



City of Tigard Tigard Business Meeting – Minutes

TIGARD CITY COUNCIL, LOCAL CONTRACT REVIEW BOARD (LCRB) & CITY CENTER DEVELOPMENT AGENCY (CCDA)

MEETING DATE/TIME: June 9, 2009/6:30 p.m. Study Session and 7:30 p.m. Business Meeting
MEETING LOCATION: City of Tigard – Town Hall, 13125 SW Hall Blvd., Tigard, OR 97223

Mayor Dirksen called the meeting to order at 6:30 p.m.

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

Staff present: City Manager Prosser, Assistant City Manager Newton, Community Development Director Bunch, Planning Manager Bewersdorff, Human Resources Director Zodrow, Engineering Manager McMillan, City Attorney Ramis, Labor Attorney Dam, City Recorder Wheatley

- **STUDY SESSION**

- Track 2

- Review Fifth Tuesday Alternatives

City Recorder Wheatley introduced this discussion topic. During the Council Goal Setting Meeting for the Council’s 2009 Goals, Council members also created a list of tasks. One of the tasks was to consider alternatives for Fifth Tuesday meetings. Background information on the history of the Fifth Tuesday meetings is on file in the Council meeting packet. Council decided to hold a Fifth Tuesday meeting on June 30, 2009, until it can have the discussion on whether to continue holding these sessions or to try something new.

Council discussion included the following:

- Current status of a typical Fifth Tuesday meeting:
 - Meetings are not well attended.
 - The few who attend are regular attendees.
 - People stay for the entire session even if their “piece” takes five minutes or less.
 - Is the citizen communication section on the regular City Council agenda adequate or are people intimidated to testify before the City Council during this type of venue.

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- Other alternatives discussed:
 - Change the format of the Fifth Tuesday meetings; i.e., have people submit questions in advance allowing the City Council to do some preparation and eliminate those who attend to air spontaneous issues.
 - Reviewed the Mayor’s list (contained in the packet materials); i.e., holding “coffees”; developing a forum for Town Hall meetings.
 - “Coffees” were explained by the Mayor. Let it be known that the Mayor and a City Council member will be at a certain coffee shop at a certain date and time.
 - Assistant City Manager Newton noted three Neighborhoods would be having annual meetings this week. She suggested perhaps one or two City Council members might attend (no quorum) to talk to those who attend the neighborhood meetings. Mayor Dirksen said he would like to be at these neighborhood meetings as a rule.
 - Hold a Town Hall two times a year and have Senator Burdick and Representative Galizio also attend so City and State issues can be discussed. Mayor Dirksen advised that when our legislators hold Town Halls in Tigard, the City Council is also invited to take part. A County representative could also be invited.

- Council discussion and consensus:
 - Citizens are emailing City Council when there are concerns and issues are resolved.
 - Hold a coffee (on a Fifth Tuesday night) and a Town Hall a couple of times a year (no quorum). These will be scheduled so they are occurring approximately each quarter.
 - Attend a meeting of each of the neighborhood networks one-time a year (no quorum).
 - Mayor Dirksen encouraged the City Council members to attend the City booth at the Balloon Festival to meet people.

- NLC Prescription Card Program

Assistant City Manager Newton reviewed this item with the City Council. Information was received by the City Council and is in the meeting packet material. (Memorandum dated May 19, 2009, from Joanne Bengtson to the Honorable Mayor and City Councilors.)

Track 3

Assistant City Manager Newton advised that staff thinks the City should try this program and evaluate it in six months. Council consensus was to proceed with a trial period.

- Administrative Items Review

City Manager Prosser reviewed upcoming events on the Council’s calendar.

City Manager Prosser reviewed information pertaining to tonight’s business meeting:

- Agenda Item No. 4 – Senator Burdick and Representative Galizio are unable to attend; this item will be deleted.
- Consent Agenda Items 3.6 and 3.8, relating to the urbanization forum resolution, will be removed from the Consent Agenda for separate consideration. The resolution was revised several times; the most recent version was distributed to the City Council. City Manager Prosser confirmed that the City of Banks should be named within the text of the resolution.
- Budget-related documents were distributed to the City Council.

- A revised ordinance was distributed to the City Council relating the to the Fields Comprehensive Plan amendment. City Attorney Ramis advised the changes were not substantive (grammatical changes and the substitution of numbers to provide information that is more accurate).
- EXECUTIVE SESSION: The Tigard City Council went into Executive Session at 6:55 p.m. under ORS 192.660(2) (a) (d) and (e) to discuss employment of public officers, employees and agents, discuss labor negotiations and real property transaction negotiations.

Executive Session concluded at 7:29 p.m. (Note: The Executive Session resumed after the Business meeting at 9:30 p.m.)

1. BUSINESS MEETING

1.1 Mayor Dirksen called the City Council, Local Contract Review Board, and City Center Development Agency to order at [7:38:26 PM](#)

1.2 Roll Call:

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

1.3 Pledge of Allegiance

1.4 Council Communications & Liaison Reports

[7:39:21 PM](#)

Mayor Dirksen advised that two weeks ago he participated in the Joint Policy Advisory Committee on Transportation (JPACT) retreat where potential and recommended funding sources and revenue assumptions for future transportation projects were discussed. As a result, Metro has recommended to revise the Regional Transportation Plan. This revision was reviewed on Monday by the Washington County Coordinating Committee. JPACT will be meeting again and will be requested to vote on some of these recommendations. Mayor Dirksen said he wanted to make the City Council aware of some of the issues for consideration and response. Mayor Dirksen outlined some of the issues:

Funding sources --

- Recommendation that there be the equivalent of a one-half cent per year increase in the gas tax to continue for about ten years.
- Discussion that all cities and counties should consider a street utility fee similar to the one that the City of Tigard has to provide local and county revenues for street maintenance. This would free-up funding for capital projects.
- Recommendation that all local governments should institute a local System Development Charge to cover funding for local road improvements. The County's SDC will be only for roads that are of County significance.

