



City of Tigard

Tigard Business/Workshop Meeting – Minutes

TIGARD CITY COUNCIL / CITY CENTER DEVELOPMENT AGENCY

MEETING DATE/TIME: August 18, 2009 – 6:00 p.m. - Business/Workshop Meeting

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

1. BUSINESS MEETING

1.1 At 6:07 PM Mayor Dirksen called to order the Tigard City Council.

1.2 Deputy City Recorder Krager called the roll.

	Present	Absent
Councilor Buehner	x	
Mayor Dirksen	x	
Councilor Henderson	x	
Councilor Webb	x	
Council President Wilson		x (arrived at 6:10 p.m.)

Staff present: City Manager Prosser, City Attorney Hall, Assistant City Manager Newton, Public Works Director Koellermeier, Community Development Director Bunch, Assistant Community Development Director Hartnett, Associate Planner/Arborist Prager, Associate Planner Floyd, Finance and Information Services Director LaFrance, Assistant Finance Director Smith-Wagar, Senior Planner Wyss, Acting Public Works Confidential Assistant Mollusky and Deputy Recorder Krager

1.3 Pledge of Allegiance

1.4 [6:08:50 PM](#) Council Communications & Liaison Reports: Councilor Buehner said Washington County released the recommended urban and rural reserves maps and last week. She said there is a public hearing on Thursday, August 20, at 5:00 p.m. in Hillsboro City Hall. An open house with maps available for viewing will start at 4:00 p.m. Associate Planner Floyd showed a map of the proposed reserves. Councilor Buehner noted that part of Tigard’s reserves were not listed yet because the County had not received the City’s final report. She said staff will deliver it to the County on Wednesday so anyone attending the open house and public hearing Thursday in Hillsboro will see modified maps showing all of Tigard’s proposed reserves.

Council President Wilson arrived at 6:10 p.m.

1.5 Call to Council and Staff for Non-Agenda Items

City Manager Prosser announced that an Executive Session was scheduled immediately after the Business meeting and before the Workshop meeting.

- [6:13:43 PM](#) CONSIDER A PROPOSED BALLOT MEASURE FOR THE NOVEMBER 3, 2009, ELECTION FOR A BOND ISSUE TO PRESERVE NATURAL AREAS, AND DEVELOP PARKS, TRAILS

Mayor Dirksen said this was a continuation of the discussion from the August 11, 2009 Council meeting where some language changes were recommended.

Public Works Director Koellermeier said most of the language discussed at that meeting was incorporated. He said Council President Wilson was included in an early review of the revisions since he had specific comments and the Mayor was unavailable. He said this had gone through the City Attorney’s office as well as the Bond Counsel, and the consultants at the Trust for Public Lands were comfortable with the changes.

Mayor Dirksen confirmed that Council had a chance to review the new language. Councilor Buehner expressed satisfaction with the language and noted that since it received approval from both the City’s legal and bond counsels, she recommended going forward.

Councilor Webb moved for adoption of Resolution No. 09-59.

[6:15:34 PM](#) John Frewing asked to speak. Mayor Dirksen said this was not a public hearing; the public hearing on this matter closed at the August 11, 2009 Council meeting.

Council President Wilson seconded the motion. Deputy City Recorder Krager read the number and title of the resolution.

[6:16:23 PM](#) A vote was taken and Resolution No. 09-59 passed unanimously.

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

EXECUTIVE SESSION

[6:16:36 PM](#) Mayor Dirksen announced that the Tigard City Council would be going into an Executive Session. City Manager Prosser read the citation noting that Council would enter into Executive Session under ORS 192.660 (2) (h) for consultation with counsel concerning legal rights and duties regarding current litigation or litigation likely to be filed.

[6:17:35 PM](#) Council moved into the Red Rock Creek Conference Room. The Executive Session ended at 6:46 PM.

WORKSHOP MEETING

[6:48:57 PM](#) Mayor Dirksen opened the Workshop Meeting and recommended an agenda revision, moving Agenda Item No. 7 to the beginning of the agenda.

