



# City of Tigard

## Tigard Business Meeting – Minutes

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### TIGARD CITY COUNCIL & LOCAL CONTRACT REVIEW BOARD (LCRB)

**MEETING DATE/TIME:** September 22, 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

Track 1

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, Public Works Director Koellermeier, Community Development Director Bunch, Assistant Community Development Director Harnett, City Attorney Ramis, Finance and Information Services Department Director LaFrance, Interim City Engineer Kyle, Building Official VanDomelen, Associate Planner/Arborist Prager, Management Analyst Wyatt, City Recorder Wheatley

Public Works Director Koellermeier introduced Interim City Engineer Ted Kyle to the City Council.

Track 3

- STUDY SESSION
  - Review and Discuss Topics for the 2009 Community Attitudes Survey

Assistant City Manager Newton introduced this agenda item to the City Council.

Management Analyst Wyatt reviewed the scope of the survey and asked for City Council input regarding the issue-based topics to be included in the survey questions. Some questions will not be asked again as they are no longer relevant. (Agenda Item Summary and attachment are on file in the City Recorder’s office.)

General topics suggested by staff included:

- Alternative methods of transportation
- Highway 99 congestion/access management
- Strategic clarity initiative (how to measure – “A Place to Call Home”)
- Improvements to City Facilities
- Prioritization of long-term capital improvements

- Urban renewal/Downtown improvements
- Economic development

After discussion regarding a possible question about funding of the swimming pools, City Manager Prosser indicated the School District was seeking citizen feedback on this topic.

Councilor Buehner suggested including a question about city facilities; i.e., a public works facility and a police facility. Council President Wilson said the City Council needs to know how much support there is to finance these facilities as identified in the strategic plan.

Council President Wilson suggested questions be developed to gauge the support for the light rail. After brief discussion, the proposal was to develop a question that would offer an array of options or to select a preference such as high capacity transit, highway expansion/improvements, etc. (reasonable alternatives).

Natural areas and clean water was another area identified for questions.

Findings will be shared with the City Council at its November 24, 2009, meeting.

Track 4

- Discuss Consent Agenda Item Nos. 4.2a. and b. – Contract Awards for Hall Blvd. Crosswalk and Construction of the Fanno Creek Trail and Woodruff Bridge

City Attorney Ramis advised the fundamental question was whether the contract for the bridge construction would encourage the contractor to do work that would be in violation of one of the Conditions of Approval. Specifically, the issue is whether the contract, which encourages the work to be done quickly, would have the contractor working during the months of October through July in violation of a condition that says work should not be done in the floodplain during those months. City Attorney Ramis said this is a reasonable question, given that Condition No. 13 says, “the sequence shall provide that no work will be undertaken within the 100-year floodplain between certain months.” City Manager Prosser clarified that this is a condition on the construction of the library. In response to a question from Mayor Dirksen regarding what this would have to do with the construction of the bridge, City Attorney Ramis advised that the argument is that the entirety of the property is subject to this condition.

City Attorney Ramis further explained that the Condition also has an “out clause” that says, “Unless otherwise provided by the Oregon Department of State Lands or Clean Water Services.” The regulations of these two bodies do not prohibit work in the floodplain during those months; they prohibit work in the stream. There is no regulatory limitation so the “out clause” is triggered. Staff has received communication from both of these agencies stating they do not have a jurisdictional issue with work of this type being done. City Attorney Ramis said he believes the actual language of the Condition will not be violated, even if it does apply.

In response to a question from Councilor Buehner, Community Development Director Bunch advised there is no plan to do any “in-water work.”

- Review Public Testimony Guidelines for City Council Meetings – City Council received a document entitled *City of Tigard Public Testimony Guidelines for City Council Meetings*. After discussion consensus

was these guidelines should be followed as written. A copy of the guidelines is on file in the City Recorder's office.

