



City of Tigard Tigard Business Meeting - Minutes

TIGARD CITY COUNCIL, LOCAL CONTRACT REVIEW BOARD

MEETING DATE AND TIME: August 23, 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 6:30 p.m.

<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 Recorder Wheatley, Assistant Community Development Director Hartnett, Assistant to the City Manager Mills, Planning Manager Shields, Senior Management Analyst Wyatt, City Attorney Ramis, Community Development Director Bunch.

STUDY SESSION

A. Update on Code-Compliance Related Municipal Code Amendments

Assistant Community Development Director Hartnett and Permit Coordinator Shields were present to give City Council information on the status of the amendments being drafted for the Tigard Municipal Code regarding code compliance and abatement. Assistant Community Development Director Hartnett advised:

- It has been 13 months since she first reported to the City Council about the code compliance program and what staff was doing in response to elimination of the code enforcement position. Staff continues to make progress. As of July 1 one employee has a portion of his primary time assigned to the code compliance program.
- In July 2010, council asked staff to look into administrative abatement options and how to implement. Staff reviewed what other cities were doing and gave this information to City Council.

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- In February 2011, City Council gave staff specific direction for moving forward to develop the code language for code compliance.
- Staff reviewed the program from an administrative and operational standpoint. Additional goals were established on how the program would operate on a day-to-day basis. Staff has been looking to do things that will simplify, clarify, consolidate and reduce redundancy to the code provisions for nuisance violations. Assistant Community Development Director Hartnett reported on the challenges to attempting to simplify code language.
- The schedule for the next activities was reviewed. A public hearing was initially scheduled for September 13; however, this has been pushed back. Staff needs to have a detailed conversation with the City Council about some of the things being proposed by staff. Staff will hold a detailed conversation with the council on September 13 rather than holding a public hearing. The public hearing is now scheduled for October 25, 2011. After that, staff will give council an update on the program as a whole.
- Staff continues to work on efficiencies, working with the public and with staff to create systems that operate more smoothly in terms of response times and ability to rely on the public to provide information so staff can pursue some of these matters.
- Assistant Community Development Director Hartnett advised that on September 13, staff plans to provide the council the following:
 - The table of contents for a new Title 6. This new title will allow for nuisance violations to be consolidated in one place.
 - Staff will clarify some of the development-related violations. For example, some of the violations (vision clearance zone) are only stated in Title 18, which makes them sound as if they only apply when making application for a development. However, the city wants these provisions to apply all of the time. This will be clarified at the time the code amendments are presented to the council.
 - Administrative options will be proposed to be added to Title 1.16.
 - Administrative rulemaking has been added as a separate piece.
- In response to a question from Councilor Henderson, Assistant Community Development Director Hartnett explained that the administrative abatement is the option where, for example, there is a foreclosed home with tall weeds and grass and no owner can be identified. Staff would like to have the ability to initiate abatement of the tall weeds and grass through an administrative process so there would be a delegation of that authority to the city manager or his designee. The city can only initiate abatement at this time under emergency conditions. Staff is reviewing collection options for charges owing to pay for the abatement work.
- Mayor Dirksen asked if there was an opportunity for the city to work through the Neighborhood Network to help neighborhoods become aware of how collectively problem areas of tall weeds and grass could be addressed. He envisioned things such as neighborhood competitions with awards; i.e., the best, the most improved, etc. Also he said there might be a way for neighborhoods to assemble volunteers to help address problems on foreclosed properties or to help disabled neighbors who are having a difficult time. Interim City Manager Newton said there are options under the current program. One of those options is that neighborhoods with active steering committees can qualify for a neighborhood cleanup event; funds can be used for dumpsters and organize

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a one-day area-wide clean up. She said the neighborhood could adopt, with the property owners' permission, a property that might need assistance to clean up their property.

- Council President Buehner referred to a situation along Walnut beginning at Gaarde Street. There is untended property between fencing and the sidewalk. She understands it is the responsibility of the property owner to take care of problems such as tall weeds and grass; however, she is unsure whether the code is clear enough. Assistant Community Development Director Hartnett said staff pursues these types of enforcement matters every year and often the offenders are the same people time after time. Assistant Community Development Director Hartnett said City Council asked the staff to consider how to address (in the fee structure) those situations where residents are relying on the code compliance services to remind them that they need to mow the grass, etc.
- Council President Buehner said there is a situation along Gaarde Street that is not being taken care of – she thinks this might be city property that was purchased when Gaarde was extended through to Walnut Street. Assistant Community Development Director Hartnett said she could take a look at the situation.
- Councilor Henderson asked about abatement and whether an individual could pay the City of Tigard to take care of areas such as right of way behind fences. Assistant Community Development Director Hartnett said one of the options being built into the new provisions would address a circumstance where a property owner could give the city permission to abate the nuisance and charge them. Volunteers could take care of the nuisance if the property owner gives permission. Mayor Dirksen confirmed with Councilor Henderson that his question was related to whether there could be an ongoing type of contract where the city would always take care of the maintenance – the mayor said he does not think this type of program is being proposed. Councilor Henderson said he would like to see a way for problems to be worked out before a resident is fined. Interim City Manager Newton reminded the council that part of the street maintenance fee will be allocated for right-of-way maintenance within the next couple of years for specific areas. There is no program in place now to offer abatement services upon request. Assistant Community Development Director Hartnett offered that staff could look at this type of program after the staff has completed the current code amendment project. Council President Buehner suggested running this program through the Neighborhood Networks. Mayor Dirksen pointed out that if the city was gearing up to do right-of-way maintenance on some streets, then an opt-in option could be considered.
- Mayor Dirksen said he considered the abatement option as it is now being proposed would be a last resort – used only when all other efforts have failed.
- Assistant Community Development Director Hartnett advised that when there is an identifiable property owner or responsible party, compliance is achieved quickly in 80 percent of the cases. For the 20 percent of the remaining cases, staff is trying to find more tools to respond. Sometimes people are unwilling to work with city staff and abatement would give them another option. Other times, people are experiencing life situations, which have contributed to the code compliance issues. When people find themselves in these situations, they often appreciate that staff could, with their permission, move towards an abatement approach.
- Councilor Woodard agreed with an abatement approach as long as there were other remedies available prior to implementation of abatement.