(Recorder's Note: Item No. 7. was heard out of order.)

7. BRIEFING ON A REMEDIAL ACTION PLAN TO ADDRESS ARSENIC CONTAMINATION ON THE TIGARD PUBLIC LIBRARY GROUNDS

[6:49:35 PM](#) Public Works Director Koellermeier said this was an update on a remedial action plan to address arsenic contamination at the library site. He introduced GeoEngineers consultant Chris Reemer who gave a brief PowerPoint on the investigation and cleanup history. A copy of the PowerPoint is available in the City Recorder's Office. Mr. Reemer said the arsenic contamination was apparently derived from pesticides remaining from orchards historically present in the area. He said GeoEngineers have been working with the Department of Environmental Quality to develop a mitigation action plan.

Mr. Reemer said DEQ has not yet issued a formal written opinion but they have indicated that the risks to human health will be adequately managed by using the following steps:

- Fencing or covering the North Field
- Fencing some stream and wetland areas - much of this work has already been done.
- Discouraging use of access east of pedestrian pathway
- Maintaining a bark dust cap near entrance and in the landscaped parking area

Mr. Reemer said DEQ has also offered the City the option of soil removal in the field north of the library. Councilor Buehner asked about the expense if the City took out the contaminated soil. Consultant Reemer said an estimate, depending on depth, is \$30,000-\$60,000. Mayor Dirksen asked how deep the contamination goes into the soil. Consultant Reemer said DEQ's concern is the top foot of soil

In response to a question from Councilor Henderson on encapsulation, Consultant Reemer said the volume of soil involved makes removal and replacement with clean soil more cost-effective.

Public Works Director Koellermeier said grants are begin sought to help pay for soil removal. Mayor Dirksen asked whether the City would remove more soil in areas where more active use is expected. He suggested invasive plant species be removed at the same time.

Council President Wilson asked if the fence used would be split rail. Public Works Director Koellermeier said split rail would be acceptable, with more signage.

Councilor Henderson asked if this would allow the City to get an NFA (no further action) letter from DEQ. Public Works Director Koellermeier said it would.

2. BRIEFING ON TIGARD TRANSPORTATION SYSTEM PLAN UPDATE

[7:01:56 PM](#) Senior Planner Wyss gave Council the second update on the update of the Tigard Transportation Plan, noting the significant progress made since the project began on January 1, 2009. He said Phase One is complete. Consultants Kittelson & Associates, Inc. have developed background reports and two draft chapters. These are available on the City's website.

Senior Planner Wyss said staff met with the Transportation System Plan (TSP) Citizen Advisory Committee and the TSP Technical Advisory Committee. A public forum was held in late June to collect community input. The

comments were reviewed and incorporated into documents where appropriate. He said the next set of materials is being developed by the consultants and the next opportunity for community feedback will be at the Family Fest in September. Draft documents being prepared include a Needs and Deficiencies Report, Systems Solutions Report, Draft Facilities Plan and a Financial/Implementation Review. Senior Planner Wyss said feedback from the community on these materials is vitally important to the effectiveness of the updated TSP. He said staff hopes to get ample feedback to help at decision points. He said consultants and staff have met with all Council members with the exception of Councilor Webb and invited her to meet with them.

Senior Planner Wyss said the contract with ODOT and Kittelson & Associates was scheduled for expiration at the end of the calendar year but ODOT has granted an extension through March 31, 2010.

7:08:13 PM In response to a question from Councilor Buehner on the Transportation System Plan booth location at Family Fest, Assistant City Manager Newton said it would be part of the street fair to be held from 1-4 PM in the parking lot between Tigard Sub Shop and Tyler's Automotive. Councilor Buehner asked when the final report would start through the Planning Commission review process. Senior Planner Wyss said the revised schedule had not been finalized but he thought the draft would be finished in February, with the final coming before the Planning Commission and Council in late February or March.

Mayor Dirksen inquired about the level of understanding citizens seem to have about transportation system issues. Senior Planner Wyss said the first public forum was not well attended and they hope to engage with more citizens during Family Fest. He noted that staff also plans to present this at local service organization meetings, such as Rotary.

