



City of Tigard

Tigard Business Meeting – Minutes

TIGARD CITY COUNCIL AND LOCAL CONTRACT REVIEW BOARD

MEETING DATE AND TIME: June 14, 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 6:34 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, Public Works Director Koellermeier, Assistant Community Development Director Hartnett, Public Works Surface Water Quality/Volunteer Coordinator Staedter, Assistant Public Works Director Rager, Human Resources Director Zodrow, Redevelopment Project Manager Farrelly, City Attorney Ramis, City Recorder Wheatley

STUDY SESSION

A. Discussion of Plaza Relocation Resolution – City Council/City Center Development Agency

Redevelopment Project Manager Farrelly presented the staff report. The issue before the City Council was to discuss the need to consider locations other than the Steven’s Marine site for a Downtown public plaza location. Following are highlights of the presentation of Redevelopment Project Manager Farrelly:

- Redevelopment Project Manager Farrelly was before the City Council members who also comprise the City Center Development Agency members.
- The public plaza, large enough for community events, is considered a key part of Downtown revitalization.
- Fanno Creek Park and Plaza Master Plan identified the location of the plaza as the Steven’s Marine site. To date the city has been unable to work out a feasible arrangement to allow this to happen because of the complicated relocation issues for Steven’s Marine.

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- This issue has become more time sensitive because of the potential to use some of the parks bond money to purchase a plaza site. Funds from the parks bond must be spent within three years of bond issuance because of state law.
- At its May meeting, the City Center Advisory Commission recommended to the City Center Development Agency that the first priority of the use of the parks bond money available for Downtown be the acquisition of a plaza site.

In response to the request from Redevelopment Project Manager Farrelly for comments from the City Center Development Agency, following are the key points brought up:

- Chair Dirksen said the alternative for the Downtown area would be look at the location of the urban creek strip. He said a linear parcel would be easier to come by than a larger piece of property and this would be his first priority.
- CCDA board members discussed property near Ash Street where the city owns some property, which is the location of the dog park. City Manager Prosser noted the CCDA should refrain from discussing specific properties at this time since the staff has not had the opportunity to talk to property owners.

Redevelopment Project Manager Farrelly continued his presentation:

- The City Center Advisory Commission recommended that the CCDA consider other sites for the plaza, which would require amending CCDA Resolution No. 07-03 and 08-01 to allow flexibility in looking for a plaza site.
- If the CCDA agrees with the recommendation of the CCAC, staff would bring a proposed resolution for CCDA consideration on a future Consent Agenda.
- CCDA Board Member Henderson said he concurs that other properties be sought; however, he would not want to “let go” of the Steven’s Marine property from consideration. City Manager Prosser said the CCAC’s intention was to ask that the CCDA release the restriction that the Steven’s Marine property is the only site under consideration for the plaza. If the city cannot reach agreement with Steven’s Marine, then the city could consider other sites. Mayor Dirksen said he heard a consensus of CCDA members in agreement with this CCAC recommendation.
- Redevelopment Project Manager Farrelly reviewed the next steps:
 - There is a great deal of interest in the plaza location by the City Center Advisory Commission and the Park and Recreation Advisory Board.
 - The City Center Advisory Commission has developed some criteria to use when looking at other properties, which are similar to the criteria being used in the Master Plan. Redevelopment Project Manager Farrelly listed the criteria:
 - Connection to the park.
 - Adjacency to properties with redevelopment potential.
 - Proximity to Main Street of future commercial areas.
 - Number of bordering roads.
 - Size.
 - Potential acquisition costs.
 - CCAC plans to look at a number of sites, in Executive Session, and narrow the choices to five or six potential sites followed by finding out who is interested in

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selling. In response to a question from Council President Buehner, Redevelopment Project Manager Farrelly advised several sites were considered a few years ago. Some of the sites were ruled out; however, these sites will be reviewed again. Staff will be working with City Center Advisory Commission and the Park and Recreation Advisory Board. He asked how the City Center Development Agency members would like to be kept apprised of the site-selection process. Chair Dirksen said that once a short list has been established, it would be appropriate for the CCDA to meet with CCAC/PRAB. In the meantime, the CCDA members would receive updates from Redevelopment Project Manager Farrelly on the selection process in an Executive Session.

- There is a 2-1/2 year window of time left for purchase of property using the bond proceeds. CCDA Board Member Wilson said it is possible that a site will not be found, or if a site is found, it will not be a preferred site. He said if this occurs, he would rather see the bond dollars spent elsewhere. Redevelopment Project Manager Farrelly said he believes PRAB would agree with Board Member Wilson's preference.
- Mayor Dirksen and Council President Buehner also agreed with the above stated preference.

City Manager Prosser reviewed the following with City Council:

B. Administrative Items

• June 14 Business Meeting Information:

- Citizen Communication
 - Consider resolution for Tracie Tran. Next year's Tigard High School Student Envoy plans to be present: Associated Student Body Activities Officer Courtney Bither.
 - Beaver Pond/Summer Lake.
 - City Manager Prosser advised staff would be present during the Citizen Communications portion of the business agenda as it is anticipated a number of residents will be present to testify regarding the removal of a beaver dam at Summer Lake.
 - Mayor Dirksen recommended a course of action for accepting testimony on this matter. People present to testify on other items would be allowed to speak first. Staff would present a report on the actions at the beaver dam by the city followed by receipt of comments from the residents. Discussion followed on the procedures the City Council would set for receipt of testimony on the beaver pond item.
- Consent Agenda: Cost-of-Living Adjustment - Non-Represented Management Group – City Manager Prosser advised staff recommendation is for 1.4 percent COLA for this employee group.
- Councilor Wilson will request removal of Consent Agenda Item No. 3.D for separate discussion. (2011-12 CIP Tree Canopy Replacement Project List).

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Councilor Wilson noted there is \$1.5 million in the Tree fund. There are seven projects listed in the plan and only two are described in detail. The projects appear to be the same type of projects we have always done. Councilor Wilson said he would like to propose a reexamination of the projects to provide an opportunity to identify something much more dramatic than simply planting trees. He would like to take the time to look citywide to determine where there are deficiencies so we might be able to accomplish something that will help other things we are doing; i.e., revitalize the Pacific Highway corridor. He asked that the City Council consider placing the projects on hold until we can have the Tree Board and City Council come up with a big picture plan.

In response to a question from Mayor Dirksen about how the proposed projects were vetted and prioritized, Assistant Community Development Director Hartnett said there was no public process and that staff followed the precedent of identifying where trees could be planted in public spaces. The project for the Ash Creek plantings is the one project where the City has an obligation because this project is tied to a land-use approval. There is a plan to proceed next year with the approach more in line of what Councilor Wilson suggested; see the above paragraph. Assistant Community Development Director Hartnett requested City Council give direction whether it would like to proceed with the “business as usual” approach for this year or would the Council like to stop and wait until the Tree Board recommends an Urban Forestry Program and associated funding, which is in their work program for the coming year. She said staff could structure direct communication between the City Council and the Tree Board if that is the preference of City Council.