- Recommendation that the vehicle registration fee continues at about \$2 per year and that counties consider increasing or instituting their own vehicle registration fee.
- Discussion of the appropriateness of tolling. The conclusion was that we should consider tolling on new construction. It was not appropriate to place tolls on existing structures or in existing highways.
- Recommendation that the payroll tax, considered by Metro, needs to increase for transit operations and maintenance.
- Recommendation that 60 percent of the payroll tax increase should go toward high-capacity transit and 40 percent to go toward frequent bus or local bus route improvements.
- Would like to see for high-capacity transit federal and local matching sources at least 60 percent come from a federal source. There was a suggestion that if high-capacity transit was going to be the new focus of the Federal Transportation System, we should lobby the federal government to return to the focus it had in the 50's and 60's when the federal government provided up to 90 percent of the funding for the interstate highway system.

The above recommendations will be considered by JPACT on June 11, 2009. Mayor Dirksen distributed an agenda for the June 11 JPACT meeting and reviewed items for consideration.

Mayor Dirksen advised that at the Washington County Coordinating Committee the funding resources identified were based on what was felt to be economically and politically feasible rather than what was actually going to be needed. There is in excess of \$2 billion in highway construction/expansion needs now; however, the WCCC could see no way to come up with those kinds of funds.

Mayor Dirksen said he would appreciate feedback and comments from the rest of the City Council members.

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

[7:48:41 PM](#)

2. CITIZEN COMMUNICATION

➤ Citizen Communication

Bob Simonyi and Randy Richardson, 7060 SW Beveland Road, Tigard, OR 97223 testified. Mr. Simonyi referenced written testimony, which is on file in the City Recorder's office. His testimony included:

- Their property on SW Beveland located in the Tigard Triangle was purchased in 1999. The property was listed by the realtor as commercial and was purchased by them with a commercial loan.
- In March 2008, they received a letter from the City stating they were in violation of City Code because they converted a residential building to commercial use without going through the required permit process. The City advised that City records showed the only use for this property was residential. The current property owners did not convert the property.
- He reviewed what the City was requiring and the history of discussions on the scope of work and a possible reduction in the amount of work that would be required. The cost of the work required was estimated by the property owners to be about \$300,000.
- The property owners advise there are no customers visiting their site and they have very little employee traffic.
- On April 2, 2008, the property owners received a second voluntary compliance agreement from the City with a letter that said they had to have a review in by June 1, 2008 or vacate by July 1, 2008.

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- The property owners hired an attorney to communicate with the City. Rough proportionality and the taking of their property were questioned. No response was received from the City.
- In May 2008, the property owners received a letter from the City with a final voluntary compliance agreement that said the case had already been reviewed by Code Enforcement. Three violations were listed dating back to March 3, 2008.
- The property owners did not sign anything since their basic questions were not being answered.
- The property owners attempted to get some discovery from the City, including the City's analysis of the rough proportionality test. They were told by the City that there was no case pending against them, so no discovery was needed. At this point all communication stopped and the property owners said they thought "it was over."
- In October, the property owners received their first formal citation from the City alleging three violations at \$250 per day per violation dating back to March 3 for a total of more than \$260,000. The property owners said this was their first notice of a fine.
- The property owners hired a second architect to do some work and the architect talked to Albert Shields of City Staff. The architect had a verbal agreement with Mr. Shields that they could develop only one street and wait for formation of a Local Improvement District for the other street.
- The City changed its mind and told the property owners they would have to develop both streets, give up their property, and pay all the fines.
- After the formal violation charge, the property owners pressed the City for more discovery and found out that at the time the City charged them with converting the residential property, it knew they did no such thing. The property owners learned that in 1991, the City granted commercial use to the seller and acknowledged that the property had been converted to commercial use long before.
- In 1997, the issue resurfaced and the City reaffirmed to the sellers that the property had been converted to business use and could continue as a commercial use. (Reference: November 10, 1997 letter from Julia Powell Hajduk, Associate Planner, to Velma Zeek. This letter is on file in the City Recorder's office.)
- The property owners said they are appearing before the City Council tonight to plea for help. They do not understand why the City keeps promising one thing only to negate it in the future. They are asking some basic questions about rough proportionality and the taking of land and getting no response from the City. They have been trying to work with the City and do not understand how they can receive a first fine notice of \$260,000. They are a small business and cannot afford \$300,000 in improvements and an unwarranted \$260,000+ in fines. The property owners have spent a lot of time and money on site development reviews and legal fees only to be rejected every time. These costs would clearly put them out of business. They bought a piece of property 11 years ago that the City knew was converted to commercial use long before they bought it. The allegations and fines should be dropped.

Council President Wilson commented on this type of situation and where there might be some confusion. The property was rezoned commercial when the Tigard Triangle Plan went into effect. The change of use is a different thing. It is not just a matter of what the property is zoned; it is what the use was versus how it is changing. Council President Wilson said that if, in fact, the property owners have documentation showing the property was an approved similar use before, then perhaps it is just a matter of looking at the record.

Mr. Richardson said they do not understand why the City Attorney will not respond to them and they are being pressed into going to court.

