City *of* Tigard
Tigard Business Meeting - Minutes

TIGARD CITY COUNCIL

MEETING DATE AND TIME:	February 28, 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, Council President Buehner, Councilor Henderson and Councilor Wilson

Staff Present: City Manager Wine, Assistant City Manager Newton, Finance and Information Services Director LaFrance, City Engineer Stone, Parks Manager Martin, Assistant Public Works Director Rager, Confidential Executive Assistant Lutz, City Attorney Ramis, Deputy Recorder Krager

City Manager Wine said there were no Administrative Items for discussion.

A. Review of 2013 Community Event Funding Requests

Finance and Information Services Director LaFrance said council direction was sought regarding full, partial or no funding of community event funding requests. He noted that 14 requests were received for next fiscal year, totaling $101,450. The total amount recommended to include in the Proposed Budget is $86,511.

Finance Executive Assistant Lutz said Tigard typically designates one-half of one percent of the current year's operating budget to fund the following year's community event and social service grants. She said the division is usually 65 percent for community services and 35 percent for events. Councilor Woodard and the Social Services Subcommittee of the Budget Committee met last week and formed their recommendation for the social services grants; $86,511 remains for community event funding.

Finance and Information Services Director LaFrance said set-asides were guaranteed by resolutions for Tigard Balloon Festival, Broadway Rose Theater, and Tigard Fourth of July.

Council President Buehner asked about amounts of the previous set-asides and what percentage of the budget they were. She requested this information for next year's discussion of FY 2013-14 requests and did not want to postpone the 2012-13 discussion. She suggested it might good to discuss whether or not to change the percentage.

Finance and Information Services Director LaFrance projected on a screen the list of requesting agencies, showing current and past request information. Council decided to give the same amount as requested last year unless the request was for less than last year. New requests (Mask and Mirror, Tigard Tree Lighting and the Washington County Museum) were discussed. Mayor Dirksen noted that Mask and Mirror had requested support last year but had not formed before the community event funding cycle began. He said he wanted to acknowledge and support the arts in Tigard and recommended awarding them $5,000. Council recommended giving the Tigard Tree Lighting group $1,000. Council raised a question about the Washington County Museum request, concerned that with so little money, it all should be spent for Tigard organizations.

Council decided to round up Tigard Little League's funding to $3,000, leave $5,000 as undesignated and put the remaining $1,111 into the General Fund.

At 6:54 p.m. City Manager Wine announced that the Tigard City Council was entering into an executive session and read the citation – property negotiations, under ORS 192.660 (2) (e).

At 7:27 p.m. the Executive Session ended.

1. BUSINESS MEETING

   A. At 7:35 p.m. Mayor Dirksen called the meeting to order.

   B. Deputy City Recorder Krager called the roll:

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

   C. Pledge of Allegiance
   D. Council Communications & Liaison Reports -None
   E. Call to Council and Staff for Non-Agenda Items – Mayor Dirksen reminded everyone that the March 13 City council meeting is canceled.

2. PROCLAMATION – EARTHQUAKE AWARENESS MONTH -

Mayor Dirksen proclaimed March as Earthquake Awareness Month and said the State of Oregon and the City of Tigard want citizens to be prepared to respond to an earthquake by getting training and having the necessary emergency supplies in their homes.

3. CITIZEN COMMUNICATION

A. Follow-up to previous Citizen Communication – None

B. Tigard Area Chamber of Commerce Chief Executive Officer Debi Mollahan gave a report on upcoming Tigard Chamber activities and events. She said scholarships will be awarded to two high school students at the Shining Stars Banquet on April 27. She noted that the deadline for Shining Star nominations is March 15. In response to a question from Council President Buehner regarding auction items for the banquet, Ms. Mollahan said the Chamber is now accepting them. She reminded everyone about the Bowl-O-Rama at Tigard Lanes on Saturday, March 3, and said a few Tigard City Council members have signed up to bowl.

