



City of Tigard

Tigard Business Meeting – Minutes

TIGARD CITY COUNCIL & LOCAL CONTRACT REVIEW BOARD

MEETING DATE AND TIME: March 27, 2012 6:30 p.m. Study Session; 7:30 p.m. Business Meeting

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

STUDY SESSION

Council present: Mayor Dirksen, Councilor Woodard, Councilor Henderson and Council President Buehner.

Staff present: Assistant City Manager Newton, Risk Manager Mills, City Engineer Stone, Engineering Manager McMillan, Parks Manager Martin, Senior Management Analyst Wyatt, City Attorney Bennett, Deputy City Recorder Krager and Attorney Martha Hodgkinson.

Mayor Dirksen called the Study Session to order at 6:30 p.m. Assistant City Manager Newton announced that a Study Session item would be heard first and then two Executive Sessions would be held. She said council discussion about the nominations for the Exemplary Citizen Award would occur in a Study Session after the business meeting if time doesn't allow it before the business meeting.

A. Briefing on Intergovernmental Agreement with Metro to Transfer Trail Easements to the City

Engineering Manager McMillan gave an update on trail easements that were purchased by Metro and will be transferred to Tigard. These easements connect the Fanno Creek Trail from Woodard Park to Grant Street. Metro requires an executed intergovernmental agreement (IGA) prior to the transfer. Engineering Manager McMillan said there is \$650,000 in the city's Capital Improvement Plan for the Fanno Creek Trail and the project is listed in the MSTIP. In response to a question from Councilor Woodard, Engineering Manager McMillan said she is examining the use of System Development Charges (SDC's) or park bond funds.

Mayor Dirksen asked if the city has everything in place to enable travel from Main Street to Woodard Park on the Fanno Creek Trail. Engineering Manager McMillan replied that it

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did. She said the existing trail near George Morlan Plumbing had become overgrown with blackberries but when it was uncovered, staff found it to be in perfect condition.”

Engineering Manager McMillan said the timeline for the project was two years, as grants cannot be sought until the city has the property in hand.

Assistant City Manager Newton said this IGA with Metro is on the consent agenda.

At 6:40 p.m. Mayor Dirksen announced that the Tigard City Council would enter into Executive Session to discuss real property transaction negotiations, and for consultation with legal counsel regarding current and pending litigation under ORS 192.660(2) (e) and (h). Executive Session ended at 7:30 p.m.

1. BUSINESS MEETING - MARCH 27, 2012

A. At 7:39 p.m. Mayor Dirksen called the meeting to order

B. Deputy City Recorder Krager called the roll.

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

C. Pledge of Allegiance

D. Council Communications & Liaison Reports – Mayor Dirksen said council will report on the 2012 Congressional City Conference Reports on Item No. 11 – Council Liaison Reports. Council President Buehner and Mayor Dirksen have liaison reports but will wait until the next business meeting to present them.

E. Call to Council and Staff for Non-Agenda Items – Assistant City Manager Newton said there will be a Study Session after the business meeting to discuss Exemplary Citizen Award applicants.

Councilor Woodard said the League of Oregon Cities is hosting regional meetings in Forest Grove and Tualatin on April. Assistant City Manager Newton mentioned that she and City Manager Wine will go to the meeting in Tualatin. Councilor Woodard and Council President Buehner said they plan on attending.

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2. CITIZEN COMMUNICATION

- A. Follow-up to Previous Citizen Communication – None.
- B. Citizen Communication – Two people signed up to speak.

Myron Robinson, 11530 SW Pacific Highway, Tigard, OR 97223 said he was here in support of Mr. Lou, owner of the new King Buffet on Pacific Highway. He submitted information on social gaming and requested that council consider an ordinance allowing this activity in Tigard.

Mayor Dirksen said council will review his request and contact him within the next two weeks.

Art Crino, 14580 SW 126th Avenue, Tigard, Or 97224 said as a longtime resident he has seen the traffic increase. He said he is impressed with what the city has done with the Greenburg and Hall intersections on Pacific Highway. He said he fears that traffic will worsen with Wal-Mart coming. He suggested that a bypass around Tigard and Dundee would be a panacea. He said, “I don’t see how we can keep polishing up 99W.”

