Agenda Item No. 3A1
Meeting of 6/12/2012

City *of* Tigard
Tigard City Council Meeting Minutes
April 24, 2012

Mayor Dirksen called the meeting to order at 6:33 p.m.

City Council attendance:

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

Staff Present: City Manager Wine, Assistant City Manager Newton, Public Works Director Koellermeier, Parks Facilities Manager Martin, Assistant Public Works Director Rager, City Attorney Ramis, City Recorder Wheatley

- STUDY SESSION

A. Update on Park System Development Charges (SDCs) and Discussion of Park SDC Implementation

Parks Facilities Manager Martin presented the staff report.

Key Points:

- City Council will be asked to approve the SDC methodology on June 12, 2012.
- SDCs have been reduced from what the council has seen previously. The Park System Master Plan was completed in 2009; however, after evaluating properties under current indices, costs are lower. Property values are still declining and construction costs are starting to increase. The SDCs will become effective July 1, 2012.
- The proposed SDC charges will be at the high-middle of the range of fees charged by other jurisdictions in the region.

- Councilor Woodard said he would be more comfortable with a phased-in approach to increasing SDC charges. Councilor Henderson responded to a question from Councilor Woodard and advised the fee increase for park SDCs would be 40 percent. Councilor Woodard noted concerns regarding sustainability referring to the fact that the SDCs will contribute to capital projects and not for maintenance of those projects. Parks Facilities Manager Martin acknowledged this process does not address sustainability.
- Council President Buehner said her concern is that the Park SDC implementation should have been completed a year ago, noting there are a variety of reasons regarding the delay.
- Affordability of housing within Tigard was discussed.
- Council President Buehner made a point that if developers are not asked to pay for the impact of new development, then the costs are borne by existing residents. She referred to the history where governing bodies have acquiesced to requests from developers and have backed down from asking for the developers to pay a more equal share of the costs for new development impacts. In response to an observation by Councilor Wilson, Parks Facilities Manager Martin said the bond costs are backed out of the methodology for determining the SDC charge to avoid a double payment by new homeowners (once for the SDC charge which is included in the home's purchase price and once for their share of the costs of the park bond). Councilor Wilson pointed out that it is still the residents of Tigard who ultimately pay for the infrastructure. Council President Buehner said her dilemma is who should pay for the majority of costs for new development – new residents or existing residents.
- City Manager Wine advised, in response to the discussion about who should bear the costs, that this is not necessarily an "either/or" proposition. SDCs are a tool to help finance capital projects.
- Parks Facilities Manager Martin said purchases have been and are being made from the park bond proceeds for the needs of the existing residents. Any new purchases will be made to benefit new residents.
- Mayor Dirksen said that the need to ask voters to approve the recent park bond measure was proof that previous SDC charges were too low because they could not keep up with the demands of growth.
- Public Works Director Koellermeier referred to a white paper being prepared for the budget process that will be affected by the decision made by the City Council on this matter. Currently two partially funded parks projects are in the capital improvement program. He recommended, at a minimum, the City Council approve the methodology and the capital improvement program for which it was based upon. This would allow these projects to be finished.
- Public Works Director Koellermeier clarified that the matter before the council tonight is whether it wants to consider a phased approach to the increase of the SDC and, if so, over what time period. Staff is recommending the phase-in be over a two-year period. Mayor Dirksen said he agreed with the recommendation and noted this would be an incentive for developers to begin projects now.