C. Citizen Communication – Sign-up Sheet - None.

4. CONSENT AGENDA:

A. Approve City Council Meeting Minutes for:

1. January 30, 2012

B. Waive Temporary Sign Permit Fees for Tigard Youth Football

RESOLUTION NO. 12-07 - WAIVING $260 IN TEMPORARY SIGN PERMIT FEES FOR TIGARD YOUTH FOOTBALL

Council President Buehner moved to approve the consent agenda. Councilor Wilson seconded the motion and all voted in approval.

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

5. QUASI-JUDICIAL PUBLIC HEARING - COMPREHENSIVE PLAN AMENDMENT, SENSITIVE LANDS REVIEWS AND ADJUSTMENT TO EXTEND WALL STREET TO FIELDS' PROPERTY

City Attorney Ramis said the public hearing remains open.

Mayor Dirksen announced that the applicant's attorney has requested a continuance and the public hearing is continued to the date certain of September 11, 2012.

6. INFORMATIONAL PUBLIC HEARING - CONSIDER A RESOLUTION FINALIZING SANITARY SEWER REIMBURSEMENT DISTRICT NO. 42 (SW 100TH AVENUE)

Mayor Dirksen opened the informational public hearing at 7:44 p.m.

City Attorney Ramis asked if anyone on council had any conflict or bias to disclose. There was none.

City Engineer Stone gave the staff report on Sanitary Sewer District No. 42 which was proposed in September of 2006, but not established until January of 2011. He said 23 properties were included in the district which includes 100th Street and View Terrace Court. Five properties have connected to sewer service because they experienced septic system failure. He said the original engineer's estimate was over $500,000; the revised calculation is $320,000 (42 percent less) due to the excellent bidding climate.

Council President Buehner said she was pleased that the project came in under budget.

Mayor Dirksen commented that this sewer district is in a technically difficult area to build in and that was one reason the original engineer's estimate was high.

There was no public testimony.

Mayor Dirksen closed the public hearing.

Council President Buehner made a motion to approve Resolution No. 12-08. Councilor Wilson seconded the motion.

RESOLUTION NO. 12-08 – FINALIZING SANITARY SEWER REIMBURSEMENT DISTRICT NO. 42 (SW 100TH AVENUE) AND AMENDING THE PRELIMINARY CITY ENGINEER'S REPORT CONTAINED IN RESOLUTION NO. 11-05

Council voted and Resolution No. 12-08 passed unanimously.

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

7. RENEW ANNEXATION INCENTIVES AND DISCUSS ANNEXATION POLICY DIRECTION

Associate Planner Pagenstecher gave the staff report and history of voluntary annexation incentives. He said the proposed resolution continues the current incentives through February 2013. Incentives include waiver of application fees, assistance in preparing legal descriptions, city payment of Metro mapping fees and payment of property taxes. He said staff recommends council vote to continue the current annexation incentive policy.

Councilor Henderson said it is his desire is to keep this in motion, as island annexation is one of Council's 2012 Goals.

Council President Buehner said this policy has been in effect for five or six years and she felt it is time to stand back and examine the annexation strategy. Mayor Dirksen said the annexation policy will be reviewed by council this year but the item under consideration tonight is a housekeeping measure to keep incentives in place.

Council President Buehner made a motion for approval of Resolution 12-09 and Councilor Henderson seconded the motion. All voted in favor.

RESOLUTION NO. 12-09 – AMENDING RESOLUTION 07-13 TO EXTEND THE INCENTIVES FOR VOLUNTARY ANNEXATION OF UNINCORPORATED LANDS TO THE MUNICIPAL CITY LIMITS TO FEBRUARY 2013.

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

Associate Planner Pagenstecher said the second part of the discussion addresses how council would like to move forward with 2012 Council Goal 4.b – Develop a philosophy and approach to consider annexations, including islands.

Council President Buehner said it would be helpful if staff could make a recommendation on whether it is less complicated to annex all the islands at one time or look at grouping them. In response to Mayor Dirksen's question about whether staff was prepared to make that recommendation tonight, Associate Planner Pagenstecher said they were not.