3. 7:11:00 PM UPDATE ON URBAN FORESTRY MASTER PLAN AND TREE CODE

Associate Planner/Arborist Prager said he and Associate Planner Floyd will update Council on these two items, which are related. He said he has been working on the Urban Forestry Master Plan (UFMP) with the Urban Forestry Committee for the past year. He said these two projects are connected because the UFMP is studying existing urban forest conditions and community preferences and will make recommendations for the Tree Code. He said Associate Planner Floyd will be working with a technical committee to translate these specific recommendations into code language.

Describing the timeline, Associate Planner/Arborist Prager said the UFMP Committee will come to consensus at their final meeting in September. Council has been provided a draft of their recommendations. After their recommendations are formalized, the Planning Commission will then review them for consistency with the Comprehensive Plan. In late October Council is scheduled to discuss the Plan at a workshop meeting. Adoption of the UFMP will be considered by Council in November.

7:15:27 PM Associate Planner/Arborist Prager described how the UFMP has distilled information into specified recommendations. He noted that the City's current mitigation requirement has been controversial. He said when a large tree is removed during development; there may be a requirement for it to be replaced with 20 or more small trees. If replanting does not occur, the developer can be required to pay a fee. Not only are developers and the Home Builder's Association desirous of changing this requirement, other stakeholders such as arborists and landscape architects are unhappy with it. They see the current standards as contributing to overplanting of trees, which can be detrimental to healthy long-term growth due to excessive competition between trees for space and light. He said the Urban Forestry Committee called for modifying the code to focus

less on mitigation and more on preserving high quality trees as well as other recommendations to improve City tree planting standards and specifications.

Associate Planner/Arborist Prager said other themes are: improving the City's landscaping code, developing a tree grove protection program, developing a hazardous tree program, improving the City's management of its own urban forestry operations, and creating an urban forest stewardship program to support Tigard citizens.

[7:17:48 PM](#) Associate Planner Floyd discussed how the recommendations specific to the Tree Code will be implemented. He said the Urban Forestry Master Plan is not itself a code change, but it sets the stage to comply with Council Goal #1.b – Update the Tree Code to meet the Comprehensive Plan.

He said the four objectives of the Tree Code update are:

- Implementation of goals and policies of the Comprehensive Plan.
- Implementation of the Urban Forestry Master Plan recommendations as finalized by Council
- Compliance with state, regional and federal requirements
- Consistency with Council Goals and community preferences

Associate Planner Floyd said staff will work with a technical committee to develop draft code changes in a transparent process with periodic check-ins with the Tree Board, Planning Commission and Council. He said they would seek public comment throughout the process. He said that once a technically and legally sound recommendation is developed, staff will seek input from local citizens and stakeholders with an Arbor Day kickoff.

Associate Planner Floyd said a scheduling problem is that the Interim Tree Code was not adopted by Council. Staff is recommending shelving the Interim Tree Code for the following reasons:

1. The building industry is slow right now.
2. Takes energy away from staff and committee members
3. Risk of confusing stakeholders and the public.
4. It was continued and not approved by Council.

Associate Planner Floyd asked for Council direction from about whether to stop work at this time on the interim tree code.

[7:25:22 PM](#) Council Buehner suggested that the first Workshop be a joint Planning Commission/Council workshop in order to save time. Community Development Director Bunch agreed, saying, "I want to make sure they understand where Council wants to go on these issues." He said a number of workshops are planned.

[7:26:40 PM](#) Council President Wilson asked about the recommendation to move Goal 1 from the Development Code to the Municipal Code, suggesting that might be confusing for developers. Associate Planner/Arborist Prager said he will suggest to the Committee that this recommendation be dropped. Council President Wilson said anything development related should be in the Development Code, and civil things such as nuisance trees, would be in the Municipal Code.