- Approval of the proposed methodology will be before the City Council at its June 12 meeting before the budget is adopted. If the methodology is approved, then the capital improvement project proposals within the budget can proceed.
- After discussion, it was determined the increase would be 20 percent on July 1, 2012 and 20 percent on July 1, 2013.
- There was discussion on growth/demographic calculations with Councilor Woodard questioning the frequency of re-evaluation of the numbers. Parks Facilities Manager Martin advised the calculations are reassessed every five years.
- City Attorney Ramis referred to the use of the terminology "adopted level service." This is not strictly a scientific decision formulated by experts; rather, this is a policy choice to be made by the City Council. He said that Councilor Woodard's point about analyzing the demand is critical because it will change over time. Depending upon population characteristics, there will be different needs. The City Council determines where to set the level of service for the community. Time was spent discussing the fact that providing parks is a fairly high priority for the Tigard community to be balanced with other community needs.
- During the discussion, Public Works Director Koellermeier advised that there will be an SDC analysis for the River Terrace area.
- Public Works Director Koellermeier confirmed with the council members that this will be brought to the City Council for consideration at its June 12 meeting for a two-step phase in, with a 20 percent increase on July 1, 2012 and a 20 percent increase on July 1, 2013.

B. Administrative Items

Mayor Dirksen and City Manager Wine reviewed the council calendar:

- Council Calendar

  - April 30, 2012 - Budget Committee Meeting - Public Works Auditorium, 6:30 p.m.
  - May 1, 2012 - CCDA Meeting - Red Rock Creek Conference Room, 6:30 p.m.
  - May 7, 2012 - Budget Committee Meeting - Public Works Auditorium, 6:30 p.m.
  - May 8, 2012 - City Council - Town Hall; Study Session at 6:30 p.m., Business Meeting at 7:30 p.m.
  - May 14, 2012 - Budget Committee Meeting - Public Works Auditorium, 6:30 p.m. (if needed)
  - May 15 2012 - City Council - Town Hall - Workshop Meeting - 6:30 p.m.
  - May 22, 2012 - Joint Meeting with Lake Oswego at Lake Oswego, 380 A Avenue; 5:30 p.m. dinner, 6:30 p.m. Joint Meeting
- May 24, 2012 - Clean Water Services Tour of Durham Plant - (evening - time to be announced)

> The Burnham Street project won a national award, which will be presented in Anaheim, California. Engineering Manager McMillan and Streets and Transportation Senior Project Engineer McCarthy will be attending the APWA conference to accept the award.

> Councilor Henderson noted his surprise that the contractors that chose to bid on the Slurry Seal Project Contract were not local. Public Works Director Koellermeier indicated he did not know why local contractors did not choose to bid on this project that was advertised in the Daily Journal of Commerce.

Mayor Dirksen read the citation for entering into an Executive Session.

- EXECUTIVE SESSION: The Tigard City Council went into Executive Session at 7:10 p.m. to discuss real property transaction negotiations under ORS 192.660(2)(e).

Executive Session concluded at 7:26 p.m.

1. BUSINESS MEETING - APRIL 24, 2012

A. Call to Order – Mayor Dirksen called the meeting to order at 7:35 p.m.

B. Roll Call

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

C. Pledge of Allegiance

D. Council Communications & Liaison Reports

Councilor Woodard advised he would present a report on recent activities of the Metropolitan Area Communications Commission. (See Agenda Item No. 6.)

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

2. CITIZEN COMMUNICATION (Two Minutes or Less, Please)

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

B. Tigard High School Student Envoy - Courtney Bither presented a report on recent activities at the Tigard High School. A copy of her report highlights are on file in the meeting packet.

C. Tigard Area Chamber of Commerce Tigard Chamber CEO Debi Mollahan presented a report on recent activities by the Chamber of Commerce. A copy of her report highlights are on file in the meeting packet.

D. Citizen Communication – None

Mayor Dirksen reviewed the item on the Consent Agenda:

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

A. Approve City Council Meeting Minutes for:

- February 28, 2012
- March 20, 2012 (March 20 minutes were removed from the Consent Agenda and rescheduled for City Council consideration at its May 8, 2012, meeting.)
- March 27, 2012 (March 27 minutes were removed from the Consent Agenda and rescheduled for City Council consideration at its May 8, 2012, meeting.)

