



## Tigard Business Meeting – Minutes

### TIGARD CITY COUNCIL AND LOCAL CONTRACT REVIEW BOARD

**MEETING DATE AND TIME:** March 22, 2011 - 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 6:31 p.m.

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

Staff Present: City Manager Prosser, Associate Planner Caines, Assistant Community Development Director Hartnett, City Attorney Ramis, City Recorder Wheatley

- **STUDY SESSION**

- A. Update City Council on the Tree Board's Upcoming Tree Replacement Fund Recommendation

Associate Planner Caines presented the staff report. The Tree Board provides oversight of the implementation of the Urban Forestry Master Plan. One of the Board's current goals is to investigate possible funding mechanisms to help support an ongoing urban forest enhancement program.

The Tree Replacement Fund is important to achieving this goal. The Board proposes to address future use of the Fund in two phases. Phase 1 will focus on renaming the existing fund (Urban Forestry Fund) and identifying allowed expenditures. Phase 2 will identify how the fund will be used to achieve other goals and objectives of the Urban Forestry Master Plan. Phase 2 will also address use of fees collected in the future and identify other funding sources.

The Council received a draft resolution that proposes how the funds are to be spent.

## **TIGARD CITY COUNCIL MEETING/LOCAL CONTRACT REVIEW BOARD MINUTES – March 22, 2011**

Section 2 states that the funds are limited to only those tree planting and three years of early establishment activities. Exhibit A describes these activities in more detail such as planning, site preparation, planting, irrigation, pruning, and pest/disease control. Exhibit A also clarifies that funds can be used to plant trees on private property. These uses reflect a consensus review of members of both the Tree Board and the Urban Forestry Code Revision Citizen Advisory Committee.

The Tree Board is meeting on March 23 and will have a final discussion about the proposed resolution. This will allow any recommendations made by Council tonight to be addressed prior to Council's formal consideration of the resolution.

City Manager Prosser advised there is wording in Exhibit A of the Resolution that might be more restrictive than the Tree Board intended. The wording: "These funds shall be available for city use to pay for the labor and materials necessary to complete only those activities listed below for tree planting site planning, tree planting site preparation, tree planting and three years of early tree establishment after planting whether on public or private property within the city limits of Tigard." City Manager Prosser said that by calling out labor and materials, this might not include equipment and administrative overhead, and the city policy charges all of the funds putting costs back the cost center. City Manager Prosser said it is not clear whether the Tree Board meant for this to be as restrictive as it is written. Associate Planner Caines said this is something staff could discuss with the Tree Board on March 23. Mayor Dirksen said that as long as expenditures are limited to the costs associated with doing the tree planting, he thought this was their intent. Associate Planner Caines confirmed the Mayor's statement and advised it was the concern of the CAC and the Tree Board that the funds not be spent on anything more than tree replacement.

Mayor Dirksen commented that the current provisions seem to be too restrictive. It has led to frustration from the development community who paid into the fund when their money does not get used because an opportunity does not arise.

Councilor Woodard noted a concern with the Phase 2 portion of the proposed resolution. He noted ongoing need for maintenance of trees and the future costs and said he was concerned about being able to sustain the program. He asked about the three-year commitment as outlined in the resolution. He said he would be more comfortable with the language if the scope was specified to better define what is needed to sustain the program. Council President Buehner pointed out that the city requires developers to remain responsible for these mitigation trees for three years. Mayor Dirksen agreed that the requirement in Phase 2 follows the same practice for trees the city plants; holding ourselves to the same standards. Associate Planner Caines clarified that Phase 2 has not been decided at this point. Staff/Tree Board will be seeking more long-term funding possibly through fees collected from development and other sources. The Tree Board will be examining this over the next year.

## **TIGARD CITY COUNCIL MEETING/LOCAL CONTRACT REVIEW BOARD MINUTES – March 22, 2011**

During discussion with Councilor Woodard, City Manager Prosser clarified that the proposed resolution does not set out a fee increase as the wording is that “the average cost to plant the tree shall be no more than 10 percent greater than the fee.” This would establish a limit on the cost. Councilor Woodard said that if that was the case then he does not have a concern; however, he still has an issue with the three-year establishment commitment. City Manager Prosser said this provision is for the basic care of the plant for the first three years that it is in the ground. Councilor Woodard reiterated that his concern is the open-ended nature of the costs. Assistant Community Development Director Hartnett reviewed the city’s standard practices, which would be to either put in a temporary, inexpensive irrigation system or use tree-establishment bags.

