



City of Tigard

Tigard Workshop Meeting - Minutes

TIGARD CITY COUNCIL

MEETING DATE/TIME: October 19, 2010 – 6:30 p.m. Business Meeting

MEETING LOCATION: City of Tigard – Town Hall, 13125 SW Hall Blvd., Tigard, OR 97223

1. WORKSHOP MEETING

- A. At 6:32:45 PM Mayor Dirksen called the Tigard City Council Meeting to order.
- B. Deputy City Recorder Krager called the roll:

	Present	Absent
Mayor Dirksen	x	
Councilor Henderson	x	
Councilor Webb	x	
Council President Wilson	x	
Councilor Buehner		x

- C. Pledge of Allegiance
- D. Council Communications & Liaison Reports - none
- E. Call to Council and Staff for Non-Agenda Items – Assistant City Manager Newton said she would talk briefly at the end of the meeting about the upcoming legal services request for proposals. Council President Wilson said he wanted to speak about some political leaflets that were distributed in Tigard.

2. JOINT MEETING WITH THE BUDGET COMMITTEE

Mayor Dirksen announced that since the Budget Committee Chair and Secretary were not present this would not be a formal Budget Committee meeting. Finance and Information Services Director LaFrance led the quarterly update discussion on:

- Audited closure of FY 2009-10
- New quarterly financial report
- FY 2011-12 budget preparation and Capital Improvement Plan (CIP)

Assistant Finance Director Smith-Wagar said the auditors have started their on-site work. She said the annual report is in draft form and the City is on schedule. She expects the audit will be completed by late November.

Finance and Information Services Director LaFrance said the first FY 2011 First Quarter Financial Report was e-mailed to Council and a copy was distributed tonight. He said he wanted to implement this quarterly report to keep the Budget Committee up to date on the current year financial picture. He noted that this is not the official audited record for the City so it is possible that some numbers may change after further accounting review. He said Budget Committee Member Goodrich who was unable to attend tonight's meeting, has reviewed the report and is favorable.

Finance and Information Services Director LaFrance pointed out a few notable items:

- The figures show two budget adjustments.
- Revenues related to development activity are above projections.
- The City gas tax fund (which funds the Greenburg/Pacific Highway Intersection Project) is down because gasoline purchasing was down. He said he would meet with staff to examine potential savings in current projects funded by the gas tax. He will report to the Budget Committee in the second quarter.
- The Sanitary Sewer beginning fund balance is lower than budgeted due to more expensive reimbursement districts.

6:45:07 PM Mayor Dirksen asked Budget Committee members if the format of this new report met their needs. He remarked that in the past it was difficult to compare actual revenues and expenditures with budgeted or projected figures and this report made that clear to him. Budget Committee Member James asked if it could include the current and prior years. Finance and Information Services Director LaFrance asked if he wanted to see dollars, percentages or both, and Budget Committee Member James requested both.

Finance and Information Services Director LaFrance suggested keeping this report but creating a second one providing additional comparative information. Mayor Dirksen agreed that year-to-year information would be useful but asked that it be separate; he likes the format of the new report.

In response to a Budget Committee question, Finance and Information Services Director LaFrance responded that the street maintenance fee was lower than budgeted due to credits for under and overpaying in July and August, which impacted revenues on a one-time basis.

In response to a question from Councilor Henderson, Finance and Information Services Director LaFrance said the report is divided by funds similar to the budget book. Councilor Henderson asked why the numbers in Scheduled Appropriations and Contingency changed drastically from the budgeted figures. Finance and Information Services Director LaFrance said those were impacted by budget amendments.

Councilor Henderson asked why the transfers in and out didn't balance each other. Finance and Information Services Director LaFrance said that was related to how the City was coding Indirect Charges, which occur when departments help pay for another department's costs, such

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as for Central Services. These are payments rather than transfers. Finance and Information Services Director LaFrance said they will be equal in next year's budget and revenue in the Central Services fund will be recorded correctly. He said part of the explanatory statement would be that we made a change in our budgeting practices.

Finance and Information Services Director LaFrance said staff is collecting and prioritizing projects and running them through various scenarios. Project sources include the CIP and suggestions from staff and the neighborhood networks. He said potential project lists are due at the end of October. Citizen committees are getting involved in the process by re-prioritizing projects related to their particular committee.

7:03:23 PM Finance and Information Services Director LaFrance reported that his staff is currently working on the 2011-12 budget forecast. He said by the time the Budget Committee meets again in mid-January, two forecasts will have been done and the general budget instructions will be complete.