Brief discussion occurred among the City Council members. Agreement was reached to proceed with any project for which the city has an obligation and wait to follow the process recommended by Councilor Wilson. Assistant Community Development Director Hartnett said the only project with an obligation is the Ash Creek reforestation project. Additional discussion on a strategic plan for the Urban Forestry Program will be scheduled on the July 12, 2011, City Council agenda. The Tree Board will be invited to attend the July 12 meeting.

Mayor Dirksen said this item will be pulled off tonight’s Consent Agenda, discussed briefly, and then City Council will consider approving an amended resolution to approve the Ash Creek reforestation project only, identified in Attachment 1 to the resolution.

- Agenda Item No. 4 - *If I Were Mayor Contest* -
 - Jenelle Gaerlan, Poster Contest Winner from St. Anthony's, accompanied tonight by parent Ru Gaerlan.
 - Logan Phillips, Essay Contest Winner from St. Anthony's, accompanied tonight by parents Lisa and Sean Phillips.

This item will be moved on the agenda before Citizen Communications.

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- Councilor Wilson to declare conflict of interest and withdraw from Council discussion on Agenda Item No. 5 - Public Hearing regarding Westside Christian High School land use application.
- Staff requests Agenda Item 13.A. (Local Contract Review Board) be removed from the agenda, which was to *Award Contract for Citywide Grounds Maintenance Services...*
- Balloon Festival - Mayor and Council Members are reminded to let Emergency Manager Coordinator Mike Lueck know if they will attend the Balloon Festival. (Mike's contact information: mikel@tigard-or.gov or 503-718-2593)
- Council Meeting Calendar:
 - June 21 - Workshop Meeting - 6:30 p.m.
 - June 28 - Business Meeting - 6:30 p.m. Study Session; 7:30 Business Meeting
- In response to a question from Council President Buehner, Councilor Woodard referred to recent Metropolitan Area Communications Commission agenda topics and indicated he would present information after he had an opportunity to review the material he received.
- City Manager Prosser advised that for Agenda Item No. 12, which is a public hearing for identifying candidate criteria to be used in the selection of a city manager, the recruiter was unable to attend tonight's meeting. Human Resources Director Zodrow will be present to provide staff support for this agenda item.
- After discussion, City Council agreed with Assistant Community Development Director Hartnett to schedule an update on recent planning activities related to development of a Tigard Triangle District Plan for the July 12, 2011, City Council meeting.
- Oregon legislative redistricting was discussed between Mayor Dirksen and Council President Buehner. It appears the district lines essentially follow city limit boundaries.
- EXECUTIVE SESSION: Not held.

The study session concluded at 7:14 p.m.

1. BUSINESS MEETING - JUNE 14, 2011

TIGARD CITY COUNCIL, LOCAL CONTRACT REVIEW BOARD, AND CITY CENTER DEVELOPMENT AGENCY

- A. Call to Order – Mayor Dirksen called the meeting to order at 7:30 p.m.

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B. Roll Call (City Council, Local Contract Review Board, City Center Development Agency)

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

C. Pledge of Allegiance

D. Council Communications & Liaison Reports

Councilor Woodard advised he recently attend the Park and Recreation Advisory Board (PRAB) meeting. The Board is currently in the process of rating and scoring approximately 120 possible park properties for purchase. He acknowledged the work by Parks Facilities Manager Martin on the package he put together.

Councilor Woodard announced he would attend the Metropolitan Area Communications Commission meeting on Friday, June 17, 2011. Topics of discussion will be the Frontier Communications services and leasing space at Cornell Oaks.

The Planning Commission recently reviewed types of high capacity transit centers. He thanked Assistant Community Development Director Hartnett and Senior Transportation Planner Gray for their efforts. He referred to the work done by the consultants from Parametrix and their facilitation of the Planning Commission review. The City Council will receive a report on the results of this review.

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

Councilor Woodard announced he recently visited a new Tigard business on Main Street, Live Love Glass. He urged people to check out this business offering glass blowing classes and glass art for sale. A restaurant will be added in the near future.

City Manager Prosser pointed out Item No. 13 A., Award Contract for Citywide Grounds Maintenance Services to Portland Habilitation Center, will not be discussed tonight. Staff requested this item be pulled from the agenda as additional work is needed.

Mayor Dirksen called for Agenda Item No. 4 at this time.

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2. CITIZEN COMMUNICATION

A. Follow-up to Previous Citizen Communication. No follow up.

B. Approve Resolution Acknowledging and Commending Tracie Tran for her Service as Tigard High School Student Envoy for school year 2010-11.

- Student Envoy Tracie Tran advised the City Council that next year the Student Envoy will be incoming Junior Courtney Bither.
- Ms. Tran reviewed the end-of-year activities at Tigard High School, which included remarks on the graduation ceremony on June 10, 2011.
- Council consideration of proposed resolution:

Motion by Council President Buehner, seconded by Councilor Wilson, to approve Resolution No. 11-17.

RESOLUTION NO. 11-17 - A RESOLUTION ACKNOWLEDGING AND COMMENDING TRACIE TRAN FOR HER SERVICE AS THE TIGARD HIGH SCHOOL STUDENT ENVOY TO THE CITY OF TIGARD

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

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

C. Tigard Area Chamber of Commerce Executive Director Debi Mollahan reported on recent and upcoming Chamber events.

D. Citizen Communication

- Mayor Dirksen noted one person, Ellen Partal, signed to speak on the church property rezoning, which will be before the City Council later, Agenda Item No. 5. Ms. Partal testified during the public hearing.

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Beaver Dam Removal at Merestone Pond

- A number of people signed in to address the City Council on the Beaver Dam at Merestone Pond. Mayor Dirksen said before individuals spoke to the City Council, the staff would present information on this issue.

- Assistant Public Works Director Rager gave a staff report. He introduced Public Works Surface Water Quality/Environmental Coordinator Staedter, who was available to answer questions. Assistant Public Works Director Rager's presentation included the following remarks:
 - He recapped the history of this issue that led up to the work by Public Works Department staff on June 2, 2011. A June 10, 2011, memorandum from Assistant Public Works Director Rager to the Mayor and City Council is on file with the packet materials. In 2011, the beaver dam at this location was not attended to as much by beavers; however, there was a dam at another location that was showing a lot of activity. Public Works Department staff noticed that people began trying to repair the Merestone dam with tarps, pallets, firewood, etc. Some of these materials had washed downstream. The intact portion of the beaver dam that was not being attended to by the beavers was continuing to deteriorate.
 - Assistant Public Works Director Rager advised he visited the site with the Storm Water Supervisor in early May and it was apparent the dam was deteriorating and a pile of debris was threatening to wash into the culvert. Assistant Public Works Director Rager decided that as soon as the weather permitted, staff would clean up this site.
 - Assistant Public Works Director Rager showed a video of an example of what can happen if a culvert clogs. He pointed out that the video was not in Tigard nor was it in Oregon; however, it represented a typical situation where a creek crosses a roadway and what can happen if the culvert clogs.