City Manager Prosser advised that Community Development Director Bunch is present. He suggested that Mr. Bunch meet with these gentlemen now to begin a review. City Manager Prosser said staff will look into this, sort out the facts, and report to the City Council.

Mayor Dirksen advised the property owners that the goal is to make sure the right things are done to resolve the situation. He said it appears that what is needed is to have all of the participants in the same room at the same time.

Councilor Webb advised the City Council will hear about the status of this matter.

7:57:08 PM

- Luanne Thielke, 15691 SW Summerfield Lane, Tigard, OR 97224, testified regarding cell phone towers. She submitted for the Council's review 24 photographs of cell tower sites in the City of Tigard along with information illustrating how to camouflage unsightly communication towers. These documents are on file in the City Recorder's office. Ms. Thielke said she talked to a City of Tigard staff member who advised the City camouflages cell towers and referred to the tower on Canterbury Lane at 104th Avenue. Photo No. 1 submitted by Ms. Thielke shows this site; she said, "that camouflage is a joke...it's horrible."

Ms. Thielke referred to the literature from some California communities about successful camouflage solutions. This literature is on file in the City Recorder's office. She urged City Council and staff to pursue this so our City is "not a bunch of cell towers."

Mayor Dirksen mentioned that cost would be of consideration. Ms. Thielke said the California communities pay for the camouflage through fees and development charges.

In response to a question from Mayor Dirksen, the Council members agreed to have staff research costs and determine what processes might be available make this work better. Mayor Dirksen said he believed that the cell tower on Canterbury was an experiment rather than a "successful job."

8:02:18 PM

- Pavel Goberman, P. O. Box 1664, Beaverton, OR 97075 signed in to speak regarding a complaint against the Oregon State Bar. Mayor Dirksen advised Mr. Goberman that the City Council received information previously on the issue Mr. Goberman indicated he wanted to address. Mayor Dirksen advised Mr. Goberman he would be allowed two minutes to address the City Council. Mr. Goberman said the Oregon State Bar's office is located in Tigard and the City issued a business license to this organization.

Mr. Goberman advised he will be a candidate for the US Senate in 2010.

Mr. Goberman spoke about the Columbia River Crossing project and his concerns about how this can be funded.

Mr. Goberman referred to his complaints against the Bar. Information regarding some of his concerns is referenced in written material prepared by him; this material is on file in the City Recorder's office.

Councilor Buehner advised Mr. Goberman that the Oregon State Bar is a state organization, governed by state statute. Cities have absolutely no authority over the Bar or similar licensing agencies. Mr. Goberman contended that City of Tigard has an interest because the Bar's office is located within the City.

8:07:21 PM

- Follow-up to Previous Citizen Communication: None

Mayor Dirksen reviewed the Consent Agenda:

3. CONSENT AGENDA

3.1 Approve City Council Minutes for April 7 and 21, 2009

3.2 Receive and File:

a. Council Calendar

b. Tentative Agenda

c. Notes from May 6, 2009 Mid-Point Review of 99W Corridor Long Range High Capacity Transit Design Vision with University of Oregon Graduate Students

3.3 Authorize Nature in Neighborhoods Grant – Resolution No. 09-31

A RESOLUTION AUTHORIZING THE SUBMISSION OF A METRO NATURE IN NEIGHBORHOODS CAPITAL GRANT APPLICATION TO PARTIALLY FUND ACQUISITION OF THE SUMMER CREEK PROPERTY.

3.4 Authorize Watershed Enhancement Board Grant – Resolution No. 09- 32

A RESOLUTION AUTHORIZING THE SUBMISSION OF AN OREGON WATERSHED ENHANCEMENT BOARD GRANT APPLICATION TO PARTIALLY FUND ACQUISITION OF THE SUMMER CREEK PROPERTY

3.5 Approve a Supplemental Budget via Budget Amendment #9 to Increase Appropriations in the Urban Services Fund to Allow Transfer of the Fund to Washington County– Resolution No. 09- - 33

A RESOLUTION APPROVING A SUPPLEMENTAL BUDGET VIA BUDGET AMENDMENT #9 TO THE FY 2008-09 BUDGET TO INCREASE APPROPRIATIONS IN THE URBAN SERVICES FUND TO ALLOW TRANSFER OF THE FUND TO WASHINGTON COUNTY

Item 3.6 removed from the Consent Agenda for separate discussion; see below.

~~3.6 Approve Budget Amendment #10 for Urbanization Forum – Resolution No. 09-_____~~

3.7 Approve Budget Amendment #11 Transferring \$40,000 from the Gas Tax Fund Contingency to Community Development program to pay for Unanticipated Street Light and Signal Expenditures – Resolution No. 09-34

A RESOLUTION APPROVING BUDGET AMENDMENT #11 TO THE FY 2008-09 BUDGET TRANSFERRING \$40,000 FROM GAS TAX FUND CONTINGENCY TO THE COMMUNITY DEVELOPMENT PROGRAM TO PAY FOR UNANTICIPATED EXPENDITURES FOR STREET LIGHTS AND SIGNALS

Item 3.8 removed from the Consent Agenda for separate discussion; see below.

