



City of Tigard Tigard Business Meeting - Minutes

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

MEETING DATE AND TIME: August 9, 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 meeting to order at 6:30 p.m.

City Council attendance:

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

Staff present: Interim City Manager Newton, City Attorney Bennett, Redevelopment Project Manager Farrelly, Community Development Director Bunch, City Recorder Wheatley.

City Center Advisory Commission Members present: Chair Murphy, Commissioners Barkley, Craghead, Thornburg

Interim City Manager Newton reviewed the following with the City Council:

A. Council Calendar.

- August 16, 2011 - Special Meeting - Executive Session to review finalists for the city manager position.
- August 23, 2010 - Business Meeting - 6:30 p.m. - Study Session; 7:30 p.m. Business Meeting

B. Administrative Items.

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- Update on council meals – Council members who eat a meal before the City Council meetings will be paying the tax on the value of the meal, which will be withheld from their quarterly stipend payment.
- Presentation materials for Capital Improvement Program briefing (Item No. 5) were distributed.
 - EXECUTIVE SESSION: The Tigard City Council as the City Center Development Agency went into Executive Session at 6:35 p.m. to deliberate with persons designated by the governing body to negotiate real property transactions, under ORS 192.660(2) (e).

Executive Session concluded: 7:27 p.m.

1. BUSINESS MEETING – AUGUST 9, 2011

- A. Mayor Dirksen called the meeting to order at 7:36 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: Council President Buehner gave a Water Oversight Committee update at the end of the agenda (Agenda Item No. 7).
- E. Call to Council and Staff for Non-Agenda Items: None.

2. CITIZEN COMMUNICATION

- A. Follow-up to Previous Citizen Communication: None.
- B. Tigard Area Chamber of Commerce - Debi Mollahan, Executive Director presented a report on Chamber activities. A summary of her report is on file with the council packet materials for this meeting.
- C. Citizen Communication – Sign Up Sheet: None.

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Mayor Dirksen reviewed the Consent Agenda:

3. CONSENT AGENDA: (Council and Local Contract Review Board)
 - A. Local Contract Review Board: Award Contract for Citywide Grounds Maintenance to Portland Habilitation Center
 - B. Local Contract Review Board: Award Contract for the Greenfield Drive & 130th Place Storm Drain Pipe Repair Project to the Mocon Corporation
 - C. Approve 2011-12 Capital Improvement Program (CIP) Tree Canopy Replacement Project List – Resolution No. 11-33

RESOLUTION NO. 11-33 -- 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.

- D. Receive and File:
 1. Three-month Council Calendar
 2. Tentative Agenda

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

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. REVIEW OF 2011 OREGON LEGISLATIVE SESSION AND ANALYSIS OF ADOPTED LEGISLATION SUPPORTING CITY COUNCIL'S PRIORITIES

Senior Management Analyst Wyatt introduced this agenda item. Highlights of his presentation include:

- Redistricting – Tigard will continue to be represented by Representative Doherty in House District 35 and Senator Burdick in Senate District 18.
- Thanked Representative Doherty and Senator Burdick who testified and lobbied for the Tigard-Lake Oswego water partnership bill, HB2700.

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- The League of Oregon Cities has a document online summarizing the bills from the 2011 Session.

Representative Doherty spoke to the City Council about the legislative session, which was her first full session:

