



City of Tigard

Tigard Business Meeting - Minutes

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

MEETING DATE/TIME: March 23, 2010 – 6:30 p.m. Study Session; 7:30 p.m. Business Meeting
MEETING LOCATION: City of Tigard – Town Hall, 13125 SW Hall Blvd., Tigard, OR 97223

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

City Council present:

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

- **STUDY SESSION**

- Administrative Items

- City Manager Prosser advised that Councilor Buehner requested Consent Agenda Items No. 4.5 and 4.7 be removed for separate consideration. Staff will be present to respond to questions.
- City Manager Prosser referred to the sign removal public hearing for Agenda Item No. 6 and a letter of testimony distributed to the City Council from the Portland Metropolitan Area Association of Realtors. In response to a question from Mayor Dirksen, City Manager Prosser advised that during the hearing staff would be ready to answer questions asked in the letter.

Also for Agenda Item No. 6, staff will be requesting an amendment so that the City Manager or designee will have the authority to set fees rather than the initial proposed wording that the Community Development Department Director would set fees.

- City Manager Prosser said the City of Tigard received a Metro grant of \$1 million for the Summer Creek Natural Area acquisition.
- City Recorder Wheatley requested City Council input about potential scheduling of the next Council Coffee. City Council members decided they would not schedule anything at this time.

City Manager Prosser announced that the City Council would meet in Executive Session:

TIGARD CITY COUNCIL– MARCH 23, 2010

- EXECUTIVE SESSION: The Tigard City Council went into Executive Session at 6:36 p.m. for consultation with counsel concerning labor negotiations and real property negotiations under ORS 192.660(2) (d) and (e).

1. BUSINESS MEETING

- 1.1 Mayor Dirksen called the City Council and LCRB to order at [7:34:41 PM](#)
- 1.2 Roll Call:

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

- 1.3 Pledge of Allegiance
- 1.4 Council Communications & Liaison Reports None
- 1.5 Call to Council and Staff for Non-Agenda Items

Non Agenda (Item No.12): Pursuant to City Council discussion in Executive Session, the City Council will be considering a resolution to purchase property.

[7:35:43 PM](#)

2. CITIZEN COMMUNICATION

- Chamber of Commerce Chief Executive Officer Debi Mollahan

Ms. Mollahan presented an update on Tigard Chamber of Commerce activities and upcoming events. Information presented by Ms. Mollahan is on file in the City Recorder’s office.

- Follow-up to Previous Citizen Communication - None
- Citizen Communications Sign Up Sheet
 - Mr. Tony Tycer advised he is a member of the Tigard City Tree Board. He referred to the Citizen Involvement Committee for review of city ordinances. Mayor Dirksen advised this was a topic on the agenda and suggested that he address the City Council at the time this topic is reviewed.

Mr. Tycer had a second item to address with the Council regarding tree preservation easements. Mr. Tycer said on February 16, the Mayor expressed interest in preservation easements as a conservation measure short of outright purchase. On February 20, Mr. Tycer said he sent to the City Council a note commending this idea; he said it is a useful tool. Funds are in place from the mitigation fund. He drafted a resolution that might be a means to proceed short of outright Code revision. He suggested the resolution might be a “piecemeal measure” that could be implemented quickly since we have been unable to accomplish a Code revision.

Mayor Dirksen thanked Mr. Tycer for his comments and asked that the draft resolution be submitted to the City Recorder who will forward a copy to the City Council members.

[7:42:46 PM](#)

3. PROCLAMATIONS - Mayor Dirksen announced the following proclamations:

- NATIONAL COMMUNITY DEVELOPMENT WEEK – APRIL 4-18, 2010
- ARBOR MONTH – APRIL 2010

[7:45:23 PM](#)

Mayor Dirksen reviewed the proposed Consent Agenda:

4. CONSENT AGENDA: (Tigard City Council and Local Contract Review Board) These items are considered routine and may be enacted in one motion without separate discussion. Anyone may request that an item be removed by motion for discussion and separate action.

