



City of Tigard

Tigard Business Meeting – Minutes

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

MEETING DATE/TIME: August 25, 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

STUDY SESSION

6:30 PM

- Annual Police Department Temporary Holding Facility Tour and Inspection – Police Department

The City Council and City Manager Prosser toured and inspected the Police Department temporary holding facility.

The City Council and City Manager Prosser returned from the tour at 6:50 p.m.

City Council present: Mayor Dirksen, Council President Wilson, Councilors Buehner, Henderson and Webb.

Staff present: City Manager Prosser, Assistant City Manager Newton, City Engineer Duenas, Assistant to the City Manager Mills, Finance and Information Services Department Director LaFrance, Community Development Director Bunch, City Attorney Ramis, City Recorder Wheatley, Engineering Manager McMillan.

- Update on Highway 217 Interchange Management Study

City Engineer Duenas presented information on this agenda item. Council packet materials included a July 15, 2009, memorandum from City Engineer Duenas regarding the Highway 217 Interchange Management Study. Mr. Duenas reviewed the highlights of his written information with the City Council. The study was performed to determine what, in the long-term plan, could be done now since the entire project cannot be funded.

In early July, the Oregon Department of Transportation (ODOT) formed a Technical Advisory Committee and City Engineer Duenas is a member. A consultant was selected to do a focus study to come up with a project that could be funded. It was stipulated that the project needed to fit into the long-term plan and the project must be of benefit to the area of most concern, between Beaverton-Hillsdale Highway and Allen Boulevard.

TIGARD CITY COUNCIL/LCRB/CCDA MINUTES – AUGUST 25, 2009

On August 11, Mayor Dirksen attended a kick-off meeting. The idea is to do a Phase One of the study, which is to come up with a doable project. A workshop was held on August 18 at which time there was brainstorming on management techniques and a number of options and scenarios. The workshop participants narrowed down the options to those they thought were most feasible. Active traffic management was one of the options since many of the problems were lessened when the traffic was slowed down. Low-cost solutions are under review at this time. Some of these solutions include taking the traffic off the freeway onto frontage roads, especially in the southbound direction. The next step will be to review all of the alternatives remaining. The TAC will meet again to discuss these alternatives. In mid-October, if a fundable project is identified, a workshop will be held with elected officials.

Phase 2 will be the NEPA-Compliant Environmental Study to move the project into implementation.

Discussion followed regarding the problems on Highway 217, how Highway 217 is being utilized, and some of options under consideration. Mayor Dirksen advised he had urged staff not to limit the number of concepts to consider early on; rather, he asked for numerous modeling scenarios to be explored.

➤ Administrative Items

Council received the following information for tonight’s business meeting:

- Agenda Item No. 7 – Washington County Urban and Rural reserves Process – August 20, 2009 memorandum from Associate Planner Floyd.
- Agenda Item No. 11 – Non-Agenda – Item for City Council review subject to the outcome of the City Council Executive Session Discussion. Agenda Item Summary to authorize the City Manager to sign an expenditure request for Stevens Marine Right-of-Way and Easement Acquisitions.
- EXECUTIVE SESSION: The Tigard City Council went into Executive Session under ORS 192.660(2) (e) and (h) for real property transaction negotiations, and consultation with legal counsel concerning legal rights and duties regarding current litigation or litigation likely to be filed.

Executive Session concluded: 7:30 p.m.

1. BUSINESS MEETING

1.1 Mayor Dirksen called the City Council and Local Contract Review Board meeting to order at [7:33:42 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	✓	

TIGARD CITY COUNCIL/LCRB/CCDA MINUTES – AUGUST 25, 2009

- 1.3 Pledge of Allegiance
- 1.4 Council Communications & Liaison Reports
- 1.5 Call to Council and Staff for Non-Agenda Items

City Manager Prosser noted an agenda item to be added at the end of the agenda: Agenda Item No. 11 -- Request to Authorize the City Manager to Sign Expenditure Request for the Stevens Marine Right-of-Way and Easement Acquisitions

[7:34:49 PM](#)

2. CITIZEN COMMUNICATION

- Chamber of Commerce Report

Chris Zoucha, Executive Director of the Tigard Chamber of Commerce presented an update to the City Council on Chamber activities:

- The trend for increased membership numbers is encouraging.
 - Upcoming events include a golf tournament, and a multi-chamber event (“speed dating for business”).
 - The 2009 Chamber directory will be distributed in September.
- Citizen Communication – Sign Up Sheet – None.
 - Follow-up to Previous Citizen Communication:
 - City Manager Prosser advised staff has been following up with a request by John Frewing to clarify roles and responsibilities with regard to Clean Water Services.

