



# City of Tigard

## Tigard Workshop Meeting - Minutes

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### TIGARD CITY COUNCIL

**MEETING DATE/TIME:** June 21, 2011 – 6:30 p.m. – Workshop Meeting

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

### WORKSHOP MEETING

1. A. At 6:33 p.m. Mayor Dirksen called the Tigard City Council Workshop meeting to order.

B. Deputy City Recorder Krager called the roll.

	Present	Absent
Councilor Wilson	x	
Council President Buehner	x	
Mayor Dirksen	x	
Councilor Henderson	x	
Councilor Woodruff	x	

C. Pledge of Allegiance

D. Council Communications & Liaison Reports – Councilor Woodard updated council on recent Metropolitan Area Communications Commission (MACC) activities. He said a resolution was approved to increase their general fund. Higher than expected Comcast revenues were compensated for by the loss of Frontier customer service. A new \$1.512 million TVCTV facility will be constructed near their current location. He said MACC’s agreement with Comcast is coming due in 2014 and they plan to enter into negotiations in 2012.

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

### 2. TIGARD MUNICIPAL COURT ANNUAL REPORT

Municipal Court Judge O’Brien and Administrative Services Manager Robinson gave the twelfth annual Tigard Municipal Court report. Judge O’Brien presented a PowerPoint slide show. He described Tigard’s four court programs: 1) Traffic, 2) Youth Court, 3) Civil Infractions and 4) Public Information. Traffic includes minor

traffic violations (no DUII or criminal driving while suspended cases) and is the largest caseload. He said the Youth Court Program, ongoing since 2002, had a drop in cases, as did Peer Court. There were fewer civil infractions, which are typically problems such as tall grass in neighborhoods or accumulated refuse or junk in yards.

He said the 2010 caseload overall was down 23 percent from last year; however 2009 was unprecedented in volume. He said the caseload now is averaging what the years previous to 2009 had been. Last July Tigard implemented the electronic citation program (e-cites). He noted that a few years ago Councilor Wilson asked what percentage of violators were Tigard residents. He said they were able to get a reliable number from 2008 and 2009 of just fewer than 30 percent.

A slide showing a sample electronic citation was shown. Judge O'Brien said the issuing officer enters the Department of Motor Vehicles file number and the citation is automatically populated with the driver's information. This saves time for officers and court staff and also reduces data entry errors. Drivers get a written copy with legal rights and procedures listed. Councilor Henderson asked if other state or military license data would be automatically entered. Administrative Services Manager Robinson said it was her understanding that it is just Oregon driver information at this time.

Council President Buehner commented that Portland parking tickets are very small in size and could be easily lost or misplaced. She asked about the tickets Tigard uses and Administrative Services Manager Robinson described the e-cite tickets.

Judge O'Brien discussed base fines. He said the \$45 surcharge which was tacked on all statewide fines by the Oregon legislature is scheduled to sunset on July 1, 2011. He said it will most likely be extended until at least January. This \$45 is allocated by statute to city treasuries.

Judge O'Brien said that many violators claim financial hardship, often showing documentation. He said the city is allowed a statutory maximum reduction of 25 percent below the base fine for defendants with excellent driving records. Payment arrangements are available if someone is unable to pay their fine within 30 days. In cases that don't involve moving violations the court stresses compliance. These include equipment, registration and insurance violations. He said the court would rather motivate people to come into legal compliance before they appear in court, than impose a fine.

He discussed revenues and collections, and said although there was a 23 percent decline in case load there was only a 4.8 percent decline in collections. He said imposing the \$45 surcharge as required by statute helped, as did a new program allowing payments to be made on-line. In the eight months Tigard's program was active in 2010, more than 1,000 people made payments on-line.

Judge O'Brien discussed changes to traffic law being considered in the current legislature. He said a new cell phone law eliminating the "business" exception is on its way to the governor for signature. He said SB130 will clarify the rules about flashing yellow arrows. These lights are becoming more common in Washington County and Portland and there was uncertainty on how to interpret the law. HB 2712 would reduce the total amount of assessments applied across the board and make them into a flat sum. This bill has gone through many changes and is in the House Ways and Means Committee. He said he has continued his Rules of the Road article in the Cityscape and will include information on new legislation once the session has ended.

