



# City of Tigard Tigard Business Meeting - Minutes

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

### MEETING DATE AND TIME:

November 22, 2011 – 6:30 p.m.

### MEETING LOCATION:

City of Tigard - Town Hall - 13125 SW Hall Blvd.,  
Tigard, OR 97223

- STUDY SESSION

Track 1

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 to the City Manager Mills, Assistant Finance and IT Director Smith-Wagar, Redevelopment Project Manager Farrelly, Senior Management Analyst Wyatt, Community Development Director Bunch, Finance and Information Services Department Director LaFrance, City Attorney Ramis

- STUDY SESSION

- A. Discussion of Banking Services Contract

Assistant Finance and IT Director Smith-Wagar presented the staff report:

- The city now banks with US Bank. The city is limited by state law as to the selection of the primary bank account. It has to be a full-service bank approved by the state.
- The state changed the manner in which cities' deposits are collateralized, which affected the list of approved banks.
- The city has been banking with US Bank for a long time. This bank provides all of our primary services: general checking, credit card processing, and our lock box where a majority of the utility bill payments are mailed.

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- The city is at the end of its five-year contract with US Bank. This means we would either have to issue an Request for Proposal (RFP) and go through this process, or we can tag on to Lane County’s RFP as provided by ORS 279A.215. After going through the RFP process, Lane County selected US Bank.
- Staff is recommending that the city remain with US Bank.
- There was brief discussion after Council President Buehner recalled the time about three years ago when the city requested a line of credit. The US Bank agreed to issue the line of credit but would charge the city interest on the entire amount even if the city only utilized a small portion. This event occurred at the time the banking industry was in distress and the banks were all being conservative in how they were conducting business.
- In response to a question from Councilor Henderson, Assistant Finance and IT Director Smith-Wagar said that the city does much of its business with the local US Bank branch. However services are also received from US Bank locations in Portland and in Minneapolis.
- In response to a question from Councilor Woodard, Assistant Finance and IT Director Smith-Wagar confirmed that US Bank is the only bank with the lock box service in Oregon. This service processes the utility billing payments.
- In response to a question from Councilor Henderson, there is a procedure safeguarding the city if the bank should fail. Assistant Finance and IT Director Smith-Wagar explained the manner the bank provides collateral with pledges in federal bonds.
- After discussion, the consensus of the City Council was for staff to move forward with the banking contract using Lane County’s contract and the permissive cooperative procurement method. This matter will be scheduled on the December 20, 2011 City Council meeting agenda.

Track 2

B. Identify Preliminary Legislative Priorities for the 2012 Oregon Legislative Session

Senior Management Analyst Wyatt presented the information for this agenda item:

- The 2012 Legislative Session will begin on February 1, 2012.
- The Metro Parks District Bill has come up again. It sounds as if there might not be a great deal of support. There is an early December meeting that the Mayor will be attending on this subject. Mayor Dirksen explained that this is the attempt by Metro to have a restriction removed so Metro could create special districts. Specifically, it is Metro’s desire to create a special district (the size of the Metro area) to become a taxing authority to collect tax money for parks maintenance and parkland restoration. In response to a question from Councilor Henderson, if the restriction is removed from state law, that would open the door to create any special district they choose if approved by a vote of the people.
- Oregon Investment Act – The plan is to propose a framework in the 2012 Session to create jobs and open up funding for small businesses. The State

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Treasurer and Governor are co-sponsoring the proposal; however, details at this point are vague.