- Despite the House being divided with 30 Democrats and 30 Republicans, they were able to balance the budget and designate early-on funding for K-12 education. The legislation that did go through did so, for the most part, in a bipartisan manner with little controversy.
- She complimented city staff who came to testify on different issues. Anytime there was an issue that came up directly affecting a city, she would contact Tigard staff who always responded quickly.
- She referred to House Bill 2700, regarding the linear water pipeline. She said both she and Senator Burdick received some pushback because of the liquefied natural gas issue. She and Senator Burdick were able to explain the system was backwards – municipalities, whether they wanted to put in sewer, water or electrical lines had to buy property first before they could site where the lines would be located. City Engineer Kyle provided testimony and described a situation where the city bought land for a line but later determined the best location was across the street. The bill went through handily; she complimented Senator Burdick who supported the bill.
- Funding for transportation did not occur despite her efforts. She will continue to support this for the City of Tigard and the City of Portland (High Capacity Transit).
- Access management is still under discussion. A committee meeting will be set up. She complimented Senior Transportation Planner Gray for her work.
- She said that with so many electric cars in use, gas revenues will decline. These vehicles use the highways, so a replacement revenue source is being sought. The idea of a Road User Task Force is in the legislature.
- She referred to a couple of items of priority for the city relating to transportation planning rules. Results in this area were mixed.
- State-shared revenues were not addressed.
- Telecommunication preemptions were not addressed.
- The recreational immunity bill was passed.
- The “Buy Oregon” bill was passed to allow preference to be given to goods and services produced in Oregon.
- She referred to HB 3225, which dealt with urban reserves. This will provide a framework so cities and counties can exempt certain areas from urban reserves. (Roads, in particular.)
- Overall, a good deal was accomplished and done so in a respectful manner.
- The next session will begin February 1, 2012. Matters before the Legislature will include budget shortfalls and the health transformation plan.

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Council President Buehner asked Representative Doherty if the road use task bill was likely to come up in February? Representative Doherty said she thought so because a lot of people supported the concept. She pointed out this is not a new tax because people are paying now with the gas tax – this tax keeps “our roads going.” How to calculate is the question -- i.e., whether the fees are paid with the car registration or on a monthly basis. She noted truckers’ GPS systems keep track and the fee is calculated for the miles traveled only in the State of Oregon and is paid monthly.

Council President Buehner noted an “unintended consequence” situation when seniors take out reverse mortgages and can no longer participate in the tax deferral program. Representative Doherty said this was one area that would be reviewed in February along with a look at foreclosures.

Representative Doherty referred to the change, thanks in large part to Senator Burdick, to the kicker refund being issued as a credit to taxes instead of issuing a check. Kicker reform might be an issue discussed in February.

Councilor Henderson asked if the Governor has determined when the election will occur to replace Representative Wu, Congressional District One. Representative Doherty said she has read in the media that there will be a general primary election in November and a general election in May.

In response to a question from Councilor Wilson, Representative Doherty advised two bills were introduced regarding the Transportation Planning Rules. One, HB 3225, dealt with framework to work outside of the urban reserves. HB 3029 did not make it out of committee -- it would have prohibited the Land Conservation and Development Commission (LCDC) from requiring areas within the Urban Growth Boundaries with populations less than 10,000 to have transportation finance program.

(Senator Burdick arrived.)

Senator Burdick gave her summary of the last legislative session. She said it was a difficult session and referred to the huge budget deficit situation, which overshadowed everything the legislators did. Surprisingly, they managed to make major ground in several areas:

- For the first time in 60 years, they succeeded in redistricting (legislative and congressional). She was happy that she did not lose the City of Tigard from her district. She thanked Council President Buehner and Interim City Manager Newton for attending

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the redistricting hearings and making a compelling case for keeping the basic configuration of the District as it was.

- Senator Burdick served as Chair of the Finance and Revenue Committee. All of the tax credits expired, so legislation was needed to select those credits to renew. The committee was looking to reinstate credits to give the taxpayers the “biggest bang for their buck.” Tax credits were possible for a total amount of \$40 million for the next biennium and if all were approved, there would have been a \$170 million impact on the budget in 2013 and \$294 million in 2015. The credits were reduced from \$40 million to \$10 million. She noted that almost all of the film and video tax credits were retained (\$6 million per year), which would save this industry in Oregon.
- Structural changes in education financing were made. There were some things that were passed that she did not like; for example, in online education, the state is spending education dollars on out-of-state companies. While these programs have a valid place in education, she does not believe the cost of some of these online programs have been analyzed thoroughly.
- Senator Burdick said she supported funding for all-day kindergarten.
- There was groundbreaking work done in the healthcare area, with healthcare exchanges made as states are allowed to set up their own system to provide federally required benefits. Oregon has the potential to serve as a model in this system.
- Other legislative activity occurred in the areas of consumer protection and public safety.
- Senator Burdick noted that, while the kicker reform legislation she sponsored did not go through, she thanked Tigard’s support. Especially noteworthy were Interim City Manager Newton’s and Senior Management Analyst Wyatt’s efforts and that the City of Tigard recognized its stake in having a more stable tax structure.

