City *of* Tigard
Tigard Business Meeting - Minutes

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

MEETING DATE AND TIME: October 11, 2011 – 6:30 p.m.

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

- STUDY SESSION

Mayor Dirksen called the meeting to order at 6:30 p.m.

Name	Present	Absent
Mayor Dirksen	✓	
Council President Buehner	✓	
Councilor Henderson	✓	
Councilor Wilson	✓	
Councilor Woodard	✓	

Interim City Manager Newton, City Recorder Wheatley, City Attorney Bennett, City Attorney Ramis, Associate Planner Floyd, Assistant Public Works Director Rager, Community Development Director Bunch, Principal Planner McGuire, Redevelopment Project Manager Farrelly, Finance and Information Services Department Director LaFrance, Assistant Community Development Director Hartnett.

- EXECUTIVE SESSION: The Tigard City Council went into Executive Session at 6:30 p.m.to discuss real property transaction negotiations and consultation with legal counsel regarding pending litigation under ORS 192.660(2)(e) and (h).

  Executive session concluded: 7:27 p.m.

A. ADMINISTRATIVE ITEMS

- Reviewed November, December and January calendars.
- Joint Meeting with the Tigard-Tualatin School Board – meeting date, time and location are to be announced.

B. COUNCIL CALENDAR

October 18	Workshop Meeting	6:30 p.m.
October 25	Business Meeting	6:30 p.m.
November 8	Business Meeting Canceled	6:30 p.m.
November 14	Special Jt. Tigard/Lake Oswego Mtg.	6 or 6:30 p.m.
November 15	Workshop Meeting	6:30 p.m.
November 22	Business Meeting	6:30 p.m.

Study session concluded: 7:31 p.m.

1. BUSINESS MEETING - OCTOBER 11, 2011

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

B. Roll Call

Name	Present	Absent
Mayor Dirksen	✓	
Councilor President Buehner	✓	
Councilor Henderson	✓	
Councilor Wilson	✓	
Councilor Woodard	✓	

C. Pledge of Allegiance

D. Council Communications & Liaison Reports:

Council President Buehner advised she would give a Water Oversight meeting update at the end of tonight's meeting agenda.

Councilor Wilson advised he would report on recent activities of the Regional Water Providers Consortium, also at the end of tonight's meeting agenda.

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

2. CITIZEN COMMUNICATION

A. Follow-up to Previous Citizen Communication

Interim City Manager Newton reported there was no follow-up to previous citizen communications. She announced the city received word today that the Oregon American Public Works Association (APWA) has named the Burnham Street project as "Project of the Year" in one of their categories. The McDonald/Greenburg/Main intersection project was named runner up in one of the categories.

B. Tigard High School Student Envoy - Courtney Bither – Not present.

At the request of Councilor Henderson for comment from the Mayor, Mayor Dirksen reported on Tigard Turns the Tide, which is a local, non-profit organization that works with youth at the middle- and high-school levels. They sponsor a group that is called "Stop Tigard Underage Drinking" (STUD). Recently Tigard High School was recognized nationally as being a "Red Ribbon School" because of the efforts they have made to reduce underage drinking. Tigard students have shown measurable results, with underage drinking reduced by about thirty percent from what how it was measured ten years ago. Tigard High School students will be officially recognized as a "Red Ribbon School" on October 21. Only 56 schools in the United States received this recognition.

C. Tigard Area Chamber of Commerce – Executive Director Debi Mollahan presented an update on Chamber activities. A summary of the report is on file with the council packet materials.

D. Citizen Communication – Sign Up Sheet

Genevieve L. Ford presented a "50th Anniversary Calendar" and advised these are on sale at the Tigard Farmers Market.

Mr. John Frewing and Mr. Jim Long gave a report on the Metzger Centennial celebration held on October 1, 2011. They shared the events of the day and thanked the City of Tigard for its help with the Centennial. They presented a $500 check in appreciation. The check was made out to the Tigard Police Officers Reserve Fund.