- Revenues have not come in as well as the state had hoped and there is a \$100+ million deficit. Senior Management Analyst Wyatt referenced the potential of a temporary or permanent action that would affect state-shared revenues. There might be some pressure this session to institute reforms that would affect the budget process.
- House Bill 2712, passed in the 2011 session, altered the distribution system for municipal court fines. The League of Oregon Cities has requested the examination of some of the language approved; that is, the language that was approved is not necessarily the intent of the legislation. A ruling has just come down from the Department of Justice about local ordinances and how under the new system, parking tickets and several other items would be exempt from the fines affected by the law.
- Senator Burdick and Representative Doherty will be holding a meeting in Tigard Town Hall to preview the 2012 Legislative Session.
- Staff will update the City Council on Session activities in 2012.
- Former City Manager Prosser was appointed to serve on the TriMet Board of Directors.
- Discussion followed about the economy in Washington County, which has the lowest unemployment rate in the state and is one of the counties in better financial condition in the entire country. There was discussion on the fact that foreclosures were up in number in Washington County and there was speculation that this might be because there was a moratorium holding banks back on foreclosures for a period of time.

(Administrative Items were reviewed after the Executive Session.)

#### C. Administrative Items

A joint meeting with the Tigard-Tualatin School Board is scheduled for Monday, January 30, 2012. A light dinner will be available at 6:30 p.m. with the meeting beginning at 7 p.m. City Council consensus was that no television coverage should be arranged for this meeting. Mayor Dirksen suggested “Field Coordination” as one of the topics for the agenda.

#### Council Calendar:

- Thursday and Friday, November 24 and 25 - Thanksgiving Holiday, City Hall closed.
- Tuesday, December 6, 2011, Council goal-setting meeting, noon-5 p.m. at Fanno Creek House.
- Tuesday, December 13, 2011, Regular business meeting; 6:30 p.m. study session and 7:30 p.m. business meeting.
- Tuesday, December 20, 2011, Business meeting; 6:30 p.m. study session and 7:30 p.m. business meeting. (This business meeting will take the place of the regularly scheduled Workshop meeting.)

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- Tuesday, December 27, 2011, Regular business meeting canceled.
- EXECUTIVE SESSION: At 7:01 p.m. the Tigard City Center Development Agency went into Executive Session to discuss real property transaction negotiations and the Tigard City Council went into Executive Session to discuss pending litigation with legal counsel under ORS 192.660(2) (e) and (h).

Executive Session concluded at 7:30 p.m.

7:30 PM

1. BUSINESS MEETING - NOVEMBER 22, 2011

A. Mayor Dirksen called the meeting to order at 7:37 p.m.

B. Roll Call

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

C. Pledge of Allegiance

D. Council Communications & Liaison Reports

See Agenda Item No. 9 for City Council members' reports.

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

2. CITIZEN COMMUNICATION

A. Follow-up to Previous Citizen Communication: None.

B. Citizen Communication – Sign Up Sheet None.

3. PROCLAMATION - PROCLAIM DECEMBER 4-10 AS HUMAN RIGHTS WEEK

Mayor Dirksen issued the proclamation.

Tigard Police Captain Jim deSully spoke as a representative of the Washington County Human Rights Council. He thanked the Mayor and City Council for helping commemorate

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Human Rights Week and Human Rights Day, December 10, 2011. Most of the Washington County jurisdictions have issued similar proclamations, including Banks, Beaverton, Cornelius, Forest Grove, Hillsboro, King City, North Plains, Sherwood, Tualatin and the Washington County Board of Commissioners. The county Human Rights Council was launched in 2006 to promote respect and dignity of all people by supporting a community where every person is valued and equal rights and diversity are embraced.

Mayor Dirksen reviewed the Consent Agenda:

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

A. Approve Council Meeting Minutes:

August 23, 2011

September 13, 2011

~~October 11, 2011~~

The October 11, 2011 minutes were set over to October 25, 2011, for City Council consideration.

B. Local Contract Review Board:

1. Contract Award - Hydro-geological Services Related to Aquifer Storage and Recovery Program

Motion by Council President Buehner, seconded by Councilor Wilson, to approve the Consent Agenda with the exception of the October 11, 2011, City Council minutes, which will be placed on the October 25, 2011, City Council Consent Agenda for consideration.