Councilor Woodard said he was glad to hear that the city is offering payment terms to those who are in bad financial straits. He inquired about how the declining case load affects the budget. Judge O'Brien said the court contribution to the general fund has declined slightly, but if HB 2712 passes, the costs and fines could go down

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but the percentage retained by the city may increase. He said he could send council a memo to apprise them of budget impacts of any legislation passed in this year's session.

Councilor Wilson commented that he has never heard of fines decreasing. Judge O'Brien said the judicial department did a study to determine average fines around the state for particular violations and decided to set the base fine at the average. Judges will be allowed to reduce fines about 25 percent below that range.

Council President Buehner commented that the annual court report is out of date by the time it is presented to council because it is six months after the end of the year. Administrative Services Manager Robinson and Judge O'Brien said they are flexible and can meet with council whenever they prefer. Council President Buehner suggested meeting sooner in the year. Mayor Dirksen said he is interested in the current trends but also wants to hear about the annual statistics.

### 3. ANNUAL JOINT MEETING WITH TIGARD TRANSPORTATION ADVISORY COMMITTEE

Members of the Tigard Transportation Advisory Committee (TTAC) introduced themselves. Present were Chair Christopher Warren, Pedestrian/Bicycle Subcommittee Chair Basil Christopher, Dennis Mitchell, Karen Hughart, Kim Moreland and Steve Bass, and staff liaisons Senior Transportation Planner Gray and Senior Transportation and Streets Project Engineer McCarthy.

Senior Transportation Planner Gray thanked the members of the TTAC for volunteering their time for monthly meetings. She said this is a committee of volunteers recruited from the community. TTAC Member Hughart gave a brief history of the TTAC which was formed by council resolution in March 2009. She said their first year was mostly educational; learning how the city and transportation systems work. She said a benefit of a long-standing committee is that they do not have to spend time each year getting up to speed on transportation acronyms and systems. They received many updates the first year on the Transportation System Plan (TSP), downtown circulation plan and the Pacific Highway/Greenburg/Hall intersection improvement projects. She said the second year's main projects were 1) review of, and recommendation for, Metro funding project choices (Walnut Street, Main Street/Greenstreet or the Gaarde/McDonald intersection); CIP project priority ranking, including a pedestrian/bicycle scoring; and formation of the pedestrian/bicycle subcommittee.

Pedestrian/bicycle subcommittee Chair Christopher said a work plan was submitted to council in their meeting packets and asked if there were any questions. He commented that it is great to see the interest people have in walking and biking in the area and to get a variety of opinions and ideas about access improvements.

TTAC Chair Warren said he participated in the high-capacity transit conference and was impressed with the knowledge of experts involved in this plan. He mentioned the computer program that was used to model how changes in traffic capacity, number of households, density, bicycle and pedestrian access would impact a neighborhood. He said they looked at land use in the Washington Square area and discussed concept plans for stations. He said TTAC wants to see progress on the Tigard Triangle and noted that this is a council goal. He mentioned the difficulty of travelling between Tigard and Hillsboro and said the west Tigard area needs better public transportation. He would like TriMet to respond with solutions instead of reasons why they cannot improve service. He said one of his goals is to make it possible for residents to connect to public transit within one-quarter mile of their homes.

TTAC Member Mitchell said now that the intersection improvements on Hall and Greenburg are complete, TTAC is examining what they believe to be the next bottleneck on Pacific Highway, the Gaarde/McDonald intersection. He said ODOT is working with the city to develop preliminary intersection improvement designs and this is different from their normal process which is to create the designs first and then ask cities for their preferences afterwards. He said in this case, TTAC has been involved in presenting ideas to ODOT and city staff prior to design creation. He said TTAC is comprised of local residents who are familiar with these roads and are able to identify problems and solutions. Mayor Dirksen asked how the collaboration between ODOT and city staff is working. TTAC Member Mitchell said he is an employee of ODOT and noted that their process has changed over time. He said normally ODOT focuses on feasibility first, but they are now considering information from those who use the roads first.

