



City of Tigard

Tigard Business/Workshop Meeting - Minutes

Agenda Item No. 3.A.3  
Meeting of Oct. 24, 2010

TIGARD CITY COUNCIL  
LOCAL CONTRACT REVIEW BOARD (LCRB)

MEETING DATE/TIME: August 17, 2010 – 6:30 p.m. Business/Workshop Meeting  
MEETING LOCATION: City of Tigard – Town Hall, 13125 SW Hall Blvd., Tigard, OR 97223

BUSINESS MEETING

6:30:59 PM Mayor Dirksen called the meeting to order and announced that the first part of the meeting is a Business Meeting and the second part is a Workshop.

Deputy City Recorder Krager called the roll:

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

Pledge of Allegiance

Council Communications & Liaison Reports – Councilor Buehner reported that she attended the St. Anthony’s Festival on Sunday and took along prescription discount cards for distribution to residents in attendance

Mayor Dirksen said he attended a “Rails to Trails” project meeting at the old rail bed which runs along Tigard Street north of downtown and links Main Street with the Fanno Creek Trail. In attendance were representatives from ODOT, ODOT Rail, Portland and Western Railroad, Tri-Met, Representative Doherty, Senator Burdick, and Washington County Chair Brian. He said they discussed the opportunity to convert the abandoned rail bed into a trail. He complimented the City’s graphic illustrations showing the vision for the corridor. He said the question was posed: is this of value and what do we need to do to make this happen? Portland and Western Railroad General Manager Russ spoke and said they have determined that this land is excess and they are willing to abandon it. ODOT owns the land and will need to declare it as surplus. Mayor Dirksen said that within the year Tigard should be able to begin the design process turning it into a bike/pedestrian trail.

6:35:21 PM Call to Council and Staff for Non-Agenda Items - None

1. CONSIDER APPROVAL OF PARKS BOND BALLOT MEASURE EXPLANATORY STATEMENT

6:35:35 PM Mayor Dirksen noted that this information was in the Council packets and asked Council if they had a chance to review it. They indicated that they had. Assistant Public Works Director Rager said the material for the ballot title has been submitted and the appeal period ended on August 5, 2010.

The next step is approval and adoption of the Explanatory Statement which needs to be adopted by Council Resolution. There were no questions from Council. Mayor Dirksen said it was concise and clearly states our objectives. Council President Wilson moved to approve Resolution 10-43 and Councilor Henderson seconded the motion.

	<u>Yes</u>	<u>No</u>
Mayor Dirksen	x	
Councilor Henderson	x	
Councilor Webb	x	
Council President Wilson	x	
Councilor Buehner	x	

Resolution No 10-43 - A Resolution of the City of Tigard, Washington County, Oregon Approving the Explanatory Statement for City of Tigard Bond Measure #34-181 passed unanimously.

Councilor Buehner commented that the Parks and Recreation Board supported this bond measure and she felt citizens were supportive as well. Mayor Dirksen said he agreed and said this was the best opportunity to pick up these properties while they are still available.

## 2. LOCAL CONTRACT REVIEW BOARD: AWARD PERMIT CENTER ROOF CONTRACT

Councilor Henderson recused himself from voting on this item.

6:39:01 PM Senior Management Analyst Barrett introduced this item. He said the contract is for the re-roof of the Permit Center and staff recommends awarding it to McDonald and Wetle, Inc. in the amount of \$282,500. He said the existing roof has failed and as the Permit Center has been determined to be a long-standing building in the City's Facilities Master Plan, staff has determined that a new roof is critical. He said a grant was secured from the Department of Energy to replace the roof in the amount of \$230,500. Senior Management Analyst Barrett said the bids came in over the estimate and will be handled by a change order reduction in scope, removing a non-essential parapet wall. Mayor Dirksen asked if this contract will do more than just replace the existing roof. Management Analyst Barrett said the roof will be Energy Star compliant and will result in a 13 percent reduction in energy use.

Councilor Buehner moved that the Local Contract Review Board approve the award of this contract to McDonald and Wetle, Inc. in the amount of \$282,500. Councilor Webb seconded. A vote was taken. Motion passed with four in favor and one abstention.