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

5. UPDATE FROM THE PARK AND RECREATION ADVISORY BOARD (PRAB) REGARDING A CITY RECREATION PROGRAM

Park and Recreation Advisory Board (PRAB) Chair Troy Mears and Vice Chair Holly Polivka presented the update to the City Council. Other PRAB members present: Margaret (Peggy) Faber and Marshall Henry.

Mr. Mears and Ms. Polivka spoke about the upcoming city budget and City Council goals consideration. They referred to the Tigard Parks Master Plan and the results of the citizen

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survey as the basis of support for consideration for advancing community recreation activity services provided by the City of Tigard. After their presentation, Chair Mears and Vice Chair Polivka summarized the request from the PRAB:

The PRAB would like the City Council to include a community and recreation activities program for the 2012-13 budget. Vice Chair Polivka added that the PRAB proposes that the city have someone or multiple persons facilitate recreational activities in the city.

City Council discussed PRAB's request with the Chair and Vice Chair:

- Council President Buehner commented that the Summerfield area already provides a recreation outlet for its residents and this should be taken into consideration when proposing a program to be supported by city tax dollars. She also referred to the Senior Center and activities currently provided.
- Chair Mears and Vice Chair Polivka concurred with Council President Buehner's observations and proposed the initial city recreation program might consist of city coordination of the activities currently available so residents can take advantage of them. This coordination could be a starting point to grow a city recreation program. The plan would not be to offer redundant services provided by other groups.
- Councilor Henderson noted the citizen survey results were only recently released and he has not had an opportunity to thoroughly review the information. It appears that a major segment of the residents support a city-run recreation program. Mayor Dirksen noted presentation of the survey results is scheduled later on tonight's agenda. This topic was moved up on the agenda and PRAB members were encouraged to stay during the presentation and discussion.
- Councilor Woodard, as the City Council Liaison to the PRAB, thanked the board members for all the work they have done this year identifying property acquisitions utilizing the proceeds of the parks bond. He said the one of the Board's priorities is to contemplate a city recreation program. He thanked the board for listening to the citizens and bringing this forward to the City Council. He spoke of different concepts of a city recreation program and opportunities to find ways to work together. He referred to the work by the City Center Advisory Commission and the efforts needed to identify a location for a downtown park plaza. He also offered that recreation programming could also benefit the local economy.
- Mayor Dirksen said he believes that the only reason the city does not have a recreation program is due to lack of funding. He referred to an upcoming meeting of the Tigard City Council with the Tigard-Tualatin School Board and one of the agenda items will be a discussion of coordination of community recreation facilities through a single office; i.e., potential for joint funding.
- Councilor Henderson said he previously served as the City Council Liaison to the PRAB and thanked them for their work.

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> The agenda was rearranged; Item No. 8 was discussed at this time:

## 8. RECEIVE AND DISCUSS FINDINGS FROM THE 2011 COMMUNITY ATTITUDES SURVEY

Senior Management Analyst Wyatt introduced this agenda item. Consultant Bob Beaulauier from Research 13 presented a PowerPoint slideshow highlighting how the survey was conducted, an Executive Summary, and survey results. The presentation slideshow, Results of 2011 Community Attitudes Survey, is filed with the council meeting materials.

City Council discussion and questions:

- Councilor Wilson referred to the demographic information citing the median age of respondents was age 57 and 88 percent were homeowners. He asked how this compared with the census data. He also asked how the researchers deal with the situation where there are diminishing amount of households that have landline telephone service. Councilor Wilson said he suspects that researchers are connecting with an older population to answer the survey. He asked for an explanation of how researchers “true up” their results to assure it is a representative sampling. Mr. Beaulauier said Councilor Wilson’s observations are often brought up when this type of survey is conducted. He reviewed how they approached the survey, which was to identify “population proportionate by areas.” He explained they did not choose to compile the survey results by selecting quotas for a certain type of responder because the sampling method used often for a voter issue and issues around citizenship does mean the responders represent an older group. Unlisted telephone numbers and cell-phone only households were included in the survey sampling.
- In response to an observation from Council President Buehner, Mr. Beaulauier agreed that if the survey would have been targeted to a frequent-voter group, that this would have resulted in an older population with a greater percentage of homeownership. He added that the survey was conducted similarly as to the method used for the 2009 citizen survey so results could be tracked longitudinally.
- Mr. Beaulauier concurred with Councilor Wilson’s understanding that the method used would result in a representative sampling of a person who is a voter. Mr. Beaulauier said if the target was based on census data, then they would not have been able to compare the results to the 2009 survey.
- Mayor Dirksen asked if Mr. Beaulauier would recommend adjusting the methodology in the future by targeting it more towards census data. Mr. Beaulauier said this would not necessarily mean the results would be “more representative” of overall citizen opinions, but would be a “different representation.” He suggested asking different questions and targeting a “complementary sample” of responders. He pointed out that they “bumped up” the sample this time by also conducting an Internet survey. In the future, they could include a frequent-voter component as well. Mayor Dirksen commented that the City Council wants to know what everyone in Tigard thinks – voters and non-voters.

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Council President Buehner offered a differing viewpoint and said she thought that looking at samplings from voters was important.

- Senior Management Analyst Wyatt said staff will be doing more work compiling the survey results including preparing information for the City Council’s upcoming goal-setting meeting.
- Mr. Beaulauier offered to prepare information isolating different groups based on census categories.
- Interim City Manager Newton asked Mr. Beaulauier to give the City Council access to the “cross tabs” to review responses across different demographics.
- Councilor Wilson commented on the question regarding population density. He said tying the existing and future neighborhoods into the same question made a negative response more likely. He said the responses, from the way the question was worded, were predictable. Mr. Beaulauier said this was a question that had been asked in the previous survey and was being tracked for any change in response results. Councilor Wilson noted the city is trying to increase the density in certain sectors in town. Mayor Dirksen added that this is being done so we do not have to increase the density in other areas. Councilor Wilson said that, given the amount of time and effort being devoted to this density allocation and given that the city is not hearing opposition to it so far, he was uncertain whether this question was useful. Mayor Dirksen said it is a difficult question to ask in order to receive a candid answer. Mr. Beaulauier commented that complete surveys have been done on this topic alone; i.e., the Portland Development Commission. Sometimes you learn what you already know – people do not want things built in their own backyard.
- Councilor Henderson commented that a telephone survey is likely to be more costly than an online survey. He asked if it made sense to conduct a website survey every year along with the telephone survey every other year. Senior Management Analyst Wyatt replied that the intent of the city was to test the online survey for the first time and it was available for anyone to reply. In the future, they could possibly make the online survey available to a more targeted population to build up a database.
- Mayor Dirksen said that many people believe that an online survey is not representative because people self-select to participate and tend to have strong opinions on some issues. But, since the city conducted the online survey at the same time with the same questions, he would like to see a breakdown of every question comparing the telephone survey to the Internet survey. From this comparison, it might be possible to determine if the perception is correct that an online survey does not result in a representative sampling. Mr. Beaulauier commented that the results from the two surveys were fairly comparable, including the support for the city’s role in recreation programming. Some of the problems with Internet surveys and self-selection have to do with false-positive results. People who tend to volunteer to complete a web survey are going to be more likely to give support on issues and you can get “burnt” going forward using these results. Internet surveys are useful for understanding some of the qualitative reasons why people might support or are against an issue.
- Councilor Woodard commented that the telephone survey was an older demographic than the online survey so it appears that two demographic sectors were sampled. He

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asked how accurate Mr. Beaulauier thought the survey results were. Mr. Beaulauier said the survey was accurate according to the selected methodology. The same screeners were used in 2009 and 2011; the results are comparable and representative.