TTAC Member Moreland summarized TTAC's priorities which include the development of goals, strategies and objectives. She said traffic safety issues are important to TTAC as is working with TriMet to explore bus service improvements. She noted that they met with TriMet's master scheduler and saw how daunting it can be to get new services in suburban areas. She said TTAC wants to work with council to find funds for transportation planning. She asked council how TTAC can help shape and frame council transportation goals.

Councilor Henderson asked how TTAC has implemented lessons learned and data from the new intersection improvements. TTAC Chair Warren mentioned a bus pullout problem but said they got involved too late to help.

Council President Buehner said it takes a long time for new committee members to get up to speed and asked if it would be helpful for new appointees to have a primer session with the staff. TTAC Chair Warren agreed. TTAC Member Mitchell also suggested it also cover the history of what the group has already worked on.

Councilor Wilson said transportation is one of his top issues and consistently rates in polls as the public's top issue. He said the city began a concerted effort eight years ago to raise Tigard's profile with TriMet. He said the city completed some sidewalk improvements for them and they in turn promised to improve service. He said the city did its part and, "We were in line for new service but nothing ever happened." He said he applauded TTAC's efforts but noted that the city has been working on this for some time.

Councilor Wilson referred to TTAC's recommendation to use MTIP funding to finish Walnut Street. He said he heard that safety was a prime consideration. He asked if they had access to actual safety data or whether it was based on perception. He encouraged the committee to look at actual accident data when making decisions on safety. He said his perception was that there are more injury accidents on 99W than on Walnut and he disagreed with their recommendation on that basis. He referred to the Pacific Highway/Hall and Greenburg intersections and said he noticed that the new right lanes are less popular than the left or middle lanes (northeast bound). He asked if the city should investigate widening the overpass to extend it to the northbound Highway 217 on-ramp. He said if it was extended that far, it would be easy to bring it all the way to Dartmouth. He said widening a bridge is expensive but it might be the next logical project.

TTAC Member Mitchell responded to Councilor Wilson's comment on the Walnut Street data and said it was subjective judgment based on the proximity to the school. He said it is nice on one end and it would be good to complete that all the way to Pacific Highway. TTAC Member Hughart said another factor is that the MTIP money could complete the Walnut Street project, but only get the Gaarde/McDonald/99W intersection started.

TTAC Member Moreland asked if Councilor Wilson’s suggestion to widen the overpass was an official city recommendation that council wanted TTAC to explore. Councilor Wilson said he didn’t think it was in the TSP and Senior Transportation Planner Gray agreed that it was not. She said it could be added to a list of future topics if council desired. Council President Buehner said the Greenburg overpass was widened recently so ODOT may have some cost figures available. Mayor Dirksen said he uses that extra lane frequently as a convenient merging lane. He said as time goes by and people get used to it, he expects use to increase.

Mayor Dirksen referred to earlier comments about suburban bus routes and said TriMet’s intent, as more Portland area high-capacity transit is completed, is to redesign the bus routes so they feed from neighborhoods into the closest high-capacity transit stations. The transit will take the place of the major runs from the suburbs to downtown. The same number of routes, redesigned, will serve more people. He asked TTAC to consider this in their plans.

Council President Buehner suggested that the TTAC hold a joint workshop meeting with the Planning Commission because they represent the land-use side of transportation issues.

Councilor Woodard said it was interesting that TTAC has a pedestrian/bicycle subcommittee. He referred to items 5 and 6 from their 2011 Work Plan and asked for a summary of the subcommittee’s prioritized project list. Subcommittee Chair Christopher said they have been identifying possible projects and have a draft list. Councilor Woodard referred to item 6 and asked if pedestrian/cyclist counts have been done before. Senior Transportation and Streets Project Engineer McCarthy said the city hasn’t done a broad program before but has collected data on trail use and has gathered pedestrian numbers for specific projects. Councilor Woodard suggested coordinating these efforts with PRAB. TTAC Chair Warren said the germination of the pedestrian/bicycle subcommittee was the bicycle utilization map that an ad-hoc group including Subcommittee Chair Christopher and others worked on.

