



City of Tigard Tigard Workshop Meeting – Minutes

TIGARD CITY COUNCIL/CITY CENTER DEVELOPMENT AGENCY (CCDA)

MEETING DATE/TIME: October 20, 2009 – 6:30 p.m. - Workshop Meeting

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

1. WORKSHOP MEETING

1.1 Mayor Dirksen called the City Council to order at [6:30:45 PM](#)

1.2 Deputy City Recorder Krager called the roll:

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

1.3 Pledge of Allegiance

1.4 Council Communications & Liaison Reports – None.

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

2. JOINT MEETING WITH THE BUDGET COMMITTEE FOR UPDATE ON PRIOR AND CURRENT YEAR BUDGET AND TO SEEK DIRECTION ON NEXT YEAR'S BUDGET

Deputy Recorder Krager called the roll for the Budget Committee Citizen Members:

	Present	Absent
Budget Committee Member James	x	
Budget Committee Member Parker	x	
Budget Committee Member Bailey	x	
Budget Committee Chair Snider	x	
Budget Committee Member Struck	x	
Budget Committee Alternate Goodrich	x	

Finance and Information Services Director LaFrance thanked the Budget Committee members for attending. He summarized the agenda:

- Present a brief FY 2008-2009 wrap up (audited numbers are not available yet)
- Discuss State and City Transportation Funding
- Engineering Department Reorganization
- Budget Amendments
- Seek Council direction as staff and the Budget Committee prepare for the next budget cycle

Assistant Finance Director Smith-Wagar gave a wrap-up of the prior fiscal year. She said the audit has not been completed but she felt confident the numbers wouldn't be changing much. Since detailed discussion was held during the budget preparation process, she highlighted some areas where the numbers differ from those budgeted:

- Parks Capital Fund – ended up with additional expenses due to unfunded projects, will need to adjust but will still end with a negative fund balance, liquidated in the current fiscal year by transfers.
- Building Fund – the construction slowdown was more extreme than expected. Although steps were taken to help mitigate the severity, the Building Fund is expected to have a very low fund balance.
- Facilities Capital Fund – there were unbudgeted expenses associated with the Fanno Creek House, for example.

Assistant Finance Director Smith-Wagar said staff will come before Council later this fiscal year with a budget amendment and analysis of why these funds ended up lower than expected. She said overall, the City is financially where it was expected to be. She asked if Council had any questions. There were none.

Finance and Information Director LaFrance gave the Budget Committee an update on significant changes to transportation funding that occurred since they last met.

State Transportation Bill/Gas Tax:

He said the State of Oregon passed a transportation bill, increasing the state gas tax by 6 cents per gallon and increasing vehicle registration fees. Portions will go to local jurisdictions, generating almost \$1 million for Tigard once fully implemented in 2012. The bill also had language stipulating that local jurisdictions may not change their gas tax ordinances after September 28, 2009. This created an issue for Tigard because the City will need to make changes to their gas tax ordinance, as projects are identified after the Greenburg/Main/99W project is completed. Another problem is that Tigard's ordinance also stated that for every dollar of increase received from a county or state gas tax, Tigard would lower their City collections on a dollar per dollar basis. He said this is a problem because it would require a change in the local ordinance and any changes are prohibited. A third issue is that in order to borrow against the Greenburg/Highway 99W intersection project there needs to be a steady stream of revenue.

He said Council changed Tigard's gas tax ordinance before the September 28 deadline to state that future projects will be determined by the newly formed Transportation Advisory Committee once the Highway 99W/Greenburg/ Main improvements are paid for. It also means that within Tigard's own gas tax, the City will benefit from the full amount that the State intended the local jurisdictions to receive.

Councilor Buehner mentioned that the City's financial advisor confirmed it would be difficult to sell bonds with the provision of the offset and they advised the City to change the ordinance.