[7:29:04 PM](#) Council President Wilson referred to Goal 3. - Develop a tree grove protection program. He said he hoped this would not be too restrictive. He said he hoped it would be more incentive based rather than

penalty based. Regarding mitigation, Council President Wilson suggested maintaining at least a nominal mitigation fee as a minor disincentive and a revenue generator.

Mayor Dirksen said that because of Council President Wilson's landscape architecture background, knowledge and concern he would like him specifically assigned as Council liaison to the Urban Forest Advisory Committee. Council agreed. Mayor Dirksen noted that Councilor Henderson is the Council liaison to the Tree Board but he didn't think it would be a problem to have two councilors working on this issue.

[7:32:09 PM](#) Council President Wilson noted that the City doesn't have a natural resource protection program and have never done a Goal 5 analysis map. He said with the bond measure coming up the City will be buying resources. He suggested that Council discuss at a future goal-setting session how to identify these resources, of which forests are but one aspect.

[7:33:35 PM](#) Associate Planner/Arborist Prager said as part of the tree grove protection program upland tree groves that don't have a water source nearby will be identified. He said protective easements were suggested as an incentive to keep them in private hands but also offer them protection.

[7:34:25 PM](#) Councilor Buehner requested that as the Code is rewritten, cross-references be used to make it more user-friendly.

Community Development Director Bunch asked Council if they agreed with the suggestion to put the interim tree code on hold. Council concurred with this.

4. DISCUSSION ON ANNEXATION POLICY – UNINCORPORATED ISLANDS

[7:36:56 PM](#) Associate Planner Pagenstecher presented this item for Council discussion. He asked if Council had any questions on the materials provided.

Mayor Dirksen referred to policy options in the staff report and said the only reason to use Option 3 would be a limitation on staff resources. He said, "If we are going to do it, we should do it all at one time. It would be more efficient." He said one thing that initiated this discussion on island annexation was that he and other Councilors have been approached by Washington County Commissioners about cleaning up island issues.

[7:40:50 PM](#) Councilor Buehner suggested staff meet personally with property owners to find out their needs and concerns before taking any action. Mayor Dirksen agreed that if Council decides to move forward, this should be the first step.

Council President Wilson asked those Council members who had conversations with Washington County what the County's perspective was. He asked if these properties were difficult for them to service. Mayor Dirksen said that was one reason but there are also concerns about public safety (questions about whether an address was in or out of a city's boundary), street maintenance and code enforcement.

Councilor Webb said the County has spoken directly to all cities, and Beaverton and Hillsboro are currently developing policies on annexing islands. Councilor Buehner commented that Hillsboro annexed 127 parcels in February.

Councilor Henderson asked if surveys were included in the most recent annexation information outreach and suggested asking owners if they wanted to annex now, or not at all. Community Development Director Bunch

said what was included in the letters that went out was that if they wanted to annex, they should contact the City. He said the City got very few responses. He agreed that future outreach should be in a different form which would include meeting and talking to property owners. Councilor Henderson suggested surveying them at that time to find out if they would be interested in annexing in one-year, five-years or ten-years.

Community Development Director Bunch said that from an administrative standpoint he recommends following Hillsboro's lead and annexing these properties all at once. He said legislation now would mean it is not effective until a minimum of three years and a maximum of ten years. Property annexations now would not be effective for three years. Councilor Buehner suggested checking on the City of Hillsboro's incentives. She said it would be effective to tailor incentives to particular needs and issues of the different islands, i.e., sewers. Councilor Webb said Tigard needs to move forward on island annexations because the City has been pressing the County on other issues and we need to follow through on issues important to them.

Mayor Dirksen said he preferred Option 1 but wants to give property owners the opportunity to voluntarily annex before the City initiates involuntary annexation. He asked Council if there was any disagreement with this direction. None was offered.