Mayor Dirksen replied that the application for the retail construction in Tigard Triangle has conditions of approval requiring extensive improvements to nearby roads Dartmouth, 72nd Avenue, Pacific Highway and the interchange at Highway 217 and 72nd Avenue. Traffic impact was considered. He said, “You are absolutely right in that it will mitigate but doesn’t really solve anything and there needs to be other solutions.”

Mayor Dirksen referred to Mr. Crino’s comment on a bypass and said discussions were held several years ago about creating a connection between I-5 and 99W. The cities involved and Washington County worked together in a lengthy planning process but were unable to create a plan that all parties approved. The City of Wilsonville would not accept it so the project ended. He agreed that a diversion allowing those that want to travel directly to the beach to do so without travelling through suburban neighborhoods streets in Tigard is a good idea.

- 3. PROCLAMATIONS: Mayor Dirksen issued the following proclamations:
 - A. April 15-22, 2012 National Days of Remembrance
(A video clip was played.)
 - B. National Community Development Week, April 8-14, 2012

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- C. Arbor Month, April 2012
 - D. Child Abuse Prevention Month, April 2012
4. CONSENT AGENDA:
- A. Approve City Council Meeting Minutes for:
 - February 14, 2012
 - February 21, 2012
 - B. Authorize the City Manager to Enter into an Intergovernmental Agreement (IGA) with Washington County Regarding West Nile Virus
 - C. Approve an Intergovernmental Agreement with Metro to Transfer Trail Easements to the City of Tigard
 - D. Local Contract Review Board:
 - 1. Award Contract for 103rd/McDonald Storm Drain Improvements to HSC, LLC

Councilor Henderson moved to approve the consent agenda and Council President Buehner seconded the motion. The motion passed unanimously.

| | Yes | Absent |
|---------------------------|-----|--------|
| Councilor Woodard | ✓ | |
| Councilor Wilson | | ✓ |
| Council President Buehner | ✓ | |
| Mayor Dirksen | ✓ | |
| Councilor Henderson | ✓ | |

5. REVIEW 2012 OREGON LEGISLATIVE SESSION AS IT RELATES TO TIGARD'S LEGISLATIVE PRIORITIES

Senior Management Analyst Wyatt introduced Senator Burdick and Representative Doherty. He thanked them and their staffs for the help they provided during the 2012 legislative session, especially with HB 4090, the urban services bill. He also expressed appreciation to Mayor Dirksen and Council President Buehner for their work as members of League of Oregon Cities committees. He distributed to Council the 2012 League of Oregon Cities Legislative Session Summary of Bills. A copy is included in the meeting packet.

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Senator Burdick offered highlights on the very first of the annual sessions, lasting 34 days. She said the governor had four major policy bills that were priorities. She said the senate took the lead on foreclosure legislation and two bills were passed to help homeowners. Senator Burdick mentioned a few bills that came through the Finance and Revenue Committee which she chairs, including those relating to the senior property tax deferral and increased enterprise zones.

Senator Burdick expressed appreciation to Tigard staff for getting involved. She commented that Mayor Dirksen has done a great job focusing on issues that make a difference to Tigard residents. She said legislators will have a longer session in 2013 and she looks forward to working on legislation important to Tigard.

Representative Doherty summarized bills that did not pass this session but will be reexamined next year such as the online hotel tax rip-off. She said King City wanted cities to have more input with OLCC regarding the number of facilities that sell liquor within a certain distance. She mentioned bills she said worked on that affect city residents such as: foreclosure-related bills and an extended credit enhancement fund which helps small business get credit and expand their businesses. She said the Oregon Investment Act (HB 4040) will help small businesses. There was an increase to business capital, entrepreneurial fund. She said the Oregon Health Exchange is a public corporation that will set up an exchange for individuals or small businesses to choose health insurance plan. She said although the budget was the main focus of the 2012 session, many policy issues were addressed.

Councilor Henderson said the small session has proven to be more workable and efficient. Representative Doherty commented that both political parties in the Oregon legislature worked well together this session.

