



City of Tigard

Tigard Workshop Meeting – Minutes

TIGARD CITY COUNCIL

MEETING DATE/TIME: May 19, 2009 – 6:30 p.m. - Workshop Meeting

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

1. WORKSHOP MEETING

1.1 At [6:33:27 PM](#) Mayor Dirksen called the Tigard City Council to order.

1.2 Deputy Recorder Krager called the roll.

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

1.3 Pledge of Allegiance

1.4 Council Communications & Liaison Reports - None

1.5 Call to Council and Staff for Non-Agenda Items - None

2. JOINT MEETING WITH THE LIBRARY BOARD

Library Director Barnes introduced Library Board Chair David Burke. He introduced Board Members Richard Heath, Jan Thenell, Linda Monahan and Karen Levear. Chair Burke addressed the notion of the library as a community hub relevant in challenging economic times.

Chair Burke and Library Director Barnes demonstrated the new Skype service offered by the library. They talked to each other on laptops using cameras and this program which enables users to see each other as they talk to others through computers with cameras. He said a common use in the library for Skype is military families connecting with family members across the globe.

[6:36:45 PM](#). Board Member Heath said library patrons can get a Skype account and purchase Skype handsets that plug into a USB port. Skype is offered at the library on eight computers at present and is available three days a week. He said the Library Board feels it is an inexpensive and useful tool.

Board Member Thenell described examples of ways a library card can be a ticket to many museums and institutions. Cultural passes can be checked out and used for admission to the Pittock Mansion and Chinese Cultural Garden, etc

[6:51:02 PM](#) Board Member Levear said the community gives back to the library in the form of volunteers, who donate sufficient monthly hours to equal eight to ten additional full-time staff members. She described the many classes and programs offered to the community at the library including tax preparation, Movies with Margaret, and computer classes. There are programs going on every day and evening which indicates the library is well used by the community.

Councilor Wilson asked how the Books to Go program works. Board Member Thenell said that free software can be loaded onto a patron's computer enabling book check out electronically from a website, using a library card. After two weeks, you don't have to worry about returning the book. At the end of the check out period the borrower would no longer have access and the material becomes available for someone else to borrow. Board Member Thenell said that some materials can even be copied onto a computer drive, MP3 or a CD, depending on copyright agreements.

Library Chair Burke noted that the Library has been in its current location for five years and will be having a birthday party on Saturday, August 22, 2009. He thanked the Friends of the Library and the Library Foundation for sponsoring this celebration. Mayor Dirksen said it was predicted that libraries would become dinosaurs due to the computers and the Internet, yet Tigard's library is busier than ever.

3. [6:57:51 PM](#) MUNICIPAL COURT ANNUAL REPORT

Judge O'Brien and Administrative Services Manager Robinson presented to Council the 2009 Annual Report on Tigard's Municipal Court. They gave a PowerPoint on programs and caseload, the vast majority of which are traffic cases. A copy of this PowerPoint is in the City Recorder's office. The caseload declined by 10% in the past year, attributed primarily to a decrease of one-third in the citations issued for traffic control device and speeding violations. A video showing an actual traffic violation demonstrated how new patrol car cameras capture evidence. The advantage to having this film is its value as objective evidence in trials. It can also be helpful in getting violators to accept responsibility for their actions. Other new technology enables lasers to show the distance between cars.

Judge O'Brien mentioned the public information program, used to extend the court's outreach and impact to the public through brochures, court rules, the website and a monthly column in Cityscape.

He said the Driver Improvement Program will continue although very few drivers qualify for the program. Youth Court continues with 600 cases processed in the program's seven years.

[7:06:32 PM](#) Judge O'Brien said there was a small uptick in civil infractions but it is a relatively small number compared to the past.

[7:07:02 PM](#) Administrative Services Manager Robinson said with the slowdown in the economy there has been some impact to the receipt of fees and more people are requiring payment agreements. She said \$947,457 was collected in fines, fees, costs and assessments. Of that amount, the City disbursed \$247,406 to other agencies as state required assessments. She described the allocation of a \$250 Base Fine.