Mayor Dirksen said there was not time in this meeting for a conversation about funding sources but requested that staff hold a discussion on the flexible fund with TTAC.

Senior Transportation and Streets Project Engineer McCarthy said TTAC meets on the first Wednesday of the month at 6:30 p.m. at the Tigard Library, and the Pedestrian/Bicycle Subcommittee meets the third Thursday of the month at 5 p.m. in the Red Rock Creek Conference Room at Town Hall.

Council and staff thanked TTAC for volunteering their time for this important work.

4. DISCUSSION ON THE SUBMISSION OF A NON-RENEWAL LETTER TO TERMINATE THE REGIONAL WATER SALES AGREEMENT WITH THE CITY OF PORTLAND IN 2016

Public Works Director Koellermeier said the city is mid-term into a water sales contract with Portland that has a clause requiring five years notice if the city does not want an automatic extension. This contract was written with a one-day window to give notice. He said another issue about this contract is that it is a “take or pay” contract. If the city allows the contract to extend but does not take the water, it still has to pay \$3.9 million for water it won’t use. He said the Intergovernmental Water Board says Tigard is on track with the Lake Oswego partnership and unanimously recommended terminating this contract, with the proviso that a bridge contract with Portland be created with a different set of terms and conditions. He said this new contract with Portland will be more like a surplus water contract. Mayor Dirksen suggested it could be more of a regional water supply/mutual use contract. Council President Buehner said it should be for emergency backup water. Public

Works Director Koellermeier said we have bought the infrastructure to move water from Portland to Tigard and that has value.

Mayor Dirksen asked if Tigard doesn't give notice of termination on July 1 and the contract automatically extends, would the rate would be the same. Public Works Director Koellermeier said staff did some projections and estimates the water would be worth \$3.9 million.

Councilor Wilson asked staff if the construction schedule is aggressive or comfortable. Public Works Director Koellermeier said that while there is some cushion in the schedule, he would like to have a new contract with Portland in 2016. He said, "At worst we would have to pay the retail rate."

Councilor Henderson noted there has been a lot of discussion regarding the need to cover water reservoirs in Portland. Public Works Director Koellermeier said 2016 will be an opportune time to get out of the agreement as costs will rise sharply in the years after a project is complete. Council President Buehner said Portland's history is to allocate these improvements to commercial wholesalers to protect their retail water sales.

Councilor Woodard asked what the penalty for buying water would be. Public Works Director Koellermeier said it would depend on the contract terms but historically, he estimated it could be as much as a \$1million. He said we'll pay more per unit cost and then we'll manage how many units we take. Councilor Wilson asked if selling water back to Portland would require Lake Oswego's approval. Public Works Director Koellermeier replied that it does if it comes from the partnership, but Tigard has their own ASR water.

Council President Buehner asked how much more capacity Tigard will have by 2016. Public Works Director Koellermeier said, "ASR well 3 is half finished. We have to decide: Do we move ahead with ASR 4 or will we have too much capacity in the ground? We will have plenty of water in 2016." In reply to a question from Councilor Woodard on the production capacity if ASR's 1-3 are kept filled, Public Works Director Koellermeier said it would be 6MGD.

Mayor Dirksen asked Council if there were any additional discussion on this item. There was none. City Manager Prosser pointed out that consideration of this item is scheduled for the council meeting consent agenda next week, a date that must be kept to stay on track for the contract deadline.

## 5. REVIEW PROPOSED CHANGES TO TIGARD'S PUBLIC CONTRACTING RULES

Management Analyst Barrett introduced proposed changes to Tigard's public contracting rules. He said by state statute staff is required to come before the LCRB when legislative rules change. He said if a city does not adopt their own set of public contracting rules, they must follow the Attorney General's rules. City Manager Prosser said what is before Council is proposed changes regarding thresholds. Management Analyst Barrett said staff was late bringing these changes to Council for the 2011 changes; and would be back in seven months to bring council information for changes made by the 2012 legislature.

City Manager Prosser said the Attorney General rules have substantially higher limits than what staff is suggesting.