	<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Mayor Dirksen	x		
Councilor Henderson			x
Councilor Webb	x		
Council President Wilson	x		
Councilor Buehner	x		

## 3. CONSIDER BUDGET APPROPRIATION TRANSFER FOR THE PERMIT CENTER ROOF – RESOLUTION NO. 10-44

6:41:54 PM Assistant Finance Director Smith-Wagar said this project was budgeted last fiscal year but could not be done due to unusually wet weather. Because it was budgeted last fiscal year, it did not get into the current year's adopted budget. She said the General Fund will be reimbursed when the grant funds come in. She said the dollar number is slightly different than the bid and is the same amount that was in the budget last year.

6:43:19 PM Councilor Henderson asked about the \$13,000 taken out of the contract for the parapet wall. He asked if the City would be hiring someone to do that work. Senior Management Analyst Barrett said there is in-house expertise to do this work.

In response to a question from Councilor Henderson, City Manager Prosser said when staff is used their time is already built into the budget. Councilor Henderson asked if Council would be approving the \$52,000 difference between the project cost of \$282,500 and the \$230,500 contract. Councilor Webb said, and City Manager Prosser confirmed, that the \$52,000 was saved from last fiscal year.

It was moved by Council President Wilson to approve Resolution No. 10-44. Councilor Webb seconded the motion.

	<u>Yes</u>	<u>No</u>
Mayor Dirksen	x	
Councilor Henderson	x	
Councilor Webb	x	
Council President Wilson	x	
Councilor Buehner	x	

Resolution No. 10-44 – A Resolution Approving Budget Amendment #1 to the FY 2010-11 Budget to Increase Appropriations in the Facilities Fund to Allow for Replacement of the Permit Center Roof – passed unanimously.

#### 6:50:06 PM WORKSHOP MEETING

#### 4. DISCUSS PHOTO ENFORCEMENT AND RED LIGHT CAMERA OPTIONS FOR TRAFFIC SAFETY

Police Chief Orr said he and Assistant Chief Bell were present to give a neutral report on these options for traffic enforcement in Tigard. He said Assistant Chief Bell is Tigard's traffic commander and resident expert. He wrote the RFP for City of Portland, testified before various legislative sub-committees and in several courts regarding the legality of photo radar.

Photo radar requires an officer in the van. Portland and Beaverton have photo radar in use. These vans are set up in places where there is a common speeding problem and can be moved around. There are specific guidelines for posting photo radar signage informing drivers that this is in use in the municipality.

Pros and Cons: Surveys show that the public generally accepts the photo radar. In Portland school zones the acceptance rate is 89%. Volume can be an issue. An officer can only write three to four violations an hour. Photo radar can write 12-15 an hour. There are ways to structure the vendor contract to make it neutral as far as City funding goes. Speeding is a frequent complaint of neighbors and is the No. 1 factor for car crashes in Tigard. Fatalities in Tigard have all been associated with speed.

Photo Red-Light Radar is not a revenue generator, but can influence traffic habits just by being there. Assistant Chief Bell said the cost of issuing tickets is not recovered. He said the City of Hillsboro is abandoning photo red-light due to feedback and because motorists are no longer running through red lights. Cons include: Officers can offer warnings; photo red light can't. The personal contact is lost. Chief Orr reiterated that personal traffic stops are better because an officer can observe other things such as lack of insurance, suspended license or that the driver is wanted in another state, etc.

A large number of violators are not cited and 21% of photo red light radar tickets given in Beaverton are dismissed.

Councilor Webb asked where red-light radar would be installed in Tigard. Chief Orr said intersections would need to be studied to determine the best location. Traffic accident figures are one factor but there are others as well, such as bus stops that block the view of cars when busses drive by. He said photo radar could be moved around. Assistant Chief Bell

said vendors would do a 24-hours/7-days a week survey of Tigard's intersections to help develop a recommendation on how many red-light cameras would be needed and where they should be installed.

Councilor Henderson asked about coordination with ODOT and Chief Orr said the City would keep them in the loop as any work on Pacific Highway or Hall Boulevard would require their permission.

Council President Wilson commented that rear-end accidents happen more frequently than red-light running. He asked if the Police could come up with a system that measures how close two cars are to each other. Chief Orr responded that Tigard's Police Department will be getting this technology in the near future.

Council President Wilson said he is lukewarm-to-slightly-opposed to the photo radar. He felt the aggressive drivers following too closely are much more dangerous. He said there can be a perception problem with speed in neighborhoods and would rather focus on the dangerous people and leave the others alone.