Mayor Dirksen asked City Council members if they had questions for Senator Burdick.

- Councilor Woodard commented on the solar energy exemption for commercial and residential, saying it was nice to see this. He noted he agreed with needing to put more money into education and less into the prison system. Representative Doherty said that Tigard’s sponsorship of programs for juveniles (peer court, youth programs) – shows that the city is a leader in this area.
- Council President Buehner noted her appreciation for the work by Senator Burdick reference the kicker. Council President Buehner serves on the League of Oregon Cities Finance and Taxation Committee, and the kicker reform was one of their recommendations. She expressed hope that the League could continue to work with Senator Burdick. Senator Burdick said she would like to see continued support and noted a successful reform will take leadership, especially from the Governor. She said her committee consisted of two Republicans and two Democrats and the package, approved by a unanimous vote, that emerged had a “kicker piece, a capital gains piece, and a mandatory savings piece.” From there, the package went into a “leadership vacuum” and never made it to the House or the Senate floor. She acknowledged it was a controversial approach with a piece that was hated by both liberals and conservatives.

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She recalled past times where people would “suck it up and do it.” It is a different climate now. She said that she and Senator Morris will still try to find a way to stabilize the system, which absolutely has to be done.

5. CAPITAL IMPROVEMENT PLAN BRIEFING ON THE PACIFIC HIGHWAY/GAARDE STREET/MCDONALD STREET INTERSECTION IMPROVEMENT PROJECT

Streets and Transportation Senior Project Engineer McCarthy presented this agenda item. Statistical data and maps were distributed to the City Council and are on file with the council packet material.

Presentation highlights included status of the Pacific Highway/Gaarde Street/McDonald Street intersection improvement project along with a couple of other projects:

- The slurry seal project finished last week for approximately a dozen miles of streets.
- Pavement overlay projects will begin next week.
- The Pacific Highway/Hall Blvd./Greenburg Road/Main project’s finish work is substantially completed.
- Pacific Highway/Gaarde Street/McDonald Street intersection improvement project (PHGM project) is at the point where engineers are determining the best way to address traffic issues. There will be an open house on August 15 in the evening for people to offer input on the project.
- Project timeline events were reviewed.
- The existing conditions report confirmed that traffic is bad at this intersection, especially during the evening rush hour. The highest volume is northbound on Pacific Highway in the morning but the intersection works better in the morning because there is not as much traffic making other movements. During the afternoon, the critical movements are the through-southbound on Pacific Highway, the northbound left from Pacific Highway to Gaarde Street, the westbound left from McDonald Street to Pacific Highway, and the eastbound through traffic from Gaarde to McDonald. There is also quite a bit of pedestrian activity and there is no crosswalk on the north side.
- Another key issue is safety. Crash data indicates that this area has the highest concentration of collisions. Two-thirds of the collisions were property-damage only. One-third involved an injury but nothing severe or worse. Almost three-quarters of the crashes were rear-end accidents. Other accidents involved private accesses. The conclusion is that the capacity issues are driving the safety issues; that is, people are rear-ending one another because there are problems getting through the intersection along with the turning problems or driver error.
- Future growth was examined by using the Metro 2035 model. We are expecting a 50-60 percent growth in traffic volume.
- Potential configurations from brainstorming sessions were reviewed:

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- Concept A represents a configuration to accommodate all of the growth by expanding the existing facilities and would require three through-lanes in each direction with dual left-turn lanes on Pacific Highway. For the McDonald/Gaarde approaches, two through-lanes would be required along with double left turn lanes. This would have major right-of-way impacts and be expensive. Questions are: Would this be affordable? Would it be fundable? Would it even be something we would want to do?
 - Concept B depicts a smaller configuration with only the McDonald and Gaarde approaches widened. The advantage would be that it is less expensive. A disadvantage would be that it would not bring as much capacity benefit as Concept A.
 - Concept C shows the primary widening to be only on Pacific Highway, with minimal improvements on McDonald/Gaarde. Traveling across intersection (eight lanes) is a long crossing.
 - Concept D would relocate the northbound left turn and widen Pacific Highway with an additional through lane. There is a question whether the state would approve this since it would require another traffic signal. This design could be combined with several of the other options.
 - Concept E was proposed by a citizen's group and consists of indirect north/south left turns. The idea is to take the left turns out of the main intersection. Issues include the amount of land this configuration would require.
 - Concept F would realign the east/west roadways creating two separate intersections. Problems include making capacity work at each of the intersections along with the amount of land needed.
 - Other ideas considered in brainstorming included an interchange, a grade separation, along with variations of the proposed concepts.
- Council President Buehner recalled that when she served on the long-term transportation committee for Washington County in 1999/2000, one of the items noted, but not included, in the 20-year plan was to place an overpass for through traffic from McDonald and Gaarde. She suggested that the notes on the 20-year plan be reviewed.
 - Streets and Transportation Senior Project Engineer McCarthy said the citizen advisory commission for the current project is the Tigard Transportation Advisory Committee (TTAC). This committee has met to discuss this a couple of times to date. They will discuss this again at a special meeting on September 28, 2011, and at their regular October 5, 2011, meeting. They will make a recommendation to narrow the options to about three.
 - Councilor Wilson referred to the 60 percent projected increase and said that even if we could devise a course to get traffic through this intersection, the rest of the highway could not handle the capacity. He asked that, without making all of Pacific Highway three lanes to I-5, what is the maximum capacity? Streets and Transportation Senior Project Engineer McCarthy said this is one of the main issues to consider during the design process. The state may be conceding that it might not be possible to meet the design volumes and this is one of the issues that the study will have to grapple with.

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- Council President Buehner said one of the other issues is the number of driveways around the intersection. She referred to strange configurations of old back roads traveling in front of some of the area along with a proposal for traffic to exit onto 105th Avenue. Streets and Transportation Senior Project Engineer McCarthy said along with any of the options, there will need to be a fair amount of access management to get people in and out of parking lots without causing additional problems on the main roads.
- The intersection improvements at Hall/Pacific Highway/Greenburg Road/Main Street were not built to address the 2035 design year. The amount of right of way required to build an adequate number of lanes made the project unfeasible. This strategy might be used for the PHGM project as well to deal with the existing issues.
- Councilor Woodard referred to Concept A and the \$327,000 allocated for the conceptual plan. He also referred to the north through lanes and how far would these lanes extend? Streets and Transportation Senior Project Engineer McCarthy said the \$327,000 is what the city has set aside for this project, which is viewed as a local match to a city/state partnership to address these issues. The state has set aside \$1 million for now and has tentatively set aside another \$3 million (the city has set aside additional funds as well). The project scope is to determine the best way to proceed with this intersection with something that can be funded and would also get enough accomplished so that it is worth doing.
- Councilor Woodard asked if a through street the length of Pacific Highway would be feasible. Streets and Transportation Senior Project Engineer McCarthy said that in the initial design, there was no consideration given to where the tapers would be located or how long they would be. He gave his ideas as to where and how these lanes would be configured. He reiterated the proposals before the City Council tonight are very conceptual. Mayor Dirksen agreed a good place to start is to put all the ideas out with no relative merit assigned at first.
- Councilor Wilson said that Concept A reminds him of 185th, which is a horrendous, massive amount of traffic with good throughput, but is unlivable and undesirable. We are in a conundrum insofar as we either build and fix the traffic problems and end up with another 185th-type project, or “we starve it – or maybe even worse, ODOT builds a bypass and all of the traffic drops off so all of the businesses die and you end up with a strip with boarded-up businesses.” He said he did not know what the fix should be. From ODOT’s point of view, they want to get cars through. The City of Tigard wants the area to be livable as well. From a policy standpoint, he said he would advocate some relatively inexpensive fixes similar to what we did on the other two intersections; that is, but make some improvements for the near term without creating a huge freeway through this area.
- In response to a question from Councilor Henderson about the nature of the morning and evening traffic (existing conditions), Streets and Transportation Senior Project Engineer McCarthy said the objective was to determine the timeframe that the intersection is functioning at its worst. The afternoon/evening peak hour represents the most problematic time period so the focus will be a little more on this when considering how the options would affect traffic flow. Councilor Henderson asked if it would not make sense to add one lane to just one side rather than both sides of Pacific Highway.