4.1 Approve City Council Meeting Minutes for November 24 and December 15, 2009 and January 5 and January 12, 2010

4.2 Receive and File:
a. Council Calendar
b. Tentative Agenda

4.3 Appoint Members of Greenway Trail Master Plan Project Citizen Advisory Committee - Resolution No. 10-10

A RESOLUTION APPOINT MEMBERS TO THE TIGARD GREENWAY TRAIL MASTER PLAN PROJECT CITIZEN ADVISORY COMMITTEE

4.4 Appoint At-large Members of Committee for Citizen Involvement - Resolution No. 10-11

A RESOLUTION APPOINTING PATRICIA ANDA, CONNIE RAMAEKERS, VERONICA PREDOVIC, AND CATHY OLSON TO THE COMMITTEE FOR CITIZEN INVOLVEMENT

Cathy Olson was present. Mayor Dirksen thanked Ms. Olson for her involvement on this committee.

4.5 Authorize Formation of Ad hoc Urban Forestry Code Revisions Citizen Advisory Committee – Resolution No. 10-12

A RESOLUTION ESTABLISHING A CITIZEN ADVISORY COMMITTEE FOR THE URBAN FORESTRY CODE REVISIONS

4.6 Adopt Tree Board By-laws – Resolution No. 10-13

A RESOLUTION ADOPTING BYLAWS FOR THE TREE BOARD

4.7 Approve Intergovernmental Agreement (IGA) with Washington County for Construction of the Pacific Highway/Greenburg Road/Main Street Project

Local Contract Review Board (LCRB)

4.8 Award Garrett Street Sidewalk Improvement Construction Contract

Mayor Dirksen advised that Councilor Henderson requested Item 4.1 be removed and placed on a future Consent Agenda to allow additional time for review.

Mayor Dirksen advised Councilor Buehner requested Item Nos. 4.5 and 4.7 removed for separate discussion.

Motion by Councilor Webb, seconded by Councilor Buehner, to approve the Consent Agenda with Item Nos. 4.1, 4.5 and 4.7 removed.

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

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

Consent Agenda Items discussed separately:

4.5 Authorize Formation of Ad hoc Urban Forestry Code Revisions Citizen Advisory Committee – Resolution No. 10-12

A RESOLUTION ESTABLISHING A CITIZEN ADVISORY COMMITTEE FOR THE URBAN FORESTRY CODE REVISIONS

Councilor Buehner suggested that a Planning Commissioner be appointed as a member of this Committee to serve as a liaison and increase the number of members on this committee to nine people. Assistant Planner Daniels advised that the proposed resolution does not reference specific boards or commissions. The resolution states that up to six people representing boards and committees could serve on this committee. She stated that this could be changed to state that preference would be given to a Planning Commission member. In response to a question from Mayor Dirksen, Councilor Buehner said this wording, as described by Assistant Planner Daniels, would be acceptable. Councilor Buehner added that the President of the Planning Commission indicated there was interest in having a Commissioner serve on this committee.

Tigard Tree Board Member Tony Tyer advised he thought formation of this Ad hoc committee was redundant because there is a Tree Board, which has been involved in drafting an update to the Tree Code. The Tree Board has a ten-year history. Formation of the proposed Ad hoc committee would take away momentum from actually getting the Code revised. He pointed out the Tree Board has been in existence for ten years. He noted members have come and gone over the years and some of those who have left have done so in frustration because more progress had not been made on the Code revisions. While some of the delay was necessary to establish legislative intent, position statements, policies and action measures, it appears this is another tangent and is further afield from addressing needed Code revisions.

Mayor Dirksen said he appreciated Mr. Tycer's concerns and said he, too, was frustrated with the amount of time it has taken to come up with adjustments to the Tree Code. He acknowledged this is a complex and sensitive issue for many citizens. He pointed out the Ad hoc Committee is limited to discussion of the new Urban Forestry Code. The City Council made the decision to create this new section of the Tree Code to respond to the urban forestry areas of the Comprehensive Plan. The Ad hoc committee would not be involved in Code changes to tree code; their discussion will be limited to defining an urban forestry plan. Mayor Dirksen said that starting this review with this committee is a good idea.

Mr. Tycer said he would defer to Mayor Dirksen with the caveat that this procedure should not become an obstruction to the Tree Board's work on the Code update. Mayor Dirksen said he appreciated Mr. Tycer's comment and concurred.

Motion by Councilor Buehner, seconded by Councilor Webb, to approve Agenda Item 4.5 (Resolution No. 10-12).

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

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

4.7 Approve Intergovernmental Agreement (IGA) with Washington County for Construction of the Pacific Highway/Greenburg Road/Main Street Project

Councilor Buehner said the Greenburg Road project is a Tigard project; however, Washington County will be administering the project. She said it was important to explain this to the public. Mayor Dirksen added that this project will address an important issue for Tigard residents and represents some "on the ground...and important improvements to Pacific Highway to make the flow of traffic through the City of Tigard...work the way it ought to..."