Chief Orr said he agreed with the comment about perception of speed in neighborhoods. He said the Police Department recently purchased a trailer that takes speed readings but is less obtrusive than the big trailers that show drivers their speed on an LED board. It has shown a speed perception problem in neighborhoods and they also found that the people breaking the speed law often live in that neighborhood.

Councilor Henderson asked how long it takes for a photo radar ticket to be sent to the violator. Chief Orr said they must be mailed within four days and received in ten days. Councilor Webb said the homeless shelter shelter van received a ticket and she saw the photo evidence. She said it was very clear and there was no question it was the shelter's van.

7:35:03 PM Mayor Dirksen read this from the agenda materials, "Studies show this is effective in modifying driver behavior." He said that is the only reason to do this.

Council President Wilson said he agreed with the Mayor but would add, "If it modifies behavior in a way that makes people safer." Assistant Captain Bell said even knowing there is photo-radar encourages people to drive more safely.

7:36:36 PM Councilor Buehner said, "We are in a serious budget crunch. She said she is not convinced that this will make enough difference.

City Manager Prosser said if this increased the number of citations it would increase the workload in Court and this would affect their costs. He said they need to be included in the discussion. Councilor Webb said she is concerned about rising court costs.

Mayor Dirksen asked how much time would be involved to find out what this would cost. Assistant Captain Bell said it would not be difficult to talk to a few vendors and have them do a free survey. Mayor Dirksen said he'd like to see two things:

- 1) Find out the actual costs.
- 2) Add this to the next citizen survey to gauge how citizens feel about this.

5. UPDATE ON REGIONAL TRANSPORTATION PLANNING, INCLUDING A PROGRESS REPORT ON ACTIVITIES RELATED TO HIGH CAPACITY TRANSIT

7:49:50 PM Senior Transportation Planner Gray gave a brief update on regional transportation planning activities. She said the biggest regional activity affecting Tigard is planning for a High Capacity Transit (HCT) corridor between Portland and Sherwood. There is money from ODOT for the study. The closest activity is planning the land use, zoning and station locations for HCT. She said there are several regional projects going on and these require a lot of coordination.

7:52:09 PM She showed a diagram identifying the five individual planning projects underway by the cities of Tigard, Tualatin and Portland, Metro, ODOT and TriMet. She noted that the general timeline shows how these projects are happening concurrently and will all be completed into the next three years or so. City staff has been meeting with Tigard's many partners to discuss aspects of scope and timing. She noted that City Manager Prosser has also been meeting with representatives regarding long-range funding needs.

City Manager Prosser said he has been meeting with a HCT policy committee regarding structure of the study and what kind of direction will be given. He reiterated that Metro and TriMet are approaching this HCT study differently than in the past, where they first identified the route and then indicated station locations. He said now we put land use plans in place first and then identify the best places for stations. The group wants a transportation system that supports local land use goals and will bring HCT planning to the next level. He said Metro has identified the Southwest Corridor as the next HCT corridor, after the Milwaukie line is built.

Mayor Dirksen said there is a commitment across the region to support this corridor. He said MPAC and JPACT recommended MTIP funds in the amount of \$850,000, previously identified for other projects such as the I-5/99W connection, be transferred to this project.

8:02:45 PM Councilor Buehner expressed concern that King City is "not at the table" especially regarding station sites. She requested a joint meeting with their Council. Mayor Dirksen agreed and suggested a meeting with all the cities along the route. City Manager Prosser said he would pass this along to Metro.

Council President Wilson requested copies of plans for other HCT projects so he can figure out what product this planning money will produce. Senior Transportation Planner Gray said part of the complexity is the level of detail going into the land use planning. He said he wanted to learn more about the process and is concerned there might be federal processes that are driving things in a certain direction.

Mayor Dirksen referred to Metro's Chief Operating Officer Jordan's comment, "We are as a region, talking about making our region the greatest place. Right now we are the greatest planning place. We need to go beyond the planning and do the things that make this the greatest place." He said he takes that as a commitment from Metro that they want to move forward on this and make it a reality.