Mayor Dirksen said the new legislation made it so the City would not be able to enact the ordinance to sunset because that would be a change, and no changes would be allowed.

Budget Committee Chair Snider said, "I worry as the citizen Chair of the (Budget) Committee currently and also as somebody who helped convince the public by writing a pretty scathing letter supporting the gas tax in the local paper, that we may not be living up to our commitments, and I assume Council considered that."

City Manager Prosser said Council discussed that once the Greenburg/99W is fully funded we can stop collecting it, which was the intention of the sunset clause, unless the Transportation Advisory Committee comes up with other projects they think need to be done.

Budget Committee Chair Snider advised that a discussion needs to be held with the community before another project is identified to use the local gas tax. He suggested that the City discuss this bill with our local legislators. City Manager Prosser said City staff and Councilors were very active, visiting our local legislators this year many times and the state transportation funding package was always discussed. Although a grandfather clause was requested, the legislature ultimately came up with a law prohibiting any changes in existing ordinances.

Budget Committee Chair Snider suggested that the solution of funding the one project and then stopping it is a good one.

Burnham Street Project:

Finance and Information Services Director LaFrance noted that the Budget Committee wanted the Burnham Street bid documents broken into three different options with add/alternates which staff did. He said bids came in significantly lower than estimated two years ago when the street was designed. He said that the City will be able to afford to do the Burnham Street improvements with a minimum of borrowing.

Budget Committee Member Bailey asked if the bid for Burnham Street had been awarded. City Manager Prosser said a decision had been made. He said the engineer's estimate for the Burnham Street Project was \$8.4 million and the low bid received was \$4.1 for the full project. He said there are sufficient funds to do the entire project so Council approved a bid award at that level. The groundbreaking for the project was today.

Budget Committee Member Struck asked if the project timeframe would be the same. City Manager Prosser replied that the City had planned for the project to take 18 months but the contractor awarded the bid, Kodiak Construction, is estimating that it may be completed as early as six months ahead of schedule.

[6:57:13 PM](#) Street Maintenance Fee:

Finance and Information Services Director LaFrance said staff has done a lot of work and there has been much lengthy outreach on the street maintenance fee. A public hearing is scheduled for December 8 to consider an ordinance, similar to what was discussed previously with the Budget Committee. He said the Budget Committee may be familiar with what the citizen's Transportation Financing Task Force proposed and the proposal is largely the same but Council requested a few changes. He said Council agreed that a goal of a Pavement Condition Index rating of 70-75 is what the City should aim for to stop further deterioration. After looking at other funding alternatives they concluded that a street maintenance fee is the best way to fund that. He said it is roughly a \$2.5 million program, with \$2.2 million for road surface and \$300,000 for right-of-way maintenance, annually.

He said the fees are increasing but Council wants it to be phased in over three years.

[6:59:37 PM](#) Councilor Buehner said, "We didn't start the right-of-way component until the last two years of the phase-in period."

Budget Committee Member Bailey asked if having gas tax revenue takes any pressure off the street maintenance fee requirements.

[7:00:15 PM](#) Mayor Dirksen commented that the original intent of the street maintenance fee was to find an alternative source of funding for maintenance which would free up gas tax dollars for necessary capital projects. He acknowledged concerns expressed by Budget Committee members that changes were not anticipated in 2002 when this fee was created. He said, “There was no error made; we had agreed at the time we created the fee that every three to five years, we would reevaluate the fee, based on what we see the next maintenance cycle requiring and then adjust the fee. We were anticipating the inflation ratio to stay about the same.”

[7:02:15 PM](#) Budget Committee Member Parker said, “My understanding is that we missed the mark a little bit and we also changed the way we evaluate the streets at the same time. It got a double hit. I’ll meet you in the middle.” Mayor Dirksen agreed that the City did not anticipate how much costs would increase over time.

Budget Committee Member Bailey asked if, given the lower bid just received on the capital project, the City had lowered their estimates for street maintenance costs. Mayor Dirksen said the estimates are based on the latest costs received for asphalt.