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- Assistant Community Development Director Hartnett reviewed the layers of the Code Compliance Program:
 - The code that gives authority.
 - The administrative rules that flesh out the operational level for implementing the code.
 - The standard operating procedures defining the step-by-step actions; i.e., the first telephone call, the first letter, a follow-up telephone call, etc.
- Councilor Woodard referred to a previous discussion by the City Council and the fact that the economy still has not improved that much. His concern was that the city not enter into the “lien business” contributing to a situation where someone might lose their home. Council President Buehner purported that this would not occur since a lien is collected at the time a property is sold. Assistant Community Development Director Hartnett said staff would provide City Council information on the effect on property, under the proposed Code Compliance Program, prior to the public hearing.
- Council President Buehner noted that many communities, including Tigard, are looking to accommodate an aging population. As the code amendments or administrative rules are drafted, Council President Buehner said we should think about how we can address this issue.

B. Review and Discuss Topic Areas for 2011 Community Attitudes Survey

Interim City Manager Newton introduced this item. The survey is conducted every other year and one is scheduled to be taken this October. Staff requests input from the council about topic areas for the questions. The survey will be presented to the council for review before it goes out.

Senior Management Analyst Wyatt advised staff is soliciting quotes for a consultant to perform the survey at this time. Key points of the discussion with council include the following:

- The survey will contain about 20 baseline questions, with three to five topical questions added.
- In 2009 two topical questions were asked:
 - Traffic – Should Pacific Highway be widened? Answer: Yes
 - Population growth – Where should it go? Answer: Away from developed areas.
- In 2007 the topical questions included gas tax, water source, and recreational programs.
- Executive staff members met last week to brainstorm ideas on the survey. A summary of this staff discussion was forwarded to the council in an August 19, 2011, memorandum from Senior Management Analyst Wyatt; this memo is on file with the council packet material.
- Council President Buehner referred to the Community Plan for River Terrace (north and south) and that the city might want to include a question about what people think should be in the community plan. This is where we are looking for new development to occur and it will change the city substantially. Interim City Manager Newton

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referred to the Executive Staff list that touched on this topic – “Services needed west of Pacific Highway.” For example, does the city need a satellite library or a police substation – what services might be needed in this area.

- Councilor Wilson said the city has never asked its citizens what they think about light rail. The city is actively pursuing light rail, but there is only an occasional comment from the citizenry on this subject. He suggested that the question be probed a little deeper and ask those who are opposed to light rail whether they would support it if gas was \$5 per gallon or if it would help relieve congestion. He said he would guess the citizenry is less supportive of light rail than the City Council is; however, he honestly does not know how the community feels about this topic. Council President Buehner said it would be important that the citizens are also aware of the estimated increase of traffic of 50-60 percent within the next couple of decades.
- Councilor Henderson cautioned not to jump to the conclusion that light rail would be the only option for rapid transit. He would like to have a question to determine if the citizens know what rapid transit means. Councilor Wilson agreed and added the city should not represent that light rail was definitely going to happen. He suggested that a statement should precede the question; i.e., the corridor is being studied with a look at a range of options. Most likely the selected option will be light rail. Senior Management Analyst Wyatt said they have information obtained from the High Capacity Transit focus group with regard to potential questions. Councilor Wilson commented there might be negative comments expressed because of the federal deficit and the current economic climate might skew results somewhat – he said he would like to get past that. For example, if someone is opposed, ask why. Follow up with the question whether the respondent would be more in favor if the light rail would not add to the deficit. Senior Management Analyst Wyatt said the survey administrators are good at getting information on perception versus importance. If people are overwhelmingly opposed to light rail, Councilor Wilson said the city should rethink it. The alternative would be to do nothing. Council President Buehner said she hoped light rail would reduce the increase of traffic.
- Senior Management Analyst Wyatt said that citizens’ view that Tigard is a good place to live increased in its score from 7.4 to 7.8. There has been steady improvement throughout the years.
- Mayor Dirksen suggested a question be included regarding a recreation program as well as a question about economic development.
- Mayor Dirksen said a question about efficient use of city resources be asked. He said this could be asked if a citizen ranked a service below a certain point to determine what the citizen thought the city should be focusing on.
- There was discussion on the recreation programming feedback from the 2005 and 2007. Citizens supported hiking/biking trails and playing fields, but other recreational activities received a lukewarm response.
- Councilor Woodard commented on the neighborhood and the regional trail systems. He noted the trails are so well used that people are almost colliding into each other. He said he would be interested to determine what it is that people want now. Council President Buehner noted this is an interesting question because it affects

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environmental issues. She referred to her past discussions with Clean Water Services regarding trail widths (ADA rules) and the surface treatments.