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Streets and Transportation Senior Project Engineer McCarthy agreed that this would be one option – three lanes southbound and two lanes northbound. Given the space available this might be a low-dollar fix to take the right-turn lane (now in front of Walgreens) and extend it through.

- Streets and Transportation Senior Project Engineer McCarthy referred to a state project under consideration to build a quasi-freeway from I-5 (somewhere between Tualatin and Wilsonville) connecting to Pacific Highway, southwest of Sherwood. That project ran into difficulty and is “no longer on the books.” For the foreseeable future Pacific Highway will be the main route from the Portland area to the southwest.
- Council President Buehner followed up on Councilor Henderson’s comment regarding the southbound lanes on Pacific Highway. She said there is a third lane that starts part of the way in front of the Walgreen’s property for those making right turns on Gaarde. She asked if it would be feasible to back that third lane farther north so the right-turn lane traffic could get out of the way. Streets and Transportation Senior Project Engineer McCarthy acknowledged this was a good possibility and pointed out on a map how it might be configured. Mayor Dirksen said lengthening this turn lane would have an immediate beneficial effect. He added that a lesser-impact option would be for a dedicated right-turn lane for northbound traffic also.
- Councilor Wilson asked if Streets and Transportation Senior Project Engineer McCarthy had given thought to what light rail might do to this intersection. Streets and Transportation Senior Project Engineer McCarthy said it is difficult to determine how light rail might fit. Options would need to be considered and it appears that there is right of way available in some places – this will need to be part of the community discussion later when we are focusing on finding specific solutions.
- Councilor Woodard commented on a possible phasing-in of improvements and whether this would be economically beneficial. Streets and Transportation Senior Project Engineer McCarthy said more information will be coming on whether the project would be phased when a detailed analysis is prepared.
- Councilor Wilson said he was not generally supportive of grade-separated crossings, but given the alternatives he has seen, this might be the only solution that would work with light rail. He said he wondered if there would be a difference in cost between an underpass and an overpass. Mayor Dirksen said that because Gaarde drops off to the west, there is already some grade change, and that might be of benefit for consideration of an underpass. Streets and Transportation Senior Project Engineer McCarthy said those details have not yet been studied.

6. LEGISLATIVE PUBLIC HEARING TO CONSIDER TIGARD MUNICIPAL CODE AMENDMENTS ON ADMINISTRATIVE RULE MAKING

- Mayor Dirksen opened the public hearing.
- City Attorney Bennett reviewed the hearing procedures.

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- There were no declarations or challenges regarding a potential conflict of interest.
- Assistant Community Development Director Hartnett presented the staff report.