Councilor Webb noted that Washington County is administering the Hall and 99W project. The City is attempting to tie the 99W and Greenburg Road project at the same time to shorten the time that the roads will be under construction. Councilor Henderson added this would also save money.

Motion by Councilor Buehner, seconded by Councilor Webb, to approve Consent Agenda Item No. 4.7.

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

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

[7:56:04 PM](#)

5. BURNHAM STREET CONSTRUCTION BRIEFING

Engineering Manager McMillan presented this agenda item. She reviewed the City’s website updates for this project available for public view and interaction.

[8:03:54 PM](#)

6. LEGISLATIVE PUBLIC HEARING – CONSIDER A CODE AMENDMENT TO SPECIFY THE REMOVAL AND DISPOSAL OF SIGNS AND OTHER ITEMS ILLEGALLY PLACED IN THE RIGHT OF WAY AND ESTABLISH FEES FOR REMOVAL OF SUCH ITEMS

- a. Mayor Dirksen opened the public hearing. [8:04:09 PM](#)
- b. City Attorney Hall reviewed the legislative hearing rules of procedures.

Councilor Henderson declared a potential conflict of interest due to his association with the Tigard Area Farmer’s Market and as property owner of the Hudson Plaza. Mayor Dirksen said it would be his view that this would be a potential conflict of interest and the potential Code change would not affect Councilor Henderson any more or less than anyone else that has a business in the City. City Attorney Hall agreed with the Mayor’s assessment that this would not constitute a real conflict of interest as a vote one way or the other would not lead to a direct benefit for Councilor Henderson.

- c. Summation by Community Development Department

Code Enforcement Officer Darnell reviewed the staff report and the history of the matter before the City Council. She advised the proposed ordinance addresses illegal items in the public right of way as enumerated in the staff report. She reviewed language to clarify existing code. The new ordinance language differentiates between the item confiscated from the public right of way (usually of low cost) and items that the Police might be involved in with investigations for search, seizure or forfeiture of items on private property.

Code Enforcement Officer Darnell advised there is a minor amendment to the ordinance. She referred to Page 2, under the “therefore” portion of the ordinance, Section 3: The words “Community Development Director” were changed to read “City Manager or designee.”

[8:16:07 PM](#)

- d. Public Testimony

- Written testimony was received from the Portland Metropolitan Association of Realtors and is on file in the City Recorder’s office and Mayor Dirksen referred to this document. He advised that as part of this written testimony, the PMAR was supportive of the change to the Code but had a couple of questions and asked for staff’s response. Assistant Community Development Director Hartnett [8:16:37 PM](#) noted the first question was, “Should Council request the City Manager to develop a written policy for such designation and prerequisite training?” She referred to the staff report of the City Council’s February workshop meeting on this issue wherein a series of specific administrative steps were outlined, which included call for creation of a procedures manual and training. Assistant Community Development Director Hartnett said she expects the number of staff who are authorized to seize signs would be limited to staff who understand how to document the violation of this ordinance and follow the due process requirements being included in this new Tigard Municipal Code section.

Assistant Community Development Director Hartnett referred to an additional question in the PMAR letter, which appears to anticipate that there might be an additional fine imposed. It is possible that if the City were to decide to cite a violator into Municipal Court, then fines could be imposed by the Court. The proposed ordinance refers to a fee for the retrieval of materials. Assistant Community Development Director Hartnett said there appears to be a misunderstanding of what is being stated in the text of the proposed amendment. Mayor Dirksen said he thinks the PMAR has concern that there might be some onerous amount levied because of actions the City might take for the physical disposal of the sign. Assistant Community Development Director Hartnett clarified that for the lawn signs and A-board signs the fee would be \$40. The City reserves the option for unusual circumstances. For example in the past, “temporary signs” were set in concrete on large posts and removal from the right of way was not a simple matter. Staff wants to retain the ability to recover the costs associated with this kind of exceptional circumstance, which is a rare occurrence.