~~3.8 Approve Resolution regarding Washington County Urbanization Forum – Resolution No. 09-_____~~

3.9 Approve Request to Use Abandoned Rail Corridor for Trail – Resolution No. 09-35

A RESOLUTION OF THE TIGARD CITY COUNCIL AUTHORIZING THE FILING OF AN OFFICIAL REQUEST, INCLUDING A STATEMENT OF WILLINGNESS TO ACCEPT FULL

FINANCIAL RESPONSIBILITY, TO THE FEDERAL SURFACE TRANSPORTATION BOARD TO USE AN ABANDONED RAIL LINE FOR A TRAIL

- 3.10 Consider Naming Fanno Creek House – Resolution No. 09-36

A RESOLUTION NAMING THE CITY-OWNED RESIDENCE AND PROPERTY AT 13335 SW HALL BOULEVARD AS THE “FANNO CREEK HOUSE”

- 3.11 Authorize Collection of Washington County Transportation Development Tax – Resolution No. 09-37

A RESOLUTION AUTHORIZING THE CITY OF TIGARD TO COLLECT AND ADMINISTER THE COUNTYWIDE TRANSPORTATION DEVELOPMENT TAX

- 3.12 Approve Intergovernmental Agreement with the cities of Sherwood and Cornelius regarding ARRA Pavement Preservation – Resolution No. 09-38

A RESOLUTION OF THE CITY COUNCIL APPROVING AN AGREEMENT WITH THE CITIES OF CORNELIUS AND SHERWOOD TO COMBINE THE THREE INDIVIDUAL PROJECTS FUNDED UNDER THE AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA) INTO A SINGLE PROJECT FOR A MORE STREAMLINED PROCUREMENT PROCESS AND GREATER ECONOMIES OF SCALE

- 3.13 Approve Letter of Support for TriMet’s Westside Express Service (WES) Horn Noise Waiver Request to the Federal Railroad Administration (FRA) – Resolution No. 09-39

A RESOLUTION OF THE CITY COUNCIL EXPRESSING SUPPORT FOR TRIMET’S WESTSIDE EXPRESS SERVICE (WES) HORN NOISE WAIVER REQUEST TO THE FEDERAL RAILROAD ADMINISTRATION (FRA)

- 3.14 Local Contract Review Board:
Award a Contract for Water System Development Master Plan

Motion by Council President Wilson, seconded by Councilor Webb, to approve the Consent Agenda, with Item Nos. 3.6 and 3.8 removed for separate discussion and consideration.

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 Webb	Yes

[8:09:50 PM](#)

The following items were removed from the Consent Agenda for separate Council discussion and consideration:

- 3.8 Approve Resolution regarding Washington County Urbanization Forum – Resolution No. 09-40

Mayor Dirksen advised that the City of Tigard took part in a countywide urbanization forum. This agenda item has to do with approving the final resolution.

8:10:15 PM

Assistant City Manager Newton summarized the matter before the City Council. The proposed resolution is to support the work of the Urbanization Forum and to commit and undertake and complete the specific actions recommended at the earliest possible time. She said this process that began and concluded in 2008. The resolution has language regarding how the County will move forward with looking at ways to provide services to urban unincorporated areas and urban expansion areas. Assistant City Manager Newton advised there have been recent changes to the resolution. The most recent version was provided to the City Council today, which adds a comment in Section 1, No. 2 – “The provisions of the resolution also apply to the land south of the City of Tualatin and north of Wilsonville brought into the Urban Growth Boundary in 2002 and 2004.” The City of Tigard added language that was picked up by the Steering Committee that talks about urbanization policy and the ability of the County to find funding and legislative remedies for providing services in urbanized unincorporated areas. The City of Tigard said we would support this language if the funds were assessed or paid for by the people who were being provided the services and would not impact people in cities that also live in the County.

Councilor Webb pointed out that the City of Banks had been left out the resolution and was added to the most recent version of the resolution.

Mayor Dirksen said over the last 20 years there has been less than complete satisfaction with the way urban expansion and planning for new areas in the Urban Growth Boundary has been done. In an effort on the part of the County and the cities within the County to determine how this could be done better in the future and resolve some issues regarding areas that have been urbanized, this long process was embarked upon. There were many compromises. The result is at least better than what we had previously. This same resolution is being considered by every city and special district that took part in the forum as well as the County.

Assistant City Manager Newton also noted the Council discussed this matter at length on April 21, 2009.

Motion by Councilor Buehner, seconded by Council President Wilson to adopt Resolution No. 09-40, noting that the City of Banks should be added to Section 1 on Page 2.

RESOLUTION NO. 09-40 -- A RESOLUTION OF THE TIGARD CITY COUNCIL IN SUPPORT OF THE WORK OF THE URBANIZATION FORUM AND A COMMITMENT TO UNDERTAKE AND COMPLETE THE SPECIFIC ACTIONS RECOMMENDED AT THE EARLIEST POSSIBLE TIME

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 Webb	Yes

[8:14:26 PM](#)

3.6 Approve Budget Amendment #10 for Urbanization Forum – Resolution No. 09-41

Finance and Information Services Director LaFrance introduced this agenda item. There was shared cost for the moderation of the Forum. The City of Tigard's share is \$9,915. This was not a budgeted item; therefore, the proposed resolution will appropriate these funds from General Fund Contingency into the Community Development Program.

Motion by Councilor Buehner, seconded by Councilor Webb, to approved Resolution No. 09-41.

A RESOLUTION APPROVING BUDGET AMENDMENT #10 TO THE FY 2008-09 BUDGET TRANSFERRING \$9,915 FROM GENERAL FUND CONTINGENCY TO THE COMMUNITY DEVELOPMENT PROGRAM TO PAY FOR TIGARD'S PORTION OF EXPENSES RELATED TO WASHINGTON COUNTY URBANIZATION FORUM

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 Webb	Yes

Item No. 4 was removed from the Agenda. Senator Burdick and Representative Galizio were unable to attend.