Judge O'Brien discussed the record case load in March and April, saying it is too early to determine whether it is a long-term trend or a temporary fluctuation. He said they are looking with at the proposed cell phone ban that is in the legislature now and could impact the court. He noted that two court employees were honored at recent Employee Recognition event: Brenda Annis for 10 years on the court staff and Chris Snodgrass for 20 years.

4. [7:14:29 PM](#) DISCUSS ORDINANCE MODIFYING TIGARD MUNICIPAL CODE (TMC 7.70 – SECONDHAND DEALERS AND TRANSIENT MERCHANTS) TO UPDATE AND CLARIFY PROCEDURES AND DEFINITIONS

Chief Dickenson and Detective Lieutenant deSully introduced this item and said the purpose of the ordinance is to update and clarify pawn procedures. Chief Dickenson noted that the City of Portland modified their ordinance and adopted new technology and since crime doesn't stop at city boundaries, Tigard wants its regulations to be consistent with neighboring agencies.

Detective Lieutenant deSully said the primary motivation is the new regional secondhand dealer reporting system. He said this web-based program allows point-of-sale information to be sent directly to the police for comparison with stolen item lists, which Tigard's existing 1983 ordinance doesn't allow. He said they have created an administrative policies and procedures section which is separate from the ordinance and defines "regulated property." The electronic equipment definition has also been changed to make it easier to update and match other agencies. The proposed ordinance also increases the merchandise hold period from 15 days to 30 days. The 30-day period allows police more time to track stolen items if they are taken into a secondhand store. In addition, while the ordinance allows and encourages merchants to use the regional electronic reporting system, they can opt out. The businesses within the City of Tigard that will be required to operate under these rules have been contacted and response received so far has been positive.

He said this ordinance limits persons under 18 from selling items without a parent or guardian present. It also prohibits specific items such as gift cards, in-store credit cards, phone cards, and medications. Items brought in for pawn or sale with altered identification marks, such as an engraved driver's license number that has been scratched out will not be accepted by businesses.

Councilor Webb inquired about perpetual garage sales. Detective Lieutenant deSully said this ordinance doesn't regulate the occasional garage sale but does limit garage sales to less than 72 consecutive hours and restricts people to less than four sales in a 12-month period at the same property. He said donation centers such as Goodwill are exempt.

Chief Dickenson noted that in the past pawn shops were often the only places to find stolen property. Now there are internet sites such as Craigslist and Ebay, or no-trace, off-shore purchasing.

[7:25:15 PM](#) Mayor Dirksen asked what a transient merchant is and suggested this definition be added. Chief Dickinson said it is someone who rents a hotel room or empty storefront, advertises heavily that they are buying jewelry etc. and pays cash for the items. These merchants will now have to get a temporary business license, post a bond and tell the police what they take in.

Council President Wilson requested that the proposed changes be indicated by using strikeouts and underlining and said that it would be helpful for Council to receive it in this format prior to the public hearing. Detective Lieutenant DeSully said they would redo it that way before the public hearing. Council President Wilson also noted that the Purpose Statement appears almost apologetic. Detective Lieutenant DeSully said that was because they modeled it after other jurisdictions and the desire to be sensitive to existing businesses.

[7:30:07 PM](#) Chief Dickenson noted that this new system modernizes their system and reduces paper. He invited everyone to check out the new Tigard Police Department Facebook and Twitter accounts. He said the Police Department is using Facebook to distribute some of their press releases, including video of a recent burglary.

[7:33:04 PM](#) Council President Wilson asked if police were aware of any recycling centers in town where stripped out copper wire or items stolen from construction sites are being sold. Chief Dickenson said that while most heavy metal recycling shop locations are not local, thefts do occur here. He said the Police Department instituted a program last year to prevent metal thefts by offering to the public catalytic converter engraving which makes them traceable if stolen.