City Manager Prosser reviewed the following administrative items:

- Proposed Resolution for Martha Elizabeth Callan Bishop. City Recorder Wheatley reviewed some of the boards and committees that Mrs. Bishop had served on throughout her years as a Tigard resident. Discussion followed as Council and staff members reflected on their interactions over the years with Mrs. Bishop. The proposed resolution will be before the City Council during the business meeting.
- Lighting Standards – Burnham -- City Manager Prosser noted that the bid award for the Burnham Street project is on tonight's agenda. Council President Wilson had raised some questions about some of the standards and equipment. Public Works Director Koellermeier submitted a memorandum (Burnham Street Street-Light Questions) to the City Council and this memorandum is on file in the City Recorder's office.

Track 5

Public Works Director Koellermeier said the issue was if light design should be revisited for this project. He said the memorandum before the City Council outlines the issue and options. Mayor Dirksen said at this time PGE does not support LED light fixtures; however, current induction lights might be an option. Public Works Director Koellermeier said there is time to deal with the light design issue; however, this would not affect the City Council's consideration of the Burnham Street construction bid award during this evening's business meeting. Council President Wilson shared illustrations of different types of fixtures the City Council might want to consider later. Discussion followed on requirements and what PGE would support as well as some ideas with regard light fixture styles and designs.

- Planning Commissioner Doherty Selected to Replace Representative Galizio -- City Manager Prosser advised that the Multnomah and Washington County Commissioners chose Margaret Doherty to replace Larry Galizio for House District 35 State Representative. City Council members directed staff to invite soon-to-be-appointed Representative Doherty to the dinner with the state legislators on October 13 as well as the Town Hall Meeting. The dinner is an appreciation dinner and this would give the City Council an opportunity to thank Ms. Doherty for her service on the Planning Commission and give her an opportunity to visit with Senator Burdick and former Representative Galizio.

City Recorder Wheatley advised Ms. Doherty requested that she introduce herself to the City Council and community at an upcoming City Council meeting. Mayor Dirksen said this is a good idea and suggested she appear during the Citizen Communication agenda item on an upcoming business meeting of Ms. Doherty's choice. Community Development Director Bunch said that Commissioner Doherty, for the interim, desires to continue serving on the Planning Commission. City Attorney Ramis advised that she could continue to serve since the Planning Commission position is not a paid position. Mayor Dirksen said that he thought that once the legislative session starts, a new Commissioner should be selected.

- EXECUTIVE SESSION: The Tigard City Council went into Executive Session at 7:04 p.m. under ORS 192.660(2) (h) to discuss pending litigation with legal counsel.

1. BUSINESS MEETING

- 1.1 Mayor Dirksen called the meeting to order at 7:35 p.m.
- 1.2 Roll Call
- 1.3 Pledge of Allegiance
- 1.4 Council Communications & Liaison Reports
- 1.5 Call to Council and Staff for Non-Agenda Items

7:35:17 PM

Mayor Dirksen read a proposed resolution recognizing the contributions of the late Mrs. Martha Bishop. Mrs. Bishop was very active in City affairs including membership on a number of boards and commissions over the last four decades.

Motion by Council President Wilson, seconded by Councilor Webb, to approve Resolution No. 09-63

RESOLUTION NO. 09-63 – A RESOLUTION TO REFLECT UPON AND ACKNOWLEDGE THE CONTRIBUTIONS OF MARTHA ELIZABETH CALLAN BISHOP TO THE CITY OF TIGARD COMMUNITY

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

2. PROCLAMATION

- Mayor Dirksen proclaimed September 28, 2009 as Family Day – A Day to Eat Dinner with Your Children

7:39:05 PM

3. CITIZEN COMMUNICATION

- Chamber of Commerce Report – No representative present.
- Citizen Communication – Sign Up Sheet – No one signed in.

Mayor Dirksen asked if any one present would like to speak. Mr. John Frewing asked to testify:

John Frewing, 7110 SW Lola Lane, Tigard, Oregon said there appears to be unpermitted fill across the mouth of Red Rock Creek, which lies on Tigard property just across Hall Boulevard from the City Hall complex. He said that Red Rock Creek originates near the Portland Community College Sylvania campus and flows by the Tigard Theatres, Costco, and enters Fanno Creek on this Tigard property. For a number of years there has been a broken culvert at the mouth of Red Rock Creek. Mr. Frewing said that Tigard has allowed Mr. Fred Fields access across this culvert during the summer months to maintain his property. Within about the last month, Mr. Frewing said he has observed about 10 yards of gravel, rock and dirt placed across the mouth of Red Rock Creek and replacement of the culvert without any evidence of a permit. Mr. Frewing asked how this happened?