Mayor Dirksen noted this section of the code is not limited to signs. It covers anything left illegally in the right of way. Assistant Community Development Director Hartnett noted that motor vehicles are covered by a different Tigard Municipal Code section.

e. Staff Recommendation

[8:21:06 PM](#)

Assistant Community Development Director Hartnett advised the staff recommendation is to adopt the proposal before the City Council with the amendment as reviewed by Code Enforcement Officer Darnell.

f. Mayor Dirksen closed the public hearing. [8:21:30 PM](#)

g. Council Consideration: Ordinance No. 10-06

Motion by Councilor Buehner, seconded by Councilor Webb, to adopt Ordinance No. 10-06, as amended in Section 3 and in the “Whereas” clauses whereby the City Manager is to be substituted as the designee for the Community Development Director.

ORDINANCE NO. 10-06 – AN ORDINANCE AMENDING THE TIGARD MUNICIPAL CODE CREATING A CHAPTER PERTAINING TO ITEMS ILLEGALLY PLACED IN THE PUBLIC RIGHT OF WAY, TO CLARIFY REQUIREMENTS FOR STORAGE AND DISPOSAL, IMPOSE A FEE FOR RETRIEVAL, AND EXPAND STAFF AUTHORIZED TO HANDLE AND PROCESS ITEMS, AS AMENDED

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

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

[8:23:33 PM](#)

7. REVIEW 2010 SPECIAL LEGISLATIVE SESSION AND ITS IMPACT ON LOCAL REVENUE SOURCES

Mayor Dirksen welcomed State Representative Doherty.

Management Analyst Wyatt introduced this agenda item. There is concern with continuation of the sharing of the local portion of state-shared revenues. Staff will continue to monitor this as will the League of Oregon Cities. He referred to Senate Bill 1050 relating to public contracting. There was some concern that this would turn into prevailing wage legislation eventually; however, this bill did not make it through and a task force work group was formed to study this issue further.

Management Analyst Wyatt mentioned Senate Bill 1020 (did not pass) that deals with the water systems that the cities of Tigard and Lake Oswego are trying to build. Tigard sent a draft letter to League of Oregon Cities to get this on their legislative platform for 2011.

Management Analyst Wyatt thanked Representative Margaret Doherty for help during the last session with updates as needed and for her support for the Pacific Highway/Hall Boulevard improvements.

Representative Doherty addressed the City Council:

- This was her first legislative session. She was pleased with the progress and the courteous nature within the legislature on the House side. They all have the same goal, which is to make Oregon better for Oregonians.
- There were about 155 bills reviewed during the special session. Most were small “tweaks” to legislation adopted during the regular session; however, there were some new bills including one to increase opportunities for small business.
- The next session will be tight again with respect to finances. It is anticipated there will not be the federal funds available as there was this last session. She referred to the increasing need in Oregon based on unemployment figures.
- Planning sessions are scheduled before the next regular session.

Representative Doherty said the 41st Infantry Brigade Combat Team will be returning from Iraq and Afghanistan. Of the 3,400 soldiers returning, 50 percent will not have jobs – 370 of these soldiers live in Washington County. She said anything the City could do to find employment for these soldiers would be appreciated. Mayor Dirksen said that the City adopted the 41st Infantry Brigade and would be glad to do anything possible for these people.

Councilor Buehner said she has been appointed to the Finance and Taxation Committee for League of Oregon Cities and she would welcome any suggestions or ideas to take to the Committee.

[8:30:09 PM](#)

8. ANNUAL REVIEW OF MAYOR’S REGIONAL LIAISON ACTIVITIES

Mayor Dirksen delivered remarks (written copy is on file in the City Recorder’s office). The Mayor has been working at a half-time stipend rate for extra activities on behalf of the City. Highlights of his activities for this last year included:

- This first year has allowed the opportunity to create relationships with other municipalities and regional governments near the City. This has benefited the City.
- The Mayor was appointed to the Joint Policy Advisory Commission on Transportation for the Metro area. This gives the City a direct seat at the table in discussions regarding transportation. In this position, the

Mayor represents the City of Tigard as well as all of the cities of Washington County. The Mayor has been directly involved in the creation of the update of the Regional Transportation Plan, which has been completed and presented to the Metro Council for their review and consideration later this year.