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Mayor Dirksen reviewed the Consent Agenda for the Tigard City Council and the Local Contract Review Board:

3. CONSENT AGENDA:

- 3.1 Approve City Council Minutes for July 14 and 21, 2009
- 3.2 Receive and File:
 - a. 2008 Police Department Annual Report
 - b. City Center Development Agency Financial Impact Report
- 3.3 Approve and Authorize the City Manager to Sign an Intergovernmental Agreement (IGA) with the Tigard-Tualatin School District for the City of Tigard’s Participation in Year Two of the Safe Schools Grant Program
- 3.4 Local Contract Review Board:
 - a. Award Contract for Construction of Steve Street Water Quality Enhancement Project
 - b. Award Contract for Construction of Hall Boulevard Sidewalk from Bonita Road to 600 feet North

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

Mayor Dirksen	Yes	
Council President Wilson	Yes	
Councilor Buehner	Yes	
Councilor Henderson	Yes	(except abstained from voting on approval of the July 21 meeting minutes as he did not attend this meeting.)
Councilor Webb	Yes	(except abstained from voting on approval of the July 14 and 21 meeting minutes as she did not attend those meetings.)

Mayor Dirksen advised the City Council meeting was recessed. [7:43:18 PM](#)

Chair Dirksen called the City Center Development Agency meeting to order. [7:43:24 PM](#)

City Center Development Agency members present: Chair Dirksen and Directors Buehner, Henderson, Webb, and Wilson.

4. REVIEW TIGARD TRANSIT CENTER DEVELOPMENT OPPORTUNITY STUDY

Senior Planner Farrelly presented the staff report. Introductory remarks included the following:

- Publicly owned sites are often good candidates for redevelopment.
- Last year, TriMet advised the City that they are willing to explore the possibility of redeveloping the Tigard Transit Center site.
- The City had been working with the Metro Transit-Oriented Development Program to find good development opportunities in downtown. Metro offered to pay for half of the cost of a development opportunity study.

The PowerPoint presentation of the Development Opportunity Study by Brendan Buckley, Project Manager with Johnson Reid, is on file in the City Recorder's office. Senior Planner Farrelly also introduced Jerry Johnson of Johnson Reid and Jillian Detweiler of the TriMet Planning Department.

The conclusion of the report is that only the Nicoli site would be financially feasible in the short term. Recommendations regarding strategies to move development forward in the Downtown are summarized in the staff report. A copy of the Johnson Reid *Report on Development Opportunity Study – Downtown Tigard*, is on file in the City Recorder's office.

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Council discussion followed the presentation of information.

Director Wilson referred to Development Scenario 1 (Tigard Transit Center site) depicting a five-story multi-family residential building using wood frame construction over a concrete podium. He said his personal goal for downtown was never to maximize density; rather, his goal is to create a vibrant street life. The building in Scenario 1 reminded him of what the University of Oregon students were doing for the City for scenarios along Highway 99W. He commented on the desirability and livability of a structure as

TIGARD CITY COUNCIL/LCRB/CCDA MINUTES – AUGUST 25, 2009

illustrated in this scenario. He pointed out that those vibrant neighborhoods in the City of Portland, for the most part, are not about the buildings – it is about the restaurants, shops, and the things contained within the buildings. Director Wilson recounted the history leading up to the redevelopment of NW 23rd Hawthorne Street and Pearl Districts, which have evolved over a number of years and have only recently attracted higher end national retailers. He pointed out that it does not matter if there are three-story or five-story buildings because what really matters is what is occupied by the ground floor.