- Councilor Woodard said he was surprised to see that the Neighborhood Network resource was rated so low as a city-activity information resource for citizens. He thought this program was robust. Comments were made that this was still a relatively new city program. Councilor Henderson pointed out that the website is also a communication tool for the Neighborhood Network Program and responders might not have connected the two when responding to the survey questions.
- Councilor Wilson said after having seen a number of surveys over the years, he has noted there is a remarkable consistency in responses. Major issues relate to traffic congestion among all demographics. In places where there has been a change, it could be attributed to the economic conditions, not anything the city has done or not done. Even the insecurity with regard to safety seems to be coming from a general negativity, since there has been no jump in the crime rate. The light rail question was asked for the first time this year and he said he was surprised to see it “so high” -- that was encouraging.
- Councilor Wilson referred to the responses on recreation and that one way to look at the survey results is that 80 percent support a recreation program. This appears to be consistent with what has been offered before in that there is a segment of the population that does not want any recreation programs and another that want a “full blown” program, but most everyone wants something along the lines of what we have been trying to accomplish. He pointed out the city had to pull back making city facility meeting rooms available because of the recession – at the very least the city ought to restore this service. He spoke to reserving playing fields and offering a coordination role for recreation. Councilor Wilson fully supports the coordination efforts by the city.
- Council President Buehner asked Mr. Beaulauier about the concerns expressed regarding safe streets and whether he thought the media’s 24/7 “hyping” any criminal activity that has occurred has influenced the results given the fact that the crime rates are reduced. Mr. Beaulauier said those types of things can be measured; however, it was not measured here. It varies a lot by area with regard to how people are impacted by the media. To answer this question for Tigard, he would need to conduct a community-policing type of survey. The Portland Police Bureau does an extensive survey every year and their results might be comparable by studying the data from communities neighboring Tigard.
- Mayor Dirksen commented that people might be responding that they feel less safe not only because of crime but because of the concerns with traffic congestion or lack of adequate pedestrian facilities. When the response was that he or she feels less safe, he said he wished there had been a follow-up question asking “why.”
- Councilor Woodard said he sees a big connection between the online and the telephone survey concerning jobs and economic development. He said the consultants have been proposing activation efforts to get people interested in specific areas and build excitement. Active areas will stimulate job growth. He said he can see how recreation and economic development act as catalysts to one another – “they feed upon each other.” Senior Management Analyst Wyatt advised he will be preparing information for

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City Council similar to what Councilor Woodard was referring to – the cross pollination of some of the issues.

- Councilor Henderson referred to the PRAB recommendation for the City Council goal setting and the city’s budget prepared for 2012-13. Mayor Dirksen responded that this is noted and will be taken into consideration during the goal-setting session scheduled for City Council on December 6, 2011. From the results of the goal setting, it might be that there will be a request for a “white paper” examining the question for costs and a potential funding source for an identified recreation program. Interim City Manager Newton said the PRAB is recommending the Council consider including their recommendation as one of the City Council goals.

#### 6. CONSIDER ADDITION OF FULLY FUNDED 1.0 FTE TRANSIT OFFICER TO POLICE DEPARTMENT AND A RELATED BUDGET AMENDMENT

Finance and Information Services Department Director LaFrance presented the staff report:

- The item before the City Council is a proposed resolution amendment to the FY 2012 budget for \$74,673. All of this amount will be fully reimbursed through an Intergovernmental Agreement the city has with TriMet and the City of Portland and will have no impact on the General Fund’s ending fund balance. The purpose would be to expand the Police Department’s presence on the TriMet Task Force that is used to help patrol and keep the riders safe in TriMet stations and facilities.
- In response to a question from Councilor Henderson, Finance and Information Services Department Director LaFrance said this program would continue next fiscal year and into the future as long as we are participating at the same level in the Task Force. Should TriMet have budget cutbacks and they decrease the funding, then we would need to cut back on our staff as well.
- Councilor Wilson noted officers for TriMet are supplied by a number of jurisdictions. He asked if these officers are paid on a TriMet pay scale. Police Chief Orr said each jurisdiction’s pay scale is applied so different rates occur depending on the home jurisdiction of the officer. The amount reimbursed to the city is 105 percent, which includes administration through the city’s finance department. All of the cities tend to pay their officers about the same. The City of Tigard, except for the City of Portland, provides more officers to TriMet than any other jurisdiction. Police Chief Orr explained that the officers serve a three-year rotation and return better trained having seen and experienced a different range of activity.
- Council President Buehner inquired about the number of police officers from Tigard now working for TriMet. Police Chief Orr said we have one sergeant and three officers; with the addition of this FTE, it would mean that there are four officers from Tigard.
- In response to a question from Mayor Dirksen, Police Chief Orr said TriMet has never terminated any positions in its history. It appears that the service will expand in the foreseeable future.
- In response to a question from Councilor Henderson about how TriMet funds these positions, Police Chief Orr advised there are various funding sources such as federal funds

