



City of Tigard

Tigard Business Meeting – Minutes

TIGARD CITY COUNCIL AND LOCAL CONTRACT REVIEW BOARD

MEETING DATE AND TIME: April 12, 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

STUDY SESSION: Mayor Dirksen called the Study Session to order at 6:30 pm.
Council Present: Mayor Dirksen, Council President Buehner, Councilor Wilson, Councilor Woodruff and Councilor Henderson

Staff Present: City Manager Prosser, Assistant City Manager Newton, Community Development Director Bunch, Public Works Director Koellermeier, Associate Planner Caines, Associate Planner Floyd, City Attorney Ramis and Deputy City Recorder Krager

Press: Eric Florip, Oregonian

- A. Administrative Items – Mayor Dirksen reminded Council of the first Budget Committee Meeting starting on Monday April 18, 6:30 pm, Public Works Auditorium
- B. Shining Stars Banquet – Mayor Dirksen will be honored at the Tualatin Riverkeepers Green Heron Banquet on the same night as the Shining Stars Banquet. Council President Buehner, Councilor Henderson and Councilor Wilson will attend the Shining Stars Banquet with their spouses.

EXECUTIVE SESSION

City Manager Prosser read the citation and the Tigard City Council entered into an Executive Session at 6:32 pm to discuss pending litigation and to consider the employment of a public officer, employee, staff member or individual agent, under ORS 192.660(2) (h) and (a). Executive Session ended at 7:27 pm.

1. BUSINESS MEETING

- A. Mayor Dirksen called the meeting to order at 7:34 pm.
- B. Deputy City Recorder Krager called the roll.

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

- C. Pledge of Allegiance

- D. Council Communications & Liaison Reports: Mayor Dirksen announced that Council will report on the National League of Cities Conference held at Washington DC, at the end of the meeting.
- 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 Tracie Tran gave a report on current happenings at THS. A copy of her report is in the meeting packet.
- C. Tigard Area Chamber of Commerce Executive Director Debi Mollahan thanked Council for participating in the “Meet your City Council” event. She mentioned many upcoming activities including speed networking, the grand opening of The Knoll at Tigard CPAH housing, and the upcoming Shining Stars banquet.
- D. Citizen Communication – Signup Sheet: Tree Board Chair Anthony Tycer spoke as a citizen regarding changes to tree planting requirements and the tree mitigation fund, which will be renamed at tonight’s meeting.

He encouraged the Mayor and Council to exercise accountability over the use of money in the tree fund. He said that without a certifiable return on investment, the Tree Board is not in favor of using Friends of Trees for tree planting. He is in favor of the goal to plant trees on private property to help increase the urban canopy. With regard to use of mitigation funds, he said it is appropriate to inquire how much per tree will be spent, where it will go and what will be charged for site preparation. He said he has a personal goal to increase participation in the street tree giveaway from 30 in 2010 to 60 in 2011, but he would also like to site the trees in such a way that their shadows fall across asphalt and reduce heat signatures.

He urged Council to be careful when using the Survey Monkey to shape conclusions by citizen committees, as a questionable premise will lead to questionable conclusions.

Mr. Tycer said there has been a paradigm shift in measuring trees for mitigation. The measure used to be the breast-height diameter calculation but this changed to canopy coverage percentage, so that treed lots and un-treed lots are treated the same. He cautioned against unintended consequences of decisions like this and asked, “How are we going to favor native tree planting?”

3.  CONSENT AGENDA:

- A. Approve City Council Meeting Minutes
 - 1. February 22, 2011
 - 2. ~~March 8, 2011~~ (Moved to the April 26, 2011 Consent Agenda)
- B. Receive and File:
 - 1. Council Calendar
 - 2. Council Tentative Agenda for Future Meeting Topics

C. Renew Resolution No. 08-47 That Establishes a Process to Form Ad-Hoc, Limited Duration Citizen Advisory Committees.

- Resolution No. 11-12 – A RESOLUTION AMENDING THE PROCESS TO FORM AND APPOINT LIMITED DURATION CITIZEN ADVISORY COMMITTEES (CAC) BY ALLOWING AN OPTION TO DO SO THROUGH A ONE-STEP PROCESS WHEN UTILIZING A STANDING COMMITTEE

Council President Buehner moved for approval of the Consent Agenda and Councilor Wilson seconded the motion and all voted in favor.