Council President Buehner said she thinks the city should hold itself to the same standards that it expects from the private sector. Councilor Woodard said he agrees to the principle; however, he would like to have boundaries on what the costs might be. Mayor Dirksen said his understanding was that the proposal sets forth what would be done with the tree replacement fund and if the fund was not adequate, there would be no mandate to use funds from another source unless the City Council took action. Councilor Woodard said if this is the case, then he was comfortable with the proposal.

City Council met in Executive Session. City Manager Prosser read the following statement:

- EXECUTIVE SESSION: The Tigard City Council will go into Executive Session to discuss labor negotiations and potential litigation under ORS 192.660(2) (d) 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.

City Council reconvened the Study Session and reviewed the City Council calendar:

B. Administrative Items

- Council Calendar
  - 3/29/2011 - Council to Meet with Tualatin Valley fire and Rescue Board (dinner at 5:30 p.m.); meeting at 6 pm., at TVF&R new headquarters, 11945 SW 70th Avenue, Tigard, Oregon. Agenda items include:
    - Burnham Street Update – Public Works Director Koellermeier
    - Infrastructure Changes – City Manager Prosser and Public Works Director Koellermeier
    - Office of Consolidated Emergency Management Update – TVF&R
  - 4/7/2011 - Pacific Highway/Hall/Greenburg/Main Completion Celebration - Liberty Park, 3 p.m.

**TIGARD CITY COUNCIL MEETING/LOCAL CONTRACT REVIEW  
BOARD MINUTES – March 22, 2011**

- o 4/7/2011 - Meet the City Council - Tigard Chamber of Commerce, 1234 SW Main Street, 6-7 p.m.
- o 4/12/2011 - Regular Meeting: 6:30 p.m. Study Session; 7:30 p.m. Business Meeting
- o 4/18/2011 - Budget Committee Meeting: 6:30 p.m., Public Works Auditorium
- o 4/19/2011 - Workshop Meeting: 6:30 p.m.
- o 4/25/2011 - Budget Committee Meeting: 6:30 p.m., Public Works Auditorium
- o 4/26/2011 - Regular Meeting: 6:30 p.m. Study Session; 7:30 p.m. Business Meeting

1. BUSINESS MEETING

A. Call to Order: Mayor Dirksen called the meeting to order at 7:31 p.m.

B. Roll Call

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

C. Pledge of Allegiance

D. Council Communications & Liaison Reports: Councilor Woodard to give two reports.

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

2. CITIZEN COMMUNICATION

A. Follow-up to Previous Citizen Communication: None

B. Citizen Communication – Sign Up Sheet

Pavel Goberman distributed his written remarks to the City Council and reviewed his concerns during his testimony. He referenced issues he has with the Oregon State Bar and his support of the U.S. Constitution. Mayor Dirksen suggested Mr. Goberman contact the Oregon Attorney General’s office with his allegations; however, Mr. Goberman disagreed over whether the Attorney General would be of any assistance.

**TIGARD CITY COUNCIL MEETING/LOCAL CONTRACT REVIEW  
BOARD MINUTES – March 22, 2011**

Robert Cavalier addressed the City Council regarding his concern about people smoking on gas station properties. He recently witnessed someone smoking about 14 feet from a propane tank located at a gas station. He said he hoped Tigard would consider abolishing smoking on gas station properties. Discussion followed. Council President Buehner said she thought this was governed by state law and suggested Mr. Cavalier contact a legislative representative. City Attorney Ramis advised he has not reviewed the statutes but agreed with Council President Buehner that state statutes are applicable. City Manager Prosser also suggested that Mr. Cavalier contact the State Fire Marshal.

Mayor Dirksen reviewed the Consent Agenda:

3. CONSENT AGENDA: (Tigard City Council and Local Contract Review Board)
  - A. Approve City Council Meeting Minutes
    1. February 1, 2011
    2. February 15, 2011
  - B. Approve Granting a Designated Bus Stop on Commercial Street for Yamhill County Transit Area - Resolution  

RESOLUTION NO. 11-09 -- A RESOLUTION OF THE CITY COUNCIL APPROVING AN AGREEMENT WITH YAMHILL COUNTY TRANSIT AREA TO PROVIDE A DEDICATED ON-STREET BUS STOP ON COMMERCIAL STREET IN DOWNTOWN TIGARD.
  - C. Appoint Alternate Budget Committee Member Melody Graeber to the Budget to Replace Resigning Member Dena Struck - Resolution  

RESOLUTION NO. 11-10 -- A RESOLUTION APPOINTING MELODY GRAEBER TO BECOME A VOTING MEMBER OF THE BUDGET COMMITTEE TO COMPLETE THE TERM VACATED BY DENA STRUCK
  - D. Local Contract Review Board:
    1. Renew Three-Year Environmental Systems Research Institute (ESRI) Geographic Information System (GIS) Enterprise Software License

Motion by Council President Buehner, seconded by Councilor Henderson, to approve the Consent Agenda.