Councilor Woodard asked about education funding and commented that children may not have enough resources for sports and other activities. He urged continued support of education.

Representative Doherty said it is phenomenal what schools have achieved with millions of dollars less than in their previous budgets. She said citizens would be impressed with local schools and what they are able to accomplish. She noted that Tigard-Tualatin School District has one of the lowest dropout rates in the state. She attributed this to emphasis placed on reading and the community support received.

Senator Burdick said conversations about education funding also require a discussion about corrections and alternatives to prison. She said Measure 5 put more of the burden on the state for funding schools but then Measure 11 instigated a huge prison building boom due to mandatory sentences. She said the prisons receive funding first.

Council President Buehner mentioned that she is on the League of Oregon Cities Finance and Taxation Committee and brought up the issue of the counties' ability to collect taxes.

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She said a basic duty of counties is collecting taxes and providing them to various cities and districts. She learned that due to a lack of federal timber money, three counties are not going to be able to run their assessment offices and perform those duties. Senator Burdick said there are several counties with local option levies on the November ballot. She said the legislature is not inclined to help counties that are not willing to step up and help themselves. Council President Buehner said she would like to discuss this further with Senator Burdick.

Mayor Dirksen mentioned that he and many local elected officials signed a letter to Governor Kitzhaber urging the appointment of a task force to study changes to the property tax system which limits the ability of cities to provide services to their citizens.

Mayor Dirksen thanked Senator Burdick and Representative Doherty for their work on behalf of the city and their regular updates to council. He said council and staff look forward to working with them in the future.

6. GRANT EXEMPTION FROM PROPERTY TAXES AS PROVIDED UNDER TIGARD MUNICIPAL CODE SECTION 3.50 FOR FIVE NON-PROFIT LOW-INCOME HOUSING PROJECTS

Confidential Executive Assistant Lutz presented this item. She said the five properties are operated by Community Partners for Affordable Housing (CPAH) and Hawthorne Urban Development LLC. Mayor Dirksen said a policy was started by the City of Tigard several years ago exempts non-profit, low-income properties from city property taxes. This benefits them and helps them run well. He said this serves the entire community. Councilor Woodard asked about the history the Hawthorne Villa parcel that he thought was seven parcels at one time; staff will find out more information for him.

Councilor Henderson said as a landlord renting to non-profits he knows that they are also exempted from county taxes. He asked how this exemption was different. Confidential Executive Assistant Lutz responded that the city works with the county to exempt city taxes.

Council President Buehner motioned to approve Resolution No. 12-11 and Councilor Woodard seconded the motion. All voted in favor.

RESOLUTION NO. 12-11 – A RESOLUTION GRANTING AN EXEMPTION FROM PROPERTY TAXES UNDER TIGARD MUNICIPAL CODE SECTION 3.50 FOR FIVE NON-PROFIT LOW-INCOME HOUSING PROJECTS OWNED AND OPERATED BY COMMUNITY PARTNERS FOR AFFORDABLE HOUSING (CPAH) AND HAWTHORNE URBAN DEVELOPMENT LLC

| | Yes | Absent |
|---------------------------|-----|--------|
| Councilor Woodard | ✓ | |
| Councilor Wilson | | ✓ |
| Council President Buehner | ✓ | |
| Mayor Dirksen | ✓ | |

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Councilor Henderson ✓

7. APPROVE PURCHASE OF THE PAULL PROPERTIES AND AUTHORIZE THE CITY MANAGER TO COMPLETE THE PROPERTY PURCHASE

Parks Manager Martin and City Engineer Stone introduced this item. Parks Manager Martin said the Paull property is located on northwest Bull Mountain and the Parks and Recreation Board (PRAB) recommends purchasing this eight-acre property with park bond funds. The PRAB ranked this property near the top of their acquisition list.

Mayor Dirksen said that the Bull Mountain area has been extremely underserved with parks and noted that since he became mayor three large properties have been brought into public ownership and this property will be a great addition.

Councilor Henderson commended citizen Neil Brown for his work in bringing this land to the city’s attention. Councilor Woodard agreed and also acknowledged PRAB (Park and Recreation Advisory Board) and staff efforts to identify and prioritize park properties.