	Yes	No
Mayor Dirksen	x	
Councilor Henderson	x	
Councilor Woodard	x	
Councilor Wilson	x	
Council President Buehner	x	

4.  PROCLAIM APRIL 25-30, 2011 AS NATIONAL COMMUNITY DEVELOPMENT WEEK
Mayor Dirksen proclaimed April 25-30 as National Community Development Week. He said this recognizes the Community Development Block Grant program, enacted 37 years ago. This federal program provides funding to communities for affordable housing or neighborhood revitalization needs. Tigard has received \$3,429,286 for use within the city of Tigard. A part of the proclamation urges Congress to continue to provide formula funding for the CDBG.
5.  ARBOR DAY, RECEIVE THE TREE CITY USA GROWTH AWARD AND PRESENT TREE STEWARDSHIP AWARDS Associate Planner Daniels and Arborist Prager introduced this item. Associate Planner Daniels said Tigard declares an Arbor Month, not just an Arbor Day and presented a PowerPoint covering local events celebrating it. A copy of this presentation is in the meeting packet.

Arborist Prager said Tigard is being recognized for the tenth year as a Tree City USA. He read the requirements that were met and noted that the City of Tigard planted over 13,000 trees within the City limits in 2010, representing an 11% increase in the tree canopy. He said Tigard also received a Tree City USA Growth Award for expanded urban forestry efforts. He said over 100 trees have been planted at local schools, providing outdoor classrooms, shade and water quality benefits.

 Brian Wegener, representing the Oregon Department of Forestry's Oregon Community of Trees spoke. He said as a Tigard citizen he was very pleased to present the Tree City USA Growth Award to his home town. He presented the City with new road signs, a plaque honoring Tigard for being a Tree City for Ten Years, and a flag. Mr. Wegener presented the Mayor with a lapel pin and hat.

 Assistant Planner Daniels described the upcoming tree planting at Metzger Elementary on April 22, 2011. A second grade class will be planting trees with Mayor Dirksen. She announced the winner of the 2011 Tree Stewardship Awards: Tigard Parks and Recreation Advisory Board. She read the nomination: "The efforts of

the Parks and Recreation Advisory Board have made a lasting impression on the urban forestry in Tigard for generations to come and this is why they deserve the 2011 Tree Stewardship Award.” The award was accepted by PRAB Member Hong Dao.

6. CONSIDER A RESOLUTION TO RENAME AND OUTLINE ALLOWED USES OF THE TREE REPLACEMENT FUND

 Associate Planner Caines and Arborist Prager gave a brief staff report on the tree replacement fund. Associate Planner Caines said in February of 2010 Council asked staff to clarify the allowed uses of the Tree Replacement Fund as part of the Urban Forestry Code revision. She said the first phase is renaming it the Urban Forestry Fund and outlining allowed expenditures. A future phase will examine the Urban Forestry Master Plan and how funds are collected and used in the long term to achieve goals of that plan, and will coincide with the adoption of the urban forestry code. She said the resolution under Council consideration renames the fund and outlines the allowed expenditures: site preparation for planting trees, minor grading, plan preparation plan, actual tree planting and three years of early establishment maintenance activities to ensure young tree survival. The resolution also outlines that trees can be planted on public or private property, and there is a line that states the amount that can be spent on average for different projects around the city. She said this maximum amount is on average, ten percent above the tree replacement fee in lieu, which is currently \$125 per caliper inch. She said this resolution reflects the consensus of the Urban Forestry Code Revision Citizen Advisory Committee and is recommended for approval by the Tree Board.

Councilor Woodard asked if the three-year period only covers trees put in by developers. Associate Planner Caines said trees can be planted on either public or private property. Councilor Woodard asked what the plan is for the GIS technology and how many FTE's are required to sustain it. Arborist Prager responded that the resolution codifies the current practices and reason the City uses GIS is that there is citizen and developer interest in finding out where the trees they paid for are being planted. He said staff is currently building this program and the GIS aspect would not increase staff time.

Councilor Woodard said he had concerns about the cost of the trees and the service level expectations. He said he would like to see a more detailed scope of work. He asked why demolition costs are not included in the formula. He said he was supportive and loves trees, but wants more detail about the three-year early tree establishment. He asked, “What have we done before versus what we will be doing tomorrow?”

Councilor Wilson stated that what is being voted on tonight does not commit the City to anything; it just broadens the use. He said, “Regarding the GIS, Arborist Prager is the person who will enter this information and the GIS system exists now. The bottom line is that we are just allowing ourselves more latitude.”

Mayor Dirksen said the problem that this resolution addresses is that in the past we have only been allowed to plant on public property, yet we receive mitigation money from private developers. The question was, “Why can't we use these funds on private property?”