Councilor Woodard said that he had no problem with the proposed changes listed in Attachment 3, but wanted more information on changes to the personal services direct-appointment threshold. Management Analyst Barrett replied that the Personal Services contract amount of \$10,000 has been in place since 2004. Other agencies have raised theirs to \$50,000. He said staff felt \$25,000 was an appropriate number. Councilor

Woodard asked for examples of direct hires and how raising this threshold would help the city. Management Analyst Barrett said examples are architects, engineers, consultants and any service that requires special schooling other than a trade school. He said the city can't just directly appoint anyone. "We have to have worked with them before and liked their work or received a recommendation from another public entity that they performed their work successfully. Then we can look at their project approach and qualifications, as price is not the top consideration in personal services." Councilor Woodard asked about the hazardous waste rules and why the current rule was not addressed. Management Analyst Barrett said when these rules were adopted in 2005, computers were not considered hazardous waste so there is not a current rule.

Councilor Henderson asked about the new section on Intergovernmental Agreements (IGA's). Management Analyst Barrett said, "We have never clarified how to deal with IGA's before. We want to bring them all to the LCRB now." Mayor Dirksen said in the past they were not approved by the LCRB; they have been approved by council. City Manager Prosser said the city needs a consistent process. He cited IGA's such as the Mutual Aid for Emergencies and the Tigard Urban Services Agreement. Management Analyst Barrett said the Mayor is correct that many IGA's were approved by Council, not the LCRB.

Councilor Buehner said she felt the Tigard Urban Services Agreement should go before Council, rather than the LCRB, because it is a policy decision. Mayor Dirksen agreed. Management Analyst Barrett said that could be noted in the procedures.

Councilor Wilson said he was not in favor of raising the direct appointment threshold very high because it might favor larger, more established firms. He said this is not good for the taxpayers. He said there is no justification to raise it by two- and one-half times and would suggest it only go up to \$15,000. Mayor Dirksen agreed. Councilor Woodard suggested \$20,000.

Councilor Wilson asked a question about contracting with developers. He said he assumes that public improvements are subject to prevailing wage requirements and asked if a contractor would pay a different rate to workers paving a driveway, for example, than would be paid the same workers for the public improvement work. Management Analyst Barrett said yes, that is how it is done.

Councilor Wilson suggested that 72 hours is an archaic timeframe for issuing addenda because everything is in a pdf format now. He said he supports using 48 hours and Mayor Dirksen agreed.

Councilor Buehner said the personal services contract threshold should be raised and she suggested \$20,000 or \$25,000, commenting that as the city grows, the contracts will also become larger. City Manager Prosser said, "I've heard \$15,000 and \$20,000. If we put in \$20,000, will that work? Council agreed.

Councilor Henderson said Attachment 1 was hard to read and requested that staff not use blue backgrounds. Management Analyst Barrett asked if there were any additional questions on policies. There were none.

Mayor Dirksen called for a break at 8:16 p.m. Council reconvened at 8:22 p.m.

## 6. DISCUSSION ON TIGARD'S PUBLIC CONTRACTING PROCESSES

Management Analyst Barrett distributed flow charts showing complexity and connections as contracts move through the process. He said the large difference is that there is a review team that meets and reviews each contract.

Councilor Woodard referred to consent agenda items and said, “I don’t know if there is a number that would trigger Council review or not.”

Council President Buehner referred to the Personal Services flow chart and said that is quite different when you have expert committees. She said in that case she felt comfortable because a lot of vetting has been completed. She said she relies on council members who are on those teams.

Management Analyst Barrett said, “We tend not to have Council members on most contract review teams.” Assistant Finance Director Smith-Wagar said about 5 percent of contract review committees include city councilors. She said staff looks for people who have experience, rather than just including councilors just because they are on the council. City Manager Prosser referred to putting together the consultant team who hired the urban renewal consultant. He said Councilor Webb was included because this was an important contract for the council and the community. Councilor Wilson said he has served on some review committees in the past and enjoyed his participation.