**TIGARD CITY COUNCIL MEETING/LOCAL CONTRACT REVIEW  
BOARD MINUTES – March 22, 2011**

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

	Yes	No
Mayor Dirksen	✓	
Council President Buehner	✓	
Councilor Henderson	✓	
Councilor Wilson		Absent
Councilor Woodard	✓	

Mayor Dirksen issued the following proclamations:

4. PROCLAMATIONS - MAYOR DIRKSEN
  - A. Proclaim April 2011 as Child Abuse Prevention Month
  - B. Proclaim April as Arbor Month in the City of Tigard
  - C. Proclaim April Earthquake and Tsunami Awareness Month

Emergency Coordinator Lueck gave a PowerPoint presentation on “Tigard’s Earthquake Preparedness Posture.” A copy of the presentation is on file with the meeting material.

5. CONSIDER A RESOLUTION GRANTING EXEMPTION FROM PROPERTY TAXES UNDER TIGARD MUNICIPAL CODE SECTION 3.50 FOR FOUR NON-PROFIT, LOW-INCOME HOUSING PROJECTS

Finance Confidential Executive Assistant Lutz presented the staff report, which is on file with the meeting materials.

Tigard Municipal Code 3.50 allows certain organizations providing low-income housing to be exempted from Tigard property taxation upon application by March 1 of each year and a demonstration of compliance with certain criteria listed in the Code.

Community Partners for Affordable Housing owns and operates Greenburg Oaks, located at 11875 SW 91st Avenue in Tigard. They also own Village at Washington Square at 11157-11163 SW Hall Blvd in Tigard, the Knoll at Tigard, 12291 SW Knoll Drive, and a single family house located at 9330 SW Tangela Court in Tigard. These projects are operated as low-income housing and meet all criteria listed in the Tigard Municipal Code. Community Partners for Affordable Housing submitted four applications for exemption from 2011 property taxes on February 20, 2011, which is within the March 1 deadline. All of the properties were exempted from property

**TIGARD CITY COUNCIL MEETING/LOCAL CONTRACT REVIEW  
BOARD MINUTES – March 22, 2011**

taxation in 2010.

These applications were reviewed by staff in the City’s Community Development Department and staff determined that the requested tax exemptions are consistent with the applicable Tigard Municipal Code and also the adopted City Housing Policy.

The proposed resolution gives consent from the City of Tigard for this tax abatement. Under State law, Community Partners for Affordable Housing must receive similar approval from jurisdictions accounting for 51% (or more) of the total property taxes to be levied on these properties. This organization will also make application to the other taxing units.

Motion by Council President Buehner, seconded by Councilor Woodard, to adopt Resolution No. 11-11:

**RESOLUTION NO. 11-11 -- A RESOLUTION GRANTING AN EXEMPTION FROM PROPERTY TAXES UNDER TIGARD MUNICIPAL CODE SECTION 3.50 FOR FOUR NON-PROFIT LOW-INCOME HOUSING PROJECTS OWNED AND OPERATED BY COMMUNITY PARTNERS FOR AFFORDABLE HOUSING (CPAH)**

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

	Yes	No
Mayor Dirksen	✓	
Council President Buehner	✓	
Councilor Henderson	✓	
Councilor Wilson		Absent
Councilor Woodard	✓	

**6. BRIEFING ON THE ECONOMIC OPPORTUNITIES ANALYSIS**

Senior Planner Wyss presented the staff report. Highlights of his report are recorded in the PowerPoint presentation reviewed with the City Council. A copy of the presentation is on file with the meeting material.

The City of Tigard is conducting an Economic Opportunities Analysis (EOA) as part of the state required Periodic Review of the Comprehensive Plan. The completion of an EOA is a specific task in Tigard’s Periodic Review work program. Tigard has received grant funds from the Department of Land Conservation and Development (DLCD) for consultant assistance to complete this task.