Summary of Council direction:

- Prefer Option 1 (with opportunity for property owners to annex voluntarily first)
- Find out about City of Hillsboro's incentives
- Outreach should include personal contact with property owners to discuss individual issues

5. CITY CENTER DEVELOPMENT AGENCY (CCDA) DISCUSSION ON POTENTIAL REAL ESTATE CONSULTANT SERVICES FOR THE DOWNTOWN

[7:54:41 PM](#) Councilor Webb moved to adjourn the City Council and reconvene as the City Center Development Agency. The motion was seconded by Councilor Buehner and all voted in favor. Mayor Dirksen called for a five-minute break.

[8:02:34 PM](#) Mayor Dirksen called the CCDA to order. Deputy City Recorder Krager called the City Center Development Agency roll.

	Present	Absent
Director Buehner	x	
Chair Dirksen	x	
Director Henderson	x	
Director Webb	x	
Director Wilson	x	

[8:03:16 PM](#) Senior Planner Farrelly said the issue before the CCDA is whether more consultant services are necessary to address specific urban renewal needs. He said a real estate development and consultant firm (Summer Lake, LLC) submitted a proposal and has offered their services in developing an action plan.

Senior Planner Farrelly mentioned the City had a previous report done in November, 2007, by Leland Consulting, which was a development strategy for downtown urban renewal. He said the report provided a series of recommendations in Housing, Policy and Retail. He stated that the Leland report has been a guiding

document for the City and most of their recommendations have been pursued. He said some of the more notable ones included in the City's current work plan are:

- Development Opportunity Studies, the first of which has been completed and will come before Council at the August 25, 2009 meeting.
- Downtown circulation plan, currently in progress.
- Property and developer outreach including organizing another Developer's Roundtable using Metro's transit-oriented development contacts who would give a candid assessment of what is achievable in Tigard's downtown.
- The Commercial Façade Improvement Program subcommittee has made progress, including selecting an architect.

[8:08:31 PM](#) Senior Planner Farrelly said if the CCDA wishes to pursue additional consulting services there is a procurement process the City would have to follow. He discussed the request for proposal process and the CCDA budget. He said the CCDA budget for FY 2009-10 includes \$95,000 for Redevelopment/Marketing/Real Estate Studies which could be used for the proposed real estate consultant services. What is budgeted in this line item for FY 2009-10 is \$65,000 for two development opportunity studies and \$30,000 for a downtown parking study, which will help provide information to other efforts such as the Green Street Main Street Project.

[8:10:22 PM](#) Community Development Director Bunch said there are a number of consultants in the region who provide economic development and real estate consulting. He reiterated that if the CCDA desires to find additional consultants, there is an obligation to open this process up to competitive bidding. He said the CCDA would also have to identify whether there is a need for this in the urban renewal district.

[8:11:42 PM](#) CCDA Chair Dirksen compared the proposal received from the Summer Lake group with work done by the Leland consultants. He said the Leland group identified a program for the future and helped solidify initial concepts and confirmed the CCAC's and CCDA's visions. He said the report was a passive report, with suggestions on steps the City could take at different times.

CCDA Chair Dirksen said his perception is that the proposal made by Summer Lake, at the encouragement of Councilor Henderson, shows a more active approach with them working more as an agent for the CCDA, meeting directly with developers and property owners and brokering agreements. He said this is outside the scope of what the Leland firm did, or was even asked to do. He asked, "Do we want to do something to "light a fire" in the downtown or do we want to take a more conventional approach?"

[8:14:06 PM](#) CCDA Director Henderson said the Summer Lake consultants are highly regarded within the industry. He said downtown urban renewal is a huge project that needs to bind together the City, businesses and the citizens. He said continued discussions with this group showed to him a willingness to work with the CCAC, CCDA, the City Manager, the staff and the community. He said there appears to be a few years before there is good, solid financing but there are a lot of things that can be done now.

[8:16:48 PM](#) Director Henderson said, "My heart goes out to Tigard and the process that has gone on over the last five years. We have gone through an enormous number of staff and there is nobody on board right now who was there originally. There is constant 're-inventing the wheel.' We don't need any more pictures. We have plenty of plans. We understand the concept now." He emphasized that now is the time to do something. He said the Summer Lake consultants want to help Tigard move forward and the City would be "pound foolish" not to accept their gracious help.