Director Wilson said the “software side” for the downtown plan should not be neglected. Perhaps the City needs to take a more active role to recruit desirable business-types to occupy the existing buildings. Relaxing density, to get high-quality development is more important than trying to maximize the density. He said he would rather emphasize quality, even if it meant buildings would only be one or two stories.

Senior Planner Farrelly advised that building design has not been addressed in that much detail. The study shows a basic site plan and depicts how many units could be built within draft design guidelines. Director Wilson acknowledged Senior Planner Farrelly’s explanation and added that density is not the primary goal at this point.

Chair Dirksen agreed with Director Wilson. He said the undertone of the presentation was that the bad news is the more dense development will not be economically viable in the downtown. He said he does not consider this bad news and conjectured that a number of Tigard residents would be pleased to hear that we are not anticipating high-density, midrise development in the initial phases of downtown. The idea is that the Code would allow a phased development whereby high density would be possible, but not required. The marketplace should dictate the density.

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Mr. Johnson agreed with the idea of organic growth with densities that make sense. Urban neighborhoods that are described as “ideal” (i.e., Hawthorne or Sellwood) consist of one- and two-story structures in two-thirds of the buildings in those neighborhoods. They have developed an amenity system that makes the rents achievable to support the higher density over time. The amenity structure needs to be available to make an urban area successful. He noted that for TriMet to service an area there must be a certain amount of density so they can meet their policy obligations.

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Director Buehner said the skeletal structure of buildings in the NW and Hawthorne areas are, in general, a lot better than what exists in downtown Tigard. She suggested some of the buildings need to be torn down and replaced and was a little concerned should the City Council get too focused on re-using the existing buildings when it might be cheaper and better to get rid of a building. Director Wilson said he does not disagree with Director Buehner’s statement. He said that even if a new building is built, it is vitally important with regard to what type of use occupies the building.

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Director Henderson asked about the Nicoli building and what consideration was given for the pathway to the train station. Mr. Buckley advised the design solution was the creation of a pathway along the edge of the property; it would be well designed with ornamental features. The design includes accommodating a lot of bike parking to facilitate multiple modes of transportation to this location.

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TIGARD CITY COUNCIL/LCRB/CCDA MINUTES – AUGUST 25, 2009

Director Wilson said a developer does not care who occupies the building so long as the rent is paid. From the standpoint of a vibrant street life, it is more important to create a synergy that makes other properties more valuable. He asked for comment from the consultants with regard to the degree the City might be able to influence tenants. Mr. Johnson said his office did an urban amenities premium program that Metro has used. This program talks about the marginal impact of certain tenants on the achievable rent structure. Developers are quite aware of the desirable mix for ground floor commercial tenants and achievable rents and/or demand. One of the problems will be non-credit tenants; that is, small business owners for which banks do not give you credit because they are not sure the tenants will be there for as long as the amortization period of a loan. Almost every restaurant is considered non-credit unless it is a publicly traded company. One of the reasons Metro has set the program up is to look for ways to intervene in a development process to directly help the development and also help fund tenant improvements that developers cannot finance conventionally. He also cited grant programs to assist local tenants with rents and improvements.

Mr. Johnson said the Portland Development Commission is just beginning to look at a similar program (described above). Metro does not have much money to apply to this type of program. He described what would be needed to obtain a positive investment cycle and to move away from subsidies.

In response to a question from Director Wilson, Mr. Johnson said that when you subsidize parking, tenants are indirectly subsidized. [8:27:27 PM](#) One of things found to have the best impact to an area such as this, would be a specialty grocer. A specialty grocer would not be able to afford needed parking and Mr. Johnson gave an example the Whole Foods store in the Pearl District where the Portland Development Commission provided the parking structure.

In response to a question from Director Henderson, Mr. Johnson said the Fanno Creek area in the downtown has a built-in natural amenity. There is a functional amenity with transit-access nearby. The marketing will need to sell this as an urban environment before actually established. He noted the possible evolution of starting at the Fanno Creek area, selling the natural amenity followed by building the densities and activities to acquire the urban amenities so the urban areas will fill in. The advantage to the downtown is that once the urban area becomes established, the natural amenities are there. The trains coming through the downtown presents a noise issue and there will be mitigation costs; i.e., quadruple-paned windows.