## 6. BRIEFING ON PROPOSED USE CLASSIFICATION DEVELOPMENT CODE AMENDMENT (DCA2010-00004)

8:10:30 PM Associate Planner Floyd briefed Council on the classifications and formatting staff is proposing in Development Code Amendment 2010-00004. This large document, which is 122 pages at present, will be coming back to Council for approval at a later date. He noted that the new format was found to be useful by the Planning Commission and they recommend its use. He said this Code Amendment addresses three underlying problems with the existing use classifications:

- Current Chapter language is unclear, with insufficient detail to let some uses be identified and assigned to a category.
- There is an inconsistent level of detail for each category; some have detailed descriptions with many descriptions of their intent while some use categories are a one-sentence description.
- New types of businesses have recently emerged, such as for doggy daycare centers. Other uses were created by new legislation such as beverage container redemption centers.

Associate Planner Floyd said staff looked at the Portland Development Code for guidance in the language and made an effort to keep as much existing language as possible. He said the changes are listed in the Agenda Item Summary.

He said the distinction between personal services and repair services was not clear so staff defined personal services as those that require one visit per transaction. Under repair-oriented retail staff is defined as land uses that required two visits per transaction. Dry cleaners and a few other minor land uses have been moved from personal services to

repair-oriented retail. About 150 property owners in three zoning districts were affected by this, mostly in Metzger and along Scholls Ferry Road. Required Measure 56 notices were mailed out and this generated a few phone calls but no formal comments or complaints. He noted that staff has organized the land uses and simplified some of the chapter hierarchies for ease of navigation.

Councilor Webb said most of the homeless shelters in the region are listed as six weeks or less but Tigard lists Transitional Housing as “less than one month.” She said the reason that other jurisdictions’ codes changed to six weeks rather than one month a few years ago is because it takes people at least 45 days to get any kind of aid from the state or county. Associate Planner Floyd said he will look into this.

Councilor Buehner said she likes the new format and said it will be easier for non-planners to understand.

8:23:25 PM Council President Wilson said he likes it a lot better. He expressed surprise about the dry cleaners and said he couldn’t imagine a neighborhood like Portland’s Pearl District without a dry cleaner. Assistant Community Development Director Hartnett said they are not trying to change how regulations are applied on the land right now. She said the underlying question is why are we excluding “repair-oriented” uses from that zone. What were we thinking the impacts were? She said staff is not trying to answer this question with this project and can look at this later. She said staff is just trying to get some basis to place this business in the right operating category. Council President Wilson asked if there wasn’t a national database of land use categories and asked, “Do we have to make this up by ourselves?” Assistant Community Development Director Hartnett said she was not aware of this list but will search for the information.

8:27:22 PM Mayor Dirksen said there was an issue with the Fanno Creek House property because it was a house on City park property. There was no classification to cover something like this. Associate Planner Floyd said some categories seemed arbitrary and staff may create more new categories in the future.

Mayor Dirksen stressed the need to make sure this code is flexible and inclusive so every use is covered. He said he agreed with the new structure and thought it was more understandable.

## 7. DISCUSS DRAFT CODE OF CONDUCT FOR BOARD/COMMISSION/COMMITTEE MEMBERS

Assistant to the City Manager Mills and Senior Management Analyst Wyatt presented this item. Assistant to the City Manager Mills said Council had asked staff to look at a code of conduct for board and committee members as well as one for Council. She said the discussion tonight would just address board and committee members. Last month’s discussion directed staff to show groundrules such as Glendale, California’s, which were friendlier in tone.

8:34:08 PM Senior Management Analyst Wyatt discussed the draft Code of Conduct. He said the second part of the Code is modeled on “A Place to Call Home” and reflects the City’s Values.

Assistant to the City Manager Mills asked Council for their comments on the sanctions and violations section.

8:36:37 PM In response to a question from Council President Wilson on “the insecurity of notes,” Assistant to the City Manager Mills clarified that it meant Council should be aware of the public nature of written documents. City Manager Prosser commented that we might want to be more clear to members of boards and committees that anything written can be requested by a member of the public.

Councilor Buehner suggested that boards and committees be told to keep two separate calendars, one for their personal or business use and one for board and committee activities. Assistant to the City Manager Mills said that was up to the discretion of the member.

Assistant to the City Manager Mills said it is important to state that a violation won’t be considered a basis for considering the validity of the action. She said the intent is not to tie the hands of the City Council and Mayor by making removal too much of a process. She said this wording was deliberately vague at the City Attorney’s recommendation.

Councilor Buehner noted a typo in the paragraph about progressive discipline on page 3 of the draft.