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and the transit tax. Finance and Information Services Department Director LaFrance said he will contact TriMet to find out the funding sources for this program. Councilor Henderson said he would like to share this information with Tigard businesses so they would know where their tax dollars are being spent.

- Mayor Dirksen referred to concerns expressed by citizens about safety on public transportation. He is pleased TriMet is increasing security and ensuring that riders are paying for the service to support the system – this benefits everyone. Police Chief Orr noted that TriMet responds to situations that come up in Tigard by providing security upon request; i.e., the Trick-or-Treat on Main Street event.

Motion by Councilor Wilson, seconded by Council President Buehner, to approve Resolution No. 11-38.

RESOLUTION NO. 11-38 - A RESOLUTION TO APPROVE THE ADDITION OF 1.0 FTE POLICE OFFICER AND RELATED COSTS AND SUPPORTING REVENUES TO THE FY 2012 ADOPTED BUDGET IN POLICE IN THE AMOUNT OF \$74,673

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. DISCUSS AMENDMENTS TO CHAPTER 1.16 OF THE TIGARD MUNICIPAL CODE

Assistant Community Development Director Hartnett introduced this agenda item. She also introduced the project team: Program Development Coordinator Shields, Temporary Code Compliance Program Specialist LaBarre, and Attorney Hall.

- Assistant Community Development Director Hartnett reviewed previous City Council discussions, gave background information on this section of the code, and referred to work recently completed with regard to the proposed amendments.
- Council President Buehner advised she had some word-change suggestions, which she will forward to staff.
- Councilor Woodard said he was concerned about penalties for out-of-area property owners and whether there are some guidelines about notification when there are code compliance issues.
- Councilor Wilson said he generally agreed with the proposed amendments. He said he was concerned about the expansion of the code provisions and asked if the old language was reviewed to determine if there were sections that could be eliminated. He referred to some

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of the legal language and whether these types of code offenses require all of this specificity. His preference would be for simpler language. Councilor Henderson agreed with Councilor Wilson's comments and said the goal is to allow for easier use by the public – to be more readable.