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In response to a question from Director Buehner, Mr. Johnson talked about the evolution of development where once undesirable locations become popular through a series of changes over a long time. Chair Dirksen cited how high-end development could attract other types of development.

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There was general discussion about projects that struggled and eventually gained momentum. Sometimes the struggling is related to mistakes that were made.

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In response to a question from Director Henderson, Mr. Buckley referred to the Executive Summary included in the Council packet on the *Development Opportunity Study*. Financial information is included in the report.

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Senior Planner Farrelly referred to an upcoming planned development opportunity on a small site where there is a possibility of phasing development with surrounding private property owners.

TIGARD CITY COUNCIL/LCRB/CCDA MINUTES – AUGUST 25, 2009

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Motion by Director Webb, seconded by Director Buehner to adjourn the City Center Development Agency meeting.

The motion was approved by a unanimous vote of Agency members present.

Chair Dirksen	Yes
Director Wilson	Yes
Director Buehner	Yes
Director Henderson	Yes
Director Webb	Yes

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Mayor Dirksen reconvened the Tigard City Council meeting.

5. CONSIDER AFFORDABLE HOUSING FEE ASSISTANCE REQUEST

Associate Planner Roberts introduced this agenda item. The issue before the City Council is to consider awarding fee assistance for \$10,000 to Community Partners for Affordable Housing (CPAH).

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Sheila Greenlaw Fink, Executive Director for CPAH presented information to the Council. CPAH closed today on the property transaction to purchase the land for the senior housing project, Knoll at Tigard. She referred to the depressed commercial real estate market at this time and the hope that some development will entice additional development to complement and also to provide services. Ms. Greenlaw-Fink reviewed the history and recent activities that have moved this project forward. She expressed appreciation for the support of the Tigard City Council.

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Councilor Webb commented that there are only two affordable housing providers remaining in the County. She noted her support for the request advising that, while granting assistance costs the City a small amount of money, the rewards that the community receives are “ten-fold.”

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In response to a question from Councilor Buehner, Ms. Greenlaw-Fink advised they anticipate breaking ground on this property in March or April if the financing comes together.

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Motion by Councilor Buehner, seconded by Council President Wilson, to approve the request from the Community Partners for Affordable Housing, for the \$10,000 requested.

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

Mayor Dirksen	Yes
Council President Wilson	Yes
Councilor Buehner	Yes

TIGARD CITY COUNCIL/LCRB/CCDA MINUTES – AUGUST 25, 2009

Councilor Henderson Yes
Councilor Webb Yes

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6. REVIEW 2009 OREGON LEGISLATIVE SESSION AND ANALYSIS OF ADOPTED LEGISLATION SUPPORTING CITY COUNCIL'S PRIORITIES

Assistant City Manager Newton introduced Management Analyst Wyatt who kept the City Council and staff updated on the status of legislation during the last session.

Management Analyst Wyatt recapped the activities pertinent to the City of Tigard in 2009 relating to City Council priorities and other legislative interests. A copy of Management Analyst Wyatt's report is on file in the City Recorder's office

The short session coming up in February 2010 appears to be primarily budget related.

Management Analyst Wyatt advised the Mayor wrote a letter to Senator Wyden and Senator Merkley last week about Federal legislation regarding online travel sites that are seeking to reduce the amount of hotel taxes being paid. Resolution of this is expected soon and staff is monitoring.

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In response to a question from Councilor Buehner, Management Analyst Wyatt advised SB 269 dealt with utility relocations and was changed to the point where it will not affect City franchise fees.

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7. UPDATE AND DISCUSSION OF WASHINGTON COUNTY URBAN AND RURAL RESERVES PROCESS

Councilor Buehner advised she received more than 300 emails and letters giving testimony. Most of the communications were with regard to the Helvetia area.