[8:18:14 PM](#) CCDA Director Webb asked if there was a scope of work that could be put out for bid. Councilor Henderson said Summer Lake's proposal is what they believe the City needs to start with and the deliverables they would produce. CCDA Director Webb clarified that she was asking if staff had a scope of work.

[8:19:25 PM](#) Community Development Director Bunch replied that they did not. He said this has not been put together because from staff's standpoint, it is not the time to do this yet. He said the Summer Lake proposal was unsolicited. He said when the City has a project ready to go, a scope of work will be written for a request for proposals. He said Summer Lake, as well as other consulting firms would be solicited in the request for proposals.

[8:21:05 PM](#) CCDA Director Wilson said there is no question the City will need expertise on various tasks at some point in time. He commented that at this point the City doesn't even have property. He said, "First, we need to find property owners who want to participate. Until we have that... the active solicitation of developers is premature."

CCDA Director Henderson said that Summer Lake is here because there is a lull in the economy. He said there is work that could be done now at both the CCAC and CCDA levels even before the economy improves.

[8:24:17 PM](#) CCDA Director Buehner said she listened to Mr. Leland give a presentation to the Beaverton Council last evening which she found relevant. She said, "I don't think we're quite ready for it... but when we are ready, it seems to me a logical consultant would be the Leland Group since they are already up to speed on what we do. They've done the background work. We also need to take advantage of expertise on the Council."

CCDA Director Henderson said he discussed the report with Leland Consultant Zahas today who said the document hasn't been acted on for two years.

CCDA Director Buehner disagreed, referring to the earlier presentation by staff on their follow-through on the Leland recommendations. She suggested Community Development Director Bunch offer his perspective on how urban renewal doesn't happen overnight.

[8:26:24 PM](#) Community Development Director Bunch said it was 18 years before urban renewal took off in Lake Oswego. He said it was the result of Lake Oswego gradually building on their plan and when the timing was right, and a developer was interested, a real estate consultant was used. He said by that time there was substantial City money that was able to be used to 1) relocate the fire station, 2) write down the price of the property with dedication of land, 3) develop Millennium Park, and 4) create a parking structure. He said urban renewal is an incremental process.

Community Development Director Bunch said staff's perspective is that Tigard needs to begin an active process to create the environment which will respond to the market. He said there will be consulting services needed and at that time, CCDA will direct staff to retain them.

[8:28:37 PM](#) CCDA Chair Dirksen said it sounded like staff does not want to hire a general consultant for the overall urban renewal district but rather, specific consultants for specific projects. Community Development Director Bunch said that was correct. He said, "We have staff and access to other resources. The market, the development industry, and desire to develop all have to be timed correctly."

[8:29:54 PM](#) CCDA Director Henderson said, “And the time is right now.”

CCDA Chair Dirksen asked if there was any further discussion. He asked if there was consensus to move forward with a scope of work for a consulting services RFP at this time, and hearing none, said this was something to keep in mind when Council perceives the timing is right.

CCDA Director Buehner moved to adjourn the City Center Development Agency and reconvene the City Council. CCDA Director Webb seconded the motion and all voted in favor.

	Yes	No
Director Buehner	x	
Chair Dirksen	x	
Director Henderson	x	
Director Webb	x	
Director Wilson	x	

6. [8:31:13 PM](#) DISCUSSION REGARDING STATE CHANGES TO OREGON GAS TAX AND HOW CHANGES AFFECT THE CITY OF TIGARD’S GAS TAX AND ITS ABILITY TO PLEDGE THOSE REVENUES FOR BOND REPAYMENT

Finance and Information Services Director LaFrance reported that the governor signed House Bill 2001 which would raise the State’s gas tax by six cents per gallon. He said the bill also prohibits any changes in current gas taxes after September 28, 2009. The City of Tigard has a local gas tax of three cents per gallon that is intended to fund the Highway 99W/Hall Boulevard/Greenburg Road intersection. It does have in it a provision to reduce, on a revenue dollar-per-dollar basis, the City gas tax should the state or county raise their gas tax.