Councilor Woodard moved to approve Resolution No. 12-12 and the motion was seconded by Councilor Henderson. The motion passed by a unanimous vote of all council present.

RESOLUTION NO. 12-12 – A RESOLUTION APPROVING THE PURCHASE OF THE PAULL PROPERTIES, COMMONLY REFERRED TO AS THE EAST BULL MOUNTAIN PROPERTIES, (TAX LOTS 2S104DC05800 AND 2S104DC05900), AND AUTHORIZING THE CITY MANAGER TO TAKE ALL NECESSARY ACTION TO COMPLETE THE PROPERTY PURCHASES ON BEHALF OF THE CITY

| | Yes | Absent |
|---------------------------|-----|--------|
| Councilor Woodard | ✓ | |
| Councilor Wilson | | ✓ |
| Council President Buehner | ✓ | |
| Mayor Dirksen | ✓ | |
| Councilor Henderson | ✓ | |

8. ADOPT REVISED PLANNING COMMISSION BYLAWS (RESOLUTION) AND AMEND TIGARD MUNICIPAL CODE CHAPTER 2.08 (ORDINANCE)

Assistant Community Development Director Hartnett introduced this staff effort to update and consolidate bylaws for the Planning Commission. She said the changes are consistent with the model bylaws previously approved by council. She highlighted changes, noting that the proposed composition of the Planning Commission calls for at least two members with expertise related to design so that the Downtown Design and Review Board Subcommittee function of the Planning Commission can be met. It also reflects the charge from council

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calling for the Planning Commission to become the Committee for Citizen Involvement (CCI). The terms and responsibilities were clarified. Electronic communications wording was added. She noted that the Planning Commission has reviewed these changes and is favorable.

Councilor Henderson referred to the recommendation specifying two members must have design experience and asked what qualifications are required. Assistant Community Development Director Hartnett said this language is in the proposed bylaws and states that, “Two members shall have expertise related to the design of sites, buildings, structures or landscapes, including but not limited to, architects, landscape architects, engineers, and urban design planners.” Councilor Henderson asked if there was a review process that qualifies those people. Assistant Community Development Director Hartnett said the recommended appointments are processed through the council subcommittee that appoints all board and committee members. She noted that the current Planning Commission has three members that meet this requirement.

Council President Buehner said the proposed composition creates a good balance of experts and citizens. Mayor Dirksen noted that council gave the Planning Commission a new role – Downtown Design Review Board, and this needed to be formalized and codified. Councilor Woodard asked why the Downtown Design Review Board is listed separately. She said they are meeting as a land-use decision board and the process is different for the downtown.

Council President Buehner moved to approve Resolution No. 12-13 and Councilor Henderson seconded the motion. The motion passed.

RESOLUTION NO. 12-13 – A RESOLUTION AMENDING THE TIGARD PLANNING COMMISSION BYLAWS TO BE CONSISTENT WITH COUNCIL APPROVED MODEL BYLAWS

| | Yes | Absent |
|---------------------------|-----|--------|
| Councilor Woodard | ✓ | |
| Councilor Wilson | | ✓ |
| Council President Buehner | ✓ | |
| Mayor Dirksen | ✓ | |
| Councilor Henderson | ✓ | |

Council President Buehner moved to approve Ordinance No. 12-03 and Councilor Woodard seconded the motion.

ORDINANCE NO. 12-03 – AN ORDINANCE AMENDING TIGARD MUNICIPAL CODE CHAPTER 2.08, PLANNING COMMISSION, COMPLEMENTING AMENDMENTS TO AMENDED PLANNING COMMISSION BYLAWS, CONSISTENT WITH COUNCIL APPROVED MODEL BYLAWS

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A roll call vote was taken and Ordinance No. 12-03 passed by a unanimous vote of all council present.

| | Yes | Absent |
|---------------------------|-----|--------|
| Councilor Woodard | ✓ | |
| Councilor Wilson | | ✓ |
| Council President Buehner | ✓ | |
| Mayor Dirksen | ✓ | |
| Councilor Henderson | ✓ | |

9. LEGISLATIVE PUBLIC HEARING: CONSIDER PARK SYSTEM DEVELOPMENT CHARGE (SDC) METHODOLOGY AND A RESOLUTION AMENDING THE CITY'S MASTER FEES AND CHARGES SCHEDULE.