- Interim City Manager Newton said in 2007 hiking and biking paths received 48 percent support; playing fields 45 percent; music programs/community gardens/fitness classes/arts and crafts received support in the 20 percent range. Council President Buehner reminded that there is a full recreation center opportunity for some areas of the community; i.e., Summerfield.
- Councilor Wilson said he thought it would be good to repeat questions in the same manner. Interim City Manager Newton noted the 20 baseline questions are the same from survey year to survey year. The topical questions are for specific issues currently before the City Council.
- Council President Buehner recalled there was controversy about how the questions were written for the recreational programming.
- Senior Management Analyst Wyatt said the Tigard survey will be statistically significant; that is, a valid representation of the citizenry.
- Councilor Wilson said it is important not to lead people so they can give “true answers.” Tradeoffs need to be acknowledged. Mayor Dirksen said there is an art to writing the questions properly so open responses are collected. Councilor Woodard asked about how the questions would be formulated. Mayor Dirksen said a professional consultant is hired to do this for the city; however, the City Council would also review the questions. Interim City Manager Newton said council reviews the questions to determine whether they might be skewed (leading) or if they are asked in such a way to solicit the information the council needs to make a decision.
- Councilor Wilson said his main concern is that there is a great deal of negative thinking now with the high unemployment, status of federal government, and budget deficits. The results might report a dip in customer satisfaction that has nothing to do with anything the city has done. Senior Management Analyst Wyatt said the question is rated by perception followed by a rating of “how important is it.”
- Councilor Woodard noted that the cost of the Tualatin Hills Park and Recreation District is great; however, the programs are fully utilized, which is an indicator of how important this programming is. School systems are unable to provide this service right now. He conjectured whether times have changed with families looking for opportunities for their kids to keep them busy in a positive way. The opinion poll might change depending on how the question is framed. Council discussed the fact that the district is there, so there is no option regarding whether or not a property owner will support it financially. In addition, Council President Buehner said part of the agreement, when the district was formed, was that the school district would back away from providing as much of the recreational services because it would now be offered by the district.
- Council President Buehner commented on the number of activities sponsored by the schools in Tigard now (specifically referring to Fowler Middle School). Councilor Wilson pointed out that Tigard also has an aquatic district now.
- Councilor Henderson said he proposed that the question on the photo red light be taken out.

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- Mayor Dirksen suggested that the brainstorming ideas offered by Executive Staff be included in the survey only if the City Council specifically mentions that it wants the idea formulated into a question.
- Council President Buehner and Councilor Wilson indicated they would want a question to be asked regarding funding the facilities plan. Councilor Henderson would like the question(s) in this area include a way to get feedback on sustainable practices to be used in building facilities.
- Interim City Manager Newton summarized the topics council wanted to include this survey year were: recreation, light rail, funding for the facilities plan/sustainable environmental practices, economic development, and the community plan for River Terrace.
- Mayor Dirksen said that relating to economic development, he would be interested to receive feedback relating to health of businesses and services for the city in general.
- Interim City Manager Newton said the Executive Staff discussion on economic development centered on whether people were able to get the services they need in Tigard or were there opportunities for certain business sectors to develop.
- Public/private partnerships were discussed by the council. Mayor Dirksen said he thought this topic might be too complex to ask in a single question.
- Councilor Wilson commented that there might be categories of services that Tigard citizens would like to have closer to home. Community Development Director Bunch said the Executive Staff discussed the fact that we have a lot of retail leakage in the community and suggested questions such as:
 - Can you get your goods and services (durable and frequently recurring) close to home?
 - Do you have a job – available employment? This last question is “tricky” because we export about 90 percent of our workforce and import 90 percent within. Economic development is a regional issue. Community Development Director Bunch concluded by saying it would be good to determine if the “circulation of the dollar” is occurring within the community three or four times as opposed to once or twice. Councilor Wilson commented that Tigard has higher sales per capita than any other city in Oregon. He said he would like to see more of certain types of businesses in Tigard but was unsure whether the city should play a vital role in this area – what could we do with that information?
- Councilor Woodard asked if there would be a way to pose a question to determine if people like the “destination” businesses; i.e., Bridgeport Village and Al’s Bowling. Council President Buehner said she thinks Tigard has plenty of this type, noting Tigard also has Washington Square and a number of big box stores. Interim City Manager Newton said she was hearing the City Council say that if this question was asked, they would be unsure of what to do with the information, so it would not be a question to ask in a survey.
- Senior Management Analyst Wyatt asked the council to send staff any other ideas they might come across. The questions will be crafted in early September, the survey conducted in October, and a report of the results to the City Council in late November.