- The regional look on transportation also consisted of consideration of where to expand the high-capacity transit (HCT) system. The Mayor and City Council successfully campaigned that the next logical step was for a HCT line in the Barbur Boulevard/Pacific Highway corridor as the next corridor to be developed after the downtown Portland to Milwaukie line is built. This a long-range project with completion hoped-for within the next ten+ years.
- The Mayor has been much more engaged with the League of Oregon Cities. This organization represents all of the cities within the State of Oregon at both the state and federal levels. While he was unsuccessful in gaining a position on the LOC Board of Directors, he was appointed to two important committees:
 1. Transportation
 2. Community Development
- The I-5 and 99W connector discussions were unsuccessful, but that failure freed up funding that could be used elsewhere. Pursuant to discussions with ODOT, it has been recommended that \$3 million of formerly allocated funding be transferred to a project to reconstruct the intersection at Pacific Highway and Gaarde Street/McDonald Street. This had been identified on Tigard's Transportation System Plan but did not have funding associated with it.
- The Mayor was able to draw attention to Tigard's need for more parks and open space. Tigard recently received a \$1 million Metro grant towards the purchase of the Fowler Woods property near Fowler Middle School. Other partners are on board to help with this project including Washington County, Clean Water Services, and potentially the State of Oregon.
- The first need in the potential Barbur Boulevard/Pacific Highway corridor was for funding of a study for alternatives and environmental impacts. The regional appropriations request included \$2.5 million for this study. While not funded yet, it has been placed on the priority list as the No. 1 priority for the entire Metro region.

Council member comments included the following:

[8:38:02 PM](#)

Councilor Webb noted her support at the outset because of her frustration as a City Council member who saw the importance of attending important regional meetings or being left out when it came to receiving transportation and parks funding. Because the Mayor has agreed to serve half-time in this position, it has benefited Tigard. Getting things done stems from building relationships and the Mayor has managed to build some great relationships with the City's Congressional staff, State Representatives, State Senators, and Washington County and Metro officials. Councilor Webb supports continuing funding this one-half time position for another year.

[8:39:28 PM](#)

Councilor Buehner noted that many of the Mayors in the Metro area are retired or do not need to work at other jobs. Many important meetings are held during daytime business hours. This makes it difficult for those with regular business day jobs to attend these meetings. Before the City Council approved funding of this position, the Mayor had used his own time to attend these meetings. For those transportation-related meetings, if your city is not represented at the table, then you will not be taken seriously or have opportunity to have input and effectively advocate for specific projects. She said she was initially in favor of this proposal as she believed it would more than pay for itself in terms of receiving funding for projects and this has, in fact, become true because of the Mayor's involvement in roles at JPACT and other committees.

[8:41:26 PM](#)

At the request of Mayor Dirksen, Councilor Buehner commented on recent meetings she and Mayor Dirksen attended with officials and staff in Washington D.C. The meetings went well and she advised that

Mayor Dirksen was an effective advocate for the City in his efforts to solicit transportation dollars for Tigard.

[8:42:20 PM](#)

Councilor Henderson concurred with Councilor Webb's remarks on relationships – "this is the most important thing that we do." The City Council all devote 20 hours a week, but that does not give the members enough time to reintroduce subjects that come up consistently. By funding this additional time, the Mayor is able to demonstrate credibility and seal lasting relationships with other officials. To make a difference, follow up is needed. The Mayor's stipend helps in this endeavor. He said we must keep Tigard's transportation funding needs in front of others.

[8:44:41 PM](#)

City Manager Prosser added comments from a staff member's perspective. He advised he heartily agreed with the comments about the value of establishing and maintaining relationships. He said he thinks of it in terms of maintaining a beautiful garden. You do not just plant a tree and walk away – it requires nurturing – and over time your hard work will pay off. In thinking back several years ago, Tigard was a neglected and ignored corner of the region. With the work of this City Council and, in particular, the work of the Mayor who has cultivated those relationships, we are now beginning to see the payoff for all of those years of work. The Mayor's role has been key. Getting Pacific Highway designated as the region's next priority for high-capacity transit is huge. We are also correcting major engineering problems on Pacific Highway and Hall Boulevard and on Pacific Highway and Greenburg/Main intersections. Because of the work by the Mayor and City Council, we are now seeing the Oregon Department of Transportation paying attention to Pacific Highway, which is their highway and responsibility. Tigard is on the map and considered a leader in the region and our input is solicited.

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City Manager Prosser commented on the benefits derived from the extra time the Mayor is now available and spending in the community during the day to meet with members of the business community and community groups.

[8:48:27 PM](#)

City Manager Prosser recognized Representative Doherty and Senator Burdick. Tigard officials meet regularly with our elected officials during legislative sessions resulting in an extremely good working relationship. They listen to Tigard and solicit our input.