The EOA must be developed in compliance with OAR 660, Division 9 (Goal 9), and is a technical study that compares the projected demand for industrial and other employment land to the existing supply. The process helps communities implement their local economic

**TIGARD CITY COUNCIL MEETING/LOCAL CONTRACT REVIEW  
BOARD MINUTES – March 22, 2011**

development objectives and informs implementation of economic employment development policies in the Comprehensive Plan.

The Planning Commission has acted as the advisory committee for the project, reviewing each task during the process to complete the EOA. The anticipated outcomes of the project are: 1) An understanding of the characteristics of Tigard's employment lands and their adequacy to accommodate future economic activity; 2) proposed economic development policies and action measures as a basis to plan for a supply of appropriately zoned land necessary for existing businesses to expand and to accommodate future economic activities.

The Planning Commission has completed its final review of the staff proposed draft EOA and is prepared to hold a public hearing on the document. Three different "land need" scenarios were analyzed. Each scenario identified an appropriate amount of future employment, commercial, and industrial lands to accommodate projected job growth. It is anticipated that the "land efficient" scenario is appropriate for the City of Tigard. This scenario would not require any rezoning of vacant property at this time and its selection can be based on the following preliminary findings:

- The City has a limited supply of vacant industrial and employment lands.
- The City is currently limited in its ability to expand its boundary to increase its industrial/employment land base.
- The City has a good supply of properties that meet the definition of "high redevelopment potential."
- The City's strategy is to redevelop Downtown Tigard, the Tigard Triangle, the Washington Square Regional Center, and the Pacific Highway Corridor.
- The City has a future opportunity to jump-start redevelopment with the arrival of high capacity transit.

The final step of the draft EOA was to develop implementation measures. After a review of existing Comprehensive Plan policies and recommended action measures, the proposed EOA includes some minor changes to Comprehensive Plan language to reaffirm the City's vision and to ensure compliance with state requirements. The next step is adopting the EOA as a component of Tigard's Comprehensive Plan. The following is the anticipated schedule to complete the EOA task

- April 4, 2011 - Planning Commission Public Hearing
- May 10, 2011 - City Council Public Hearing
- May 31, 2011 - End of Grant Contract and Submit to DLCD

Mayor Dirksen complimented the report and said he appreciated the additional information presented in the Executive Summary.

## **TIGARD CITY COUNCIL MEETING/LOCAL CONTRACT REVIEW BOARD MINUTES – March 22, 2011**

7. BRIEFING ON TWO CAPITAL IMPROVEMENT PLAN PROJECTS:

- PACIFIC HIGHWAY INTERSECTION IMPROVEMENTS
- 550-FOOT ZONE IMPROVEMENTS -- TEN-MILLION-GALLON RESERVOIR IMPROVEMENTS AND TRANSFER PUMP STATION

Streets and Transportation Project Engineer McCarthy and City Engineer Kyle presented this agenda item which was highlighted with a PowerPoint presentation. A copy of the presentation is on file with the packet materials.

**Pacific Highway Intersection Improvements**

The City is working in conjunction with the Oregon Department of Transportation and Washington County to construct improvements at the intersections of Pacific Highway and Hall Boulevard and Pacific Highway and Main Street/Greenburg Road. Work on the improvements started about a year ago and is nearly complete. A third through-lane on Pacific Highway and new turn lanes from intersecting streets are open to motorists.

Preliminary traffic data indicates the intersection improvements were successful. Traffic back-ups have been dramatically reduced, with most vehicles moving through each of the revamped intersections in one signal cycle. The improvements have reduced travel times on Pacific Highway southbound from I-5 to Greenburg Road by about 20 percent. Northbound travel time between Walnut Street and Highway 217 has been reduced by about 30 percent in the evening rush hour and by about 60 percent midday.

**550-Foot Zone Improvements**

**10-Million-Gallon Reservoir Improvements and Transfer Pump Station**

In this project, the City will repair and retrofit an existing ten-million-gallon reservoir, abandon the existing pump station, construct a new pump station, install backup power generation to the new pump station and to the existing aquifer storage and recovery well, and construct site improvements.

The project started in 2008 and is at about 60 percent of completion. Recent tasks include the application of a protective coating to the reservoir's concrete floor. This coating will extend the life of the concrete. The "basement" of the new pump station has been excavated to a depth of about 40 feet, and the concrete work is complete. The basement will house pumps, valves, and piping for the pump station. The electrical building will be built over the pump station basement.