Councilor Woodard asked if three years are required for newly planted tree maintenance, and could it be less? Mayor Dirksen said this is the standard in the code that we set for developers and now we will be applying it to ourselves. Arborist Prager supported the three-year threshold.

Councilor Henderson asked how much was in the fund. Arborist Prager estimated \$1.2 million.

Councilor Wilson commented that Tigard is in danger of overplanting its public spaces. He said the city also has areas, typically commercial, that are under-canopied. He said he would like the city to concentrate on quality rather than quantity. He asked about the 10% rule. Associate Planner Caines said that is an average. Councilor Wilson said that was nowhere near enough. He said an old adage is, "Never put a \$100 tree in a \$10 hole. Current thinking is that we need to spend more money on preparation." He said he would like to see Tigard put trees along Pacific Highway but said that will be costly. He noted that asphalt demolition and pavement replacement were not listed.

 Mayor Dirksen verified that the Council could approve paying more than what is listed in Attachment A for a project staff wants to do. Councilor Wilson issued a charge for staff to seek out those spaces where trees aren't and won't occur naturally and plant trees there. He said he wants to see paving demolition and utility relocation listed as eligible charges, as well as legal work such as obtaining easements and deed restrictions.

Arborist Prager said the language is intentionally broad. He said the advisory committees were adamant that the costs be capped so large projects would require Council approval. He said he felt the language was expansive enough to cover a lot of these things mentioned tonight.

Councilor Wilson asked if staff knew what is in our fee-in-lieu of undergrounding fund. City Manager Prosser noted that the first Budget Committee meeting is next week and this question could be addressed then.

Mayor Dirksen said staff should go out and find places where trees need to be and put them there, aiming for quality, not quantity. This could even be made a policy. He said removal of impervious surfaces should be listed. Councilor Woodard recommended "removal of old irrigation systems" be added.

In response to a question from Council President Buehner, the city has codes in place to require commercial developers to replace trees that don't live. Community Development Director Bunch said the effort to enforce landscaping that has not been kept up would be a huge effort. He recommends asking future developers to partner and help leverage resources.

City Manager Prosser asked if Council wanted to amend the motion now or have staff come back with amendments as part of phase two? Associate Planner Caines suggested adding what Council suggested and putting this on a future consent agenda. City Attorney Ramis said Council's direction should be clear because if the product that comes back is not what you want, you can pull it off the Consent Agenda.

Community Development Director Bunch suggested partnerships with property owners for projects showing what can be done with a tree planting demonstration project.

Council President Buehner requested that trees not be planted facing north on steep hills, such as evergreen trees on 135th. They shade the road and icy conditions remain longer, making driving more dangerous. This issue is tabled.

Mayor Dirksen said this issue is tabled and it will be revisited as a Consent Agenda item with revised language.

7.  LOCAL CONTRACT REVIEW BOARD: AWARD PURCHASE AGREEMENT FOR REPLACEMENT OF THE IN-CAR VIDEO SYSTEM FOR PATROL VEHICLES TO CDW/PANASONIC

Police Chief Orr, Police Department Business Manager Imdieke and Senior Management Analyst Barrett were present to discuss this item. Last year the police car video equipment was patched together and staff planned to replace this equipment next fiscal year. Business Manager Imdieke reported that the vendor for this equipment filed bankruptcy in June of 2010 and went out of business shortly thereafter. He reported that staff evaluated several vendors and after reviews and on-site demonstrations, it was decided to go with the Panasonic equipment. He said this is a multi-year contract and Council must approve the appropriation each year.

Council Woodard said he knows the police needs this equipment. He verified the costs and lease payments are being paid this year from savings but was concerned that the second year payment will leave the department short of human resources. Police Department Business Manager Imdieke said the second year payment is included in the proposed budget, above and beyond what FTE costs are. And the third year will be budgeted the year after.

Councilor Henderson expressed concern about the unfilled FTE's. Police Chief Orr said most of the savings came from last fiscal year's Materials and Services budget. He said City Manager Prosser asked the Police Department last year to identify purchases they could defer in the Materials and Services budget. He said they are in full staffing now. Councilor Henderson asked if the savings were realized because crime went down. Police Chief Orr said it did go down but Tigard is back up slightly this year; however, we are still lower than two years ago.

Mayor Dirksen said the value of this equipment proves itself many times over. Council President Buehner moved to approve the purchase of the CDW/Panasonic equipment. Councilor Wilson seconded the motion and all voted in favor.

8.  REPORT FROM MAYOR AND CITY COUNCILORS ON NATIONAL LEAGUE OF CITIES CONGRESSIONAL CITY CONFERENCE

Mayor Dirksen said he attended the National League of Cities Congressional City Conference in Washington, DC, along with Council President Buehner and Councilor Woodard. He asked them to give a brief report.