Councilor Wilson noted that he doesn’t know when RFP’s or RFQ’s are released. He said, “It would be nice for council to be aware of what is being sent out for bid. Council shouldn’t be surprised when a project hits the streets.” Mayor Dirksen said even receiving a list would be helpful. Management Analyst Barrett replied that staff is considering a bi-weekly report. Councilor Wilson said if the city is going to bid on a dump truck he didn’t want to know about it, but does want capital projects on the list. City Manager Prosser cautioned that if staff does a bi-weekly report it would be difficult to pick and choose to match each councilor’s interests with particular bidding activity.

Councilor Wilson commented on construction contract review. He said much of the time construction contracts are based on a schedule, which includes when you have to start construction, and when the city council will meet to approve it, etc. He said if council is informed ahead of time, questions can be dealt with in advance. By the time the contract appears on the consent agenda, the timelines are short. Management Analyst Barrett said, “We can plan to build in more time for council approval.”

Councilor Woodard suggested studying annual costs savings for benchmarking services. He asked staff, “How hard would it be to go back and see if we are paying more for services. It could be done semi-annually. At some point, I’d like to be able to see these lists. It would help me decide if taxpayers are getting more bang for the buck.” Mayor Dirksen agreed that it would be interesting to see cost trends. He said this is often done annually when working on the budget, but it would be helpful to look at this during the year.

City Manager Prosser asked City Engineer Kyle to address benchmarking. City Engineer Kyle said the type of personal services contracts coming from the engineering department cannot be compared because the projects are so different. He referred to Councilor Wilson’s comment on higher thresholds favoring larger firms and said he makes an effort to use small, local firms when possible. He said the law changed so when the city contracts for architectural engineering services it is not allowed to look at price. Management Analyst Barrett said the state has been doing qualification-based selection for years. He said, “You chose the contractor and then negotiate a price. We had to do this when we used state money for the library.” City Engineer Kyle said for those contracts benchmarking will not be a criterion we are allowed to use, per the law.

City Engineer Kyle said, “For construction, we will be able to benchmark. The best way to compare is look at bids. They are a good measure.” He discussed the recent slurry seal contract and said Hillsboro got a bid for three cents a foot less than Tigard. He explained that Tigard specified a polymer that helps the seal make a better bond and he does not know what Hillsboro specified. He said comparing city-to-city bids is “extremely nitpicky work,” because the specifications must be reviewed and may not be comparable. He said, “But what

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are always comparable are the multiple bids you get from different people in the marketplace, on your job, in your bid climate, on that day. Then you know for sure you got a good price because that is the best the market can offer to you.” He said the worst situation is receiving only one bid. He said we can always reject and rebid but typically, the bids will then go up. When the rejected bid becomes public other bidders are aware of the amount. He said, “It costs money to reject bids.” Benchmarking becomes very important in this case because it is the only measure left to determine if it is a fair price or not.

Councilor Woodard said it was obvious to him that there are conditions that may not make the benchmarking worth the exercise, but asked if staff could prepare some kind matrix indicating the different categories of contracts so council can learn about those that might need more discussion. He said contracts valued at \$125,000 or above, or something unique shouldn't go through the consent agenda because he wants to understand more about it. He said he would also not want to see high-value price agreements or proposals that create a contract heavy in labor services go on the consent agenda. Management Analyst Barrett said he is trying to avoid staff having to try to determine what each council member wants to see on the business vs. consent agenda. He staff is not just trying to push things through on consent; if something is on the consent agenda it is because staff considers it fairly routine. He said if the LCRB wants to pull it and talk about it staff has no issue with that.

Council President Buehner made the suggestion that if a councilor has a question about something on the consent agenda, they should call the relevant staff member and get whatever information they need prior to the meeting. She said it is not fair to staff or the rest of the council to wait until a meeting to raise the issue.

Councilor Henderson said if you don't know that it is there, it's hard to raise questions. He said there will be times when the engineer's estimate is 10 percent higher or lower and he wants to understand why and whether it is budgeted, etc. He said he does not look at the Friday packets.

Council President Buehner said council gets this information almost two weeks before the meeting in the Friday packet and that is what she uses to give her information to ask questions. She said, “Two weeks is enough time to get to the relevant information and questions asked and answered.” City Manager Prosser said council is also provided the tentative agenda where items are listed months in advance, although things get added frequently.