Mayor Dirksen said Public Works staff will look into this and determine what the issue might be.

- Follow-up to Previous Citizen Communication – None.

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Mayor Dirksen reviewed the following Consent Agenda items:

4. CONSENT AGENDA: (Tigard City Council and Local Contract Review Board)
  - 4.1 Approve Council Minutes for August 11 and 18, 2009
  - 4.2 Local Contract Review Board:
    - a. Award Contract for Construction of the Hall Boulevard Crosswalk North of the Fanno Creek Bridge to Signal Construction Group
    - b. Award Contract for Construction of the Fanno Creek Trail and Woodruff Bridge (from Hall Boulevard to Fanno Creek) to Civil Construction
    - c. Award Contract for Construction of Hoodview Drive Sewer Reimbursement District No. 45 to Canby Excavating
    - d. Award Contract for Construction of the Baylor Street/72<sup>nd</sup> Avenue Sewer Reimbursement District No. 46 to GVS Contracting

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

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

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5. TUALATIN VALLEY FIRE & RESCUE (TVF&R) – UPDATE ON CAPITAL CONSTRUCTION PROJECTS

TVF&R Government Affairs Officer Cassandra Ulven updated the City Council on the Fire District’s capital construction projects:

- ✓ Command and Business Operation Center – This Center is now in Aloha but will be relocated to a more central location in TVF&R’s service area. TVF&R purchased a facility on Dartmouth Street in Tigard. They will be housed in the facility in about a year from now.
- ✓ Fire Station 50 – This station has served not only the Gaarde area but also King City and portions of Beaverton. Response times have improved and alleviated nearby fire stations from an overburden amount of calls.
- ✓ Three fire stations are under construction, including the Progress Fire Station.
- ✓ A new dispatching system was installed in July. After some initial problems, things are now running smoothly. The system enables TVF&R to partner with Clackamas County Communications so they will be able to back up to one another if either system goes down.
- ✓ In January, they will deploy about five or six alternative response units. These are the one- to two-person units that will augment their current “standing army” within the fire stations by responding

to medical and false alarm calls. These units will get in and out of traffic easier than the large fire engines. They believe this will also result in improved response times.

- ✓ Chief Jeff Johnson has assumed his post as the President of the International Association of Fire Chiefs. Deputy Chief Mike Duyck is overseeing daily operations while Chief Johnson is traveling.

Mayor Dirksen commented that the smaller augmentation units would also get better fuel mileage so while responding more quickly, they will also save costs. Mayor Dirksen asked Ms. Ulven to pass along “our congratulations” to Chief Johnson on his Presidency to the International Association of Fire Chiefs.

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6. PRESENTATION OF METRO INTERTWINE PROGRAM FOR CONNECTING PARKS

Public Works Director Koellermeier introduced Metro Council President David Bragdon who made a presentation to the City Council on Intertwine, which is a branding effort to combine all greenspaces in the metropolitan region.

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President Bragdon expressed his hope that the City of Tigard Bond measure in November would be successful. He noted how this City Council has been very supportive of parks in recent years and Metro has appreciated working with Tigard. A copy of the slide presentation outlining the key points of President Bragdon’s remarks is on file in the City Recorder’s office.

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Council President Wilson referred to a conference at which Chicago Mayor Daly spoke challenging the Metro region to make progress in its parks and greenspaces program. He said he would definitely like to be a part of the Intertwine Program.

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Councilor Webb also indicated she supported an approach to work together to improve parks and trails.

[8:01:32 PM](#)

Mayor Dirksen said all jurisdictions within the larger Metro area are connected. Similar to land use planning, this is another issue where the only way we can make it work for everyone is if we all work together.