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C. Administrative Items:

- Information for tonight's business meeting:
 - Revised Exhibits A and B (Legal Description and Maps) for the draft ordinance relating to Agenda Item No. 5, River Terrace Annexation, were distributed to City Council. This was the same information delivered with the August 19, 2011, City Council newsletter.
 - August 16, 2011, letter from Washington County Commissioner Roy Rogers supporting the City of Tigard's River Terrace Annexation, Agenda Item No. 5, was distributed to City Council. A copy was also delivered with the August 19, 2011, City Council newsletter.
 - Associate Planner Caines distributed supplemental findings from the City Attorney's office and a revised ordinance which adds these findings as an exhibit. These findings build upon the staff's findings and are written as findings by the City Council and can be adopted with the ordinance under consideration tonight. City Attorney Ramis said that typically the City Council would hold the public hearing and do a "tentative vote" giving staff direction. Staff would then write findings and return to the City Council for a "final vote." The city attorney's office is saving a step by preparing the findings ahead of time, which will enable the City Council to take a final action tonight by relying on these findings. City Attorney Ramis confirmed Mayor Dirksen's comment that the City Council might receive public testimony with new information that would cause the staff to recommend amending the proposed findings; the "final vote" would be delayed so the amended findings could be prepared for council review and consideration.

- Preliminary layouts for the Barbur ramps, State Transportation Improvement Program (STIP) projects were distributed to the City Council. Interim City Manager Newton reviewed the plans by Oregon Department of Transportation (ODOT).

- Interim City Manager Newton referred to a noise variance request and information relating to Oregon Department of Transportation work on I-5 to extend a fourth lane under Carman Drive/Upper Boones Ferry overpass. She intends on approving the variance.

- Interim City Manager Newton noted Oregon Department of Transportation (ODOT) is preparing to install a median to prevent a left-turn movement off Scholls Ferry Road to Washington Square.

- Interim City Manager Newton said there is a proposed closure of 72nd Avenue for a culvert installation tentatively scheduled for Labor Day weekend.

- Council Calendar:
 - September 11, 2011 - 9/11 Memorial Service, Young's Funeral Home, 1 p.m.
 - September 11, 2011 - City's 50th Birthday Party, Library, 2-4 p.m.
 - September 13, 2011 - City Council Business Meeting, Town Hall, 6:30 p.m.

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- September 20, 2011 - City Council Workshop Meeting, Town Hall, 6:30 p.m.
- September 27, 2011 - City Council Business Meeting, Town Hall, 6:30 p.m.
- EXECUTIVE SESSION: Not held.

Study Session concluded at 7:30 p.m.

1. BUSINESS MEETING - AUGUST 23, 2011

- A. Call to Order: 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: None
- E. Call to Council and Staff for Non-Agenda:

Interim City Manager Newton advised there is a non-agenda item for a City Council discussion on the process to use for the selection of the city manager.

2. CITIZEN COMMUNICATION

- A. Follow-up to Previous Citizen Communication: None.
- B. Citizen Communication – Sign Up Sheet – No one.

Mayor Dirksen reviewed the consent agenda:

3. CONSENT AGENDA: (Tigard City Council and Local Contract Review Board)

- A. Approve Tigard City Council Meeting Minutes:
 - 1. June 21, 2011
 - 2. June 28, 2011

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- B. Appoint David Brown as a Voting Member of the Park and Recreation Advisory Board - Resolution No. 11-34

RESOLUTION NO. 11-34 -- A RESOLUTION APPOINTING DAVID BROWN TO HIS FIRST TERM AS A VOTING MEMBER ON THE PARK AND RECREATION ADVISORY BOARD (PRAB)

- C. Authorize the Reimbursement of Expenditures with Reimbursement Obligation Proceeds - Resolution No. 11-35

RESOLUTION NO. 11-35 -- A RESOLUTION AUTHORIZING THE REIMBURSEMENT OF EXPENDITURES WITH REIMBURSEMENT OBLIGATION PROCEEDS

- D. Local Contract Review Board:

- 1. Approve the Purchase of Four Dodge Chargers from Withnell Motor Company and Two Chevrolet Tahoes from Hubbard Chevrolet/GMAC for the Police Department Fleet

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. PROCLAIM SEPTEMBER NATIONAL RECOVERY MONTH
Mayor Dirksen issued proclamation.

- 5. QUASI-JUDICIAL PUBLIC HEARING - RIVER TERRACE ANNEXATION – ZONE CHANGE ANNEXATION (ZCA) ZCA2011-00001

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

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Council President Buehner advised she is familiar with the area under consideration for annexation. She said she was involved when the original Community Participation Organization was established in the late 1990's. She said she has friends in the area. She also has clients in the area; however, she has not represented any of them in connection with this annexation.

Councilor Henderson said he has visited the site.

Mayor Dirksen said the site is well known to all. He reported he had some preliminary meetings regarding process with some of the property owners prior to applications being submitted to the city. He has not had contact with any property owners since the annexation process was started.