3. UPDATE AND DISCUSSION ON WATER RATE STUDY AND WATER SDC - ECONOMIC CRISIS ASSISTANCE PROGRAM

7:05:27 PM Utility Division Manager Goodrich introduced this agenda item, which updated Council on the Water Rate Study and Water SDC economic crisis assistance program. He said the City is looking at significant increases in water rates and the Intergovernmental Water Board asked staff to come up with a solution for homeowners who may occasionally need utility bill financial assistance due to the current economic downturn.

7:07:14 PM Utility Division Manager Goodrich said this program offers assistance for the water portion of City of Tigard utility bills. Clean Water Services does not offer any type of economic aid for sewer services. He said Finance Department utility billing clerks refer people requesting help to local churches, the Energy Trust and for heating assistance, to Oregon Heat. Staff was tasked with creating a Tigard Water Services Area water bill assistance program that is fair and equitable. He said people receiving assistance will be required to meet a "means test," which will not be done by City staff. He said staff wanted to fund this program through a donation from the water fund to a non-profit 501 (3)c community organization. The Care to Share organization, which already helps customers in this area through the City of Beaverton's utility assistance program, was selected. Tigard is required to pay a small portion for administering the program through a Memorandum of Understanding (MOU), signed by the City Manager. Utility Manager Goodrich said the City has set this cost at 10%.

7:11:54 PM Councilor Webb said Care to Share is a well respected organization. She said the City probably would not use that much money but having it available for the first year until the amount needed is known, was wise.

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Council President Wilson asked if Care to Share takes 10% of funds as they are given out or was it a one-time annual charge. Public Works Director Koellermeier said as staff develops the MOU they will do more research and get answers to Council's questions.

Utility Manager Goodrich said when this is established, program information can be given to employees and the public on how to contribute funds to help others in need. This has been requested in the past.

Councilor Henderson asked about the frequency of these assistance requests. Assistant Finance Director Wagar said utility billing employees receive several requests a week. She replied that staff currently refers people to churches for help and the City occasionally gets payments from churches. She noted that not all of the requestors are eligible for assistance and there will be limits and guidelines established. Mayor Dirksen said that to be good stewards of these dollars, Council needs to be aware of the guidelines.

Public Works Director Koellermeier said staff will move forward with preparation of the MOU and return to Council for review.

4. DISCUSS UPDATING TIGARD MUNICIPAL CODE CHAPTER 12, *WATER AND SEWER*, AND CORRESPONDING POLICIES AND PROCEDURES

7:19:50PM Public Works Director Koellermeier said staff has been working on this project for over one year. He said staff has kept items in ordinances that legally need to be there for authority purposes and everything else into a series of policies and procedures. He stated that this makes future amendments easier and Council will not have to be constantly amending the ordinances for minor procedural changes. He said he has been working with the City Attorney who recommended that Council adopt the first set of policies and procedures. The City Manager can adjust them in the future after meeting the public notification requirements.

Councilor Webb said she found the new version much easier to read.

There being no further comments, Public Works Director Koellermeier said staff will move ahead and bring this to Council for action at the future date.

5. RECEIVE UPDATE ON URBAN FORESTRY CODE REVISIONS PROJECT

7:22:42 PM Associate Planner Prager introduced this item. He said he wanted to update Council on progress of the Urban Forestry Code Revisions Project. He said in February Council directed staff to begin a comprehensive update on the City's urban forestry regulations consisting of three main parts and he discussed progress made for each.

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- **Enhanced public involvement** – Staff implemented a public involvement component including a website, project newsletter, targeted press releases and the inclusion of public input into packet materials so that citizen committee members can see all feedback. One tree grove open house has been held and another is scheduled for early 2011. A third will be held to coincide with the Arbor Day celebration. Children’s activities have been incorporated into the open houses. Updates are scheduled with Planning Commission and Council so there will be no big surprises at the time of adoption.
- **Revisions to the urban forestry code provisions in both Municipal and Development Codes** – Staff is working with citizen and technical advisory committees to ensure that revisions are consistent with both the community’s expectations as well as with sound urban forestry practices. Committee members include two Planning Commissioners, two Tree Board members, two Parks Board Members, two developers (including one representative from the Homebuilders Association), a certified arborist, a natural resources advocate and one citizen at-large. A third-party facilitator administers this meeting. The technical advisory committee consists of staff members, and representatives from outside agencies with interests in local urban forestry issues. These technical advisory committee meetings are facilitated by staff.