The ordinance would amend three titles of the Tigard Municipal Code, which would authorize, define, and limit the use of administrative rules and define a process for administrative rulemaking. She referred to an earlier City Council discussion on this matter, and summarized the highlights of the discussion:

- The Tigard Municipal Code has several references to the term “administrative rules,” but the Code lacks a central definition for that term. There are several other key elements not currently in the code: There is no authority for administrative rulemaking; there are no procedures for creating or amending administrative rules in a central location; and, there is no process for appeals by the public to the creation or application of an administrative rule.
- Many sections of the Tigard Municipal Code codify aspects of a city department activity that might need to change over time as program objectives, operations or technologies shift or change.
- Procedures that are codified means that changing them requires the public hearing process. These regulations can become stale and, as a result, the administration of a program can become more cumbersome.
- Administrative rules provide an alternative to the municipal code as a way of creating regulations and procedures that can be enforced with the force of law. In the past, the council has appeared to see the value of that tool, because there are a couple of sections that already include a reference to administrative rules: Title 9, Parks and Title 11, Solid Waste Management.
- The references to current administrative rules are not broadly useful because of the variation in the language, the lack of procedures, and there is no designated central authority for formulating administrative rules.
- Council heard, at the July 19 Workshop Meeting, a proposed package and directed staff to proceed to this public hearing on the draft amendments.
- Attachment 1 to the agenda item summary for this item is the ordinance adopting the municipal code amendments. Exhibit A to the ordinance includes the text amendments to the Tigard Municipal Code: Title 2, City Manager in which the definition and limitation and use on administrative rules as well as a procedure for their creation, amendment and a process for appeal are codified. Exhibit A also includes amendments to Title 9, Parks and Title 11, Solid Waste Management to conform the existing references to administrative rules to the new section of Title 2.
- During the July 19 Council Workshop, the council specifically asked that staff perform a search throughout the municipal code to identify any other sections that reference administrative rules that would need to be amended as a result of an adoption of the new authority and process language. Staff identified

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a couple of references to administrative rules, but none are specific to an administrative rule within the Tigard Municipal Code. A couple of these references should probably be eliminated. Another reference is to a realtor of record administrative rule and the city attorney's office has been unable to determine what this is referencing.

- Two additional packages will be coming to the City Council that will rely on this new section for administrative rules: Title 12, Water and some amendments regarding code compliance program changes.
- Council Questions:
 - Councilor Wilson asked about language in Exhibit A, Section 2.040.70(1)(a) where the language refers to notice to the council. He said it is unclear whether there are two, 14-day periods – one for the council and one for the public notification (2.040.70(1)(b)). Assistant Community Development Director Hartnett said the intention was that there is one 14-day period. She acknowledged this raises the question about whether there are two 14-day periods because of the language in 2.040.70(1)(a) that says "...prior to public notification..."
 - Councilor Wilson said he wants to be careful that there is elected representation when rules are made. Sometimes, staff proposes procedures that are politically unacceptable. His preference was that the council has an opportunity to review first before the public notification is issued. This would mean he would prefer two 14-day periods; things are rarely so urgent that this could not happen. If a councilor has an issue with a rule, then there would be an opportunity for the council to discuss the proposal at a council meeting.
 - Assistant Community Development Director Hartnett requested that staff make this change to the Exhibit A of the proposed ordinance and return to the City Council for consideration. She articulated her understanding as being that the Council wants to see an administrative rule as a council calendar item prior to it going to public notification. Councilor Wilson suggested it be similar to the method for Consent Agenda items, which are filed with the City Council prior to a council meeting. If the council deems it to be routine, then the item(s) are passed through.
 - There was discussion on the most efficient means to handle changes to the administrative rules. Assistant Community Development Director Hartnett suggested that the council review would not need to be 14 days but in advance of the public notification but allow enough time for the council review. Councilor Wilson said he wants the opportunity for council to notify staff when they feel a rule needs additional work. Mayor Dirksen said the council review period needs to be at least a week or more so the council has time to look at it and make a recommendation to place the matter on an agenda before it automatically is posted for public notification.
 - Councilor Woodard said allowing this review period for the council could mitigate the likelihood of a protest.