There were no challenges

d. Staff Report: Community Development Staff

Associate Planner Caines presented the staff report:

- The River Terrace Annexation is an owner-initiated request.
- The area involves 43 properties and consists of approximately 230 acres.
- She reviewed a map of the area, pointing out the boundaries of the proposed annexation area.
- The south side of Barrows Road in the area proposed to be annexed was within the City of Beaverton boundary. The City of Beaverton has adopted the necessary legislation to de-annex this area so it can be annexed into the City of Tigard if the annexation is approved.
- The annexation request was because there is a lack of urban services in this rural area at present. Urban services are needed to develop the area as was envisioned when the area was brought into the Urban Growth Boundary in 2002.
- Urbanization of this area will provide housing and employment development as envisioned by Metro when it was brought into the Urban Growth Boundary.
- The proposed annexation area is contiguous to the city through the utility service corridor on the south side of SW Barrows Road. This will allow for utilities to be provided to the River Terrace area. There is a 16-inch City of Tigard water main in SW Barrows Road.
- Criteria for annexation, as outlined in the staff report, were reviewed.
- The annexation is owner-initiated and is not being processed by a public election. There are two methods for an owner-initiated annexation. One is through "double majority." The other is often referred to as "triple majority" – and in the proposed annexation, 81 percent of the property owners in the area that represent 92 percent of the land area and 82 percent of the assessed properties have signed petitions to

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annex to the City of Tigard – meeting the Oregon Revised Statutes’ provision to annex through this method.

- Utilities are available and can be provided for this area. In 2010, Washington County prepared a concept plan – a large scale blueprint – for the development and urbanization of River Terrace and the properties to the south. Options were reviewed for providing utilities to this area (especially water service) and it is most economical and efficient for the utilities to be provided by the City of Tigard.
 - There is documentation included in the annexation file along with the Washington County West Bull Mountain Concept Plan that demonstrates how this area can and will be serviced through the City of Tigard or the City of Tigard in conjunction with Clean Water Services. Clean Water Services will be the ultimate provider of storm water and the City of Tigard and Clean Water Services will provide sanitary sewer service. In 2009, there was a Master Sanitary Sewer System Plan update completed by Clean Water Services that outlines how to service this area – it includes improvements that would be needed for urbanization to occur.
 - Fire protection will be provided by TVF&R, which is already servicing the area.
 - The City of Tigard will provide police services.
 - If the annexation is approved, the City of Tigard will prepare a community plan, which will expand the 2010 Concept Plan to determine what improvements need to be made and how these improvements can be financed so services can be provided so the area can be developed and urbanized.
 - The applicant has demonstrated in their application how they meet the Metro, local, and state requirements for annexation.
 - The findings for the annexation are outlined in the staff report presented to the City Council.
 - The staff recommends that the City Council approve the proposed annexation.
 - In addition to the staff report, there is a revised ordinance presented to the City Council during its study session earlier this evening. The ordinance includes additional findings (Exhibit D) submitted this afternoon, prepared by the city attorney’s office, which will enable the City Council to make a final decision this evening.
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- City Attorney Ramis advised that because the revised ordinance and the Exhibit D findings are a part of the staff report and because they are in the file, they are in the record unless there is an objection.

e. Public Testimony

- Proponents

Michael Robinson, 1120 NW Couch Street, 10th Floor, Portland, OR 97209-4128, advised he was testifying on behalf of West Hills Development Company. He introduced Dan Grimberg of West Hills Development Company who was present in the

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audience. West Hills was one of the petitioners for the River Terrace annexation. Mr. Robinson said they agree with the staff report and the findings are accurate. They have also had an opportunity to review the supplemental findings that were distributed to the Mayor and City Council and they believe those are also accurate.

Mr. Robinson addressed the approval criteria and this annexation is important so utility services could be provided to the area. He requested the City Council approve the proposed annexation.

Joanne Criscione, 16880 SW Bull Mountain Road, Tigard, OR 97224, said she would like to see the proposed annexation approved. She said she represented Area 64 during the time of planning for Washington County and one of things they have struggled with is that this area used be rural with a quiet country road, which is now a “freeway.” The road is dangerous and this area needs to be planned more like a community and made a safer place. She noted concerns of safety for children waiting for buses on Roy Rogers Road. There have been many vehicle accidents in the area. When they moved onto their property in 1995, they signed a “right of remonstrance” stating that they would not fight annexation. Accordingly, it has always been her understanding that the area was going to be annexed into the City of Tigard. When Urban Growth Boundary areas are brought in, Metro says that these are to be planned and be ready to develop in two years – that date was passed in 2004. The development plans are really behind schedule. She said that she knows of no property owners in the area who are opposed to the annexation. She said a few signatures of the property owners are not on the petition because the properties are owned by absentee owners and no contact information could be found. She said she hoped the City Council would approve the annexation.

In response to a question from Councilor Henderson, Ms. Criscione said she was referring to property owners within Area 64, when she said people were in support of the annexation.

Councilor Woodard asked if the concerns of safety on Roy Rogers Road also included foot traffic and bicycles. Ms. Criscione said there is a lot of bicycle traffic on Roy Rogers Road.

Ms. Criscione confirmed for Council President Buehner that the posted speed limit on Roy Rogers Road was 50 m.p.h.