>The Mayor called for citizens to speak on the beaver pond issue:

- Ernest Coufal, 12140 SW Merestone Court, Tigard OR 97223, advised that his home backed up to what used to be the beaver pond. He said he had significant differences with the city's representation as to what occurred. Mr. Coufal said the beavers were at this location up to the point that the city staff showed up a couple of days after the dam broke and started pulling trees from the back of the beaver dam. He said this was probably the reason the beavers left the area.

Mr. Coufal noted the loss of this amenity for his home. Mr. Coufal said the city did something similar years ago. At that time, the city said they would have better communications with the citizens that live in the neighborhood. He said there needs to

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be a formal communications program so staff will communicate before an action like this has been taken. The citizens should be included in the process so that something that significantly affects the investment in their property is not done arbitrarily.

Mr. Coufal said the neighbors are resistant to change insofar as they purchased their homes with a very nice micro-environment, which has been significantly altered. He disagrees that this area will become a nice meadow because it is comprised of silt and when it rains, it will become a mud pit.

Mr. Coufal said he heard that the staff proposed to do things to stop the beavers from returning to this particular area. Mayor Dirksen clarified that the staff did not say this nor was it an intent. Mayor Dirksen said the city will encourage the beavers to return to that location.

Councilor Woodard asked whether the Oregon Department of Fish and Wildlife (ODF&W) proposed some kind of scenario to encourage beavers to return. Assistant Public Works Director Rager clarified that there are structures that can be placed further upstream; i.e., wooden/log posts in the stream to provide anchor points the beavers will use and encourages them to build a dam at this location. Councilor Woodard asked if the city will look at doing this and Assistant Public Works Director Rager said staff talked to ODF&W yesterday and the city would need to coordinate this with them. He said more information needs to be acquired about permitting issues before this could be accomplished.

Mr. Coufal said the neighbors want to hear that the city will support the neighborhood in recovering and maintaining the micro environment.

Mayor Dirksen said he did not believe anyone was opposed to allowing the beavers to build a dam where they did or at a better location.

Councilor Wilson said he lived for about 13 years on Winterlake Drive. His home was about 200 feet from the Merestone pond and he liked to walk in the area along a path. He recalled a similar circumstance occurred when the city was involved in removing the beaver dam. He acknowledged he was upset at the time. He said when the beavers returned, he was surprised at how fast the pond began to rise again. Councilor Wilson said we are used to thinking of natural systems as being static, but they are not. Things like this happen and, in this case, he is unsure whether the city could have done anything differently under the circumstances. Mr. Coufal interjected by saying, "Communication." Councilor Wilson said he was certain communication would have helped; however, he was unsure whether the neighborhood would have liked the outcome any more than the current situation. He asked the residents to be patient and said it will probably take less time than they think for the pond to be restored if the beavers return.

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Mr. Coufal said he was concerned that the city was going to attempt to prevent the beavers from returning. Councilor Wilson said this is not the policy of the city. The City Council makes the policy and the five members of council appreciate wildlife. The city takes a hands-off approach in general towards things such as coyotes for which there are complaints at times. The city tries to balance the wildlife with the urban concerns. As a matter of policy, the city appreciates the beavers and will work with the neighbors to see they are protected.

Council President Buehner said she lives off 135th Avenue, and while her neighbors do not have the issue with a pond, she does contend with deer in her yard eating her plants and flowers. The council is sensitive to the wildlife in the area, but the sewer system needs to be protected.

Councilor Henderson said he lives on Summer Creek and the beavers have migrated to his area and he will be glad to see them go back. Mayor Dirksen said the city has heard from the residents near where the beavers have built a new dam and they want the city to take the dam out as they are concerned about the raised water level and impact to their properties. Councilor Henderson said he does not think the beavers will stay at this location because the water level is so high during times of flooding.

(Note: Logan Phillips, winner of the If I Were Mayor Contest, was now in attendance. The Mayor congratulated Mr. Phillips and presented his gift certificate to him. See Agenda Item No. 4.)

- Leslie Couch, 12421 SW Winter Lake Drive, Tigard, OR 97223, said about ten years ago the neighbors were assured by the City Council that this type of situation would never recur. She said she believes the decision to remove the beaver dam was insensitive, thoughtless, and ruined the market value of their homes. She said she is very upset. She suggested that, when the city has a plan to do something drastic such as this, it should make an effort to communicate to the residents before taking action.
- Jerry Welsh, 12405 SW Winter Lake Drive, Tigard, OR presented photographs to the City Council. His property faces the pond and his house is at the pond's edge. He described the view. He has lived at this property since 1993. This same issue came up in the mid-90's when the city wanted to put a bicycle path through this location. He said the pond is now a mud hole, there are mosquitos (for the first time), and it stinks from rotting fish and dying turtles. He questioned what could be done now about the smell and the use of their property in the summertime. He recounted how he has seen the dam go through many things including flooding and high water. He said there are eagles

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nesting in the trees that are trying to feed hatchlings from the lake. Mr. Welsh referred to other wildlife that utilized this habitat; i.e., otters and the western pond turtle.

He asked if there was any consideration to do something other than remove the beaver dam given the environmental damage. Mr. Welsh said he is disappointed that he needed to return for the same situation as what had occurred in the 1990's. He recalled that Councilor Wilson was at a City Council meeting in the 1990's and was very upset. He said the video, shown by staff at the beginning of this matter tonight, was a scare tactic.

- Larry Hanson, 12185 SW Merestone Court, Tigard, OR 97223, said he has lived here for more than ten years. Often, in the winter if the water is high, the beaver dam can overflow and the pond will recede somewhat. The beavers return fairly quickly and build the dam up. He said the main reason he was before the City Council was to advocate for the pond.

Mr. Hanson said he is starting a website, "Friends of Merestone Pond .com" He said he has ten years of photos of all types of wildlife.

Mr. Hanson said his main concern was to have some standardization of the process including respect for the neighbors and to involve them. He said most of them purchased their homes because of the pond. He also asked that records be created recording methodology and information about beavers to determine their inclinations; i.e., are they likely gone for good or will they return.

- Frank Gruelle said his son lives on Merestone Court and they visit him in the summer. Mr. Gruelle alleged that the staff report was untrue. He said the culvert has only flooded one time in a 100-year flood event. He said the City of Tigard is proposing to fix a problem that does not exist, which is typical of government. The sewage line has also been at this location for all time and there has never been a problem. The first time the city crew was at the site, they ripped out part of the beaver dam, advising that he watched them. The second time the city crew tore out the rest of the dam.