Associate Planner Floyd noted this is a continuation of the conversation the City Council had last week regarding the urban and rural reserves process. The Council received an August 20, 2009, memorandum from Mr. Floyd regarding the Washington County Urban & Rural Reserves Process. Attached to the memorandum was the narrative staff prepared regarding the expected service area for the City of Tigard. This narrative was submitted to the Washington County and the Metro planning staff members. Mr. Floyd reviewed the areas that Tigard has requested to be placed in the urban reserves. He referred to a public hearing that took place last Thursday regarding the overall process. Councilor Buehner advised that the majority of the comments at the hearing related to the Helvetia area. Property affecting the City of Tigard was referred to in testimony by Mr. Denney who said that he and all of the farmers along Roy Rogers Road wanted to be included in the urban reserves because "farming really didn't work anymore on the property..." Mr. Denney said they were in the process of sending petitions into the City of Tigard requesting to be annexed to the City.

Councilor Buehner said that most of the Metro City Councilors were not present at the hearing. She has made a point of letting the current Councilors know that certain properties were originally included in Areas 63 and

TIGARD CITY COUNCIL/LCRB/CCDA MINUTES – AUGUST 25, 2009

64 in the hope that this would strengthen the position that those properties should be brought into the urban reserve.

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Associate Planner Floyd advised the Washington County Reserves Coordinating Committee will be meeting to form a recommendation to the Regional Reserves Steering Committee (Core 4) regarding the location of urban reserves and rural reserves. So far, the recommendation coming from Washington County is that approximately 34,000 acres should be placed in the urban reserves. Of that, Tigard is asking for approximately 900 acres. Tigard expects, at sometime in the future, to annex and service Bull Mountain and, perhaps further west over the next 50 years. It is better to place these lands in the urban reserves now to prepare for the possibilities in the “several decades down the line...” Tigard has not done any detailed concept planning for this area, which will need to be done in the future.

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Council and staff members affirmed the statement by Councilor Webb that this is not the annexation plan by Tigard in the next few years. Councilor Buehner commented that this is long-term planning.

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Mayor Dirksen said he was concerned about comments from Metro that they are anticipating in only bringing in 20,000 acres into the urban reserves. His concern is that this comment was made before the reports were received from the three counties.

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Associate Planner Floyd recapped that there have been four main players in the process: Clackamas County, Multnomah County, Washington County, and Metro. Each of the players followed a separate process and they have come to very different conclusions. Washington County is asking for about 34,000 acres of urban reserves; Multnomah County asked for 80 acres; and Clackamas County asked for 11-15,000 acres. Metro is looking at adding acreage from a regional-capacity view. Metro believes that more can be accommodated inside the Urban Growth Boundary using higher densities. Associate Planner Floyd said he believes Washington County is disputing Metro’s assumptions in terms of how many units per acre can be achieved. There is a philosophical difference that has emerged.

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Councilor Buehner pointed out that for Multnomah County, the vast majority of land available for building is gone. Clackamas County has made it clear that they do not want to see their community become more densely populated or accept a lot of growth over the next 50 years. She said she had expected the majority of the land proposed for the urban reserves to come from Washington County. Population analyses by Portland State University also support the growth to occur in Washington County.

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Councilor Buehner said she intends to vote in favor of the plan unless the City Council gives her direction otherwise.

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Mayor Dirksen said that assuming that Tigard’s request is included, he would agree with Councilor Buehner’s favorable vote.

TIGARD CITY COUNCIL/LCRB/CCDA MINUTES – AUGUST 25, 2009

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Council President Wilson asked to what degree is Washington County's request predicated upon a perceived need for industrial land? Councilor Buehner advised that a large amount of Hillsboro's request is for industrial land (employment lands). This is one of the issues of concern to residents in the Helvetia area.

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Associate Planner Floyd advised that one emerging issue is what is the consequence of not designating lands to either urban reserve or rural reserve.

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Some area was originally scheduled to be recommended to be included in the urban reserves in the Helvetia area, but it has been taken out of the recommendation. It is now "undesigned."

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Associate Planner Floyd advised that staff has not received any negative comments about the City of Tigard's proposal for future urban reserves.

