



City of Tigard

Tigard Business Meeting Minutes

TIGARD CITY COUNCIL LOCAL CONTRACT REVIEW BOARD (LCRB)

MEETING DATE/TIME: January 27, 2009 – 6:30 pm Study Session; 7:30 p.m. Business Meeting
MEETING LOCATION: City of Tigard – Town Hall, 13125 SW Hall Blvd., Tigard, OR 97223

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

EXECUTIVE SESSION: The Tigard City Council will go into Executive Session at 6:33 p.m. under ORS 192.660 (2) (d) to discuss labor negotiations.

Executive Session concluded and the Study Session began at 6:51 p.m.

- **STUDY SESSION**

- Expectations for Future Service Area – Community Development Department

Council members reviewed a draft letter to Washington County Board of Commissioners Chair Tom Brian regarding the request that Washington County cities present their aspirations for future growth. City Council made several changes to the letter; a copy of the draft letter is on file in the City Recorder’s office. During the discussion, the City Council decided it wanted to convey that the City of Tigard would expect to step up to its responsibility to provide municipal governance to new urban reserve areas. Tigard also expects that development should occur within cities for the well being of future citizens and the region as a whole. The City Council also stressed that decisions to be a municipal service provider are not Tigard’s alone. Such decisions must be coordinated with the other cities of southeast Washington County and the County itself.

- Discuss Home Builders Association Request – Community Development Department

City Council reviewed Mayor Dirksen’s draft letter of response to the Home Builder’s Association request for assistance to help their industry weather the bad economy. Staff and City Council discussed the situation and what some other cities have done in response to this request. After discussion, City Council concurred that the draft response from the Mayor was appropriate. A copy of this draft letter is on file in the City Recorder’s office.

- The following administrative items were reviewed:
 - There will be no report from the Tigard Chamber of Commerce this month.

TIGARD CITY COUNCIL/LCRB MINUTES – January 27, 2009

- The Twality Middle School Lego Robotics Presentation was cancelled.
- Item No. 3.8 was removed from the Consent Agenda by staff. The cost of the signs was reduced through work being done in-house and material cost savings so the purchase no longer requires LCRB approval.
- Item No. 4 – Legislative Public Hearing – Street Maintenance Fee Amendment was postponed until further notice. Councilor Henderson inquired how the Street Maintenance Fee was removed from the agenda. City Manager Prosser and Mayor Dirksen explained it was removed because of the additional information requested by the City Council at the last meeting.
- Agenda Item No. 7 – Council received a copy of a fax from the Oregon Department of Land Conservation and Development – Revised DLCD Comment Letter
- Agenda Item No. 8 – Council received information from Lisa Olson regarding WES Week activities.

1. BUSINESS MEETING

1.1 Mayor Dirksen called the meeting to order at [7:31:27 PM](#)

1.2 Roll Call

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

1.3 Pledge of Allegiance

1.4 Council Communications & Liaison Reports

1.5 Call to Council and Staff for Non-Agenda Items

Mayor Dirksen reported he recently met with Lake Oswego Mayor Hoffman. Mayor Hoffman expressed an interest in a joint meeting with the City of Tigard, which would include a short tour to view Tigard projects. Staff will coordinate setting a date for this meeting.

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2. CITIZEN COMMUNICATION

- Follow-up to Previous Citizen Communication
- Citizen Sign Up Sheet
 - John Frewing, 7110 SW Lola Lane, Tigard, Oregon commented on the Street Maintenance Fee and the postponed hearing and said he was concerned that this is not going forward. He said raising fees is not fun; but we need to maintain our streets. It is also short-sighted if sidewalks and pedestrian-bike features are not maintained. When the concept of the street maintenance fee was first raised, sidewalk maintenance was in the concept, but was taken out at the recommendation from the Oregon Grocery Association. In the Comprehensive Plan Periodic Review document, which is on tonight’s agenda, there is a strong statement that the City is making it a priority to reduce “VMT” (Vehicle Miles Traveled). Mr. Frewing said it was hard for him to see how VMT is going to be reduced without getting people out of cars. This would mean maintaining sidewalks and bicycle facilities.

Mayor Dirksen advised the Street Maintenance Fee public hearing was postponed to make sure that the information that City Council requested would be prepared and presented properly.