B. Approve 2012 Application to the Department of Justice for an Edward Byrne Memorial Justice Assistance Grant

C. Local Contract Review Board:

1. Award Pavement Management Program - Slurry Seal Project Contract to Blackline, Inc.

Motion by Councilor Wilson, seconded by Council President Buehner, to approve the Consent Agenda, with the March 20 and 27, 2012, council meeting minutes removed and rescheduled for City Council consideration at its May 8, 2012, meeting.

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

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

4. ARBOR DAY: RECEIVE TREE CITY USA GROWTH AWARD AND PRESENT TREE STEWARDSHIP AWARDS

Assistant Planner Daniels and Associate Planner/Arborist Prager presented the staff report, which included a slide presentation.

- The first full week in April is Oregon Arbor Week.
- April was proclaimed as Arbor Month in the City of Tigard.
- City Arbor Month activities were reviewed.

Brian Wegener of Oregon Community Trees presented the 2011 Tree City USA Award and Tree City USA Growth Award to Mayor Dirksen.
Mr. Wegener referred to the numerous activities within the city to promote urban forestry including the Main Street Green Street and Burnham Street projects where trees have been utilized as storm water management tools. He also referred to the Tigard park bond measure where $17 million is being spent to acquire natural spaces for the people of Tigard. The city has been remarkable in its partnerships with different organizations/agencies: The Trust for Public Lands, Tualatin Riverkeepers, Tualatin/Tigard School District, Metro, Clean Water Services, Oregon Watershed Enhancement Board, State Parks, etc. Streamside restoration, led by Carla Staedter in the city's Public Works Department and volunteers, has been exemplary. The new Urban Forestry Master Plan is realistically ambitious with its canopy goals and purview of the ecological value of tree groves/clusters. He acknowledged Associate Planner/Arborist Prager saying it is not always easy to mix regulations and good will. Mr. Wegener called out Mr. Prager's efforts when there was a controversial activity on a large industrially zoned piece of land at Wall Street and Hunziker, which was under threat of extensive deforestation. Eventually a compromise was reached where there were three-times as many trees saved from what had been planned.

Mr. Wegener thanked Mayor Dirksen for his enthusiasm in the Arbor Day Celebration each year.

Allen Wells, Vice President of the Oregon Community Trees organization, was also present. He gifted Mayor Dirksen with a small wooden bowl carved from recycled wood.

Assistant Planner Daniels thanked the volunteers who maintain and improve the urban forest in the City of Tigard

Mayor Dirksen, in his closing remarks, noted how the activities supporting the urban forest are instrumental in making Tigard a great place to live.

5. APPROVE THE PURCHASE OF THE EISWERTH PROPERTY AND AUTHORIZE THE CITY MANAGER TO COMPLETE THE PROPERTY PURCHASE

Parks Facilities Manager Martin presented the staff report. The proposed purchase is part of the park bond acquisitions. The negotiated purchase price, subject to council approval, was $65,000. The two-acre parcel is comprised of steep slopes and riparian areas along a creek and would be used as open space.

Parks Facilities Manager Martin advised the Eiswerth property is adjacent to the Paull property, which the city will be looking to purchase as well. He reviewed the topography noting it is a nice area to connect the greenspaces.

Discussion followed as the City Council looked at a vicinity map showing city property, the Paull properties and the Eiswerth property. The trees on the property are about 60 years old. Council President Buehner said the property was clear-cut after World War II and replanted in the late 40's and early 50's.

Parks Facilities Manager Martin said the neighbors are happy about the purchase of the Paull properties and are looking forward to coordinating a volunteer effort to begin taking care of the area. Mayor Dirksen asked Parks Facilities Manager Martin to share the potential for this area.. Mr. Martin said the Paull properties will probably become a neighborhood park; i.e., a small play area, shelter and an open grass field to play on (not a full-sized soccer field). The Eiswerth property is mostly in a canyon area and would not be developable. The area would lend itself to creating soft trails connecting links throughout this area of Tigard.

