANDS REVIEW (SLR) 2009-00004/SENSITIVE LANDS REVIEW (SLR) 2009-00005/ADJUSTMENT (VAR) 2010-00002 - WALL STREET EXTENSION (FIELDS)

REQUEST: The applicant is requesting amendments to the Comprehensive Plan to remove Goal 5 protection from Tigard Significant Wetlands and the riparian corridor surrounding Fanno Creek in order to extend Wall Street across City of Tigard property and Fanno Creek to his property. Sensitive Lands Review is required for proposed work within the 100-year floodplain and wetlands. The applicant is requesting an adjustment to the street improvement standards in order to construct a narrower street section than required by code. Tree removal permits to remove trees within the sensitive lands were submitted under a separate application. **LOCATION:** No address, Washington County Tax Assessor's Map 2S102DA, Tax Lot 690. No address, Washington County Tax Assessor's Map 2S102DD, Tax Lot 100. 13560 SW Hall Blvd., Washington County Tax Assessor's Map 2S102DD, Tax Lot 200. No address, Washington County Tax Assessor's Map 2S10100, Tax Lot 1200. **ZONES:** R-12: Medium-Density Residential District. The R-12 zoning district is designed to accommodate a full range of housing types at a minimum lot size of 3,050 square feet. A wide range of civic and institutional uses are also permitted conditionally. R-25: Medium High-Density Residential District. The R-25 zoning district is designed to accommodate existing housing of all types and new attached single-family and multi-family housing units at a minimum lot size of 1,480 square feet. A limited amount of neighborhood commercial uses is permitted outright and a wide range of civic and institutional uses are permitted conditionally.

COMPREHENSIVE PLAN DESIGNATION: Medium Density Residential and Medium-High Density Residential.

APPLICABLE REVIEW CRITERIA: Community Development Code Chapters 18.370, 18.380, 18.390, 18.510, 18.745, 18.775, 18.790 & 18.810; Comprehensive Plan Goals 1, 2, 5, 6, 7, 8, 11 & 12; Tigard Municipal Code Chapter 9; Metro Functional Plan Titles 3, 6 and 13; and Statewide Planning Goals 1, 2, 5, 6, 7, 8, 11 and 12.

7. COUNCIL LIAISON REPORTS

On January 25 2011, Councilor Henderson will give an update on his attendance at the National League of Cities Conference.

8. NON AGENDA ITEMS: None.

9. EXECUTIVE SESSION: Not held.

TIGARD CITY COUNCIL MEETING MINUTES – December 14, 2010