City Manager Prosser advised from a staff standpoint, the Mayor's one-half time position has worked extremely well.

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Mayor Dirksen advised that this is a review of the viability of this position. The consideration for continuation of the stipend will occur during the budget process.

[8:49:24 PM](#)

Councilor Webb said she had a couple of people comment that they did not understand why the City Council decided to fund this position because Tigard has a City Manager. At many of these venues, the Mayor (or other elected official) is the voice that is considered. The Mayor pointed out that he does not have an office at City Hall. He spends his time at Metro, the County, in Salem, and meeting with groups around the state. The City Manager needs to be in the City running the day-to-day operations.

[8:50:27 PM](#)

Councilor Buehner said she has attended meetings where staff has asked for an opportunity to speak and they have not been allowed to do so.

[8:51:07 PM](#)

9. RECOMMENDATION TO WASHINGTON COUNTY REGARDING THE TRANSPORTATION DEVELOPMENT TAX TEMPORARY DISCOUNT

Mayor Dirksen advised this topic is before the City Council at the request of the Washington County Coordinating Committee as they make a recommendation to the County Commissioners as to whether or not to continue the temporary discount.

Assistant Community Development Director Hartnett advised the item before the City Council is the discussion and recommendation for the Mayor to take forward to the Washington County Coordinating Committee on the countywide Transportation Development Tax (TDT) rate to be established for fiscal year 2010-11. The TDT was enacted by the voters in November 2008 with a four-year phase-in of new rates that were intended to become fully effective July 1, 2012. In October 2009, that initial County ordinance was modified to provide a 20 percent discount during 2009, a 10 percent discount in 2010-11, a 5 percent discount in 2011-12, with full implementation by July 1, 2012. That ordinance required that the Board of Commissioners decide on an annual basis (by April 30th) for each of the years whether to implement the discount or revert to original rates. The Mayor has been asked to be prepared to come to the next WCCC meeting on April 5 to discuss this matter and he is seeking input and a recommendation from the City Council.

The options would be to recommend that the 10 percent discount, effective July 1, be enacted or discontinue the discount and revert to the amounts approved by the voters as part of the full phase-in.

Councilor Webb said it doesn't appear that the discount has made a difference with regard to development. She asked for the Mayor's thoughts. Mayor Dirksen said the WCCC made the recommendation to the Board of Commissioners last year to institute a discount because of the impact that the increase in fees would have on current development and short-term future development due to the economic downturn. Mayor Dirksen agreed that this has not stimulated development up to a level that had been experienced before; however, he said he did not think there was any expectation that this would be so – this was not the intent. He commented that as a Council, "we are not real pro-development, but neither are we anti-development..." He said government should be neutral. The belief was that the increase in development fees coming at the time of economic downtown would have a detrimental effect and create a roadblock for future and current development. The discount was suggested to keep a more level playing field.

[8:56:17 PM](#)

Councilor Buehner advised she was "torn on the issue." When the ordinance was passed by the voters, it brought the percentage recouping the cost of off-site roads due to development up to 29 percent of the costs. When the original ordinance was adopted, it was set at 35 percent and it had fallen to recouping only 15 percent of the costs. Her concern is that this means more road system costs for our citizens to pick up and they are hurting, too, in this down economic climate.

Mayor Dirksen said the discount for the last year has given developers time to adjust to the idea of the higher fees.

Councilor Webb said she was in favor of leaving the discount schedule as it is. Therefore, the discount this year would 10 percent and 5 percent next year.

Councilor Buehner said she would go along; however, if the business climate picks up this year, then she would be hesitant to see the discount continue.

Councilor Henderson said he was in favor of retaining the discount as it is with a 10 percent discount this year.

Mayor Dirksen said he would go back to WCCC with the recommendation of leaving the discount schedule as it is.

[8:59:32 PM](#)

10. CONSIDER GRANTING EXEMPTION FROM PROPERTY TAXES UNDER TIGARD MUNICIPAL CODE SECTION 4.50 FOR FOUR NON-PROFIT LOW INCOME HOUSING PROJECTS OWNED AND OPERATED BY COMMUNITY PARTNERS FOR AFFORDABLE HOUSING (CPAH)

Confidential Executive Assistant Lutz presented the staff report. Each year the City Council considers a resolution to determine whether to grant an exemption from property taxes under the Tigard Municipal Code as noted in the title above.