Councilor Buehner said she thinks this is a great project. She referred to a question that came up during the urban reserve review process in Washington County in that there are grant programs that have specific requirements for obtaining support services. Metro has been asked how “we should be characterizing specific areas...wildlife refuge, rural reserves, urban reserves, undesignated...in terms of being able to qualify for the variety of grants that are out there.” She said she did some research and found that some of the grants would not be available for support services for rural reserves. Councilor Buehner said she would appreciate it if President Bragdon could do what he could to get an answer to this question. President Bragdon said the Metro grant programs are funded by tax dollars and must go to projects on public land. Councilor Buehner indicated that these properties are publicly owned and we do not want to designate resources incorrectly and inadvertently cut off the means to receive funding.

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7. PUBLIC HEARING – REVISED BUILDING FEE SCHEDULE

- a. Mayor Dirksen opened the public hearing. [8:04:44 PM](#)

- b. Declarations or Challenges: None.
- c. Staff Report:  
Interim Building Official VanDomelen presented the staff report:

- ✓ The Budget Committee directed staff to modify the fees to generate an additional \$250,000 to cover shortfalls that had been made up through the General Fund for the current budget year.
- ✓ At the July workshop, Interim Building Official VanDomelen brought a proposal forward explaining what would need to happen to get to \$250,000.
- ✓ Interim Building Official VanDomelen advised that if the proposed resolution is adopted as of October 1, 2009, there will still be several applications submitted for which a new fee would not apply.
- ✓ Interim Building Official VanDomelen reviewed workload measures, which are being met or exceeded. About 700 permits have been issued since July 1.
- ✓ Interim Building Official VanDomelen advised there is a scrivener's error in the fee schedule and he distributed a corrected copy to the City Council, which will be included in the resolution to be considered by the City Council.

Councilor Henderson noted his concern that the situation for the Building Division funding might change (worse or better). He asked if this was going to be reviewed again for reevaluation? City Manager Prosser said staff is monitoring the situation and if a significant change occurs during the fiscal year, staff will return with a report to the City Council. Most likely, this will be reviewed again during next year's budget process.

City Manager Prosser said the goal was for the Building Division to be a self-sustaining operation. The Budget Committee approved a subsidy from the General Fund in the amount of \$300,000. Because of the timing of the process, we will not meet the goal of receiving \$250,000 from fee adjustments this fiscal year. The subsidy will likely be a little more.

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Interim Building Official VanDomelen advised staff submitted the proposed fees to the State Director of Consumer and Business Affairs for approval. A 45-day notice period just concluded. In response to a question from Councilor Henderson, Interim Building Official VanDomelen advised no feedback was received from the Homebuilders. The Homebuilders were notified through the process with the state and Interim Building Official VanDomelen has not received any notice of an appeal.

In response to a question from Councilor Buehner, City Manager Prosser advised that City Code requires an annual review of the Master Fee Schedule, which is done as part of the Budget process.

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- d. Public testimony: None.
- e. Staff recommendation: Interim Building Official VanDomelen recommended that the City Council adopt the proposed resolution.
- f. Mayor Dirksen closed the public hearing.
- g. Council consideration:

Motion by Councilor Buehner, seconded by Councilor Webb, to adopt Resolution No. 09-64.

RESOLUTION NO. 09-64 – A RESOLUTION TO AMEND THE PORTION OF THE MASTER FEES AND CHARGES SCHEDULE PERTAINING TO BUILDING FEES AS ADOPTED UNDER RESOLUTION NO. 09-44

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

8:20:05 PM

- ❖ Recess City Council Meeting
- ❖ Chair Dirksen called Local Contract Review Board Meeting
- ❖ Local Contract Review Board Members present: Chair Dirksen; Board Members Wilson, Buehner, Henderson and Sherwood.