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- Interim City Manager Newton said if the term “notification” is used, then the City Council does not need to formally consider the administrative rule if no council member indicates he or she has a problem with the rule.
- In response to a question from Council President Buehner, City Attorney Bennett said the language in Exhibit A needs to be modified to reflect the council’s intent. He said he agrees with Assistant Community Development Director Hartnett that it makes sense to talk to the attorney who helped draft the language, Damien Hall. He clarified that that he has heard that the City Council members want, prior to the notification in 2.040.70(1)(b), a time period for council to be able to withdraw the rule for it to be considered by the council. If council does not withdraw the rule or, after the withdrawal, gives the staff authority to proceed, then the staff will publish the notice.
- City Attorney Bennett recommended that the council continue tonight’s public hearing. The hearing would need to be reopened should anyone want to comment on the proposed ordinance.
- Councilor Henderson questioned whether this ordinance should wait until the new city manager is consulted on this proposed ordinance. After discussion, the council members decided to proceed with the ordinance. Mayor Dirksen said this could be discussed further at the time the hearing is continued.
- Councilor Wilson pointed out that staff should consider the press deadlines when calculating time needed for the review period.

Motion by Council President Buehner, seconded by Councilor Wilson, to continue the hearing to August 23, 2011.

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. COUNCIL LIAISON REPORTS

- Council President Buehner reported that the Tigard/Lake Oswego Water Oversight Committee met on August 8, 2011. The committee is made up of two City Council members from each city – Lake Oswego and Tigard. The charge of the committee is to review the activities on the joint water project and give a report to their respective City Councils. Last night, the committee received a presentation by an environmental engineer and an engineer from the Montgomery Watson firm regarding the pilot – all of the different treatment options and the changes they have made among the choices for a pilot project. Under study will be the different filtration components, how to bring the raw water in, how

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the ozone process will happen, and any potential chlorinated bi-products. Projects will be set up in October – some will run for several weeks while others will run for five months to see effects in the fall, winter and early spring. The information from these projects will help “tighten up” the specifications for the plant. It is anticipated there could be a savings of \$3 million on the project depending on the results of this work by making the components smaller than what was originally planned. The pilot study will cost \$500,000. Council President Buehner said the presentation last night gave the committee members a good understanding of how the plant will work and what “tweaks” might be possible. The study will give staff an opportunity to look at and work with the proposed new treatment options. There might be tours offered to view the project work.

- Council President Buehner reported that there was a discussion during the Oversight Committee meeting last night on administration of the entire project and some rules about how to go forward into construction. There was discussion about having the Oversight Committee continue to provide oversight during construction. The Committee may find it necessary to meet in Executive Sessions should disputes arise.
- Mayor Dirksen commented on the Oversight Committee saying it was his understanding that some of the recommendations for administrative adjustments were based on Lake Oswego’s experience with the sewer connector project.
- Councilor Woodard said he was invited by John Lancaster from the Kiwanis Club to speak tomorrow. He will be speaking tomorrow at 12 noon at Café Allegro. He referred to his research about what the Kiwanis Club does for the community, which includes working with developmentally challenged children. Councilor Woodard said he plans to talk about recreation and the discussions that are currently being held by the Park and Recreation Advisory Board regarding the vision of what a recreation program might look like; i.e., social gatherings and events for families and children.
- Council President Buehner reported she would be speaking at the Kiwanis Club on September 21, 2011.

8. NON AGENDA ITEMS -

- Assistant to the City Manager Mills reported on the Beaverton City Council earlier this evening where there was a second public hearing and first ordinance reading for the removal (de-annexation) of the right of way for Scholls Ferry Road and Barrows, which needs to be approved prior to the Tigard City Council’s August 23, 2011, public hearing on the River Terrace Annexation. Assistant to the City Manager Mills reported there was no testimony in opposition; the Beaverton City Council approved the ordinance on first reading. The second reading will occur on August 16, 2011.

9. EXECUTIVE SESSION: Not held.

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10. ADJOURNMENT (9:24 p.m.)

- Motion by Council President Buehner, seconded by Councilor Henderson, 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: October 11, 2011

TIGARD CITY COUNCIL MEETING MINUTES – AUGUST 9, 2011