- Twality Middle School Lego League Robotics Presentation (presentation was canceled)

TIGARD CITY COUNCIL/LCRB MINUTES – January 27, 2009

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Mayor Dirksen reviewed the Consent Agenda items:

3. CONSENT AGENDA: (Tigard City Council and Local Contract Review Board)
 - 3.1 Approve Council Minutes for November 18 and 25 and December 9 and 16, 2008
 - 3.2 Reconstitute the Transportation Financing Strategies Task Force -- Resolution No. 09-01

A RESOLUTION TO RECONSTITUTE THE TRANSPORTATION FINANCING STRATEGIES TASK FORCE TO EXPLORE FEASIBLE FUNDING STRATEGIES FOR MAJOR TRANSPORTATION IMPROVEMENTS, CONSTRUCTION AND MAINTENANCE OF SIDEWALKS, AND MAINTENANCE AND OPERATION OF THE CITY'S STREETS, SIGNAL LIGHT AND TRAFFIC SIGNAL SYSTEMS, PRESENT FINDINGS, PROVIDE RECOMMENDATIONS TO CITY COUNCIL ON THOSE STRATEGIES THAT SHOULD BE FURTHER PURSUED, AND ASSIST IN THE DEVELOPMENT AND IMPLEMENTATION OF THOSE STRATEGIES

- 3.3 Appoint Committee for Citizen Involvement At-large Members - Resolution No. 09-02

A RESOLUTION APPOINTING PATRICIA ANDA, GARY JELINEK, CONNIE RAMAEKERS, AND JOHN HARRIS TO THE COMMITTEE FOR CITIZEN INVOLVEMENT

- 3.4 Approve Intergovernmental Agreement with University of Oregon for Highway 99W Land Use and Urban Design Vision Project – Resolution No. 09-03

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AN INTERGOVERNMENTAL AGREEMENT WITH THE UNIVERSITY OF OREGON TO PERFORM HIGHWAY 99W LAND USE AND URBAN DESIGN VISION PROJECT SERVICES

- 3.5 Authorize City Manager to Sign Dedication Deed and Easement Documents for Woodard Property Acquisition, Including Expenditures for the Acquisition

- 3.6 Approve Budget Amendment #09-08 Recognizing Revenue in the Amount of \$16,400 from a Homeland Security Grant and Appropriate Funds in the Police Department – Resolution No. 09-04

A RESOLUTION TO APPROVE BUDGET AMENDMENT #09-08 RECOGNIZING REVENUE IN THE AMOUNT OF \$16,400 FROM A HOMELAND SECURITY GRANT AND APPROPRIATE FUNDS IN THE POLICE DEPARTMENT

- 3.7 Approve Grant Application to the International City-County Management Association (ICMA) in the amount of \$49,900 to provide access to and training in new technologies to residents -- Resolution No. 09-05

A RESOLUTION OF THE TIGARD CITY COUNCIL AUTHORIZING SUBMISSION OF A GRANT APPLICATION TO ICMA FOR A PUBLIC LIBRARY INNOVATION GRANT TO PROVIDE OUTREACH TO TIGARD RESIDENTS THROUGH A MOBILE MEDIA LAPTOP LAB AND DELEGATING AUTHORITY TO THE CITY MANAGER TO SIGN THE APPLICATION.

Item No. 3.8 removed from the Consent Agenda by staff. The cost of the signs was reduced through work being done in-house and material cost savings so the purchase no longer requires LCRB approval.

- ~~3.8 Local Contract Review Board –
Approve Purchase of Electronic Speed Signs for School Zones~~

Motion by Council President Wilson, seconded by Councilor Buehner, to approve the Consent Agenda.

TIGARD CITY COUNCIL/LCRB MINUTES – January 27, 2009

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

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

The Public Hearing for Agenda Item No. 4 – Street Maintenance Fee Amendment has been postponed until further notice.