Parks Facilities Manager Martin said there is one residence on the Paull property (about 1700-1900 square feet), which might be worth maintaining as a meeting facility depending on building code requirements. A small garage might be used to stage some park mowing equipment for a short time. The road access to the house is off of Alpine Crest Way. There is also access to the property off Woodshire Lane. Mr. Martin explained there will be north, south and east access to this area.

Councilor Henderson referred to a treed property to the south. Parks Facilities Manager Martin said this is a homeowner association property. He was uncertain about access to the property off of 133rd; however, it could be accessed from the Paull and Eiswerth properties that are under consideration for purchase by the city. The HOA is not active and Council President Buehner said the HOA would need to be reactivated if the city wanted to pursue purchase. Council President Buehner said when this area was platted the common areas were supposed to have been transferred to the city but it did not happen. Councilor Wilson recalled that when he was on the Planning Commission, it was the city's policy not to accept land for small parks. He noted it was gratifying to see how the city is able to provide more parkland for a park-deficient area of the city.

Restroom facilities can be accommodated on these properties; there is access to sewer and water.

Mayor Dirksen said it is clear to him the council members are desirous of purchasing the Eiswerth property. Parks Facilities Manager Martin confirmed that the Eiswerth property is within the city limits.

Motion by Councilor Wilson, seconded by Council President Buehner, to approve Resolution No. 12-15.

RESOLUTION NO. 12-15 - A RESOLUTION APPROVING THE PURCHASE OF THE EISWERTH PROPERTY, (TAX LOT 2S104DC05901), AND AUTHORIZING THE CITY MANAGER TO TAKE ALL NECESSARY ACTION TO COMPLETE THE PROPERTY PURCHASE ON BEHALF OF THE CITY

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. COUNCIL LIAISON REPORTS

Councilor Woodard presented an update on recent activities by the Metropolitan Area Communications Commission. Frontier management staff notified MACC in December that the company has decided to continue to offer FIOS cable services – this is a reverse of a decision made by them about a year ago. They are now offering competitive installation and service fees.

The TVCTV facility at Ridgeway Briar Parkway is now complete. Operations have reopened for checkout of portable equipment. The Community Access Productions Studio (CAPS) is offering training sessions in their control room for producers.

West Linn joined MACC this year.

Councilor Woodard said Comcast franchise fee receipts are slightly ahead of budget estimates and this trend is expected to continue for the rest of the fiscal year. Frontier payments are more than anticipated. In addition the Beaverton School District will likely pay about $240,000 to MACC for a one-time refund money per some contractual agreements – the amount is still under negotiation. The proposed return of accumulated MACC cash during this fiscal year amounts to about $750,000 that will be refunded to member jurisdictions – mostly because of Frontier's decision to offer

services. This will mean Tigard will get an estimated amount of about $71,000 plus a share of the refund from the Beaverton School District.

Councilor Woodard referred to a brochure produced by Comcast. Comcast has a program offering internet access, a low-cost computer and online internet training to children who receive free or reduced-price school lunches through the National School Lunch Program. Council President Buehner noted Comcast has been a good corporate neighbor in terms of working with people who are dealing with economic issues.

Council President Buehner asked if MACC was getting involved with some of the legal issues associated with Comcast. Councilor Woodard indicated he would find out if there is information available and will advise Council President Buehner.

In response to a question from Councilor Henderson, Assistant City Manager Newton advised the allocations dedicated to Tigard for community television programming for the current fiscal year will be used for a transportation video regarding improvements the city has made or will be making. The new allocation will become available July 1. There is a possibility that, as Councilor Henderson suggested, some programming time could be donated to the high school.

7. NON AGENDA ITEMS: None.

8. EXECUTIVE SESSION: Not held.

9. ADJOURNMENT

Motion by Councilor Wilson, seconded by Councilor Woodard, to adjourn the meeting at 8:24 p.m.

Catherine Wheatley

Catherine Wheatley, City Recorder

Attest:

Mayor, City of Tigard

Council President

Date: 6/12/12