Council President Wilson responded to Committee Member Parker’s comment, saying that the City does have a more sophisticated way of tracking road condition than it did in 2002.

Budget Committee Member Parker asked if it was possible for the City to use capital money for street maintenance. Finance and Information Services Director LaFrance said the Budget Committee can make that recommendation. He said once we pay off Burnham Street in six years, we could look at this.

Mayor Dirksen said another issue is that the federal government is considering a reauthorization of their transportation package. Once it passes, we have to look at that new package and what it might mean for us and adjust our financing for capital improvements.

Budget Committee Member Bailey asked if the City could lower street maintenance fees if federal funding comes in higher than expected. Mayor Dirksen said it could be considered.

[7:07:53 PM](#) Councilor Buehner noted that another option is having street lighting costs covered by utility fees paid by citizens. She noted that was how street lighting was paid for in unincorporated Washington County at one time. Finance and Information Services Director LaFrance said that annual cost is roughly \$550,000.

City Manager Prosser discussed the Engineering Department reorganization. He noted that the Budget Committee recommended periodic performance audits of City departments and the Police and Library audits have been completed. Earlier this year an outside review of the Community Development Department, including Engineering, was completed. The auditor’s report found some things are done well but some changes were recommended. One recommendation was to move most of the Engineering Division to Public Works from Community Development. This has been completed. The audit also found that the Capital Improvement Plan (CIP) had a 50% completion rate. He said the City wants to do a better job of estimating what can reasonably be accomplished. He said the Budget Committee will see a different looking CIP next year.

The review indicated that the City is understaffed within the engineering function. A vacant position in Public Works was reclassified to Engineer. Overall staffing has not increased at the City.

[7:21:12 PM](#) Finance and Information Services Director LaFrance said there would be an omnibus budget amendment for fiscal year 08-09 for any clean-up (items coded to wrong account) but the major focus is the reorganization of the Engineering Department. He is considering moving revenue (block grant) and the ARRA stimulus money from Community Development to Public Works. City Manager Prosser said \$1.3 million in ARRA funds for street maintenance will help buy time as increases to the street maintenance fee have been under discussion. Stimulus money was also received for the 10 million-gallon water reservoir.

Finance and Information Services Director LaFrance sought the Budget Committee's input on the next budget cycle process. He said staff proposed a goal to adopt the City's budget at end of May. He asked about location and meeting night changes – holding Budget Committee meetings in Town Hall on Thursdays.

The Budget Committee thought earlier adoption was fine but want to keep Mondays as their meeting night. Various locations were discussed and Finance and Information Services Director La France will confirm the location. They agreed that the format used last year is acceptable.

[7:33:08 PM](#) City Manager Prosser said Council meets every year to set goals and is currently looking at December 22 as the date for a goal setting session. He said input has been sought in the past from boards and committees so the Budget Committee might want to prepare their input for this session.

At 7:34 PM it was moved by Mayor Dirksen and seconded by Councilor Webb to recess the City Council meeting and convene the City Center Development Agency (CCDA). All members of the CCDA and CCDA Budget Committee were present.

3. JOINT MEETING WITH THE CCDA BUDGET COMMITTEE FOR UPDATE ON PRIOR AND CURRENT YEAR CCDA BUDGET AND TO SEEK DIRECTION ON NEXT YEAR'S BUDGET

[7:36:19 PM](#) Finance and Information Services Director LaFrance said there are no changes to the CCDA budget. The audited numbers for last fiscal year will be available at the next Joint Meeting with the CCDA and CCDA Budget Committee. He confirmed that it was the CCDA's desire that the process as presented for the City's budget could be mirrored by the CCDA.

At 7:37 PM Councilor Webb moved to adjourn the CCDA and reconvene the City Council. Councilor Buehner seconded the motion and the motion passed unanimously.