~~4. LEGISLATIVE BRIEFING BY SENATOR GINNY BURDICK AND REPRESENTATIVE LARRY GALIZIO~~

[8:16:48 PM](#)

5. PUBLIC HEARING – CONSIDER A RESOLUTION CERTIFYING THE CITY PROVIDES SERVICES QUALIFYING FOR STATE SHARED REVENUES

- a. Mayor Dirksen opened the public hearing.
- b. Summation by Finance & Information Services Department Director LaFrance on the proposed budget, capital improvement plan, and the lengthy budget process. A copy of the presentation referred to by Director LaFrance is on file in the City Recorder's office.

If the Budget is adopted tonight, it will be the final action in the consideration of the Budget process for 2009/10.

The long-range forecast was reviewed during Director LaFrance's presentation. For cost savings, non-represented employees volunteered to forego a cost-of-living increase for Fiscal Year 2009/10. Represented employees voted to retain the cost-of-living increase and unpaid furlough days are under negotiation with represented employees. Councilor Webb spoke on behalf of the City Council noting appreciation for the non-represented employees stepping up and volunteering to forego a cost-of-living increase this next fiscal year.

[8:38:39 PM](#)

Mayor Dirksen noted, in light of the fact that we just received an overview of the entire budget process, he invited the Budget Committee members present to testify.

c. Public Testimony:

Budget Committee Chair Snider testified. He said he thought this year's process was very productive and yielded a lot more discussion, which was a positive step. He said they spent a lot of time considering questions and issues. He asked for clarification on the net effect of the no COLA to non-represented employees and the furlough days to represented employees. Finance and Information Services Director LaFrance said the target to reduce expenditures was \$600,000 and was not fully met; however, a good effort has been made. Chair Snider confirmed this would mean expenditures would have to be reduced by about an additional \$140,000.

[8:41:13 PM](#)

Budget Committee Member James said he thinks the budget before the City Council is a fair and prudent budget with services being kept at a status quo level, which is important given today's economic climate. He extended thanks to staff for the help provided to the Budget Committee during the process.

[8:41:49 PM](#)

Budget Committee Member Goodrich noted he was new to the Budget Committee this year. He advised he came into the process very concerned about the economy. He commented on the commitment of the City Council and staff to manage revenues and expenses so they are relatively balanced. The budget information provided was extremely well organized. The resources and the basis for recommendations were contained in the handout materials. He acknowledged the assistance of City Manager Prosser and Finance & Information Services Director LaFrance in areas where he wanted to do additional research. Committee Member Goodrich said he found he was able to be involved in a positive way and make meaningful decisions based on fact. He noted Tigard is in a unique situation with regard to the positive General Fund balance. He was favorably impressed that City Council and staff had made tough decisions during the middle of last year to reduce staff when it became apparent that revenues and expenditures were not in balance. This gave him confidence that City officials have discipline and commitment. He supports the proposed budget. If the economy continues to decline, he said he was comfortable with the leadership by the City Council and staff that they will continue to make the tough decisions when needed. When the economy rebounds, the City will be able to take advantage of the good position it is in.

[8:44:25 PM](#)

Mayor Dirksen thanked the Budget Committee Members for their comments. He reaffirmed comments made earlier by Director LaFrance that having a relatively experienced Budget Committee allowed more time to address strategic issues to make sure the City, in general, is going in right direction.

[8:44:53 PM](#)

Councilor Buehner noted her appreciation of the thoughtful, well-reasoned comments made by the citizen members of the Budget Committee. Councilor Webb concurred with Councilor Buehner's remarks and extended her thanks. Council President Wilson added his thanks as well and referred to the General Fund balance information. He cited comments made earlier by Councilor Buehner and he had also been alarmed to see the decline in future years of the ending balance of the General Fund

when he first started participating in the Budget process. He said he came to realize that the Budget is an authorization to spend, but we typically do not spend all of the money authorized.

Mayor Dirksen called for testimony regarding the resolution certifying the City provides services qualifying for state shared revenues. There was none.

- d. Finance and Information Service Director LaFrance recommended that the City Council adopt the resolution allowing the City to accept state-shared revenues based upon the fact that the City of Tigard provides four or more of the services required by the State to accept these revenues.
- e. Council Discussion: None
- f. Mayor Dirksen closed the public hearing. [8:47:08 PM](#)
- g. Council Consideration: Resolution No. 09- 42

Motion by Councilor Webb, seconded by Councilor Buehner, to adopt Resolution No. 09-42.

RESOLUTION NO. 09-42 – A RESOLUTION CERTIFYING THAT THE CITY OF TIGARD PROVIDES SERVICES QUALIFYING FOR STATE SHARE REVENUES

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 Webb	Yes

[8:47:48 PM](#)

6. **PUBLIC HEARING - CONSIDER A RESOLUTION DECLARING THE CITY'S ELECTION TO RECEIVE STATE- SHARED REVENUES**

- a. Mayor Dirksen opened the public hearing. [8:47:59 PM](#)
- b. Finance & Information Services Director LaFrance recommended that the City Council approve the proposed resolution allowing the City to receive state-shared revenues.
- c. Public Testimony: None
- d. Council Discussion: None
- e. Mayor Dirksen closed the public hearing. [8:48:56 PM](#)
- f. Council Consideration: Resolution No. 09- 43

Motion by Council President Wilson, seconded by Councilor Webb, to adopt Resolution No. 09-43

RESOLUTION NO. 09-43 – A RESOLUTION DECLARING THE CITY'S ELECTION TO RECEIVE STATE REVENUES

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 Webb	Yes

[8:49:31 PM](#)