Mr. Gruelle said a beaver deceiver was installed, which would have worked and was working, but it was not maintained. If maintained, this would not have become a problem. Now, there is a muddy mess, wildlife is going hungry and wildlife have abandoned nests.

Mr. Gruelle said the culvert is not the problem. There was no reason to destroy this environment.

- Carrie Hanson, 12185 SW Merestone Court, Tigard, OR 97223, advised she has lived at this location for ten years and has seen the beavers come and go when the city comes and "takes the beaver dam out." Sometimes the beavers come back two months later and other times two years later. Her issue is that the city said the small part of the

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beaver dam was manmade and there was cut firewood. She said that the firewood came from their willow tree that the beaver had chewed down and left. Ms. Hanson said her family cut the wood into sections and left it on the ground. The beavers took this wood for the dam.

Ms. Hanson said when the beaver deceiver was installed the residents were told that this was the solution. Everyone was happy with this effort. She noted, however, that she never saw the city maintaining the beaver deceiver. She said the residents volunteered to give information to the city about the beaver activity at the pond, but they were not consulted. She offered help to maintain the dam and added that she does not want there to be problems with the culvert that might affect 121st Avenue.

- Mayor Dirksen said he appreciated everyone's attendance to express concerns. He said he hoped some of the issues had been addressed with regard to what happened and what will and will not happen in the future. He said he agreed with the comments on both sides that the city could have done a better job of communicating. Mayor Dirksen responded to a couple comments that he thought were harsh. He said it was the understanding by the city that the dam had breached and the pond was largely drained before the crews did any work. So, for it was for those concerns that the pond is now gone; the pond was largely already gone. With regard to the culvert, the city had to take action to prevent debris from the dam clogging the culvert. An unidentified member of the audience disputed the mayor's last statement. Mayor Dirksen said he was not defending the action, but was explaining why the action was taken and that was because of the concern that the culvert could become clogged by debris.
- In response to another comment from the audience, Mayor Dirksen said that if someone from the city, in the past, had promised the residents this would never happen again – that the pond would never go away, that he did not know how they could give that promise. This is a natural process by creatures over which we do not have complete control regarding what they do or when they do it. Circumstances for the pond will change and the best we can do is to attempt to respond to change. The mayor said he has lived in Tigard since 1977 and for the first ten years he lived about four blocks from this pond. He said he has seen it come and go over this time. The mayor said it was his personal opinion that it would not be long before the beavers returned to this location.
- In response to a comment from an unidentified member of the audience, the mayor said he did not believe it was a true statement to say the city wanted to have the dam removed.

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Mayor Dirksen reviewed the items on the consent agenda, noting Item D. will be removed from the Consent Agenda for separate discussion.

3. CONSENT AGENDA

A. Approve City Council Minutes

1. April 19, 2011
2. April 26, 2011

B. Receive and File:

1. Council Calendar
2. Council Tentative Agenda for Future Meetings

C. Approve Community Development Block Grant Consortium Intergovernmental Agreement

D. (Councilor Wilson requested this item be removed from the Consent Agenda and discussed separately. See below.) Approve FY 2011-12 Capital Improvement Program (CIP) Tree Canopy Replacement Project List

E. Approve the Washington County Cooperative Library Service (WCCLS) Public Library Service Agreement

F. Approve Cost-of-Living Adjustment for Non-Represented Management Group July 1, 2011

Mayor Dirksen asked if there was any discussion on the items, less Item D, on the Consent Agenda. Council President Buehner commented that for Item F, she wanted the let the public know that the unrepresented staff have not had a cost-of-living increase in three years.

Motion by Councilor Wilson, seconded by Council President Buehner, to approve the Consent Agenda as modified (with the removal of Item D for separate discussion).

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

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

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Discussion on Consent Agenda Item D - Approve FY 2011-12 Capital Improvement Program (CIP) Tree Canopy Replacement Project List

Mayor Dirksen noted that the recommendation was to remove the items on the project list, at this time, with the exception of the improvements to the Ash Creek property.

Motion by Council President Buehner, seconded by Councilor Wilson, for approval of Resolution No. 11-18, removing all of the items on Attachment A except for the Ash Creek Reforestation Project.

RESOLUTION 11-18 - A RESOLUTION APPROVING A LIST OF CAPITAL IMPROVEMENT PROGRAM (CIP) TREE CANOPY REPLACEMENT PROJECTS IN EXCESS OF 10% GREATER THAN THE TREE REPLACEMENT FEE IN THE MASTER FEES AND CHARGES SCHEDULE, AS AMENDED

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

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

4. ANNOUNCE 2011 "IF I WERE MAYOR" CONTEST AWARD WINNERS

Mayor reviewed the participation and selection process for the winners of the "If I Were Mayor" contest. He presented gift certificates and congratulated:

- o Jenelle Gaerlan, Poster Contest Winner from St. Anthony's.
- o Logan Phillips, Essay Contest Winner from St. Anthony's.

5. QUASI-JUDICIAL PUBLIC HEARING - WESTSIDE CHRISTIAN HIGH SCHOOL COMPREHENSIVE PLAN AMENDMENT (CPA) 2011-00001 AND ZONE CHANGE (ZON) 2011-00001

REQUEST: The applicant is requesting a Comprehensive Plan Map Amendment and Zoning Map Amendment to change the Comprehensive Plan Designations and Zoning Map Classifications for a single 7.44-acre lot from Professional/Administrative Commercial (C-P) to Mixed-Use Employment (MUE). The applicant proposes a zone change to accommodate a school use not permitted under the existing zoning.

LOCATION: The property is located at 8200 SW Pfaffle Street. The site is bounded by SW Pfaffle on the north, Hwy. 217 on the west, and Pacific Hwy. on the south; Washington

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County Tax Assessor's Map 1S136CC, Tax Lot 100.

ZONE: C-P: Professional/Administrative Commercial District. The C-P zoning district is designed to accommodate civic and business/professional services and compatible support services, e.g., convenience retail and personal services, restaurants, in close proximity to residential areas and major transportation facilities. Within the Tigard Triangle and Bull Mountain Road District, residential uses at a minimum density of 32 units/net acre, i.e., equivalent to the R-40 zoning district, are permitted in conjunction with a commercial development. Heliports, medical centers, religious institutions and utilities are permitted conditionally. Developments in the C-P zoning district are intended to serve as a buffer between residential areas and more-intensive commercial and industrial areas. MUE: Mixed-Use Employment. The MUE zoning district is designed to apply to a majority of the land within the Tigard Triangle, a regional mixed-use employment district bounded by Pacific Highway (Hwy. 99), Highway 217 and I-5. This zoning district permits a wide range of uses including major retail goods and services, business/professional offices, civic uses and housing; the latter includes multi-family housing at a maximum density of 25 units/acre, equivalent to the R-25 zoning district. A wide range of uses, including but not limited to community recreation facilities, religious institutions, medical centers, schools, utilities and transit-related park-and-ride lots, are permitted conditionally. Although it is recognized that the automobile will accommodate the vast majority of trips to and within the Triangle, it is still important to (1) support alternative modes of transportation to the greatest extent possible; and (2) encourage a mix of uses to facilitate intra-district pedestrian and transit trips even for those who drive. The zone may be applied elsewhere in the City through the legislative process.