Mayor Dirksen agreed with the recommendation to consider whether to annex all island properties at one time or look at them individually, the latter being his preference because circumstances are different for each. Associate Planner Pagenstecher said surveying island residents would help ascertain their views on the process. Council President Buehner suggested removing the Arlington Heights island for separate consideration because it is the only one that is fully developed. She mentioned an island property that has begun the process to become part of the city and recommended that it be made a priority. Mayor Dirksen said the city typically asks neighboring properties if they have an interest in annexing at the same time as the property requesting to come into the city. He asked staff to make those contacts.

Councilor Woodard said he wanted more time to study island history, taxes and services. He said he was interested in fairness; people on one side of a line are paying city taxes but those on the other side do not. Mayor Dirksen suggested that staff prepare a report for council covering the history on issues surrounding unincorporated islands. Concepts used elsewhere could be addressed in the report as well as any other recommendations from staff relating to process. This report should be made available for council study prior to future island annexation discussion. Councilor Wilson requested more information on services, particularly sanitary sewers, and asked if islands are eligible for sewer reimbursement districts. He expressed support for not allowing the current incentives to lapse.

Councilor Henderson said he sees pros and cons and asked if the public can comment if council discusses this topic in a workshop meeting. Mayor Dirksen said the public typically would not have an opportunity to comment at a council workshop meeting. When council reaches the point where citizens have something to review, a public hearing in a business meeting could be scheduled. Councilor Henderson reiterated his desire to give the public an opportunity to comment.

Council President Buehner asked staff to provide an update of the December 2009 memo presented at January 2010 workshop and include current tax figures.

8. LEGISLATIVE PUBLIC HEARING - AMEND TIGARD MUNICIPAL CODE CHAPTER 1.16 AND CREATE A NEW TITLE 6 - TWO ORDINANCES

Mayor Dirksen opened the public hearing at 8:00 p.m.

Assistant Community Development Department Hartnett and Program Development Specialist Shields gave the staff report. Mr. Shields reviewed the history of the code enforcement program for the viewing public and noted that this is the eighth time staff has met with council

on this topic. Council President Buehner thanked Program Development Specialist Shields for his recent memo which made the material easier to understand.

Program Development Specialist Shields said budget reductions in July 2010 caused the loss of the city's last full-time code enforcement officer. Prior to July 2010, complaints arrived at the city by mail, phone or in person. Most complaints resulted in a site visit by the code compliance officer and enforcement primarily followed a time-consuming judicial process involving summonses and court appearances.

Staff worked to make changes in the code compliance program. They developed and implemented a new system that relies upon the community to be the city's "eyes and ears" in reporting and checking on possible violations. Complaints are primarily received online through the city's website. This process helped the city achieve major savings in staff time and it functions with a few staff members taking on some code enforcement activities on top of existing job duties.

Program Development Specialist Shields said council and staff discussed adding administrative, non-judicial options for certain code enforcement functions. Administrative abatement was reviewed and it was decided that until full-time staff is returned to this program, new administrative tools were necessary in addition to the program changes already made. As instructed by council, staff prepared the necessary changes to the Tigard Municipal Code. Mr. Shields said staff believes these legislative changes will make the code enforcement program more efficient, effective and responsive to the circumstances of individual cases.

Program Development Specialist Shields said the proposed code amendments were prepared in two ordinances to be considered tonight. One ordinance amends the existing civil infraction procedures in Tigard Municipal Code Chapter 1.16 and adds administrative enforcement and abatement procedures to enhance the usability of the code. The second creates a new Tigard Municipal Code Title 6 – Nuisance Violations, which consolidates nuisance violations, and amends Chapters 2.52, 15.16 and 18.725 to change cross references to be consistent with the new Title 6. He said bringing the nuisance violations together under one title will make it much easier for the public to access them. He said the next steps are to develop administrative rules and revise the Master Fees and Charges Schedule.