5. DISCUSS COMPREHENSIVE PLAN AMENDMENT (CPA) 2008-00011: TIGARD TRANSPORTATION SYSTEM PLAN AND COMPREHENSIVE PLAN AMENDMENTS TO INCORPORATE TIGARD 99W IMPROVEMENT AND MANAGEMENT PLAN RECOMMENDATIONS

Senior Planner Wyss said staff wanted to familiarize Council with the proposed amendments to the Transportation System Plan (TSP) and the Tigard Comprehensive Plan. [7:35:40 PM](#) He said the amendments incorporate recommendations found in the Tigard 99W Improvement and Management Plan and those made by the project's Citizen Advisory Committee. He said the proposed amendments are divided into four separate components:

1. Update the TSP to include recommended changes found in Appendix C of the Tigard 99W Improvement and Management Plan
2. Incorporate the 99W Improvement and Management Plan by reference into the Tigard TSP to serve as findings.
3. Update the recommended action measures for Tigard Comprehensive Plan Goal 12: Transportation - to include language recommended by the Tigard 99W Plan Citizen Advisory Committee.
4. Amend Tigard Comprehensive Plan Policy 6.A under Goal 12.2 to reflect the recommended five lanes for Highway 99W, which was recommended by staff for consistency with the TSP amendments.

Senior Planner Wyss said the primary focus was to identify projects and alleviate traffic congestion and improve circulation in Tigard's 99W corridor. The planning process evaluated three alternatives:

- Alternative A - partial widening of 99W
- Alternative B - access management strategy
- Alternative C - widening of 99W to seven lanes

He said Alternative B was preferred as it best meets the project objectives and criteria, with fewer negative impacts. It includes enhancing all transportation modes over time and includes medians, access management, intersection improvements, roadway connections and other off-highway improvements. He said the selection of Alternative B had both interagency coordination and public involvement. He said the CAC also developed their own list of recommendations to Council which include Recommended Action Measures in the Comprehensive Plan Transportation Chapter.

Mayor Dirksen said, "We discussed and approved Alternative B which does not widen 99W, but how does this reconcile with a recent development planning requirement from ODOT to increase lanes on 99W to handle increased traffic as a result of potential development?"

Senior Planner Wyss said this was addressed by placing an asterisk underneath many figures in the proposed amendment stating that auxiliary lanes may be needed for function, intersection and circulation access between Greenburg Road and I-5.

He discussed the legislative process which included comments from the City of Beaverton and ODOT and these are included. The Planning Commission unanimously recommended adoption but requested that the word “function” be defined. Staff developed and is asking Council to adopt the definition of “function” to mean “an action or task the system is designed to perform.”

[7:43:37 PM](#) Council President Wilson said he remains concerned about going from seven to five lanes within the Tigard Triangle. He said of all the places in Tigard to consider widening 99W, that is the most acceptable because it doesn't run up against residential neighborhoods. He asked if an overcrossing is cheaper than widening lanes. He said, “I want to make sure we don't get ourselves into a situation where we can't do what we want to in the Triangle.”

[7:45:46 PM](#) Engineer Duenas responded that Tigard will have a net of seven lanes on 99W primarily because the intersections are so close together that instead of transitioning back to a five lane section, the seven lanes are carried through. The outer lanes are used to service the individual lots because there is unlimited access from each side of Highway 99W. He said at some point there will be a limitation to Tigard Triangle development. He referred to a study that may be an answer to that which could investigate getting higher density through residential development rather than commercial in the Triangle.

[7:47:07 PM](#) Community Development Director Bunch said a concern is that latent demand would immediately use up any additional lanes so the emphasis should be on intersection functionality. ODOT and Metro predict 99W will reach capacity, even with seven lanes. He said the City will undertake a Transportation System Plan and prove that we have done the best we can and then begin to examine alternative modes. He stressed that the City is finally beginning to see movement on improvements to 99W. High capacity transit and reorienting the land use towards it is one of the objectives. He said ODOT realizes the need to improve access to businesses and that is why there is so much emphasis on intersections rather than through-lane capacity.