COMPREHENSIVE PLAN DESIGNATION: Professional/Administrative Commercial to Mixed-Use Employment.

APPLICABLE REVIEW CRITERIA: Community Development Code Chapters 18.380, 18.390; Comprehensive Plan Goals: 1, Citizen Involvement; 2, Land Use Planning; 9, Economic Development; 10, Housing; 11, Public Facilities and Services; 12, Transportation; 13, Energy Conservation; Same Statewide Planning Goals; Oregon State Transportation Planning Rule (TPR); and the Metro Regional Transportation Plan (RTP).

- Mayor Dirksen opened the public hearing.
- City Attorney Ramis reviewed the hearing procedures.
- Declarations or Challenges

Councilor Wilson advised the Mayor he needed to declare a conflict of interest because his firm is on the design team for this matter. Councilor Wilson left the Council bench.

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- Staff Report: Associate Planner Pagenstecher presented the staff report. Accompanying Mr. Pagenstecher was Development Review Engineer Duenas. Also present was Applicant Andy Sears, representing the Westside Christian High School; Beverly Bookin of the Bookin Group (consultant). A copy of the staff report is on file in the City Council packet for this meeting.

Mayor Dirksen noted he was not concerned if this property would be used as a school, but the property could be used for other uses if rezoned as requested. The issue is to consider potential impacts relating to traffic on Pfaffle Street, the major access to this property. He noted that imposing a trip cap addressed his concern.

Council President Buehner commented that when the council goes forward with the update of the code, it might want to review this issue with regard to schools for the future.

In response to a question from Councilor Woodard, Associate Planner Pagenstecher confirmed that the access to Pacific Highway would remain closed. ODOT has commented that there will be no access allowed from this property to Pacific Highway. Pfaffle will remain the single access point to the site.

- Public Testimony
 - Proponents
 - Applicant Andy Sears, Principal of Westside Christian High School, 4565 Carmen Drive, Lake Oswego, Oregon.
 - Bev Bookin, consultant for the proposed project.
 - Mike Ard, traffic consultant.

Mr. Sears acknowledged the decision before the City Council was not just for the use as a school, but for all potential uses. He commended staff members Associate Planner Pagenstecher and Development Engineer Duenas for their work in this process. Mr. Sears comments included:

- Westside Christian High School has been in existence for 30 years.
- School facilities have been leased for their entire existence and he reviewed the previous locations for the school.
- After review of potential properties, they settled on the proposed property location and entered into agreements to purchase from the City Bible Church.
- The school now consists of 250 students and they do not anticipate growing into a large school, preferring to keep a smaller size.
- The important components of student life include academics, athletics and art. They often communicate to their students to

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prepare for purpose in all aspects of what they learn and encourage students to give back to their community through service.

- The subject property is a significant location for them in terms of demographics.
- If they are successful in getting the requested zone change, the next step will be to apply for a conditional use followed by purchase of the property and begin construction for a 2012 move-in date.

Bev Bookin, The Bookin Group, 1020 SW Taylor Street, Portland, OR 97205, advised she is the land use planner. She prepared the application with the assistance of the consulting team. Her remarks included the following:

- Under City Council consideration is a zone change from C-P to MUE, and irrespective of a potential use, the City Council needs to consider what the site could be for in its entire history from this point forward.
- This site is key to the City of Tigard's vision for this high-capacity corridor.
- The use of the site is hobbled by two serious issues:
 - The Oregon Department of Transportation (ODOT) has chosen to close the access to Pacific Highway based on the provision in the Oregon Access Management Plan providing that a site that has another viable access point from a non-highway arterial does not need to have a second access to the highway. The property has access from SW Pfaffle Street, which means the site has limits for some uses; i.e., retail or commercial. The MUE zoning would allow a range of uses, including the high school for which an access off of Pfaffle is not a problem.
 - In an effort to be "green," they prefer to re-use building stock rather than tear down and rebuild. This is an archaic light-industrial site, which originally served as an automotive training facility. There are not a lot of uses for which the existing building is appropriate so it has remained vacant for a number of years. The high school can re-use the entire building, remodeling it in a manner that will bring it up to code for ADA compliance, seismic and life safety.
- The plan is to expand the facility towards Pacific Highway so that it will enhance the pedestrian corridor. Even though the vehicular access is closed, there will be pedestrian/bicycle access to Pacific Highway for a high school that could have up to 450 students. This would provide a substantial number of potential transit riders.
- Based on formal and informal comments from many neighbors, the high school at this location was endorsed; however, they do have

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concern about the traffic on SW Pfaffle. This is a sensitive issue they would like to address.

Mike Ard, 321 SW Fourth Avenue, Suite 400, Portland, OR 97204, comments included the following:

- As he reviewed the site, he was aware that it was intended to be developed as a school, but they needed to view it with the idea of what would be possible under the existing zoning and what the impacts of the proposed change would be. As he looks at a zone-change project, his focus is on how the zone change might affect the planning documents that the city has in place along with the mitigation plans for dealing with future traffic volumes. His job is to determine whether those city documents need to change to accommodate increases for the site. In this particular instance, they have proposed a trip cap for the site that limits development to the level that is allowed under the existing zoning. This approach allows them to easily to answer the relevant Transportation Planning Rule (TPR) question and have received concurrence from city staff, ODOT, and the Planning Commission to go forward.
- They recognize there are challenges associated with transportation that they will need to address as they move forward to a development application.
- He said there are some exciting things associated with the proposed use:
 - A high school use is unique in its traffic characteristics because it generates traffic at only two periods of the day, rather than all day long as would a retail development. One of these peak periods is during the morning, which tends to overlap with adjacent street traffic. The second peak is in the early afternoon, before the evening peak. Therefore, there is only one critical time period where the use will be adding traffic.
 - A school use is capable of having traffic-demand-management strategies implemented; i.e., carpooling.
 - Pfaffle, at this time, serves cut-through traffic. Neighbors have been concerned, not only with the volume of traffic, but with the speed. Putting in a school use would open up the opportunity to lower the speed limit and reduce cut-through traffic on Pfaffle.

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Council President Buehner noted her concern with athletic fields and the traffic generated when events are held. Mr. Sears said they were planning to place a field on the site. At this time, the school has a soccer team, which will be the primary use along with P.E. classes. Most of the soccer games occur immediately after school with a 4 p.m. start time. In response to Council President Buehner, Mr. Sears said the school also has basketball-game activities, which usually start at 6 p.m. and finish as late as 9 p.m.