Council President Buehner attended sessions such as Governing the New Normal and met with several of Oregon's elected officials. She noted that they heard a speech given by First Lady Michelle Obama. She brought back some information on parliamentary procedure that she will distribute to Council members.

Councilor Woodard said he attended classes and seminars and learned a lot about public engagement, strategic thinking, managing and media relations. He said government is not going to be getting more money; a different approach has to be taken, doing more with less and utilizing business talents to meet economic challenges. We need to economically develop in a way that benefits everyone. He referred to the recent Chamber of Commerce "Meet the Council" event and said, "We have to engage the public, we need to learn to work together better, and we have to do a better job at providing the needed services, sustainably."

 Mayor Dirksen said he participated with the Joint Policy Advisory Committee on Transportation (JPACT) meeting with Oregon's congressional delegation and transportation leaders. He said most discussions related to the budget and deficit reduction. He said funding transportation and infrastructure are high priorities. He said this was JPACTS's focus as they met with congressional leaders. Mayor Dirksen and Council President Buehner met with Congressman Walden. Mayor Dirksen said also took part in an interesting workshop called, Roadblocks to a New Transportation Program. He met with the NLC Transportation Committee to discuss policies and how to influence Congress in times in these economic times, and also heard a presentation from the Secretary of Housing and Urban Development.

Mayor Dirksen summarized that attending the National League of Cities Conference helps Council come back to Tigard and make more objective decisions, due to a bigger perspective and exposure to new ideas. He said, "What I hear is that compared to most, Tigard and their Council are doing very well."

9. DISCUSS CITY MANAGER RECRUITMENT PROCESS

 Human Resources Director Zodrow said City Manager Prosser is retiring in July. She said her goal tonight is to work with Council to develop a timeline and look at the process for finding his replacement.

Council President Buehner referred to the timeline in the meeting packet and said it was too tight. Mayor Dirksen agreed and asked if it was necessary to have the candidate profile finalized prior to advertising the position.

Mayor Dirksen said the sample profile included in the packet is a good start but asked how to make it specific for Tigard. He suggested that members of Council interview city staff, community leaders, members of boards and commissions and business leaders, and ask what they want to see in a City Manager. He said he has a preliminary list to submit to each Councilor, and requests that they conduct one-on-one interviews and bring the information back to help develop the candidate profile. He said it make take four to five weeks to complete that process

Mayor Dirksen asked if this should be an in-house or executive search firm recruitment. Human Resources Director Zodrow said it would be beneficial to hire a nationwide search firm which would extend contacts throughout the western United States. She said additional benefits of an executive search firm are the networking capabilities and city marketing.

Councilor Henderson mentioned that some other nearby cities also are searching for a city manager and suggested it would be beneficial to partner with them. In response to a question from Councilor Wilson, Human Resources Director Zodrow said the cost would be 25%-30% of the manager's annual salary for the executive search firm service.

Councilor Wilson said he agrees with the executive search idea because they may be able to approach someone who is not even looking for another position. He suggested the City take as much time as possible to get the best candidate.

Council President Buehner asked about the appropriateness of the Mayor or Council screening applicants by phone prior to interviews. Councilor Wilson suggested not just calling references but digging deeper and interviewing people who know the applicant.

City Manager Prosser asked if some of the hiring authorities could visit the cities where the finalists work and mentioned a former police chief recruitment where this was done. Human Resources Director Zodrow noted that the League of Oregon Cities can also help with background checks.

It was decided to begin the advertising process before the candidate profile is completed. Council agreed that Human Resources Director Zodrow could select finalists for the recruitment firm

Mayor Dirksen said Tigard needs to make sure there is someone in place in the interim after City Manager Prosser leaves and the new manager is in place. He said the obvious choice to him is Assistant City Manager Newton. He asked Council to confirm that choice and allow Human Resources to complete a compensation package.

10. COUNCIL LIAISON REPORTS

11. NON AGENDA ITEMS – None

12. EXECUTIVE SESSION – Not held

13. ADJOURNMENT At 9:49 pm Council President Buehner moved for adjournment and Councilor Wilson seconded the motion. All voted in favor.

	Yes	No
Mayor Dirksen	x	
Councilor Henderson	x	
Councilor Woodard	x	
Councilor Wilson	x	
Council President Buehner	x	


Carol A. Krager, Deputy City Recorder

Attest:


Mayor, City of Tigard



Date

I/ADM/CATHY/CCM/2011/Final/April/110412