7. PUBLIC HEARING - ADOPT CAPITAL IMPROVEMENT PROGRAM (CIP) FOR 2009-2014

- a. Mayor Dirksen opened the public hearing. [8:49:34 PM](#)
- b. Finance & Information Services Director LaFrance presented the staff report. The CIP followed a lengthy process that takes place in concert with Budget process. The CIP covers streets, the downtown area, parks, storm water, water, and facilities. The program is a five-year plan. The projects planned for 2009/10 are included in the proposed Budget. For those projects in the “out years,” the forecasted revenues are in the document to support those items in the CIP.
- c. Public Testimony: None
- d. Finance & Information Services Director LaFrance recommended the City Council adopt the proposed Capital Improvement Program for 2009-2014, with the proposed amendments distributed to the City Council.
- e. Council Discussion:

Mayor Dirksen said he expected the CIP to be less than last year’s; however, the CIP is even less than anticipated because of a reduction in revenues due partly to the economy. The City is committed to moving forward, where we can, to provide the improvements that are needed throughout the City.

- f. Mayor Dirksen closed the public hearing. [8:51:48 PM](#)
- g. Council Consideration:

Motion by Councilor Buehner, seconded by Council President Wilson, to adopt the 2009-2014 Capital Improvement Program with the adjustments as recommended by staff.

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 Webb	Yes

[8:52:24 PM](#)

8. APPROVE A RESOLUTION ADOPTING CITYWIDE MASTER FEES AND CHARGES SCHEDULE – RESOLUTION NO. 09-44

- a. Senior Management Analyst Barrett presented the staff report. Tigard Municipal Code 3.32.050 requires an annual review of the citywide fees and charges. The master fees and charges schedule contains all of the updated citywide fees and charges. Staff reviewed the schedule and proposed changes are shown in the copy the City Council received in the packet material. A number of the changes are simply updates to current rates in conjunction with CPI, construction cost index, etc., as required by either resolution or the Municipal Code. A few small adjustments were recommended to keep Tigard fees in line with actual costs. A few fees were added such as the transportation development tax. No building fees are included in this update as staff continues to review the Building activity and associated fees. Findings and a recommendation regarding new building fees will be coming before the City Council later. The goal is to raise an additional \$250,000 through Building fees, as recommended by the Budget Committee.
- b. Council Discussion

Councilor Buehner noted a scrivener error – Page 19 – “annexation.” She noted the City Council approved a resolution extending the moratorium through February 2010.

Councilor Henderson asked for comment from the Finance & Information Services Director LaFrance on the traffic impact fee (Page 37). Finance & Information Services Director LaFrance responded that the transportation impact fee will continue for those developments that have their final approval recorded already. This will remain in effect for a three-year period. Any new approvals, beginning in July 2009, will be under the transportation development tax adopted by a vote of Washington County citizens last November. There will be a time period where we will be collecting both fees as one phases out and the other phases in. These fees will be accounted for in separate funds as required by the voters, so we will be able to track.

City Manager Prosser clarified that both the traffic impact fee and the transportation development tax are County fees. The master fees and charges resolution includes not only those fees that are set and controlled by the City of Tigard, but includes those fees and charges set by other jurisdictions that the City collects. City Manager Prosser said this becomes a “one-stop reference document” for staff and the public and is made available on the City’s website. Mayor Dirksen added that the traffic impact fees collected by the City are kept by the County. When a City wants to utilize some of those fees, they have to apply to the Washington County Coordinating Committee for project funding approval. The WCCC is made up of representatives from the County and all the cities within County. Mayor Dirksen advised that the WCCC will discuss the implementation of the transportation development tax; that is, should there be a discount or should the tax be phased in over a period of years.

Finance & Information Services Director LaFrance clarified for Councilor Buehner that the proposed resolution does not include the proposed fees for the Building Division.

- c. Council Consideration: Resolution No. 09-44 [8:58:46 PM](#)

Motion by Councilor Webb, seconded by Councilor Buehner, to approve Resolution No. 09-44.

RESOLUTION NO. 09-44 – A RESOLUTION ADOPTING THE CITYWIDE MASTER FEES AND CHARGES SCHEDULE WHICH REPLACES RESOLUTION NO. 08-30 AND ALL SUBSEQUENT AMENDMENTS TO DATE

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 Webb	Yes

[8:59:39 PM](#)

9. PUBLIC HEARING - CONSIDER A RESOLUTION OF THE CITY OF TIGARD ADOPTING THE BUDGET, MAKING APPROPRIATIONS, DECLARING THE AD VALOREM TAX LEVY, AND CLASSIFYING THE LEVY AS PROVIDED BY ORS 310.060 (2) FOR FISCAL YEAR 2009-2010

- a. Mayor Dirksen opened the public hearing. [8:59:53 PM](#)
- b. Finance & Information Services Director LaFrance presented the staff report noting the earlier presentation regarding the Budget process. There is one new fund in the Budget – the Transportation Development Tax. Adoption of the proposed resolution will also pass the ad valorem tax levy, which concludes the Budget process.
- c. Public Testimony

City Manager Prosser advised the City Council received a letter of testimony expressing concerns regarding the Budget from R. Michael Marr, dated June 3, 2009.

[9:01:22 PM](#)

- d. Finance & Information Services Director LaFrance recommended the City Council adopt the FY 2009-2010 City of Tigard Budget with amendments. Finance & Information Services Director LaFrance, in response to a question from Councilor Henderson, advised that what is before the City Council is the Budget Committee approved budget, which includes the changes recommended by the Budget Committee. The “technical adjustments” prepared by staff and received by the City Council this evening are to be included in the City Council’s consideration of the adopted Budget.
- e. Mayor Dirksen closed the public hearing. [9:02:18 PM](#)
- f. Council Consideration: Resolution No. 09-45 with adjustments as recommended by staff.