Councilor Henderson asked if the addition to the school is part of the proposal before the City Council. Ms. Bookin said that when they apply for the Conditional Use, they plan for a two-phase development with a substantial addition to the existing building for student commons and the gymnasium. The second phase calls for a 500-seat auditorium on the south side of the building. Both of these phases will be the subject of the Conditional Use and Site Development Review processes.

Mr. Ard advised Councilor Henderson that they believe the trip cap being proposed would be adequate to serve the school and comply with the rules for the approval of the zone change. Councilor Henderson noted he travels the area and there is a traffic bottleneck at this location much of the time. He said he was concerned about this. Councilor Henderson said that the access to Hall Boulevard also seems to be a traffic problem. Mr. Ard said a lot of the site-specific review is deferred to the development application process.

Councilor Henderson asked if the neighborhood would be able to use the field. Mr. Sears said yes as they want the site to become a community amenity. Ms. Bookin noted that this was an operational issue that would need to be addressed in the Conditional Use application because of the issue of the times of day and the number of people and events. She said the thoughtful thing to do when planning a development is to consider the broadest, most intense uses.

Councilor Henderson asked if there would be church services on Sunday. Mr. Sears said the property is currently owned by City Bible Church. His organization will be purchasing the church property and the church will then lease the auditorium and a few classrooms for services and continue to use the building. Mr. Sears said he did not anticipate that anyone would be living on the site.

Mr. Sears advised Councilor Woodard that the school currently has 250 students. Their vision is for the school to remain small with a cap at about

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100 students per grade level; they are planning a facility for up to 450 students.

Mr. Sears responded to a question from Councilor Woodard regarding activity buses that are used for sports activities; however, there is no bus system for transporting students to the school. They have an extensive carpooling process.

Councilor Woodard asked how trips are calculated. Mr. Ard advised that trip generation is done using the ITE trip-generation manual that aggregates data from throughout the United States for similar land uses. In this particular instance, the closest land use category would be a private school, K-12, which is not exactly what is planned for the site. Recognizing this high-school-only facility would have slightly different transportation characteristics, they did traffic counts at their existing school and they will draw upon this data.

Council President Buehner asked if the school allows students to drive to school and park at the facility currently. Mr. Sears said yes, that typically there are some juniors and seniors who drive/carpool.

In response to Councilor Henderson, Mr. Sears said at the current facility there are not many students who use public bus transportation because of the location of the school. For the location under consideration tonight, he anticipates there will be an increase because of the public transportation access on Pacific Highway. Mr. Ard said this question will be dealt with in detail in the traffic study as they go forward with the development if the proper zoning is acquired.

- Mayor Dirksen apologized to the City Council saying he should have announced a potential conflict of interest. His son is an alumnus of Westside Christian High School; he graduated 12 years ago. He said he did not think this connection would prevent him from making a rational consideration; however, if City Council members desire, he would recuse himself. No members of City Council requested that the mayor recuse himself from this decision.

Public Testimony

Ellen Partal and David Perez, 8225 SW Pfaffle Street, Tigard OR 97223 came forward to offer testimony on this matter. She said traffic is a huge concern for her. Her driveway is on Pfaffle Street and traffic has become significantly worse over the years. She also noted that before the school was proposed for this site, the Bible Church proposed an assisted living facility with a buffer of trees/bushes between the facility and the street. She asked if this buffer was still being planned. Mayor Dirksen noted it sounds as if this area will

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contain a field; however, this is not what is being considered as part of the zone change by the City Council at this meeting. During the Conditional Use process, items such as required buffering would be addressed.

Ms. Partal disagreed with the applicant's comments that there are only two time periods of the day when the traffic would be affected. The street is busy from 7 – 9:30 a.m. and then again at 2:30 – 5:30 p.m. She did agree that the traffic was "pass-through traffic." She suggested that speed bumps, a 20 M.P.H. zone, or a traffic light at Hall and Pfaffle needs to be addressed or Pfaffle will become gridlocked.

Mr. Perez advised there are school buses traveling on this street all day long. He noted there is only one sidewalk in the area and this would be inadequate when adding over 400 students arriving/departing from school. He asked if there are plans to add another sidewalk adjacent to the subject property. He said the traffic is bad due to the traffic light on 78th Street and Pacific Highway. He noted he and Ms. Partal are very worried about how they will be impacted with the traffic to the facility.

Ms. Partal said visibility at Hall and Pfaffle is poor when making a left-hand turn on Hall Boulevard. She said she wants to make sure those issues are addressed.

Associate Planner Pagenstecher invited Ms. Partal and Mr. Perez to participate in the Conditional Use process, which will follow this action if the City Council approves the zone change. The Conditional Use is heard before the Hearings Officers and Ms. Partal and Mr. Perez will receive a notice of this hearing since they are within 500 feet of this site.

Mayor Dirksen said one of the things that will help with regard to traffic is the proposed trip cap to limit trips to what is now allowed for this property. The trip cap will be addressed at the time of the Conditional Use Permit. Therefore, under the proposal by Westside Christian Church, the amount of traffic would not be allowed to increase beyond the traffic that is allowed now. Identifying required street improvements will also be part of the Conditional Use process; i.e., sidewalks and traffic lights. He urged Ms. Partal and Mr. Perez to stay involved in this process if this proposed development moves forward.

Council President Buehner said there has been some discussion about installing a light at the Hall/Pfaffle intersection and she asked for the status. Development Engineer Duenas said he was unaware of plans for a signal light at this location. The new Transportation System Plan calls for an extension of Pfaffle. When the need is evaluated, the question will be the proportional impact brought in by this development. He reviewed some alternatives for addressing

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future traffic at this location. Council President Buehner noted the safety issues when turning left onto Hall Boulevard from Pfaffle Street.

- o Rebuttal/Final argument by applicant.
 - Beverly Bookin advised, upon behalf of the applicant, under the rules for submitting applications, there is a requirement for a second neighborhood meeting before an application is submitted. They will be presenting the neighbors with specific building designs, talk about the traffic, and receive neighbors' input before the plans are finalized and submitted to the city. At the first neighborhood meeting, there were 14 homes represented so the neighbors are interested in the project. There will also be an opportunity for neighbors to present issues during the hearing before the hearings officer.
- Staff Recommendation - Associate Planner Pagenstecher advised staff recommends that the council accept the Planning Commission's recommendation to approve the proposed ordinance to rezone the subject site from Commercial-Professional to Mixed Use Employment.
- Close Public Hearing – Mayor Dirksen closed the public hearing.
- Council Consideration: Ordinance No. 11-03

Motion by Council President Buehner, seconded by Councilor Woodard, to approve Ordinance No. 11-03 as recommended by the Planning Commission to allow a zone change of C-P to MUE.