- Mayor Dirksen also noted his concern about readability of the new provisions. Conversely, he said he understands some of the legal wording is “boilerplate” and gives the city a legal basis for requiring compliance and for taking the action the city deems necessary.
- In response to a comment from Mayor Dirksen, City Attorney Ramis advised the “warrant section” has been substantially expanded. The more structure outlined in the code language to justify a warrant for an administrative search, the better the opportunity will be for staff to make it workable. The attorney's office purposefully used language employed in other jurisdictions.
- Mayor Dirksen said the City Council needs more time to review the staff's recommendations. He proposed that this item be pushed back until a later date. He also urged that City Council members contact staff individually with specific questions.
- City Attorney Ramis commented that it is critical to use the correct implementing tools to make the system work; i.e., letters used to provide notice, the process used to provide notice, and the system set up to encourage compliance. The code provides the structure to give staff and the city the authority.
- In response to a question from Councilor Woodard, Assistant Community Development Director Hartnett noted there are some frequent violators of the nuisance regulations who depend on the city's notification to remind them of their obligation to do such things as mow their grass. Costs added to the fine amount could consist of direct costs; i.e., costs associated with abating the violation and staff's time spent in addressing the violation. Costs are defined in the proposed code language.
- Councilor Woodard liked the provisions in the proposed language regarding using the services of a collection agency. He was also glad to see the provisions for hardship cases. For the most part, he liked the staff's proposed documents.
- Assistant Community Development Director Hartnett reviewed that before a fee is charged to a property owner, there is a formal notification process. She said she will review the proposal to address Councilor Woodard's concerns about notification to non-resident property owners. At this time, the city's biggest challenge is with banks and other financial institutions that hold properties. The definitions refer to responsible party to help the city hold the correct person(s) accountable. Council President Buehner suggested, when dealing with a foreclosure situation, city officials should be contact the trustee empowered to implement the foreclosure. Assistant Community Development Director Hartnett said she thought language was included as suggested by Council President Buehner, but that she would recheck.
- Councilor Wilson asked about “confidential” complaints and whether a person gets to “face his accuser.” Program Development Coordinator Shields said that according to regulations governing public records, any complaint filed is public information with an exception that if the complainant indicates to staff they are afraid of retribution, staff can solicit an opinion from the city attorney whether they can keep the complainant's information confidential against anything other than a court order. Aside from that exception, a respondent can

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contact the records division to obtain the name of the person who filed a complaint. Few make the effort to find out who complained. Councilor Wilson noted that many nuisance complaints are neighbor disputes. Discussion followed whether there was any way to address the situation where someone in the neighborhood complains frequently. Assistant Community Development Director Hartnett said that moving to the online system has, in some ways, made making a complaint a little more difficult. Formerly, complaints were taken by phone calls, drop-in, email, etc. The proposal attempts to funnel complaints to two primary methods; 1) online system or 2) fill out a specific form. By asking the community to actively participate with the city to manage the nuisance cases, there has been a shift with sharing the responsibility.

- Council members discussed the pros and cons of the public record aspect of making a complaint.
- Assistant Community Development Director Hartnett clarified how staff is administering the system now. Staff will make a site visit before the situation reaches the point of a possible fine; however, staff does not make a site visit with an initial complaint. Staff uses a “livability approach” at first and requests compliance. The response rate to this approach is very good and takes care of 75-80 percent of the complaints.
- In response to a question from Councilor Henderson, there is a provision in the “sign” section for an alternative approach to take care of signs placed illegally in the right of way. This has not been implemented because there are some administrative rule processes that need to be put in place. This continues to be a problem throughout the city.
- Program Development Coordinator Shields advised a second installment of related code revisions will be distributed to the City Council next week.

## 9. COUNCIL LIAISON REPORTS

Councilor Woodard reported on recent Metropolitan Area Communications Commission (MACC) activity. TVCTV staff has been relocated to the Cornell area (a former Intel facility). MACC, because of this move, was able to recoup \$240,000 from its original investment, which can be applied to the new facility. He said MACC expects to add Happy Valley and West Linn as members; additional members will benefit the current membership for cost sharing and increased influence through additional cable subscribers. The Westside Economic Alliance will have some programming aired on community television channels during December. He spoke of services offered by Comcast, including low-income Internet service.

Council President Buehner reported on the Lake Oswego Tigard Water Partnership Oversight Committee. There are a series of meetings occurring in the next couple of months with area legislators regarding the Lake Oswego project to fully inform affected residents on the scope of the project and how it is proceeding. Partnership representatives will be meeting with the Clackamas County Commission on November 28 to discuss the project in general with specific discussion on the route going through unincorporated Clackamas County.

## 10. NON AGENDA ITEMS: None.

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11. EXECUTIVE SESSION: Not held.

12. ADJOURNMENT (10:04 p.m.)

Motion by Councilor Woodard, seconded by Councilor Wilson, to adjourn the meeting.

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

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

/s/Catherine Wheatley  
Catherine Wheatley, City Recorder

Attest:

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

Date: January 24, 2012

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