~~4. LEGISLATIVE PUBLIC HEARING – STREET MAINTENANCE FEE AMENDMENT DISCUSSION AND REPORT~~

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5. PUBLIC HEARING – FINALIZE SANITARY SEWER REIMBURSEMENT DISTRICT NO. 41 (SW 97TH AVENUE)

- a. Mayor Dirksen opened the public hearing.
- b. Declarations or Challenges: None.
- c. Staff Report: City Engineer Duenas presented the staff report. A copy of the PowerPoint presentation highlighting key elements of the presentation is on file in the City Recorder’s office.
- d. Public Testimony: None
- e. Staff Recommendation: City Engineer Duenas recommended that the City Council adopt the proposed resolution.
- f. Council Discussion

Mayor Dirksen noted he was very pleased with the outcome and the cost of this district.

- g. Mayor Dirksen closed the public hearing: [7:47:42 PM](#)
- h. Council Consideration: Resolution No. 09-06

Motion by Council President Wilson, seconded by Councilor Sherwood, to adopt Resolution No. 09-06.

RESOLUTION NO. 09-06 - RESOLUTION FINALIZING SANITARY REIMBURSEMENT DISTRICT NO. 41 (SW 97TH AVENUE) AND AMENDING THE PRELIMINARY CITY ENGINEER’S REPORT CONTAINED IN RESOLUTION NO. 08-36.

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

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

6. APPROVE HERITAGE TREE NOMINATION

Associate Planner/Arborist Prager presented the staff report and showed a photograph of the Oregon white oak tree nominated for Heritage Tree status. A copy of the photo is on file in the City Recorder’s office. A copy of the staff report is on file in the City Recorder’s office.

Council discussed the heritage tree process and noted agreement with establishing this particular tree as a heritage tree.

Motion by Councilor Sherwood, seconded by Councilor Buehner, to approve the Heritage Tree status for the Oregon white oak tree at 11625 SW Pacific Highway (White Oak Village Subdivision).

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

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

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7. PERIODIC REVIEW EVALUATION AND WORK PROGRAM

Senior Planner Wyss presented the staff report, which is on file in the City Recorder's office.

City Council discussed the staff proposal with regard to the submittal of the Periodic Review Evaluation and Work Program to the Oregon Department of Land Conservation and Development. City Council members asked questions for clarification. [8:04:14 PM](#) Council President Wilson asked a question regarding the ASR well plumes noting they were larger than what he realized. If DEQ was concerned about groundwater getting into the stored water, Council President Wilson wondered about the depth of the water. He asked if there was also a concern about the stored water being in a mountain and possibly springing out. Senior Planner Wyss replied that he did not know the specifics, but he believed the testing for the ASR wells addressed those issues. The issue DEQ and the Department of Human Services is that we have identified the service area for our wells but not for the ASR wells. These agencies want the City of Tigard to update its map to include the ASR wells and identify protection strategies to keep contamination from entering the ground water. Council President Wilson said he was wondering what kind of protections are being talked about. City Manager Prosser advised that he would ask Public Works Director Koellermeier to put together some information on the ASR wells and, if needed, this can be scheduled for a City Council briefing. Councilor Buehner noted this has been discussed at the Intergovernmental Water Board. She advised Bull Mountain has numerous artesian springs and DLCD wants to know how the ASR wells affects the springs.

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Mayor Dirksen referred to the favorable comments received from other agencies regarding the proposed work program. He talked about the future issues to be addressed, including greenhouse gas emissions and reduction of the carbon footprint.

Public comment:

[8:10:02 PM](#)

Mr. John Frewing, 7110 SW Lola Lane Tigard commented:

- Additional staff work is needed before the Work Program is sent to the State.
- Staff should be asked to update and extend the resource document that supports the Comprehensive Plan. In 1983, there was a detailed resource document; the current Comprehensive Plan is not as detailed. A lot of technical information is needed in the resource document to serve as a baseline for future changes and developments. As examples, information is needed on flooding outside the 100-year floodplain, and maps should be provided on vegetated areas now and locations of known mitigation sites. A number of public facilities are not documented. (For example: parks and trails.)