4. WORKSHOP ON DOWNTOWN CODE AMENDMENTS AND DESIGN STANDARDS
CPA 2009-00003

[7:38:01 PM](#) Redevelopment Project Manager Farrelly discussed proposed changes to the Development Code related to the downtown area. He presented a PowerPoint slide show, a copy of which is available in the City Recorder's office.

He said changes to the Downtown Code were recommended as part of the Tigard Downtown Improvement Plan (TDIP) to foster the development of a walkable urban village. This was also recommended in the Leland Consultants development strategy. Design standards encourage all new development to be high quality and well designed. He said the purpose of this Downtown Code Amendment is to:

- Rezone the urban renewal district (encompasses all of urban renewal district as well as the Main Street Village complex, Tigard Senior Center and Fanno Creek House)
- Respond to the market – One zone (Mixed Use-Central Business District) allows wide variety of uses and provides clear and objective standards. Includes a “safety valve” for project approval.
- Incorporate form based code elements which focus on building orientation and street-facing façade- especially on ground floor.
- Respect existing businesses by seeking to reduce creation of additional non-conforming uses and allowing existing non-conforming development to remain viable.
- Implement the vision of the TDIP - Design standards require pedestrian-scale development and encourage well-designed higher density transit-oriented development.

Redevelopment Project Manager Farrelly asked Council if there were alternatives or things they would like staff to re-examine. He noted that this was approved by the Planning Commission last night. The next Council discussion will be at the November Workshop meeting.

City Manager Prosser asked about the Tigard Christian Church on Hall Blvd. Redevelopment Project Manager Farrelly said the Comprehensive Plan designation will be revised but it will not be re-zoned.

Councilor Buehner asked if the City can do anything to make sure there is affordable housing as well as commercial business along the sub-area of Scoffins Street, which is near transit. Redevelopment Project Manager Farrelly said that was in the Station Area Overlay which has higher density proposed, 80 units per acre. He noted that the City must reach agreement with ODOT on this but he thought allowing more density would encourage residential building.

Councilor Henderson asked about the zoning of the Main Street Apartments. Redevelopment Project Manager Farrelly said it was left out of the current urban renewal area but it is already zoned Central Business District (CBD-PD). It will be included in the larger re-zoning of the area.

Councilor Henderson asked about the use of traditional architecture rather than modern design as he felt the illustrated façade illustrated. He noted that the WES station has modern – not traditional – art, for example. Redevelopment Project Manager Farrelly said the standards encourage traditional design, but there is discretionary review by a Design Review Board.

8:04:40 PM Council President Wilson said, “This is the most well researched, heavily evolved code the City has ever done.” He asked if there is anything in the Code that would facilitate the City taking a more aggressive approach on parking such as requiring a parking lot to span multiple properties. He asked if property owners could pay a fee in lieu of parking. Redevelopment Project Manager Farrelly said, “Minimums were identified. We did discuss a fee in lieu of parking and decided against it. The TDIP does call for a parking structure.”

8:07:59 PM Councilor Buehner suggested that the City be proactive and investigate requiring openness to adjacent parcels (in parking lots). Redevelopment Project Manager Farrelly said this is a current requirement but was not in place when most of the existing properties developed. New development would have to be in line with that requirement.

Councilor Buehner suggested asking the high school students in attendance what they wanted to see in downtown Tigard. They said:

- more shopping
- bike parking and bike lanes.
- Where would the parking be?

Council expressed their appreciation for the work done by staff and the Design Standards sub-committee.