Management Analyst Barrett said there are also legal requirements for providing notice of contract award. The city needs to post intent to award notice and send it to all bidders. This is their opportunity to come in and protest the bid award before council.

Councilor Woodard said a synopsis is a great idea. He said not every consent agenda item was known to him two weeks before the meeting. He said the people that voted him into office want him to help communicate what is going on and it is important to keep the public's trust. He said in some cases, council probably would want to talk to the public about things like the vac truck, for example. Council President Buehner asked if there was any way to leave something on consent but simply allow an explanation.

Management Analyst Barrett asked for clarification on the frequency of the synopsis. Councilor Wilson said bi-weekly was too frequent and he preferred a quarterly report. He said it is important that council does not do staff's job or make their jobs difficult. Management Analyst Barrett asked council if, in the case of a straightforward bid that followed the process, staff could put it on the consent agenda. If any councilor has questions or wants to pull it, they can let him know in advance and he will respond to their issues.

Mayor Dirksen said that one of the duties of the mayor is to set the agenda. He said it is his desire that items that have typically been on consent, remain on the consent agenda. If there are items that council wants more

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information on, they should contact staff and request it. If after that, a councilor still feels the item needs council discussion, then it is appropriate for removal from consent. He said in his opinion, removing an item from consent merely because a councilor needs more information is not an appropriate reason for removal. If there is a point of information that a member of council would like to call to the public's attention, it can be done within the consent agenda. He said this is an issue because of the limited time for meetings. He noted that a recent meeting had 16 agenda items for discussion because some items were pulled from consent. Councilors Wilson and Henderson agreed with that.

Councilor Henderson said short timeframes still make him uneasy. Mayor Dirksen said having a regular report showing what is coming down the line will alert council and give them time to get their questions answered. Councilor Henderson said there will be times when something new shows up on the agenda. In response, City Manager Prosser said in that case it can't be a consent agenda item.

City Attorney Bennett reminded council that bid documents have a timeline. He asked staff to include the timeline so that council sees that they need to get their information to them as soon as possible. Give yourselves enough time. We do not always have the luxury of pulling something off and getting more information when we are bound by agreements.

Councilor Woodard asked if a two-month rather than a four-month report would be better. Management Analyst Barrett said it would depend on the time of year. Mayor Dirksen suggested flexibility and said council may not need a report every month.

City Engineer Kyle said the bulk of this summer's construction contracts have already gone out for bid. He said he was working on a two-year project schedule and will distribute that to Council. He said while engineering staff can prepare a list of upcoming construction contracts, the dates and costs will be guesses until the time gets closer. He said staff are not professional construction estimators.

Councilor Henderson said, "That's why you have the Local Contract Review Board." Council President Buehner disagreed, saying, "No, that's not our job." Mayor Dirksen said council doesn't know all of that information either. City Attorney Bennett said, "Even if you do, it is just an estimate. It is a rough idea of what the City thinks a project is worth." City Engineer Kyle said we need to estimate what a project will cost for budgeting, but there is no way to get the level of detailed estimate that a contractor would do; we don't have access to that information. Councilor Wilson commented that given the spread sometime seen between bidders, they don't know either.

Change orders were discussed and City Engineer Kyle said the city works hard to prevent change orders. He noted that for the Burnham Street contract there were change orders to go to LED lighting and for a different paving treatment. Both changes were discussed by council prior to negotiating with the contractor.

Mayor Dirksen asked staff if they had the information they need to proceed with their contract synopsis for council. Councilor Woodard said this synopsis will be very helpful.

7. COUNCIL LIAISON REPORTS - Councilor Woodard reported on MACC earlier in the meeting.
8. NON-AGENDA ITEMS - None.
9. EXECUTIVE SESSION - None held.

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10. ADJOURNMENT - At 9:10 p.m. Council President Buehner moved for adjournment. Councilor Henderson seconded the motion and all voted in approval.

	Yes	No
Councilor Wilson	x	
Council President Buehner	x	
Mayor Dirksen	x	
Councilor Henderson	x	
Councilor Woodard	x	

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Carol A. Krager, Deputy City Recorder

Attest:

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Mayor, City of Tigard

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Date

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