TIGARD CITY COUNCIL/LCRB MINUTES – January 27, 2009

- One of the State’s concerns about the periodic updates relates to the types of unanticipated changes that have occurred in recent years. (For example: the Washington Square development being approved, but the infrastructure has not been provided.)
- There should be air quality baseline information.
- The State is interested in making sure that the Comprehensive Plan and City regulations are done in coordination with a variety of other agencies. The work plan ought to identify this coordination work.
- Another area needing more work relates to vehicle miles traveled. He referred to DLCDC’s request for targets for trip reduction. This should be added to the work plan.
- Process should be reviewed. He referred to interaction of citizens and developers and the need for the process to be improved.
- Water service provided by the Tualatin Valley Water District should be reviewed.
- DEQ asked for additional wetland planning. Baseline information is needed.
- Assurances regarding ASR well water and protection from contamination in the future.
- Financial planning should accompany the Comprehensive Plan.

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Mayor Dirksen asked Senior Planner Wyss to address the issues brought forward by Mr. Frewing:

- Bolstering the data in the 2001 Resource Document – The data was reviewed by the Planning Commission and the City Council and was found to be sufficient at the time to move forward with the Comprehensive Plan update. Some new data will be supplied during the Economic Opportunities Analysis, Transportation System Plan update, and the Public Facility Plan update. These are key documents for future zone changes and implementing the City’s vision.
- Coordination issues – Several policies were included in update of the Comprehensive Plan relating to invasive species. This could always be looked into outside of periodic review.
- Vehicle miles traveled and target reductions – This can be addressed during the Transportation System Plan update. A target reduction could be added if the consultant feels that this is a necessary activity to complete. It was not identified in the scope of work; however, this could be investigated. Mayor Dirksen added this might be a policy discussion by City Council as to whether something like this should be included.
- Inviting citizens to preapplication conferences – This has been discussed with Mr. Frewing several times before.
- Tualatin Valley Water District – The City of Tigard is updating the Water System Master Plan at this time; interties with other water agencies will be addressed.
- DEQ Wetland Planning – The City of Tigard maintains a local wetland inventory and when a wetland is mitigated or delineated, we receive a copy from the Division of State Lands, which is added to the wetland inventory.
- Groundwater and ASR protection – The wellhead protection plan is a voluntary program administered by the Department of Human Services and DEQ. These agencies outline how to produce a wellhead protection plan. The City will follow their recommendations about how to go about any drinking water protections.
- Financing plan for the Comprehensive Plan – This would be a decision by the City Council. City Manager Prosser advised that when the City Council adopted its goals this year, the goals to be completed within five years included adoption of a citywide financial strategy. This is on the work plan for 2010.

TIGARD CITY COUNCIL/LCRB MINUTES – January 27, 2009

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Mayor Dirksen summarized that the task before the City Council is to consider the periodic review evaluation and work program. Is the City Council satisfied with the documents as they have been presented.

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Council President Wilson, in response to Mr. Frewing's comments, noted that Mr. Frewing has said before that he has been somewhat frustrated by the Comprehensive Plan process. Council President Wilson said he understood that the periodic process is not to redo anything the City has just completed in the Comprehensive Plan. Council President Wilson said the City is required by law to ensure that our Comprehensive Plan complies with State law. Senior Planner Wyss confirmed this for Council President Wilson. If there are other things that anyone would like to address, this can be done at any time.

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Council President Wilson said with regard to the Washington Square Regional Center, he doesn't know where \$200,000,000 can be found. He said he was in favor of the work plan as presented and is pleased that it is relatively light because of what has already been done.

Motion by Council President Wilson, seconded by Councilor Buehner, to accept the periodic review process as proposed.

Councilor Buehner referred to her experience in the land use industry and said she thinks there is a misunderstanding by people regarding the DLCDC role. Their role is to provide rules for minimum compliance and not for compliance with a community's aspirations. She acknowledged that many of the items brought forward by Mr. Frewing are great ideas; however, they are not part of what is required in this process. The City has spent a lot of time developing a wonderful Comprehensive Plan. This is not the time to reopen the process since this is not the role of periodic review.

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

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

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8. UPDATE ON WES WEEK SCHEDULE AND EVENTS

Ms. Lisa Olson presented information on the WES Week Schedule and Events. Copies of background information for this update are on file in the City Recorder's office.

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9. FOURTH QUARTER GOAL UPDATE

Assistant City Manager Newton reviewed the report submitted to the City Council, which is on file in the City Recorder's office. The 2009 City Council goals are now published on the City website.

TIGARD CITY COUNCIL/LCRB MINUTES – January 27, 2009