Mayor Dirksen announced that this hearing will be rescheduled to the June 12, 2012 council meeting.

10. COUNCIL LIAISON REPORTS - 2012 National League of Cities Congressional Conference Reports

Council members attending the conference and reported on what they learned.

Councilor Henderson thanked the City of Tigard for giving him the opportunity to travel to Washington DC and participate in state-of-the-art community governing practices training. He said the central theme for him was learning what he needs to know to position the community to survive this economic downturn, now called the “new normal.” He said, “It is our responsibility to help people get jobs and homes.” He said private/public partnerships (PPP’s) can help share the risk and rewards potential. He said there are 19 typical partnerships that can be entered into as a public entity, such as design/build or build/finance/operate, etc. Successful PPP’s have seven key elements:

- Statutory or political environment
- Organized structure
- Detailed business plan
- Guaranteed revenue stream
- Risk management
- Pick your partner carefully
- Stakeholder support and managing relationships

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He said the most important thing is to understand our stakeholders and make sure that “everyone is brought to the table.”

Councilor Henderson presented a slide showing the Polarity Management Map – a creative way to affect policy amid competing views. (A copy of this map is in the packet for this meeting.) He said we teach children to take care of themselves and others but as adults, we move away from that balance and what it takes to get along. Balance needs to be found among the following, which seem to compete but parallel the same thought:

- Change and Stability
- Common Sense and Facts
- Community Service and Self Service
- Whole and Part
- Consensus and Independent Thinking
- Courage and Caution
- Humility and Confidence
- Growth and Preservation
- Relationships and Tasks

Councilor Henderson said the most important word on the Polarity Management Map is the word “and.” He said if you use “either/or” it will not work because you have already made up your mind and there are no other ways to solve a problem other than war, the judicial system or other consequences.

Councilor Henderson said working with the two polarities together creates a positive outcome. The chart’s Action Steps and Early Warnings give ideas on how to maintain the model. He said he learned is that it is alright to change your mind. Trying to understand the other person and remain open to other ideas leads to better solutions.

Councilor Henderson attended a class in sustainability, which is now being mentioned in all aspects of government. Awareness and the current economy have created opportunities to explore new practices. He is planning to attend another sustainability session in May and will report on what he gains from that training and how sustainable practices can be applied in Tigard.

Mayor Dirksen mentioned that when Tigard’s Comprehensive Plan was updated it was acknowledged that sustainability would be incorporated into every area of the city. He said the city has done a survey to see what is being done now but he is interested to hear about other things the city could be doing.

Councilor Woodard reported on classes he attended including Strategic Collaboration and asked, “When pulling the public together to get input – do we consider the different generations?” He said that all types of people (creators, stakeholders, refiners, executers) are necessary for successful collaboration.

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Councilor Woodard also attended Problem Solving Teams and Effective City Councils through Group Facilitation. He noted that no matter what the problem being discussed, having a facilitator and a timekeeper is essential.

With Councilor Henderson he attended the Public/Private Partnership (3P's) session. He said with fewer government dollars available it is more important than ever to create strategic city/county/regional partnerships. He said this requires advanced economic strategic collaboration facilitation skillsets for cities wanting to be competitive in the 21st century. This skillset is also known as an economic integrator (economic development specialist). Also important are diverse internal council communication skills, public and stakeholder problem solving meetings and forums.

He learned that when an economic integrator coordinates 3P public approved partnerships, the government is no longer seen as the center of the universe. An economic integrator can ensure city government leaves no tax-payer dollars on the table during the negotiation process. 3P's provide a return on investment to the taxpayer while providing greater services to the community He likens this to the benefits achieved with the CDBG (Community Development Block Grants) where for every dollar spent, there is a \$3.25 return on that investment.

Councilor Woodard said he obtained several contacts and information for grants that he will pass along to Senior Management Analyst Wyatt and Assistant City Manager Newton.