Marsha Lancaster, 17740 SW Scholls Ferry Road, Beaverton, OR 97007, said she has 42 acres that is immediately adjacent to the River Terrace property. She indicated to City Council where her property was located on a map. At one time, her property was in Area 64, but was removed. She said she is still very much affected by what happens in Area 64. She said there is a road easement on her property which runs north/south that could alleviate safety concerns. Ms. Lancaster said her property was unique because there are three school districts’ boundaries – the majority is in Beaverton, part is in Tigard and ten acres is in Hillsboro. She would prefer to have her property belong to

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one school district and her preference would be to be in Tigard-Tualatin School District. She would “love to...annex the property into Tigard.” She said she has been writing letters for the last three years to officials saying she would like to join the City of Tigard to receive services and belong to just one entity. She asked the City Council to consider her ideas and urged that this property be annexed.

Councilor Wilson asked Ms. Lancaster if she was aware that the annexation would not alter any school district boundaries. Ms. Lancaster said she was – but this would be an important first step. She said she wanted the City Council to know that it was not only the residents of River Terrace that are encouraging this annexation, but there are also supporters who reside on property contiguous to the River Terrace area.

Council President Buehner disclosed that Ms. Lancaster is one of her clients.

Mayor Dirksen said Ms. Lancaster is probably aware of the urban and rural reserves process that is occurring at Metro and within the three counties now. He said Ms. Lancaster’s property is included in a parcel that is under consideration for urban reserves or rural reserves in the near future, which would place it in line to be brought into the Urban Growth Boundary. He encouraged Ms. Lancaster to continue to advocate for her property among those jurisdictions.

Tom English, 13915 SW Florentine Avenue, Portland, OR 97223, advised that for the last couple of years he followed the work that Washington County did regarding assembling a coherent plan between Areas 63 and 64 and the farmland area between Roy Rogers and Beef Bend Roads. He understands that development is coming and understands those who desire to move into a city to receive services. He said he questions whether the connection from Tigard to this area was gerrymandered with the Barrows Road connection. He said he sees this as a “done deal.” He said he is concerned that the properties in the unincorporated area where he lives will now be surrounded on three sides by the City of Tigard. He said as the Washington County plan becomes implemented over time, it is likely that the unincorporated area on Bull Mountain will be surrounded by the City of Tigard. He asked the City Council how will this island of Bull Mountain be treated with the ongoing needs for financing light rail and other infrastructure.

Mayor Dirksen responded to Mr. English that he believed he could speak for the City Council that it has no intentions towards the currently urbanized unincorporated areas of Bull Mountain. He said he appreciated Mr. English’s comments with regard to the extension to this property along Barrows Road rather than working for a connection through his area of Bull Mountain. There are political issues that make the Barrows Road connection preferable. Mayor Dirksen said he did not know any circumstance to be considered in the future that would lead to a complete surrounding of the currently urbanized unincorporated area of Bull Mountain – but even if that were the case, there is no intention by this council to take any steps towards an island annexation of that area without the request of the people who live there. Mayor Dirksen asked other City

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Council members if his remarks were correct. City Council members indicated they agreed with the remarks.

Jim Beardsley, 16720 SW Friendly Lane, Beaverton, Oregon, spoke about the history of his property becoming part of the Urban Growth Boundary in 2002 and it was their understanding that the state law provided that the land would be developable after two years. He has moved to North Plains and his son and family now rent from them the property on Friendly Lane. He said children have been hit by traffic when waiting for school buses. He has a trucking business which is located on Friendly Lane and explained the traffic issues in the area. He also said the family has goats and horses on the property and this becomes a concern during the 4th of July holiday when people in the housing development next door shoot off fireworks toward their property – it is also a fire hazard. He said it is time to annex this area so they can proceed with their lives. They have waited too long for this. He supports annexation.

Mr. Beardsley responded to Councilor Henderson that his family would be very happy if this property were annexed. He said he does not understand why there are not more people here to testify because of the situation created when this property was included in the Urban Growth Boundary but the opportunity to develop has been delayed for so long. He said it has been really stressful.

Don Roshak, 13580 SW Roy Rogers Road, Sherwood, Oregon, spoke on behalf of the Roshak family that owns about 90 acres in Area 64. He said things have changed a lot in the last 60 years and more change is coming. They worked with Washington County on their plans, which had a few gaps – i.e., water and parks. He said if this is annexed into the City of Tigard, the family feels these gaps will be addressed. He said they strongly support annexation. He said the property has been in the Urban Growth Boundary for nine years.

Council President Buehner said she hoped that someone from the Roshak family will be able to participate in the planning process. Mr. Roshak said he also hoped this was possible. They would have liked to have been more involved in the Washington County planning process.

Rebuttal – None.

- f. Staff Recommendation: Associate Planner Caines advised that staff recommends that the City Council approve the proposed annexation of River Terrace.
- g. City Council Questions

Councilor Woodard said the findings looked good. He asked if the annexation is approved tonight, when would police services be available. Associate Planner Caines said the proposed effective date is September 30. In response to a question from Councilor Woodard, Associate Planner Caines advised the Police Department was asked

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for comments on the proposed annexation and there were no objections to the proposal. Interim City Manager Newton said the Police Department has a district system and this area will be incorporated. Mayor Dirksen said the Sheriff services provides services within all cities of Washington County and the area is not currently in the Washington County Enhanced Sheriff Patrol Area.

- g. Mayor Dirksen closed the public hearing.
- h. Council consideration of Ordinance No. 11-07.

Motion by Council President Buehner, seconded by Councilor Wilson, to approved Ordinance No. 11-07.