Motion by Council President Wilson, seconded by Councilor Buehner, to adopt Resolution No. 09-45 with adjustments.

RESOLUTION NO. 09-45 – A RESOLUTION OF THE CITY OF TIGARD ADOPTING THE BUDGET, MAKING APPROPRIATIONS, DECLARING THE AD VALOREM TAX LEVY, CREATING ONE NEW FUND, AND CLASSIFYING THE LEVY AS PROVIDED BY ORS 310.060(2) FOR FISCAL YEAR 2009-10 WITH TECHNICAL ADJUSTMENTS RECOMMENDED BY STAFF.

The motion was approved by a majority vote of City Council present:

Mayor Dirksen	Yes
Council President Wilson	Yes
Councilor Buehner	Yes
Councilor Henderson	Yes
Councilor Webb	Abstained

Councilor Webb advised she was abstaining from voting as the organization (Good Neighbor Center) she works for had applied for a grant that might have been included in the Budget. There was discussion regarding whether Councilor Henderson should abstain as well since he is a Director for the Farmer's Market. This is an unpaid position; therefore, consensus was that Councilor Henderson would have no conflict of interest in voting on the proposed budget and his vote remains as "yes."

[9:04:23 PM](#)

Motion by Councilor Buehner, seconded by Councilor Council President Wilson, to recess the City Council meeting and reconvene as the City Center Development Agency.

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 Webb	Yes

- Chair Dirksen called the City Center Development Agency meeting to order. [9:04:44 PM](#)
- Roll Call:

<u>Name</u>	<u>Present</u>	<u>Absent</u>
Chair Dirksen	✓	
Board Member Wilson	✓	
Board Member Buehner	✓	
Board Member Henderson	✓	
Board Member Webb	✓	

10. APPROVE A RESOLUTION ADOPTING THE FISCAL YEAR 2009-10 BUDGET, MAKING APPROPRIATIONS, AND IMPOSING AND CATEGORIZING TAXES – CCDA RESOLUTION NO. 09-02

- Chair Dirksen opened the public hearing. [9:05:27 PM](#)
- Finance & Information Services Director LaFrance presented the staff report. The City Center Development Agency budget process mirrored the City of Tigard's budget process. The CCDA is comprised of two funds. One fund handles the urban renewal capital improvement projects and the other fund is a debt-service fund. The total budget for these two funds combined is \$515,551.
- Public Testimony: None

TIGARD CITY COUNCIL/LCRB/CCDA MINUTES – June 9, 2009

- d. Finance & Information Services Director LaFrance recommended the CCDA adopt the budget as presented.
- e. Chair Dirksen closed the public hearing. [9:06:44 PM](#)
- f. CCDA Consideration: Resolution No. 09-02

Motion by Board Member Webb, seconded by Board Member Buehner to adopt CCDA Resolution No. 09-02

CITY CENTER DEVELOPMENT AGENCY RESOLUTION NO. 09-02 – A RESOLUTION ADOPTING THE FISCAL YEAR 2009-10 BUDGET, MAKING APPROPRIATIONS, AND IMPOSING AND CATEGORIZING TAXES

The motion was approved by a unanimous vote of CCDA Board Members present:

Chair Dirksen	Yes
Board Member Wilson	Yes
Board Member Buehner	Yes
Board Member Henderson	Yes
Board Member Webb	Yes

Motion by Board Member Wilson, seconded by Board Member Webb, to adjourn the CCDA meeting.

The motion was approved by a unanimous vote of CCDA Board Members present:

Chair Dirksen	Yes
Board Member Wilson	Yes
Board Member Buehner	Yes
Board Member Henderson	Yes
Board Member Webb	Yes

[9:07:50 PM](#)

City Council meeting reconvened.

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

- City Manager Prosser advised this has been a challenging year for the Budget process with the status of the economy and some of the changes occurring. The City of Tigard was fortunate in getting through the process. He advised the City of Tigard had a new Finance Director join the team last year. Finance & Information Services Director LaFrance did a great job. City Manager Prosser noted that Director LaFrance assembled many new Finance staff members and he thanked the Finance staff for their good work.

Mayor Dirksen also commented on the Budget process. The City of Tigard is in relatively good condition compared to other jurisdictions in the state. Two counties have fired their entire police force. There are a couple of cities in the Portland metro area that are looking at severe cuts in service because of revenue reductions. Mayor Dirksen also noted the negative impacts experienced by the Tigard-Tualatin School District. Tigard is able to avoid those kinds of cuts in service this year and this is a testament to a staff that is prudent and frugal and a City Council that is conservative with our citizens' money. Mayor Dirksen said, "While we may not be able to do everything we want to do, we can do the things we need to do."

[9:10:28 PM](#)

11. CONSIDERATION OF SECONDHAND DEALER ORDINANCE AMENDMENT

- Police Chief Dickinson and Lieutenant deSully presented the staff report. The last major revision of this ordinance occurred in 1983. Since that time many things have changed and it has become more of a regional issue. The revision:
 - Updates the language to include references to new electronic technology.
 - Takes a regional approach.

Agencies in the region now recognize that when property is stolen and someone tries to sell the property using either second-hand dealers or pawn shops, there needs to be a way to detect what is occurring outside of our jurisdiction.

Police Chief Dickinson advised the proposed ordinance was sent to the five pawnshops that do business in Tigard on a regular basis. Three had no comment and two commented affirmatively on the ordinance.