He said this creates a problem for Tigard in that the City’s Bond Counsel has advised that it will be difficult to find bond buyers, when the revenue source that is going to repay that investment is impacted by jurisdictions outside of our control. He said given the timing that has been placed in the state bill, staff is here to ask Council if there should be any changes to the City’s tax.

[8:33:39 PM](#) Councilor Buehner asked Finance and Information Services Director LaFrance to confirm her interpretation that because of the changes in the state law relating to gas tax, a problem has been created for Tigard going out to bond for Greenburg Road construction and the ordinance needs to be adjusted to make the bond counsel and financial advisors happy. Finance and Information Services Director LaFrance reiterated that this was the situation.

City Manager Prosser said there is a legal complexity in that House Bill 2001 prohibits changes in local gas tax ordinances after its effective date of September 28, 2009. The way the offset provision in our ordinance is written is that it’s a revenue-to-revenue offset, not a penny-to-penny offset. With this change in state revenue coming in, the City needs to go back into the ordinance and adjust the rate per gallon. He said, “The way the state law is written prohibits any changes. We’d get into a bind there also.” He asked the City Attorney if that was correct.

City Attorney Hall said that was correct and if it is Council’s will to make these changes, they need to be done proactively, before House Bill 2001 becomes effective.

[8:36:14 PM](#) Councilor Webb said Council made a commitment to Tigard voters to fix the intersection at Greenburg and 99W. She said when incoming revenues were lower than expected, a lot of citizens wrote and asked Council to “make sure you keep collecting it until you’ve got enough to do it.” She recommended the ordinance be amended by September 28 so the City can take care of the intersection.

[8:36:48 PM](#) Council President Wilson said he supported making the changes.

[8:37:02 PM](#) Mayor Dirksen said he saw two issues 1) the adjustment for the allowance for the state gas; and 2) the sunset clause. He said the tax was created to fix a particular intersection, after which the tax would sunset and only used again if another project is identified. He said, “We need to do this in a way that tries to maintain the spirit of that law and the promise made to Tigard citizens that the gas tax was going for a specific, approved and identified project. Now we are unable to do this.” He said the City needs to make sure local gas taxes go towards a specific project that has been vetted by a citizen group, such as the Transportation Advisory Committee. He said when this project is complete, other projects can be identified.

Finance and Information Services Director LaFrance said he would bring to Council a simplified ordinance which alleviates the issues on bonding and financing for the Greenburg/Main/99W intersection funding as well as the sunset provision. He asked about the upcoming meeting schedule.

City Manager Prosser said staff needs direction from Council on timing. He said the state law goes into effect on September 28, 2009. A City of Tigard ordinance, without an emergency clause takes 30 days to take effect. If Council wants to consider and adopt an ordinance without an emergency clause, they would need to take action next week, at the August 25 meeting. He said if Council wants to put an emergency clause on the ordinance, it could be heard on either September 8 or 22.

[8:43:35 PM](#) Mayor Dirksen said, “The need to respond to this new state law and the effect it has on our existing ordinance is more than enough justification to invoke an emergency clause.”

In response to a question from Councilor Webb about the emergency clause, City Attorney Hall said he was not aware of anything in House Bill 2001 that prohibits in any way the adoption of an emergency clause. He said, “There is the deadline of September 28 that prohibits amendment or adoption of an additional gas tax past the effective date. Before that, it is silent.”

Mayor Dirksen asked Council if they agreed with the proposal from staff. There was consensus and Finance and Information Services Director LaFrance was directed to bring back an ordinance amendment for Council consideration.

7. BRIEFING ON A REMEDIAL ACTION PLAN TO ADDRESS ARSENIC CONTAMINATION ON THE TIGARD PUBLIC LIBRARY GROUNDS (This item was heard out of order at the beginning of the Workshop Meeting.)

8. COUNCIL LIAISON REPORT

Urban and Rural Reserves: Councilor Buehner (This report was given under Agenda Item 1.4 - Council Communication and Liaison Report.)