Council President Wilson asked if the “conviction of failure to follow laws” is too limiting. He said it make take some time between an accusation and a trial convicting someone and, in the meantime, someone involved in the scandal could negatively impact the City. He asked if it would be appropriate to use the word “accused” because the City shouldn’t have to wait until the conviction process is complete. Assistant to the City Manager Mills said she will talk to the City Attorney about this.

Councilor Buehner asked if each individual committee or commission sets its own standards for what “not showing up” means. Assistant to the City Manager Mills confirmed this and said all boards will be trained and will develop their own by-laws.

Assistant to the City Manager Mills will be back in September to discuss Council groundrules. Mayor Dirksen said he liked the clear but conversational tone of the document.

## 8. UPDATE ON ENGINEERING PERFORMANCE REVIEW

8:51:09 PM City Manager Prosser said that a review of the City’s engineering function was completed last year and showed major issues that needed to be resolved. Following the receipt of the study, a Project Team developed changes within the City’s organizational structure relating to the engineering function. As a result of the study the engineering function was removed from the Community Development Department and placed in the Public Works Department. City Engineer Kyle was hired and his job was to implement the study as it pertained to the engineering function.

Assistant to the City Manager Mills reviewed this engineering services study completed by an outside third-party, FCS Group. They interviewed internal and external stakeholders (citizens, consultants and developers) and found there were some obvious recommendations to make. A team was formed with representatives from Public Works, Community Development, Human Resources and the City Manager’s office. The goal of the review was to provide guidance so that the services would be more efficient and responsive and in alignment with our strategic clarity initiative. She said the review guiding principles were: 1) encourage innovative, flexible and rapid critical thinking; 2) take a long-term perspective and build an organization for the future; and 3) be driven by the values and the mission rather than the structure and function. She said staff has expressed joy and energy in having a new focus.

City Manager Prosser noted that the recommendations are on an Attachment in Council’s packet. He said 13 of the 20 have been implemented and seven are works in progress. He said staff leads are identified and held accountable.

8:58:29 PM City Engineer Kyle said all projects start with a written charter and the project is graded at the end, taking a multidisciplinary approach to measure success:

- 1) Does it work?
- 2) Did we meet the citizen’s expectations?
- 3) Did we communicate with our stakeholders? Post-project comment cards will be sent out.
- 4) Budget - How did we do?
- 5) Schedule – did we meet it?
- 6) Overall score – how did we come out?

He said, “Each project manager has these as part of their performance criteria as well as mine.”

Finance and Information Services Director LaFrance said this had been a good experience. He discussed the Capital Improvement Plan (CIP) flow chart, included in Council’s agenda packet and noted that some concepts from the Engineering Review will be interjected into the CIP process. Senior Management Analyst Collins gave Council a copy of the Capital Improvement Plan. Finance and Information Services Director LaFrance thanked Senior Management Analyst Collins and Graphic Designer Carlsrud for their work on this publication. He stated that unfunded projects are not in the CIP. He said that previously there was never one place where all City projects and their funding sources were

listed and from now on this will be a part of the CIP. He noted that staff is also including internal as well as external expenses for each project, which had not been done before.

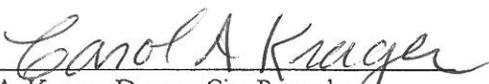
City Manager Prosser shared the lessons learned from the engineering review process. Referring to a checklist of milestones for project managers, Councilor Henderson said he'd like to see a copy and City Engineer Kyle said he'd be happy to review it with him.

Mayor Dirksen acknowledged that this is more of an administrative issue but said Council appreciated being kept in the loop. He said, "We've learned a lot from this and City operations will run much better in the future because of it."

- 9. COUNCIL LIAISON REPORTS - None
- 10. NON AGENDA ITEMS - None
- 11. EXECUTIVE SESSION - Not held.
- 12. ADJOURNMENT

9:17:24 PM Councilor Webb moved for adjournment and the motion was seconded by Councilor Buehner. All voted in favor.

	<u>Yes</u>	<u>No</u>
Mayor Dirksen	x	
Councilor Henderson	x	
Councilor Webb	x	
Council President Wilson	x	
Councilor Buehner	x	

  
\_\_\_\_\_  
Carol A. Krager, Deputy City Recorder

Attest:

  
\_\_\_\_\_  
Mayor, City of Tigard

Date: Oct 26, 2010

I:\ADMCATHY\CCM\2010\100817 final.doc