[7:49:40 PM](#) Councilor Buehner said she remembered that ODOT said they would require a median down 99W from 72nd to Highway 217 when the Tigard Triangle expands. She asked if this would then force relocation of some business access points. Engineer Duenas responded that left turns will be prohibited but more U-turns will be added. He said limiting the turn conflicts will improve the through capacity. Auxiliary lanes will be used by cars slowing down to enter driveways or get out into the traffic flow.

[7:51:48 PM](#) Mayor Dirksen said what while this document has to do with the transportation corridor of 99W only, we are also looking into long-term land use planning and are considering backage roads or linked parking lots rather than individual access along 99W. The future need for left-hand turn access will diminish and this access management plan encourages this kind of development in the long term.

Councilor Buehner said she is still concerned that ODOT is already telling the City how to develop that portion of 99W. Community Development Director Bunch said 99W is an ODOT facility of statewide significance and this plan is their effort to reach out and develop an improvement and management plan to involve the City. This is a joint conversation between Tigard and ODOT as well as other jurisdictions that need to be involved. He said one reason the City waited so long to bring this forward is that details needed to be worked out with ODOT regarding pending development in the Tigard Triangle and to test it to make sure it fits the precepts of this plan. He said that ODOT is proposing to implement the principles of this plan to ensure that we get development in the Tigard Triangle. They are able to do that by doing these kinds of management techniques so we can squeeze a bit more capacity out of the highway. He said Tigard will need to ensure development in

the Tigard Triangle fits this plan. He said 99W is very important to both Tigard and ODOT and a balance has to be achieved between local and statewide movement.

Mayor Dirksen pointed out that the bike routes on page 13 don't include bike paths along parks or open spaces, such as the Fanno Creek trail and suggested these be included. Community Development Director Bunch agreed and said the maps will be redone.

Councilor Buehner asked about improvements to the Durham Road intersection, noting problems with the substandard street width and road conditions on the King City side. Councilor Webb said King City received funding through the Community Development Block Grant program (CDBG) to redo that entire stretch of road.

In response to Mayor Dirksen's question about when this will come before Council in a public hearing, Senior Planner Wyss said it was scheduled for June 23, 2009.

6. BRIEFING ON TIGARD TRANSPORTATION SYSTEM PLAN

Senior Planner Wyss updated Council on the update of the Transportation System Plan. [7:59:27 PM](#) He said the City received an ODOT Transportation and Growth Management grant for this update. Kittelson & Associates has been hired to consult on this and is in the process of preparing materials for the first round of public input. Public input will be sought in June through a meeting of the TSP Citizen Advisory Committee, the TSP Technical Advisory Committee and a public forum. The first public forum will be held on June 24 at 6:30 pm and Senior Planner Wyss invited Council to attend. Planning Commission Workshops will begin in January or February.

Referring to a memo sent by staff listing TSP issues under consideration, Council President Wilson asked when discussions could begin. Senior Planner Wyss said Kittelson & Associates will first complete a needs and efficiencies report in July and then potential solutions and implementation strategies will be discussed. Councilor Buehner said discussion of these issues should be held with Council.

Council President Wilson asked if there was a reality component involved as these plans have come before Council before and such a long list of projects gets identified there is no way to complete or even fund them. Engineer Duenas said the process is necessary to see what all of the needs are so it can be narrowed down. The TSP gives us a chance to get a list of the most important projects and then match them with available funds.

[8:09:04 PM](#) Community Development Director Bunch said what will be different about this TSP is the prospect for high-capacity transit and land use connections made necessary by that.

7. BRIEFING ON STATUS OF PERIODIC REVIEW WORK

[8:10:17 PM](#) Senior Planner Wyss updated Council on progress with the Periodic Review Process. He said this is state-mandated and should be done every seven to ten years. Tigard has not done this for fifteen years. The City is now completing the land use evaluation phase.

He noted however, that the State's Department of Land Conservation and Development (DLCD) has recommended waiting until their budget is finalized before committing to a Periodic Review work program.