ORDINANCE NO. 11-03 -- AN ORDINANCE APPROVING A COMPREHENSIVE PLAN MAP AMENDMENT (CPA2011-00001) AND ZONE MAP AMENDMENT (ZON2011-00001) FOR 8200 SW PFAFFLE STREET, CHANGING THE COMPREHENSIVE PLAN DESIGNATION FROM PROFESSIONAL COMMERCIAL TO MIXED USE EMPLOYMENT AND CHANGING THE ZONING CLASSIFICATION FROM (C-P) TO (MUE), SUBJECT TO A CONDITION OF APPROVAL IMPOSING A TRIP CAP ON THE SITE. THE SUBJECT PROPERTY IS TAX LOT 100, WASHINGTON COUNTY TAX ASSESSOR'S MAP 1S136CC.

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

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

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6. PUBLIC HEARING - CONSIDER FY 2010-11 SUPPLEMENTAL BUDGET AMENDMENT TO RECOGNIZE \$17 MILLION PARKS BOND PROCEEDS; ADDRESS CORRECTION TO STREET MAINTENANCE AND GAS TAX FUNDS; CORRECT WATER CAPITAL IMPROVEMENT PROGRAM; CORRECT GENERAL OBLIGATION DEBT SERVICE FUND; INCREASE PROFESSIONAL/CONTRACTUAL SERVICE; INCREASE TRANSFER FROM WATER FUND; RECOGNIZE GRANTS AND INTERGOVERNMENTAL REVENUES; RECOGNIZE TOTAL EXPENSES AND REVENUES ASSOCIATED WITH GRANT REVENUES FOR KNOLL AT TIGARD; AND CORRECT WATER BUILDING LEASE PAYMENT

- Mayor Dirksen opened the public hearing.
- Declarations or Challenges: Does any Council member wish to declare or discuss a conflict of interest or abstention? None.
- Staff Report: Finance and Information Services Staff Finance and Information Services Department Director LaFrance gave an overview of the proposed supplemental budget.
- Public Testimony – None.
- Staff Recommendation was to approve the Supplemental Budget.
- Council Questions
- Technical adjustments were pointed out; City Council members received advance copies of the proposed technical adjustments.
- Mayor Dirksen closed the public hearing.
- Council Consideration: Resolution No. 11-19

Motion by Council President Buehner, seconded by Councilor Wilson, to approve Resolution No. 11-19.

RESOLUTION NO. 11-19 -- A RESOLUTION TO ADOPT A SUPPLEMENTAL BUDGET TO ACHIEVE THE FOLLOWING: 1) TO RECOGNIZE THE \$17 MILLION PARKS BOND PROCEEDS; 2) CORRECT THE BUDGETS FOR THE GENERAL OBLIGATION DEBT SERVICE, GAS TAX, STREET MAINTENANCE FEE, AND WATER CAPITAL IMPROVEMENT FUNDS; 3) RECOGNITION OF GRANT AND INTERGOVERNMENTAL REVENUES FOR PUBLIC WORKS, POLICE, AND THE CAPITAL IMPROVEMENT PROGRAM;

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4) BUDGET OF UNANTICIPATED EXPENDITURES IN POLICY AND ADMINISTRATION.

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

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

7. PUBLIC HEARING - APPROVE RESOLUTION CERTIFYING THAT THE CITY OF TIGARD PROVIDES SERVICES QUALIFYING FOR STATE SHARED REVENUES

- Mayor Dirksen opened the public hearing.
- Summation of the staff report presented by Finance and Information Services Department Director LaFrance who also summarized the staff information presented in the agenda item summaries for the items on this agenda relating to the Fiscal Year 2011-12 City of Tigard Budget.
- Public Testimony – None.
- Staff Recommendation – Approve as proposed.
- Mayor Dirksen closed the public hearing.
- Council Consideration: Resolution No. 11-20

Motion by Councilor Wilson, seconded by Council President Buehner, to approve Resolution No. 11-20.

RESOLUTION NO. 11-20 -- A RESOLUTION CERTIFYING THAT THE CITY OF TIGARD PROVIDES SERVICES QUALIFYING FOR STATE SHARED REVENUES.

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

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

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8. PUBLIC HEARING - APPROVE RESOLUTION DECLARING THE CITY'S ELECTION TO RECEIVE STATE REVENUE SHARING

- Mayor Dirksen opened the public hearing.
- Summation of this agenda item was presented by Finance and Information Services Department Director LaFrance.
- Public Testimony – None
- Staff Recommendation
- Council Discussion – In response to a question from Councilor Henderson, Finance and Information Services Department Director LaFrance advised that revenues are received by the city on a quarterly basis.
- Mayor Dirksen closed the public hearing.
- Council Consideration: Resolution No. 11-21

Motion by Council President Buehner, seconded by Councilor Wilson, to approve Resolution No. 11-21.

RESOLUTION NO. 11-21 -- A RESOLUTION DECLARING THE CITY'S ELECTION TO RECEIVE STATE REVENUE SHARING.

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

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

9. APPROVE RESOLUTION ADOPTING THE CITYWIDE MASTER FEES AND CHARGES SCHEDULE, WHICH REPLACES RESOLUTION 10-30 AND ALL SUBSEQUENT AMENDMENTS TO DATE

- Summation of the staff report provided by Finance and Information Services Department Director LaFrance. Staff Report - Finance and Information Services – Laf reviewed
- Council Consideration: Resolution No. 11-22

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- Council Discussion:

In response to a question from Councilor Woodard, Public Works Director Koellermeier advised encroachment permits were not used very often. He gave the example that an encroachment permit would be issued if someone is given permission to grow a garden on unused right of way. The permit process is a way to recognize that this is public property and the permitted private use is temporary.

Motion by Councilor Woodard, seconded by Council President Buehner, to approve Resolution No. 11-22.

RESOLUTION NO. 11-22 -- A RESOLUTION ADOPTING THE CITYWIDE MASTER FEES AND CHARGES SCHEDULE WHICH REPLACES RESOLUTION NO 10-30 AND ALL SUBSEQUENT AMENDMENTS TO DATE.

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

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

10. PUBLIC HEARING - CONSIDER A RESOLUTION OF THE CITY OF TIGARD ADOPTING THE BUDGET, MAKING APPROPRIATIONS, DECLARING THE AD VALOREM TAX LEVY, AND CLASSIFYING THE LEVY AS PROVIDED
8:55 PM

- Mayor Dirksen opened the public hearing.
- Declarations or Challenges: Does any Council member wish to declare or discuss a conflict of interest or abstention? There were none.
- Summation of the staff report was presented by Finance and Information Services Department Director LaFrance who also reviewed the proposed technical adjustments.
- Public Testimony - None.
- Staff Recommendation Finance and Information Services Department Director LaFrance recommended that the City Council approve the budget as proposed.
- Mayor Dirksen closed the public hearing.

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- Council Consideration: Resolution No. 11-23

RESOLUTION NO. 11-23 -- A RESOLUTION OF THE CITY OF TIGARD ADOPTING THE APPROVED BUDGET, WITH ADJUSTMENTS, MAKING APPROPRIATIONS, DECLARING THE AD VALOREM TAX LEVY, AND CLASSIFYING THE LEVY AS PROVIDED BY ORS 310.060(2) FOR FISCAL YEAR 2012.