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8. COUNCIL GOAL UPDATE

Assistant City Manager Newton presented the staff report. A copy of the second quarter goal update is on file in the City Recorder's office.

Key points during the presentation to City Council included:

- On August 15, the City Council decided not to pursue the interim Tree Code.
- The *Portland Tribune* ran an article on June 25 regarding the Metro Council approval of the lines for further study. The 99W Corridor Light Rail is in the first tier.
- The Washington County Reserves Coordinating Committee will consider its recommendation on September 8th regarding the urban and rural reserves.
- The City Council approved a ballot title to consider a bond measure for parks.

The Mayor added that the original goal of the City Council was to prepare for a 2010 bond measure. Since then the City Council made the decision to place this on the November 2009 ballot.

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Mayor Dirksen announced that the discussion for Agenda Item No. 9 is set over to September 8, 2009.

~~9. CITY GAS TAX AMENDMENT (Item No. 9 is pending direction from City Council at August 18, 2009 Workshop Meeting)~~

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10. COUNCIL LIAISON REPORTS

Mayor Dirksen gave an update on recent activities by the Washington County Coordinating Committee (WCCC) and Joint Policy Advisory Committee on Transportation (JPACT) regarding the Regional Transportation Plan. He advised the City Council received the latest draft this last week. He referred to an email he sent to the City Council regarding the 99W projects included in the draft Regional Transportation Plan.

TIGARD CITY COUNCIL/LCRB/CCDA MINUTES – AUGUST 25, 2009

The current Regional Transportation Plan represents about 200 percent of the actual funding allowance; therefore, not all of the projects will remain within the RTP.

In response to a question from Council President Wilson, Mayor Dirksen said the RTP identifies the projects with an attempt to prioritize the projects along with the funding required. The projects are then pared down to what could reasonably be anticipated to fund. There has been discussion at the County level to include more projects.

In response to a question from Councilor Buehner, Mayor Dirksen said the League of Oregon Cities created the City/State Relationship Task Force. Data has been collected throughout the State of Oregon regarding how the cities and the state work together in general and with specific state departments. From that data, the Task Force is coming up with a suggested list of processes and items that could be put forward to create a dialogue between the League of Oregon Cities and the department heads within the State. Perhaps there might be some legislative recommendations that will become part of the League of Oregon Cities' legislative platform. The recommendations will be presented at the League of Oregon Cities Conference in October.

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11. NON-AGENDA ITEMS

- Authorize the City Manager to Sign Expenditure Request for the Stevens Marine Right-of-Way and Easement Acquisitions in amount \$75,100

City Manager Prosser advised the action before the City Council is part of the work needed to obtain the necessary right of way for the Burnham Street Improvement Project. The City and property owners of the Stevens Marine property have been unable to reach agreement. The City is moving forward into the condemnation process. The appraised value of the property is \$75,100. City Council had previously authorized the City Manager to sign checks up to \$75,000; therefore, this transaction requires City Council consideration. The action requested by the City Council is to authorize the City Manager to sign an expenditure request for the Stevens Marine right of way easement acquisitions for \$75,100.

Councilor Buehner asked for confirmation that, despite several attempts to get a response from the Stevens Marine attorneys, the City did not receive a response to its offer. City Manager Prosser said this was correct. Staff has been attempting to contact and negotiate this since April. Recent requests for response have been unanswered.

Mayor Dirksen said this is unfortunately necessary if the City is to continue to move forward with its goal to complete the Burnham Street project and to meet the timeline to proceed with construction during this construction season.

Councilor Webb said it should made be clear to the public that this is not for the purchase of all of the Stevens Marine property; this is for the street right-of-way. This is the last link to provide the ability to place the utilities in the street.

Motion by Councilor Webb, seconded by Council President Wilson, to authorize the City Manager to sign the expenditure request for \$75,100.

Councilor Henderson advised he was going to vote for this motion; however, he said he felt this was unfortunate.

TIGARD CITY COUNCIL/LCRB/CCDA MINUTES – AUGUST 25, 2009