In response to a question from Councilor Buehner, City Manager Prosser advised that state law allows this exemption to be granted on a permanent basis. The Tigard Code calls for an annual request and the purpose is to give Tigard the opportunity to discuss and resolve any issues or problems that might be occurring at these properties. The City has had no problems with these properties in the last ten years. Before that time, there were issues and this mechanism allowed us to invite the operators of some of these properties to work out partnerships with the Police Department and address problems. While this has become a routine process, it has given us a good opportunity should there be problems to address.

In response to a question from Councilor Buehner, Confidential Executive Assistant Lutz advised this takes minimal staff time each year.

In response to a question from Councilor Henderson, Confidential Executive Assistant Lutz reviewed the properties affected by the proposed resolution.

1. Greenburg Oaks Apartments
2. Village at Washington Square
3. Knoll @Tigard
4. Single-family home located on Tangelia Court

Mayor Dirksen said CPAH is funded primarily through grants and government agency funding. If we did not grant the exemption, then those property taxes would have to be paid by increased grants to these groups. Granting these exemptions saves on administrative costs. Councilor Webb added that cost-savings are passed along in the form of lower rents. City Manager Prosser said the impact on City of Tigard property tax collections from these four exemptions is about \$17,200 for next year. CPAH is also requesting the exemption from other taxing entities in the area (City, County, School District and Tualatin Valley Fire & Rescue). In total, this means an exemption of \$105,000 for CPAH, which is a significant benefit.

Councilor Webb commented that an organization might be taking over the management of Hawthorne Villa, which might be asking for this exemption next year.

Councilor Webb commented on her visit to Senator Merkley's office in Washington DC. A staff member there indicated familiarity with the CPAH organization. His comment was that it was too bad that more cities do not take the proactive approach that Tigard has taken. Councilor Webb advised that there is talk at the County level to eliminate the County taxes on these properties.

Motion by Councilor Buehner, seconded by Councilor Buehner, to adopt Resolution No. 10-14.

RESOLUTION NO. 10-14 – A RESOLUTION GRANTING AN EXEMPTION FROM PROPERTY TAXES UNDER TIGARD MUNICIPAL CODE SECTION 3.50 FOR FOUR NON-PROFIT LOW-INCOME HOUSING PROJECTS OWNED AND OPERATED BY COMMUNITY PARTNERS FOR AFFORDABLE HOUSING (CPAH)

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

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

11. COUNCIL LIAISON REPORTS

12. NON AGENDA ITEMS

[9:08:51 PM](#)

Pursuant to City Council discussion in Executive Session, the City Council might be considering a resolution to purchase property.

Public Works Director Koellermeier advised the issue before the City Council tonight is consideration of a resolution to authorize the City and City Manager to purchase the Fowler School property that is called Summer Creek. The City Council knows that for about the last two years, the staff has been negotiating with the School District and the Trust for Public Lands for this purchase. Negotiations have concluded with the purchase price set at \$5.33 million. The City has acquired several sizeable contributions towards this purchase through grants, including a \$1 million grant from Metro. By previous action, this City Council has already committed a matching fund grant of \$1 million and we have a total of \$500,000 from a combination of Clean Water Services and Washington County contributions.

The issue before the City Council this evening is to execute a proposed resolution to put us on a path to acquire this property sometime between now and next March.

Councilor Buehner noted that this has been “a long time coming.” She said she is excited that we are finally moving ahead. For the benefit of the public, she advised that that transactions such as this cannot be discussed during negotiations, which have been held quietly behind the scenes.

[9:11:23 PM](#)

Councilor Webb said this was started three years ago and “I am ready to go for it.”

[9:11:33 PM](#)

Councilor Henderson thanked Public Works Director Koellermeier for his efforts on this project.

[9:11:46 PM](#)

Mayor Dirksen commented that acquisition of more parks and open space has been a Council goal for several years and was one of the reasons why he ran for City Council in the beginning. He said he recognized the City of Tigard was park deficient for the number of parks available to the people who live here. This property is beautiful and well placed within the City. It will become an important part of our total parks inventory. He noted this property is already in public ownership by the Tigard-Tualatin School District; however, the School District identified this property as surplus and not needed for school activities. They have determined they would sell the property and use the money for property purchases or school construction. If this property were to go into private hands for development, there could be as many as 70