Motion by Council President Buehner, seconded by Councilor Wilson, to approved Resolution No. 11-23.

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

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

The City Council, acting as the City Center Development Agency, conducted the following public hearing.

11. PUBLIC HEARING CITY CENTER DEVELOPMENT AGENCY - CONSIDER A RESOLUTION ADOPTING THE CITY CENTER DEVELOPMENT AGENCY FISCAL YEAR 2011-12 BUDGET, MAKING APPROPRIATIONS, AND IMPOSING AND CATEGORIZING TAXES

- Chair Dirksen opened the public hearing.
- Declarations or Challenges: Does any CCDA Board Member wish to declare or discuss a conflict of interest or abstention? There were none.
- Summation of the staff report presented by Finance and Information Services Department Director LaFrance.
- Public Testimony – None.
- Staff recommended approval of the CCDA budget as proposed.
- Chair Mayor Dirksen closed the public hearing.

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- CCDA Consideration: Resolution No. 11-01

Motion by Board Member Woodard, seconded by Board Member Henderson, to approve CCDA Resolution No. 11-01.

CCDA RESOLUTION NO. 11-01 – A RESOLUTION ADOPTING THE FISCAL YEAR 2011-2012 BUDGET, WITH ADJUSTMENTS, MAKING APPROPRIATIONS, AND IMPOSING AND CATEGORIZING TAXES.

The motion was approved by a unanimous vote of the City Center Development Agency Board members present.

Chair Dirksen	Yes
Board Member Buehner	Yes
Board Member Henderson	Yes
Board Member Wilson	Yes
Board Member Woodard	Yes

12. PUBLIC HEARING - TO RECEIVE PUBLIC INPUT ON THE CANDIDATE CRITERIA AND/OR PROFILE TO BE USED IN THE RECRUITMENT AND SELECTION OF THE NEW CITY MANAGER

- Mayor Dirksen opened the public hearing.
- Summation of the staff report presented by Human Resources Director Zodrow.
- Public Testimony - None
- Staff recommended the City Council adopt the selection criteria.
- The Mayor and Council referred to the comments received from the public during recent information gathering by City Council members regarding City Manager attributes desired by members of the community.
- Mayor Dirksen closed the public hearing.
- Motion by Councilor Wilson, seconded by Councilor Henderson, to approve the Tigard City Manager candidate criteria and/or profile as presented in the draft candidate profile brochure.

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

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

The City Council members convened as the Local Contract Review Board to review Agenda Item No. 13:

13. LOCAL CONTRACT REVIEW BOARD:

Senior Management Analyst Barrett was present and summarized the staff report for the items the Local Contract Review Board members considered:

A. ~~Award Contract for Citywide Grounds Maintenance Services to Portland Habilitation Center~~

This item removed per request from staff.

B. Award Contract for Citywide Janitorial Services to Tualatin Valley Workshop.

Council discussion followed on LCRB process in general, which will be a topic discussed in detail at the upcoming City Council workshop meeting.

Motion by Councilor Wilson, seconded by Councilor Woodard, to award the Contract for Citywide Janitorial Services to Tualatin Valley Workshop.

C. Award Contract for Parks Acquisition and Improvement Management Services to Conservation Technix, Inc

Council discussed this item. The criteria for awarding the contract was not based solely on cost. Senior Management Analyst Barrett advised the recommendation for bid award was qualification based. Price quotes were asked for by staff once Technix was selected based on qualifications. He confirmed that the contract contains a not-to-exceed cost and is based on the hourly rate. Councilor Woodard commented he observed the representative from Conservation Technix at a recent Park and Recreation Advisory Board meeting. Councilor Woodard noted his impression of the company was favorable.

Motion by Councilor Henderson, seconded by Councilor Woodard, to award the contract for Parks Acquisition and Improvement Management Services to Conservation Technix, Inc

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

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

14. COUNCIL LIAISON REPORTS

15. NON AGENDA ITEMS

Councilor Wilson commented on the beaver dam/Merestone Pond discussion during the Citizen Communications earlier this evening. He said the city should follow up on this matter. He referred to some of the remarks from residents that were unkind, which he acknowledged was natural when people are upset. He offered a couple of observations. He spoke to Assistant Public Works Director Rager and noted that this situation came up about ten years ago, before Mr. Rager was a member of the Public Works Department. He said he wants to make sure we do not lose institutional memory on this situation. He suggested the city work with ODF&W to encourage the beavers to return to this area. Councilor Wilson requested that the City Council ask the PRAB to look at the informal park spaces that residents value (i.e., the storm pond on Walnut Street that people use as a park) and identify those places. In the future, unless it is an emergency, the city would probably have more credibility if we had invited ODF&W to inspect and certify that the beavers were no longer present and that the dam was failing. While residents might not have liked the result, the city would have had more credibility.

Mayor Dirksen said this also might be a topic of review for the neighborhood network group.

Councilor Woodard thanked Assistant Public Works Director Rager for his response to this matter. He supported trying to think of options to expedite or attract the return of the beaver population to this area.

Assistant Public Works Director Rager said he thought it important to point out that any notion that the neighbors have of the staff trying to do something to encourage a dam would not be permitted by any of the regulatory agencies. Staff talked to ODF&W specifically at a meeting yesterday and asked if city staff could encourage some ponding. ODF&W staff said the only ponding that would be permitted by any regulatory agency would be only the natural activities by the beavers. Assistant Public Works Director Rager said the staff will continue to consult with ODF&W and make efforts to strike the right balance.

Councilor Henderson commented that he has heard from people to place a bridge at 121st Avenue instead of a culvert. He acknowledged that this would be expensive, but it would

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resolve all problems. Councilor Henderson said other solutions are also available. Councilor Wilson noted that it might be the rushing sound of the water in the culvert that attracts the beavers to this location in the first place.

Assistant Public Works Director Rager said there is another beaver dam upstream that broke and the staff was able to leave that dam alone because the bridge structure was not being clogged. He said he was unsure whether 121st Avenue is a candidate for a bridge project; there are likely other streets that are a higher priority. He agreed that a bridge is one option that could be considered. Councilor Henderson said he would be interested to find out the costs of a bridge.

Mayor Dirksen suggested that the City Council direct staff to look at the outcome of this situation to determine how it could be addressed to better address future issues.

16. EXECUTIVE SESSION: Not held.

17. ADJOURNMENT

At 10:30 p.m. a motion was made by Council President Buehner, seconded by Councilor Wilson, to adjourn the meeting.

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

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

/s/Catherine Wheatley

Catherine Wheatley, City Recorder

Attest:

/s/Craig E. Dirksen
Mayor, City of Tigard

Date: July 26, 2011

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TIGARD CITY COUNCIL MEETING MINUTES – June 14, 2011