Mira Vowles, 7535 SW Onnaf Court, Tigard, OR 97224, gave testimony regarding the Lake Oswego/Tigard Water Partnership:

She urged to the council to commission an independent update of the cost assumptions and potential risks associated with the Lake Oswego/Tigard Water Partnership. She recommended that the council re-evaluate why the partnership was chosen and the goal of owning our water supply. The 2007 Carollo Study clearly states that the best option for Tigard was to continue to purchase water from Portland. Tigard will not own any of the water rights in the partnership. She urged the council to consider the risks associated with the water rights. This partnership hinges on Lake Oswego's water rights, which may be tied up in the Court of Appeals for the next two years. She asked if the legal costs and potential fish remediation costs had been considered and if there was a back-up plan if Lake Oswego is unable to permit water rights or if the fish remediation costs are too high. She asked if we really want Clackamas River water and said that in the news this week, Lake Oswego customers were complaining about their Clackamas River water. The partnership costs have increased over 40 percent, which cannot be fully attributed to inflation as was reported and many factors threaten to push the cost even higher, including rerouting the supply line from the Clackamas River. She urged the

council to commission a new cost study that includes all of the known costs and a realistic contingency factor for the unknowns in addition to the proposed value engineering study. She said this partnership was supposed to lower water rates, but instead Tigard water rates will double and because of the escalating costs, those water rates are not expected to ever drop.

Ms. Vowles invited Tigard residents to learn more about the Lake Oswego/Tigard Water Partnership next Monday at the Tigard Library (October 17, 6:30 p.m., in the Tigard Library Community Room). She said that John Goodrich, the Tigard Utility Division Manager will be talking about the partnership at that time.

Council President Buehner commented to Ms. Vowles that there is an Oversight Committee, made up of two councilors from each council. Mayor Dirksen and Council President Buehner are the members from Tigard for that committee. The Oversight Committee reviews the budget at least quarterly and they have done an intense evaluation of costs as they have proceeded. There was an in-depth study completed after the preliminary Carollo report. She advised Ms. Vowles she would be glad to discuss this matter further and added that she was sure that Public Works Director Koellermeier or Utility Division Manager Goodrich would also be available to discuss.

Mayor Dirksen noted that Ms. Vowles urged the re-evaluation or new study of the costs. He assured Ms. Vowles that costs are constantly re-evaluated as we move through the project.

Ms. Vowles said the benefits and risks need to be reassessed. Mayor Dirksen said that options are always being evaluated; however, the options are limited. He thanked Ms. Vowles for her comments and said he appreciated her invitation so people could come hear more at the October 17 meeting at the library.

Mayor Dirksen reviewed the Consent Agenda:

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

A. Approve Council Meeting Minutes

1. July 26, 2011
2. August 9, 2011

B. Receive and File:

1. Council Calendar
2. Tentative Agenda

C. Endorse the Submittal of Periodic Review Grant Applications for Performing the Goal 10: Housing Work Task

RESOLUTION NO. 11-36 - A RESOLUTION SUPPORTING PERIODIC REVIEW GRANT APPLICATION TO COMPLETE GOAL 10: HOUSING WORK TASK

D. Local Contract Review Board: (This item was considered separately; see below.*)

1. Award Contract to CFM Strategic Communications, Inc. to Provide Technical Advice and Direct Advocacy and Support for the City's Federal Intergovernmental Interests and Authorize the City Manager to Enter Into a Contract for the Period of October, 2011 through October, 2014, With an Option to Renew for up to Two 12-Month Extensions

Council President Buehner requested that Consent Agenda Item D be removed for separate discussion.

Motion by Council President Buehner, seconded by Councilor Woodard, to approve the Consent Agenda, except for Item D.

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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*D. Local Contract Review Board:

1. Award Contract to CFM Strategic Communications, Inc. to Provide Technical Advice and Direct Advocacy and Support for the City's Federal Intergovernmental Interests and Authorize the City Manager to Enter Into a Contract for the Period of October, 2011 through October, 2014, With an Option to Renew for up to Two 12-Month Extensions

Council President Buehner reported she was mildly concerned that only one bid was received. In an effort to assure due diligence was done, she asked this item be removed for discussion. Senior Management Analyst Wyatt gave a brief background on this item. At the August 23, 2011, City Council meeting the council directed staff to look into federal lobbying services. Staff issued a Request for Proposals on September 13, 2011, which appeared in the Daily Journal of Commerce and the city's web site until September 22, 2011. Staff received a few inquiries during that time. Two stipulations for minimum requirements were to:

1) Have an office in Washington D.C. and Portland.

2) Have experience working with cities.

Since only one bid was received, staff did some research to determine what other cities in the area are paying for these types of services and discovered there is a wide range – from $60,000 - $120,000 per year. The proposed contract for Tigard falls on the low end of this range.

Councilor Henderson said he was supportive of the proposal for lobbying services. This is an important part of the bigger picture. After reading what CFM plans to deliver to the City of Tigard for $60,000, it appears that Tigard will have representation in Washington D.C. He said he is certain that the city would have benefited from such a service in the past.