- Council Discussion

In response to a question from Councilor Buehner, Lt. deSully advised that All That Glitters is the primary pawnshop in the City of Tigard. They have several other stores in the tri-county area and these regulations are similar to what agencies in the region are imposing. All That Glitters is preparing to "ramp up" to comply with these new regulations.

Police Chief Dickinson advised there are transient second-hand dealers who come in to the area for a few days to buy precious metals. They will need to comply with the new regulations.

- Council Consideration: Ordinance No. 09-07

Motion by Council President Wilson, seconded by Councilor Webb, to adopt Ordinance No. 09-07.

ORDINANCE NO. 09-07 – AN ORDINANCE AMENDING TIGARD MUNICIPAL CODE, TMC 7.70, TO UPDATE AND CLARIFY PROCEDURES AND DEFINITIONS

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 Webb	Yes

12. ADOPT FINDINGS/APPROVE ORDINANCE: FIELDS COMPREHENSIVE PLAN AMENDMENT AND ZONING MAP AMENDMENT (CPA2008-00008 & ZON2008-00002)

- Associate Planner Caines presented the staff report. On March 24, 2009, the City Council public hearing was closed and the Council deliberated and reached a decision to approve the proposed amendment, 3-1. The ordinance before the City Council tonight was prepared by staff to adopt the Comprehensive Plan and Zoning Map amendment for applicant Fred Fields. The applicant has prepared findings, which are attached as Exhibit A of Attachment 1 in the City Council packet material.

Associate Planner Caines advised there are two conditions contained in the ordinance:

1. Per DLCDC recommendation – a trip cap of 352-peak p.m. trips for the development of the site.
2. Revise the Metro Title 4 Employment and Industrial Area Map – if it is legally required, then the applicant will be responsible for that.

Associate Planner Caines said the alternatives before the City Council tonight are:

1. To adopt the ordinance as drafted, or
 2. Direct staff to revise the ordinance reflecting any changes the City Council might propose.
- City Attorney Ramis gave remarks to supplement the staff report. It is to be clear that the record is closed at this point. The City Council is at the stage of deliberating and adopting findings, including a final order. The City Council made a decision previously that was tentative to approve the application subject to seeing findings, which are now before the City Council. The findings for the Council's consideration are slightly amended from the version that was originally in the City Council packet, including some grammatical adjustments and adjustments in numbers and dates. The amendments are not substantive.

City Attorney Ramis advised that there will be no testimony received tonight because the record is closed. The complete record of the case is in the room tonight should the City Council need to refer to it. A complete list of exhibits is also available. If any piece of information is not on that exhibit list, it is not in the record. There may have been some correspondence or emails that came in after the record was closed and these are not included in the record.

- Council President Wilson asked whether the trip cap would have applied if the zone had remained the same and the property owners had decided to develop the area as light industrial. Associate Planner Caines said the trip cap was applied based on the traffic study completed by the applicant. The Department of Land Conservation and Development (DLCDC) had an issue with the numbers given and determined the numbers were lower than what could be generated from the site under the R-25 zoning. The cap is based on the lower single-family type of project, which is 352 p.m. peak trips. Council President Wilson said it is his understanding that industrial zoning generates more traffic. Associate Planner Caines confirmed that it does generate more traffic. She further explained that the staff analysis included the conclusion that even if there was an issue with some of the traffic counts, that either multi-family or single-family would still generate less trips than an industrial site. In response to an inquiry from Council President Wilson, Associate Planner Caines affirmed that the DLCDC decision regarding the trip cap was based on the Transportation Planning Rule.

- Council Consideration: Ordinance No. 09-08

Motion by Councilor Webb, seconded by Councilor Henderson, to adopt Ordinance No. 09-08.

Councilor Buehner noted that since she voted “no” on this zone change previously, she will again be voting “no” to be consistent with the record.

Council President Wilson said he was not here at the last meeting and reserves the right to vote “either way.”

ORDINANCE NO. 09-08 – AN ORDINANCE APPROVING COMPREHENSIVE PLAN AMENDMENT, CPA2008-00008, AND ZONING MAP AMENDMENT, ZON2008-00002, WITH CONDITIONS, TO CHANGE THE COMPREHENSIVE PLAN DESIGNATION AND ZONING MAP CLASSIFICATION FOR ONE LOT TOTALING 24.51 ACRES FROM LIGHT INDUSTRIAL (I-L) TO MEDIUM-HIGH DENSITY RESIDENTIAL (R-25). BOTH THE COMPREHENSIVE PLAN MAP AND THE ZONING MAP AMENDMENT ARE SUBJECT TO CONDITIONS OF APPROVAL, LIMITING THE DEVELOPMENT OF THE SITE TO 352 PM PEAK-HOUR TRIPS AND REQUIRING REVISION OF THE METRO EMPLOYMENT AND INDUSTRIAL AREA MAP WITHIN 30 DAYS AFTER THIS DECISION BECOMES FINAL IF LAWFULLY REQUIRED BY METRO

The motion was approved by a majority vote (3-2) of City Council present.

Mayor Dirksen	Yes
Council President Wilson	No
Councilor Buehner	No
Councilor Henderson	Yes
Councilor Webb	Yes

[9:24:50 PM](#)

Motion by Councilor Webb, seconded by Councilor Webb, to adjourn the business meeting.

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 Webb	Yes

- EXECUTIVE SESSION: The Tigard City Council went into Executive Session at 9:30 p.m. under ORS 192.660(2) (a) to employment of public officers, employees and agents.

The Executive Session concluded at 9:44 p.m.

/s/ Catherine Wheatley
Catherine Wheatley, City Recorder

Attest:

/s/ Craig Dirksen
Mayor, City of Tigard

Date: August 11, 2009

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