**TIGARD CITY COUNCIL MEETING/LOCAL CONTRACT REVIEW  
BOARD MINUTES – March 22, 2011**

## 8. COUNCIL LIAISON REPORTS

Councilor Woodard gave a report on Metropolitan Area Communications Commission (MACC) activities and referred to information distributed to the City Council members. On April 15, the Commission will meet with Frontier. Some of the concerns of MACC include:

- Explanation for the many assurances that Frontier made in accordance with MACC and the jurisdictions to provide competitive TV/video services to customers.
- How the proposed customer increases for services will impact customer choices for video services.
- How significant, if any, will the city franchise fee be impacted.

Councilor Woodard said it appears that Frontier is seeking 46 percent increase and if you are a new subscriber there is an immediate and significant increase with new charges. At the April 15 meeting, the Commission will strive to understand Frontier's business model. To date, there has been no increase for video services to pre-existing customers. MACC has the opportunity now to understand the franchise contractual obligations and to address concerns. Councilor Woodard said he will report to Council the results of the April 15 meeting.

Mayor Dirksen noted he appreciated the work by MACC to hold Frontier accountable to contractual obligations. Council President Buehner noted her previous concerns have been validated.

Councilor Woodard reported on recent activities by the Parks and Recreation Advisory Board activities. He noted a representative of the City Center Advisory Committee attended the meeting. He said the PRAB Chair and Vice Chair will most likely attend the next CCAC meeting. The discussions of interest for the CCAC are the 10 percent of the bond proceeds that are to be used in the city center.

The PRAB passed a Parks Bond Fund, by resolution, to track the \$17 million parks bond expenses. PRAB also made a motion (passed unanimously) to reimburse the \$1.9 million used from the System Development Charges fund to purchase the Summer Creek property. The SDC fund will be replenished for use for other projects to be evaluated and recommended to the City Council in the future.

Councilor Woodard noted the importance of meeting timelines to utilize funds from the park bond. The PRAB is doing a good job in moving forward. The PRAB will be requesting a project manager for park bond projects. The Board will also be looking at property purchases for the balance of the bond proceeds (over \$7 million).

Councilor Henderson reported on activities of the Washington County Community Development Block Grant Policy Advisory Board, who is charged to determine the best projects to fund. He said

## **TIGARD CITY COUNCIL MEETING/LOCAL CONTRACT REVIEW BOARD MINUTES – March 22, 2011**

the Knoll at Tigard project received a good amount of funding from CDBG. Several training sessions are planned and Councilor Henderson said he will attend these to better understand the CDBG funding process. He said Washington County will be conducting a survey to determine whether there is discrimination within communities. There will be a team visiting each community in the next year to identify 20 areas where discrimination might exist. He said this is an important step toward people working together.

Mayor Dirksen said that while he is fiscally conservative and often has reservations about federal programs, he said the CDBG is a program that works very well; it serves the citizens well and has been of great benefit across the United States since its inception. He advised he learned during his recent trip to Washington D.C. that the House is recommending a considerable reduction to the CDBG funds (67 percent reduction). He said this is still being worked on and he was certain there would be a compromise that he hoped would result in less of a reduction.

9. NON AGENDA ITEMS

- Earthquake Preparedness Presentation and Proclamation (This presentation was given as noted above during Agenda Item No. 4.)
- Motion by Councilor Woodard, seconded by Councilor Henderson, to adjourn the business meeting. (9:02 p.m.)

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

	Yes	No
Mayor Dirksen	✓	
Council President Buehner	✓	
Councilor Henderson	✓	
Councilor Wilson		Absent
Councilor Woodard	✓	

**TIGARD CITY COUNCIL MEETING/LOCAL CONTRACT REVIEW  
BOARD MINUTES – March 22, 2011**

At 9:06 pm City Manager Prosser announced that the City Council would be going into an Executive Session and read the following:

10. EXECUTIVE SESSION: The Tigard City Council would go into Executive Session to discuss potential litigation under ORS 192.660 (2) (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.

At 9:42 am Council adjourned from the Executive Session.

\_\_\_\_\_  
Catherine Wheatley, City Recorder

Attest:

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

Date: \_\_\_\_\_

I:/ADM/CATHY/CCM/2011/DRAFT/03 March/110322 .docx

**TIGARD CITY COUNCIL MEETING/LOCAL CONTRACT REVIEW  
BOARD MINUTES – March 22, 2011**