Councilor Woodard agreed with Councilor Henderson's statements. It is important to leverage these types of services since federal and state funding is becoming scarcer and it is more difficult to compete for dollars. Professional expertise will help the city find funding to operate and move forward. He said he was supportive of the proposed contract. Councilor Woodard added he also agreed with Council President Buehner's concerns about receiving only one bid; however, it appears that this has been explained fully.

Mayor Dirksen said the agenda information indicates that the city is entering into a contract for technical advice and direct advocacy/support – but, basically the city is hiring a lobbyist. He acknowledged this could have a negative connotation, but the council recognizes that in the current budget climate, there will be fewer federal dollars for programs and the competition will be greater. The City of Tigard has some large needs for road improvements, infrastructure, and providing service such as police. Council expects that the money spent on a lobbyist would be returned to the city many fold as a result of services rendered.

Senior Management Analyst Wyatt said if the contract is approved, the strategy would be for a CFM mid-November visit with the council members and department heads.

Mayor Dirksen said this is one of the few federal lobbyists that have an office in Portland, so with the local connection the city could expect better personal support from CFM than a larger firm that was only located in Washington D.C.

Council President Buehner said she was also supportive of the proposed contract. She said she personally knows Mr. Conklin of CFM through her work at the legislature.

Councilor Henderson said he appreciated this discussion and that the item was pulled from the Consent Agenda since it is an important topic requiring communication with Tigard residents so they know this service is available and this is how their money is being spent.

Motion by Councilor Wilson, seconded by Councilor Henderson to approve Consent Agenda Item D.

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. PROCLAMATION - RECOGNIZING THAT SEPTEMBER 17-23 WAS U.S. CONSTITUTION WEEK, THE 224TH ANNIVERSARY OF THE DRAFTING OF THE CONSTITUTION

Mayor Dirksen issued the proclamation.

5. CONSIDER AMENDING TIGARD MUNICIPAL CODE CHAPTER 12, WATER AND SEWERS -- ORDINANCE NO. 11-09

Utility Division Manager Goodrich presented the staff report. The proposed ordinance would amend the Tigard Municipal Code Title 12, Water and Sewers, by adding a new chapter (12.01 – Utility Services Rules and Regulations). This new chapter provides a framework for the Title 12 Code by authorizing the use of administrative rules for city utility services. It also lays the groundwork to update other chapters within Title 12. These additional updates will come before the City Council later this year if this ordinance is adopted. Staff has approached council several times over the last year regarding the work in progress. The council reviewed Chapter 12.01 during the September 13, 2011, study session. Since then, only one change was made to the ordinance, which was to add the term "responsible party" to the list of definitions. The city attorney's office provided direction and comments to staff during the development of this chapter.

Council President Buehner commented that this subject came before the Intergovernmental Water Board (IWB) about four years ago. There were requests, both from staff (utility billing)

and customers who had questions on process, to make some changes. The IWB asked staff to move forward with the proposal before the City Council tonight and staff has done a great job.

Motion by Councilor Wilson, seconded by Council President Buehner, to approve Ordinance No. 11-09.

ORDINANCE NO. 11-09 -- AN ORDINANCE ADDING CHAPTER 12.01, UTILITY SERVICES RULES AND REGULATIONS TO TIGARD MUNICIPAL CODE TITLE 12, WATER AND SEWERS

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. PUBLIC HEARING - CONSIDERATION OF A SUPPLEMENTAL APPROPRIATION TO AMEND THE FISCAL YEAR 2012 ADOPTED BUDGET

- Mayor Dirksen opened the public hearing.
- Finance and Information Services Department Director LaFrance presented the staff report.
- Public Testimony: None
- Council discussed the proposed supplemental appropriation for the 2012 budget and asked a few questions to receive clarification on water meters and the tree fund.
- Mayor Dirksen closed the public hearing.
- City Council Consideration:

  Motion by Council President Buehner, seconded by Councilor Woodard, to approve Resolution No. 11-37.

  RESOLUTION NO. 11-37 -- A RESOLUTION TO ADOPT A SUPPLEMENTAL BUDGET TO ACHIEVE THE FOLLOWING: 1) BUDGET OF UNANTICIPATED EXPENDITURES IN PUBLIC WORKS, FINANCE & INFORMATION SERVICES, AND POLICE; AND 2) INCREASED TRANSFER BY $30,992 FROM THE CRIMINAL FORFEITURE FUND TO THE GENERAL FUND FOR POLICE; AND 3) UPDATE OF THE FY 2012 MASTER FEES AND CHARGES SCHEDULE.