5. [8:14:59 PM](#) WORKSHOP ON URBAN FORESTRY MASTER PLAN

Arborist Prager and Assistant Planner Daniels presented a PowerPoint on the Urban Forestry Master Plan. A copy is available in the City Recorder's office. The UFMP citizen advisory committee has the following goals for the Urban Forestry Master Plan:

- Revise Tree Code – less focus on mitigation, more on quality tree preservation and reforestation
- Revise Landscaping Code – improve street and parking lot tree planting and maintenance standards
- Protect Tree Groves – develop incentive based program for protecting remaining groves of native trees
- Develop a Hazard Tree Program – improve emergency response by City for public tree hazards and grant City authority to ----
- Improve management of City's urban forestry program – develop an inventory and create a Greenspace Coordinator position.
- Develop an Urban Forest Stewardship Program – provide resources for citizens to better manage trees on private property, and prevent clearing of lots prior to development activities.

Tree Board Chair Sizemore said the Tree Board supports the UFMP.

Mr. David Walsh said he was the Planning Commission representative to the Tree Board. He said the UFMP is well done and complimented staff for putting together a well-run Citizen Advisory Committee. He noted the large amount of public input sought on this. He said, "As far as the Planning Commission – this is a natural step from the Comprehensive Plan Update." He said a lot of time was spent discussing trees during the Comprehensive Plan review. He said the Planning Commission wanted to make sure the UFMP reflected the Comprehensive Plan, and it does. He said the six goals were logical and noted that it was unanimously approved by the Planning Commission.

Mr. Phil Hicke said he is an arborist and served as a technical member, representing commercial arboriculture. He voiced support of the UFMP and his professional opinion is that the document is sound, sensible and scientifically based. He said it represents the best balance of public and private concerns. He summarized by saying the UFMP conserves Tigard's natural resources and provides for preservation of trees.

[8:34:55 PM](#) Councilor Buehner asked about inappropriate street trees. She said she hoped that when the Tree Code is developed the tree list is examined and there is a recommendation to plant only native trees. She was pleased to see that her suggestion about being proactive about dangerous trees was included. She recommended including the State of Oregon's invasive plant list in the Stewardship Program section. She asked staff if a program could be developed that educates citizens on appropriate plant choices.

[8:41:56 PM](#) Mayor Dirksen said, “Our goal is to try and save as many trees as possible; but at the same time, make sure that property owners can develop their property to the level that they are allowed.” He asked, “If someone meets the goal of preserving as many trees as possible, why should they have to mitigate? We need to allow development.”

Tree Board Member Walsh said there needs to be a detailed discussion at that point – it doesn’t need to be restrictive. Incentives could be allowed.

[8:46:29 PM](#) Councilor Buehner suggested a joint Council/Planning Commission meeting for policy discussion prior to working on the mitigation issue. Mr. Walsh agreed that a policy discussion with the two bodies would be helpful and recommended that the Tree Board not be involved, saying, “That is not the place for it.”

Council President Wilson said the City should identify what the important natural resources are, figure out how to protect them, and then work as a community to see what we can afford to protect for posterity.

City Manager Prosser suggested that a date for a joint Council/Planning Commission meeting might be the January 19, 2010 Workshop meeting.

6. [8:54:24 PM](#) BRIEFING #3 ON TIGARD TRANSPORTATION SYSTEM PLAN UPDATE

Senior Planner Wyss introduced this item. He gave a brief overview on the status of the Tigard Transportation Plan Update (TSP). Since August the consultant team has finalized the Needs and Deficiencies Report and a second public forum was held during Tigard’s Family Fest. He said the next step is to develop a list of recommendations. Staff will edit these preliminary recommendations.

He said the Consultant will complete the initial draft of the updated TSP by the first of December. He encouraged Council to review the draft document, particularly paying attention to projects recommended for removal; these are highlighted. Staff also invited Council to meet with them individually and said they’ll work with the City Manager to schedule this as needed.

Councilor Buhner asked Senior Planner Wyss what the citizen committee input was. He responded that their focus was on smaller pedestrian/bike projects as opposed to flyover ramps on 217, for example.

Mayor Dirksen said he would like to hear from staff how well Tigard’s Transportation System Plan meshes with the Regional Transportation Plan (RTP). He asked if the projects recognized by Tigard as important are supported in the RTP. Senior Planner Wyss suggested Council look at page 20 to see a comparison of City projects with the RTP.