Staff is addressing code amendments through six thematic code packages: hazard trees, street trees, defining allowable uses for current mitigation funds, Development Tree Plan requirements, tree and grove preservation incentives and requirements, and non-development related tree permits. Associate Planner Prager said the code revisions portion of the project should be complete by June, 2011.

- **Enhanced protection of tree groves** - City staff and the consultant are completing the inventory. Preliminary results of the inventory were presented at the first tree grove open house on October 6th. Notices were sent to affected property owners. Associate Planner Prager said the open house was well attended and staff received a lot of good feedback.

Council President Wilson suggested replacing the word “protection” with the word “incentive” when referring to this program, or calling it the “tree grove retention incentive program.”

Mayor Dirksen said he is very interested in what comes out of the public process and asked to see specific issues discussed as part of the program:

- 1) Can and should the mitigation fund be used to purchase property or a conservation easement?
- 2) Can and should that mitigation fund be used to plant trees on private property? He said he would argue that this should not be only on public property as the money comes from private property owners. He referred specifically to parking lots that have little or no tree canopy.

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7:37:45 PM Associate Planner Prager responded by saying expanding the uses of the mitigation fund was also brought up by interested members of the Citizen Committee but a representative of the Homebuilders Association said their expectation is that those funds will only be used to plant trees, not for protection of existing trees. The consensus of the Citizen Committee was that past funds should be used only for planting trees, but future funds could be opened up for other uses. He said there is still some debate around this topic. Mayor Dirksen said that discussion is good and he was glad to see this moving forward.

6. COUNCIL LIAISON REPORTS –

7:39:13 PM Council President Wilson showed two flyers that were sent in the mail regarding the City's Parks and Open Space Measure No. 34-181. He said they refer to drinking water quality and noted that the surface water in Tigard does not impact our drinking water. He said that sometimes volunteers on campaigns make incorrect statements but City staff cannot be involved because they are prohibited by law from engaging in political activity. He said has spoken to the leaders of the campaign and pointed out this incorrect assumption that parks and open spaces affect Tigard's drinking water sources. He noted that Tigard's sources of drinking water are Bull Run, Clackamas River and Hagg Lake, and none are impacted by surface water in Tigard.

He urged people to vote yes but for the correct reasons. He apologized to anyone who was confused by this. Mayor Dirksen said he appreciates the enthusiasm of the private sector volunteers who worked on these pieces. He said this Measure will impact the surface water quality as it flows into the Tualatin River, but there is no impact on Tigard's drinking water.

7. NON AGENDA ITEMS –

7:43:05 PM Assistant City Manager Newton said it is time to seek legal service proposals as the current contract expires at the end of 2010. She said there is a five-year maximum under current contract rules.

Councilor Henderson asked if she was requesting this of Council or the LCRB. Assistant City Manager Newton replied that the Council is the body that the City Attorney reports to and LCRB would approve the final contract. The Council has to select the firm.

Councilor Webb asked for a copy of the prior RFP. Assistant City Manager Newton said she will send that out to Council.

Assistant City Manager Newton said this RFP would allow firms to bid on one or several components. She said the prior RFP split out the labor attorney from the general attorney services and the labor attorney reports to the City Manager. Council President Wilson asked how the City currently fills its need for specialized attorneys. Assistant City Manager Newton said the current firm of Jordan, Schrader, Ramis is used for real estate purposes and a different

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firm is used for franchise work. She asked Council for their input about seeking separate bids for general attorney, land use/real estate, labor and franchise, or keeping it as is, which is seeking bids for general attorney and labor services.

Council President Wilson said he supported having bids on a range of disciplines. He said he was surprised during the last RFP process at how few firms offer city attorney services.

Assistant City Manager Newton said the City is also considering receiving bids for prosecutor services. She said the current arrangement is that the general city attorney contracts with a prosecutor which means the City is paying for some overhead costs.

She asked Council if there were any questions they would like to add to the RFP.

Assistant City Manager Newton said she would send the last RFP and list of questions out to Council.

8. EXECUTIVE SESSION: None held

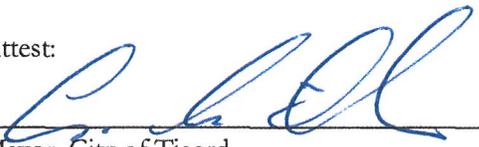
9. ADJOURNMENT

At 7:52:18 PM Councilor Webb motioned to adjourn. Council President Wilson seconded the motion. All voted in favor.

	Present	Absent
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

December 28, 2010

Date

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