Councilor Woodard said staff did a tremendous job. He asked for clarification within Nuisance Violations, relating to solid waste receptacles and suggested adding the words "and liquid." Assistant Community Development Director Hartnett said leaking waste from receptacles is addressed in 6.02.010 (f). City Attorney Ramis agreed that liquid leaking from a solid waste receptacle is covered by this language.

Councilor Woodard asked about notice dates listed in two sections of the proposed code regarding correspondence with out-of-state homeowners who may be unaware of what is happening with their property because they may not receive the notice. Council President Buehner clarified that both of these sections are covered by state requirements and the law of presumptive notice. She said, "It is the duty of a property owner to keep the county informed of their current address."

quarter supplemental budget was approved and will be offset by transfers from the contingency funds and receipt of additional grant revenue.

He discussed the issues for each transfer, details of which are listed in the Agenda Item Summary for this item:

1. Fields/Library Road Agreement
2. Build America Bonds (BAB) Payment Distribution
3. Vehicle Replacement in Police
4. Long Term Strategic Financial Plan
5. Tigard Police Officers Association Contract Settlement (TPOA was still in negotiations at the time the 2011-2-12 budget was finalized.)
6. Department of Land Conservation & Development Grant
7. Carry forward of expenses for the Capital Improvement Program
8. Main Street Green Street Retrofit
9. Federal Lobbying Services Budget
10. City Manager Relocation Expenses
11. Personnel Budget Corrections of Salaries in all Operating Funds

Councilor Henderson asked what remained in the Contingency Fund after this budget amendment. Finance and Information Services Director LaFrance replied that amount is $375,000. Mayor Dirksen noted that further salary adjustments would not be required this fiscal year. Finance and Information Services Director LaFrance said he was comfortable with the amount of contingency remaining.

Councilor Wilson commented that the personnel budget correction item is a large amount. He said in the past the city always had sufficient funds to cover salary increases and while the amount sometimes dwindled, this is something new. He noted that staff turnover and, therefore attrition, is lower due to the economy. He said some employees may be asked to leave involuntarily next fiscal year, which goes along with the Mayor's State of the City Address and what City Manager Wine discussed. He said, "We need to prepare ourselves for the hard economic fact that we are not out of the recession."

Council President Buehner said local governments tend to be a little later going into a recession and then as the economy improves, take a little longer to come out of the recession because of the nature of their revenues.

Public Testimony - No one testified.

Finance and Information Services Director LaFrance confirmed that the staff recommendation is to approve Resolution 12-10.

At 9:07 Mayor Dirksen closed the public hearing.

Councilor Wilson made a motion to approve Resolution No. 12-10 and Councilor Woodard seconded the motion.

RESOLUTION NO. 12 -10 - A RESOLUTION TO ADOPT A SUPPLEMENTAL BUDGET TO ACHIEVE THE FOLLOWING: 1) BUDGET OF UNANTICIPATED EXPENDITURES IN CAPITAL AND PROGRAMS INCLUDING PUBLIC WORKS, CITY MANAGEMENT, FINANCE & INFORMATION SERVICES, LIBRARY, AND POLICE; AND 2) RECOGNITION OF GRANT REVENUES IN COMMUNITY DEVELOPMENT; AND 3) BUDGET ADJUSTMENT OF SALARIES AND BENEFITS IN ALL OPERATING FUNDS

A vote was taken and the motion to adopt Resolution No. 12-10 passed unanimously.

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

10. COUNCIL LIAISON REPORTS - None.

11. NON AGENDA ITEMS - None.

12. EXECUTIVE SESSION: - None.

13. ADJOURNMENT - At 9:08 Councilor Woodard moved for adjournment. His motion received a second from Councilor Wilson. All voted in favor.

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

Carol A. Krager

Carol A. Krager, Deputy City Recorder

Attest:

Mayor, City of Tigard

April 24, 2012

Date