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

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

7. COUNCIL LIAISON REPORTS

Tigard/Lake Oswego Water Partnership – Oversight Committee. Council President Buehner presented an update. At a recent meeting, the committee held a detailed discussion of "scope issues" relating to substantial changes in the variety of projects on the plant construction and water delivery system. Agreement was reached that if a scope change is "material" then that change should go before each of the City Councils for review.

The committee discussed status of planning among the various components of the plant and infrastructure: the reservoir, treatment plant, raw water crossing, intake, etc. Most of the planning is expected to be completed early next year.

The committee discussed the Willamette River raw water crossing options. Two options are available and the planner is almost finished with his design. A report from the planner is expected soon.

The committee discussed the ongoing outreach to various communities. There have been meetings with citizens regarding the new reservoir location. Upcoming meetings are scheduled for the Robinwood neighborhood. Meetings have been held with neighborhood associations in Lake Oswego regarding the finished water pipeline route. More meetings will be continuing through the next couple of months.

Mayor Dirksen commented on a discussion about increases in costs. One of the Lake Oswego neighborhoods suggested that a path be placed on top of where the pipe is placed and this triggered a discussion on who would pay for this: the partnership, the neighborhood, a capital improvement program item for Lake Oswego, etc.

Council President Buehner said there was discussion with the circumstance where Tigard might receive a benefit because of a change that occurred in Lake Oswego and whether Tigard should contribute some portion of the change in cost. Mayor Dirksen added this would be subject to discussion on a case-by-case basis.

Mask and Mirror. Council President Buehner announced this new theater group was conducting a play reading at the Library Community Room on October 12 at 7 p.m. She said she would be participating.

Regional Water Providers Consortium. Councilor Wilson reported on a meeting last week. One of the agenda topics was to review the Five-Year Strategic Plan for the Consortium. He explained the Consortium is a group of most of the region's water providers who meet to discuss common interests – primarily conservation and emergency planning. He said he has long felt that the group's efforts should be focused on addressing peak consumption rather than conservation in general. He pointed out that we are building about 25 percent of our capacity for needs that occur for a week or two each year. If we can eliminate the peak, water providers could reduce overall costs.

The five-year strategic plan was a good opportunity to shift the emphasis of the group. At the last meeting Consortium members split into three groups to discuss the peak water usage. Unfortunately, there was no time at the end of the meeting to share the notes on this topic by the group. Councilor Wilson said he continues to feel that while the Consortium does good work, but he questions whether it is bringing full value to our ratepayers. Each member of the larger group (Consortium) has a slightly different situation and it is difficult to find common interests.

Council President Buehner said she has been reading information regarding global warming and, for our metropolitan area, it is anticipated that we will see longer, drier summers that will necessitate more storage capacity to accommodate the condition of less snow run-off during the summer. She asked Councilor Wilson if this item was discussed by the Consortium. Councilor Wilson said the strategic goals were much more general than that. He said there is not much opportunity for open discussion; rather, the meeting agenda is closely followed and individual members have little opportunity to influence the direction. At the last meeting, the group took the last year's five-year plan and reviewed each of the goals, opportunities, etc. Essentially it was a review of all of the bullet points of the plan. However, the Consortium has looked at studies by the University of Washington and there was some discussion on the topic brought up by Council President Buehner. He was not aware if anything actionable came out of this discussion – but it is on the "radar screen." Council President Buehner said this is a topic that would pertain to everyone in the region. Councilor Wilson commented there is a wide degree of opinion on the global warming issue as there are on all issues. He said he thinks Tigard should continue to participate with the Consortium and suggested it might be more appropriate for a staff member to participate since there are a limited number of policy matters discussed by the group.

Mayor Dirksen suggested Councilor Wilson contact the chair of the Consortium for a follow up of the discussion at the last meeting. Councilor Wilson said he would continue to monitor the group. Mayor Dirksen agreed that consideration of a change of who represents the city should be explored.

Clackamas River Tour. Councilor Henderson asked Councilor Woodard to report on his recent tour of the water and sewage treatment facilities on the Clackamas River. Councilor Woodard commented on a youth camp in the area for young people who are interested in forestry, treating water, and the environment.

Councilor Woodard reported he found the tour interesting: freshwater intake, effluent management, old and new infrastructure (switching gear for generators), and emergency water release in the event of a catastrophic event.

8. NON AGENDA ITEMS: None.

9. EXECUTIVE SESSION: Not held.

10. ADJOURNMENT: 8:40 p.m.

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

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

Catherine Wheatley

Catherine Wheatley, City Recorder

Attest:

Council President, City of Tigard

Date: 12/13/11

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