He said there is potential in the Farm Bill for the citizens of Tigard such as organic gardens, school farms, learning programs, and coordination with city recreation programs, etc.

Council President Buehner said she attended several seminars and her favorite was, Leading your Community's Transformation, which gave her an opportunity to examine how to transmit good ideas to the public and gain stakeholder buy-in. She noted that steps in the process of change can be similar to the stages experience with grief, starting with a feeling of loss and then finally, the ability to adapt to the change. She said other training included sessions on speaking to and developing messages for the media.

Council President Buehner and Mayor Dirksen met with representatives of the Bonneville Power Administration, Department of Energy and the Bureau of Reclamation. Mayor Dirksen noted that the staff for the Bureau of Reclamation and the EPA were very supportive of the water project, particularly Tigard's use of aquifer wells.

Mayor Dirksen attended meetings as a member of JPACT, representing all Washington County cities. He met with the majority of members of Tigard's congressional delegation specifically regarding transportation and the new funding package.

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Mayor Dirksen met with congressional district representatives and federal agencies on projects important to the city, such as the Lake Oswego/Tigard water project. He obtained information on positioning the city to receive more grants.

Council President Buehner met with HUD (Department of Housing and Urban Development) regarding a proposed program for downtown planning efforts. The program requirements are very particular and may not fit the city’s situation but she felt it important to meet with various agencies to let them know of Tigard’s needs. She also met with Congressman Schrader staff to give an update on the Tigard/Lake Oswego partnership.

She met with Congresswoman Bonamici who expressed interest in our Fanno Creek Trail Project. She met with Senator Merkley’s staff to discuss foreclosures and how the current system while meant to help people, offers little assistance. She met with Senator Merkley and Senator Wyden on high-capacity transit and the transportation project at McDonald/Gaarde. She noted that every office appreciated the well-designed packet Tigard elected officials brought with them and thanked city staff for creating them.

Mayor Dirksen commented that the federal bureaus are now identifying Tigard as an entity separate from the City of Portland.

Council complimented the lobbying firm CFM, which assisted in preparing council and scheduling appointments with legislators.

11. NON AGENDA ITEMS

A. Consider Waiving Sign Permit Fees for Tigard Youth Football

RESOLUTION NO. 12-14 – A RESOLUTION WAIVING \$104 IN TEMPORARY SIGN PERMIT FEES FOR TIGARD YOUTH FOOTBALL

Finance Confidential Executive Assistant Lutz said this agenda item was for the consideration of waiving additional signage fees for the Tigard Youth football.

Council President Buehner moved for approval of Resolution No. 12-14 and Councilor Woodard seconded the motion. All voted in favor.

| | Yes | Absent |
|---------------------------|-----|--------|
| Councilor Woodard | ✓ | |
| Councilor Wilson | | ✓ |
| Council President Buehner | ✓ | |
| Mayor Dirksen | ✓ | |
| Councilor Henderson | ✓ | |

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12. EXECUTIVE SESSION: None held.

13. ADJOURNMENT: At 9:42 p.m. Councilor Henderson moved for adjournment of the business meeting. Mayor Dirksen announced that a short study session would follow. Council President Buehner seconded the motion and all voted in favor.

| | Yes | Absent |
|---------------------------|-----|--------|
| Councilor Woodard | ✓ | |
| Councilor Wilson | | ✓ |
| Council President Buehner | ✓ | |
| Mayor Dirksen | ✓ | |
| Councilor Henderson | ✓ | |

STUDY SESSION –

Mayor Dirksen said there were two nominations for the Tigard 2012 Exemplary Citizenship Awards: Rev. Michael D. Ruptak and Mary S. Feller. Their contributions to the community were discussed and it was decided that they are both very worthy of this public honor and so there will be two awards this year. Mayor Dirksen suggested adding that Rev. Ruptak’s award is for a lifetime of exemplary service.

Regarding the earlier citizen communication on allowing social gaming in Tigard, Mayor Dirksen recommended forwarding the information submitted on this subject to the City Attorney for review.

Study Session adjourned at 9:50 p.m.

Carol A. Krager, Deputy City Recorder

Attest:

Mayor, City of Tigard

Date

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