Council expressed concern about projects that were removed from the list. Councilor Buehner requested to give input specifically regarding the suggestion to delete a ramp from the Tigard Triangle to Hunziker Street (Projects 20 and 29). She said she was concerned about overall transportation issues in the Triangle.

[9:04:34 PM](#) Council President Wilson agreed and said the City is now in the middle of 99W projects and is looking for increased density. He said, “We need to make sure the Plan responds to this. Is there any way to anticipate light rail and where the best place for that is? We need to critically look at downtown, Tigard Triangle and other areas before we start removing any projects from the list.”

[9:07:37 PM](#) Councilor Buehner asked Senior Planner Wyss to look at the Washington County Transportation Plan as there were some projects not included in the 2020 plan that were left as “notes.” She specifically mentioned an overpass on 99W at Gaarde/McDonald and also one at Hall Boulevard. She asked Senior Planner Wyss to get this information for Council.

[9:08:58 PM](#) Mayor Dirksen asked where the corridor on 99W was in Figure 5.5 – Transit Service Projects. Senior Planner Wyss said staff will have the map updated showing a mile-wide corridor. Mayor Dirksen noted that some bike areas seemed to be out of the city limits and Senior Planner Wyss confirmed that they were.

Mayor Dirksen said it was worth looking at reconfiguring and reorienting streets so bike lanes are adjacent to the sidewalk rather than in the car travel lane. Senior Planner Wyss said, “We will add this in.”

Council President Wilson described his recent experience riding bikes throughout Tigard. He suggested that off-road bike paths are preferable to cyclists but some of Tigard’s off-road bike paths are narrow with random curves and show neglect. He said trails following waterways are a natural location for bikes because they are relatively flat and have fewer road crossings. He encouraged improvement and completion of the Fanno Creek Trail segment and said he wanted to explore a more ambitious and targeted bike system.

Senior Planner Wyss responded that a bike map funded by Metro is currently in development and citizen volunteers are riding through Tigard to come up with good alternative routes off of the arterials. He said the City also received a Transportation Growth Management (TGM) grant for studying how to fill in the trail gaps. He said both projects will get folded into the TSP.

NON AGENDA ITEMS –

9:14:09 PM Councilor Webb said she testified at Washington County in favor of the aquatic district. Fundraisers have come up with enough money to keep the pools running through July but if the Washington County Commission does not vote to allow a special district, the school district will close the pools.

Council President Wilson said he attended a recent meeting on funding the pools and thought that the crux of the problem is the various political entities involved.

[9:18:42 PM](#) City Manager Prosser said the meeting discussion focused on exploring utility fees as a vehicle to pay for the pools. He said the cities of Tigard, Tualatin, Durham and King City could do this but Washington County would have to take it to the people for a vote. The unincorporated areas are the issue. Do those pool users pay a user fee that is partially subsidized by the cities or do they pay the actual cost, which would be quite high? City Manager Prosser said before the cities can consider the use of utility fees they need to see a target funding amount to come from within the cities’ boundaries. He said they cannot calculate anything without this and have not seen it. He said he will set up a meeting with Tualatin’s City Manager this week to discuss pool funding as Washington County’s deadline is October 27, 2009.

[9:26:21 PM](#) Councilor Webb said it would cost citizens an additional \$1.41 to join Tualatin Hills Park & Recreation District and she did not believe there would be support for this.

Council President Wilson said he is the representative for the Regional Water Providers Consortium and would like to discuss water conservation and, as he is voting on policies, needs to know what Tigard’s needs and desired direction are. Councilor Buehner said she had been on the Intergovernmental Water Board for many years and noted that Tigard has more people now but is using less water than ten years ago. City Manager Prosser said the City’s conservation goal is 1% per year, which is substantial when viewed over time. Council