ORDINANCE NO. 11-07 -- AN ORDINANCE ANNEXING 230.06 ACRES OF LAND, INCLUDING FORTY-THREE (43) PARCELS, ADJACENT RIGHTS OF WAY, AND A UTILITY SERVICES CORRIDOR WITHIN SW BARROWS ROAD RIGHT OF WAY; APPROVING THE RIVER TERRACE ANNEXATION (ZCA2011-00001); AND WITHDRAWING SIX (6) PARCELS FROM THE WASHINGTON COUNTY ENHANCED SHERIFF'S PATROL DISTRICT AND WASHINGTON COUNTY URBAN ROADS MAINTENANCE DISTRICT. IN ADDITION, WITHDRAWAL OF THREE (3) PARCELS FROM WASHINGTON COUNTY SERVICE DISTRICT FOR LIGHTING.

Mayor Dirksen clarified with Council President Buehner that her motion included the revised ordinance and the Exhibit D received by the City Council. City Attorney Ramis said the record should so note these documents.

Councilor Henderson thanked all parties for their hard work noting that this was a good process.

Council President Buehner commented that she has worked with people in this area since 1998 when there was a discussion about bringing this area into the Urban Growth Boundary. It has been a long, tedious process and she is glad to see this conclusion.

Councilor Woodard said this is the first time he has had an opportunity to go through this process. Prior to his service on City Council, he could not understand why something such as this would take so long – he assigned it to the nature of politics. He said he thinks the process used was a good way to proceed.

Councilor Wilson said he has not seen such unanimous support on this type of action by the City Council since the Tigard Triangle was rezoned. It is nice to see an annexation proceeding that is not opposed.

Council President Buehner said she was glad to see so many residents in attendance at the hearing.

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Mayor Dirksen agreed with Councilor Woodard that this is an interesting process. This is the first time he has experienced this process as he believes that triple majority annexations are not common. He said he is pleased to be able to respond to these property owners' requests, who will become City of Tigard residents.

The City Recorder read the number and title of the ordinance.

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

6. CONSIDER AN INTERGOVERNMENTAL AGREEMENT WITH TUALATIN HILLS PARK AND RECREATION DISTRICT (THPRD) REGARDING THE MAINTENANCE AND OPERATION OF BARROWS PARK

Public Works Director Koellermeier presented the staff report:

- The issue before the City Council tonight is needed because the annexation the City Council just approved created a problem. THPRD operates Barrows Park, of which a small piece is in the old Barrows Road right of way. Effective with the annexation, this piece of property will be in the City of Tigard.
- The Tigard Urban Services Agreement lays out a clear declaration that THPRD will not operate parks facilities in the City of Tigard. The proposed Intergovernmental Agreement acknowledges the fact that this section of the park will be in the city until the Tigard Urban Services Agreement is re-opened.
- The THPRD Board considered this issue last month and approved it.
- There is no financial impact on the City of Tigard; the THPRD will continue to operate the park as they are currently.

Motion by Council President Buehner, seconded by Councilor Woodard, to approve the Intergovernmental Agreement with Tualatin Hills Park & Recreation District regarding maintenance and operation of Barrows Park.

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

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7. CONTINUATION OF LEGISLATIVE PUBLIC HEARING FROM AUGUST 9, 2011 -
CONSIDER TIGARD MUNICIPAL CODE AMENDMENTS ON ADMINISTRATIVE
RULE MAKING

- a. Mayor Dirksen noted this is a continuance of the public hearing opened on August 9, 2011.
- b. Assistant Community Development Director Hartnett presented the staff report on the matter now before the City Council.
 - At the last meeting, council had questions about language in 2.04.070(1)(a). The City Council's desire was to clarify that the staff notice to the City Council of a proposed administrative rule would occur prior to the public notice being provided. These time periods would not be concurrent; the council's notice would occur prior to the public notice.
 - Assistant Community Development Director Hartnett referred to a memorandum provided to the City Council (Attachment 3 to the Agenda Item Summary) delineating the changes made to the last draft the City Council reviewed.
- c. Public Testimony: None.
- d. Mayor Dirksen closed the public hearing.
- e. City Council Consideration: Ordinance No. 11-06

Councilor Henderson asked for clarification of the review process. Assistant Community Development Director Hartnett said the council would specify (through adoption of new code language) the authority for the city manager to follow the rulemaking process. To create administrative rules, this new process would have to be followed. She outlined the steps stipulated in the proposed code language. The City Council would receive the proposed administrative rule first followed by a period of time for public review and comment. After brief discussion about whether to wait for the new city manager to be appointed before this ordinance is considered, the consensus was to proceed. There will be opportunities for review of the process and to make changes later if needed.

Motion by Council President Buehner, seconded by Councilor Wilson, to approve Ordinance No. 11-06.

ORDINANCE NO. 11-06 -- AN ORDINANCE AMENDING TITLE 2 OF THE
TIGARD MUNICIPAL CODE AUTHORIZING THE USE OF ADMINISTRATIVE
RULES AND DEFINING THE PROCEDURES FOR ADMINISTRATIVE

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RULEMAKING AND AMENDING EXISTING SECTIONS IN TITLE 9 AND TITLE 11 TO BE CONSISTENT.