8. AWARD CONTRACT FOR CONSTRUCTION OF BURNHAM STREET AND ASH AVENUE

- Engineering Manager McMillan recommended that the Local Contract Review Board, by motion, approve a contract award to Kodiak Pacific Construction of Tualatin, Oregon, in the amount of \$4,006,663.65 for the base bid plus Alternates 1 and 2 for the Burnham Street Construction and Ash Avenue construction. A September 18 memorandum from Engineering Manager McMillan to the Mayor and City Council outlining the budget numbers for this project was reviewed. This memorandum is on file in the City Recorder's office. The notice of Intent to Award has been posted.
- Chair Dirksen said this has been a long, arduous process. It is pleasing to be at this point.

8:23:08 PM

- Motion by Board Member Webb, seconded by Board Member Wilson, for the approval of the award of contract of Burnham Street and Ash Avenue in the amount of \$4,006,663.64 to Kodiak Pacific Construction.

The motion was approved by a unanimous vote of Local Contract Review Board members present.

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

- Board Member Buehner expressed appreciation to Engineering Manager McMillan for her hard work in securing the rights of way and working with the property owners on this project.
- Chair Dirksen also acknowledged all of the engineering staff who worked on this project. This has been a learning experience and as we look forward to more projects such as this, he anticipates they will go more smoothly because of lessons learned.

- Engineering Manager McMillan said staff has issued a Request for Proposal for an Owner's Representative to perform the construction management and survey for the project that will be needed for the next one- to two-years. The Council will consider the award of the proposal on October 27, 2009.
- Breaking ground on the project is estimated to occur in mid-October. City Manager Prosser said that because this is such a significant for the City, Engineering Manager McMillan will begin updating the City Council on progress at a business meeting each month for the duration of the project. A communication plan will be assembled defining how property owners will be notified of construction events through completion of the project.
- A groundbreaking ceremony will occur.
- Board Member Wilson noted this is the first of several upcoming projects in the area. Others coming include Main Street, Greenburg Road, and Hall Boulevard.
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- ❖ Adjourn Local Contract Review Board Meeting
- ❖ Reconvene City Council Meeting

9. SUPPORT PERIODIC REVIEW GRANT APPLICATIONS TO PERFORM AN ECONOMIC OPPORTUNITIES ANALYSIS AND A WELLHEAD PROTECTION PLAN

- Assistant Community Development Director Harnett presented the staff report. Both Agenda Item Nos. 9 and 10 are grant applications for which Council authorization is needed.
- Motion by Councilor Buehner, seconded by Council President Wilson, to approve Resolution No. 09-65.

RESOLUTION NO. 09-65 – A RESOLUTION SUPPORTING PERIODIC REVIEW GRANT APPLICATIONS TO PERFORM AN ECONOMIC OPPORTUNITIES ANALYSIS AND A WELLHEAD PROTECTION PLAN

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

[8:33:27 PM](#)

10. SUPPORT AN APPLICATION FOR FEDERAL ASSISTANCE FOR CONSTRUCTING SIDEWALK AND RELATED IMPROVEMENTS ALONG PORTIONS OF SW HALL AND KNOLL STREETS

- Assistant Community Development Director Harnett presented the staff report. The Community Partners for Affordable Housing would receive and administer any Community Development Block Grants awarded. The City's role would be one of support for the project, but would not provide any hard-dollar contribution or grant administration.
- Council Consideration: Resolution No. 09-66  
Motion by Council President Wilson, seconded by Councilor Webb, to adopt Resolution No. 09-66.

RESOLUTION NO. 09-66 – A RESOLUTION OF THE TIGARD CITY COUNCIL SUPPORTING AN APPLICATION FOR FEDERAL ASSISTANCE FOR CONSTRUCTING SIDEWALK AND RELATED IMPROVEMENTS ALONG PORTIONS OF SW HALL AND KNOLL STREETS.

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

11. COUNCIL LIAISON REPORTS: None

12. NON-AGENDA ITEMS: None

[8:36:50 PM](#)

13. ADJOURNMENT

Motion by Councilor Webb, seconded by Council President Wilson, to adjourn the 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

\_\_\_\_\_  
/s/ Catherine Wheatley  
Catherine Wheatley, City Recorder

Attest:

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/s/ Craig Dirksen  
Mayor, City of Tigard

Date: December 8, 2009

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