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

8. DISCUSS STRATEGIES FOR COMMUNICATING TIGARD'S FEDERAL LEGISLATIVE PRIORITIES

Senior Management Analyst Wyatt presented the staff report. The issue before the City Council was whether the City of Tigard should hire a Washington DC-based lobbying firm that would provide technical advice and direct advocacy and support for the city's federal intergovernmental interests.

Mayor Dirksen said that since he has been Mayor, he has seen other cities have the ability to accomplish greater things if they have the resources to do so. He said there are three things that a federal affairs firm could assist the City of Tigard in:

- a. Advise of grants and programs available and how we could go about applying for them in a way that would give us more opportunity to receive funding.
- b. Set up meetings and establish contacts so Tigard representatives can be effective when they travel to Washington DC or when those people are in Oregon.
- c. Make us aware of issues and the climate in Washington DC so we know about the timing for when it is the best time to accomplish things or "what is the best program to go after."

Mayor Dirksen said that he has seen that the cost of this type of service is soon eclipsed by the amount of funding made possible.

Councilor Henderson said he agreed with Mayor Dirksen's comments. In response to a question from Councilor Henderson, Senior Management Analyst Wyatt said one firm has visited the City of Tigard – they have a Washington DC presence as well as an office in Portland.

Councilor Wilson said he was ambivalent about this. He agrees that it is a good idea to have a representative in Washington DC to build relationships with our delegation and make our concerns known to them. He said he is opposed, in general, to lobbyists. He said we are now in an unprecedented situation with the federal deficit. It is no longer business as usual – they do not have the money to give us – and he would like to see the federal government get its house in order. He does not want the city to add to the federal deficit and said he was not quite ready to support this.

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Council President Buehner said she has come to the following conclusions regarding the current state of the political climate. We are going to have a freshman congressman representing us, which means that he or she will have the least influence and be new to the process. This will negatively impact our ability to get our message across. She said that congress has made it clear that they have no intention of paying attention to “John Q citizen” or those associated with local government – they are listening solely to lobbyists. She said up until now, she has been vehemently opposed to having a lobbyist, but she has come to the conclusion that if the city is going to succeed long term in this environment where grants are going to be harder to get that we must take advantage of all the opportunities available. She said she thinks Tigard is the largest city in the area that does not have a lobbyist. It would be unfair to our citizens and taxpayers not to try to “go out there and get the best bang for the buck...”

Councilor Woodard said he agrees with much of what has been said. He said he does not like the way the federal government has contributed to a huge deficit that “our kids will be paying on for years and years...” However, we are competing for what is available, which is less now. Our city is not going to quit growing and we need good economic development. To be ready for the future, we have to be competitive. The downside to receiving money is that we are then bound by certain conditions and stipulations – so we will need to take care to be aware of what we are obligating the taxpayers for. He said he would like to give this idea a chance with a return on investment monitored on an annual basis.

Senior Management Analyst Wyatt acknowledged the “strings attached” have been an issue for some cities. He said he has heard there is funding still available, but it seems to be less transparent and harder to find.

Interim City Manager Newton said access is important to obtain assistance on projects we already have in place. For example, we might want to have assistance with the water permitting process at the federal level – it’s not always about gaining access to funds. She said we would need to find a way to track performance on all areas of assistance.

Mayor Dirksen acknowledged that along with receiving funding, assistance with the bureaucracy was important. He was ambivalent in the beginning also and finds it distasteful when special interest groups appear to have undue influence at the federal level. We could use the assistance of an advocate in an advice-giving role to show us the best places to invest our time. He said he was concerned about the increased competition for the dollars available.

Councilor Henderson said that jobs will be the key to ending the recession. We need to have someone monitoring so we know how the system can be accessed. He said, “I think it’s ok to be using our grandchildren’s money as long as we are going to be building something that they are going to be able to use.” Councilor Woodard added that he agreed with Councilor Henderson and this effort is needed to bring dollars spent back to our area to create jobs through economic development. We need to get ready for opportunities that might become available.

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Mayor Dirksen noted that if City Council is in support, then the staff would be directed to send out a request for proposals and we would look for firms interested in representing us. Staff will proceed with the request for proposals.

9. COUNCIL LIAISON REPORTS

10. NON AGENDA ITEMS

Council then moved to the Red Rock Creek Conference Room to discuss the city manager review process.

Council discussed dates for the assessment center with September 16 and 17 proposed.

Council discussed the community members for the citizen inter panel for which Mayor Dirksen is collecting suggestions from the council members. The assessment center will have a mock City Council presentation as one of the exercises. Potential topics were suggested with a budget-related topic named.

The second exercise will be oral panel (panel made up of community members) interviews. Several questions were suggested. Human Resources Director Zodrow and the consultant will draft questions for City Council review.

City Council will debrief with the community panel members at the end of the day on September 16.

Council will receive additional information to review; i.e., writing samples and videos of the candidates making presentations.

11. EXECUTIVE SESSION: Not held.

12. ADJOURNMENT – 9:51 p.m.

Motion by Councilor Wilson, seconded by Council President Buehner, 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

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/s/Catherine Wheatley
Catherine Wheatley, City Recorder

Attest:

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

Date: November 22, 2011

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