



City of Tigard Tigard Business Meeting - Minutes

TIGARD CITY COUNCIL LOCAL CONTRACT REVIEW BOARD (LCRB)

MEETING DATE/TIME: May 25, 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 6:31 p.m.

City Manager Prosser read the citation for the Executive Session.

- **EXECUTIVE SESSION:** The Tigard City Council went into Executive Session at 6:32 p.m. for consultation with counsel concerning legal rights and duties regarding current litigation or litigation likely to be filed, under ORS 192.660(2)(h).

- **STUDY SESSION**
 - Update on Englewood Neighborhood/Oxford House

Community Development Director Bunch advised City Council staff has been working with the Englewood neighborhood in the Recovery Association Project, dba The Oxford House. Work was done to acquire agreement for mediation through the Beaverton Dispute Resolution Group. The first meeting will occur on June 1. The Group will work with the neighborhood and Oxford House to come up with a Good Neighbor Agreement for a whole series of tools to maintain good communication. Staff will let the City Council how the meeting goes. In response to a question from Mayor Dirksen, Community Development Director Bunch advised he thinks there would be no need for a City Council person to attend this meeting as it is time. Community Development Director Bunch, in response to a question from Councilor Henderson, advised that the questions expressed to the City Council would be part of the discussion at the mediation meetings. Leadership from the neighborhood was identified to take this forward and Oxford House representatives were willing and anxious to move ahead and become part of the neighborhood.

Mayor Dirksen said he thinks the residents of the neighborhood, after the airing in the Citizen Communications at a City Council meeting and the follow up meeting, understand that the City Council lacks the authority to deny the Oxford House. However, the City would require the Oxford House to meet all Code requirements.

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Assistant Community Development Director Hartnett said the mediation consultants have commented that a fair amount of the anxiety and hard feelings were between the neighbors and the property owner. The consultants recommended that the property owners (Zwingli's) not participate in the mediation discussion with the neighbors and Oxford House representatives. However, the recommendation of the consultants was to have one-on-one mediation sessions with the Zwingli's and individual neighbors to address issues.

Discussion followed with Community Development Director Bunch noting this type of situation does not come up very often in the community. In response to a newspaper reporter, who interviewed him today, Community Development Director Bunch said the reason the City helped the neighborhood was because the City sensed the residents were in crisis over this issue. The City was able to provide the opportunity for people to come together and discuss the matter in a safe setting. Community Development Director Bunch said the City does not know how many of these types of homes are located in the City because they are not regulated. It might be surprising at how many of these homes are within any community because of the special needs of a percentage of the population.

Community Development Director Bunch said there would likely continue to be different kinds of housing that come into the community that residents are not used to. This tends to be a trend throughout the metropolitan region as demographics and economic realities change. Transitional housing types might increase. Councilor Webb noted the County has homes throughout the County as low-income, mentally ill, and aging residents. The jail has several homes in a number of communities where people who were incarcerated can live with their family for up to a year. Community Development Director Bunch said the faith-based communities are also beginning to provide housing opportunities. The Community Development Department needs to be ready to accommodate associated challenges.

In response to a question from Councilor Henderson, Community Development Director Bunch said the agreement with the Oxford House contains provisions regarding keeping the yard clean, minimizing loitering, and monitoring where cars are parked in the neighborhood. Most of the agreement addresses physical livability concerns. Community Development Director Bunch commented that there are some areas that the City cannot regulate very much. City Manager Prosser said the agreements are between the parties to deal with identified issues; there is no standard format. The Council discussed that regulations should be reciprocal; that is, what applies to residents of the Oxford House would apply to the other neighbors. Issues of treating each other with respect will be addressed during the meetings.

Assistant City Manager Newton commented that there has been a positive outcome in that a number of the neighbors have expressed interest in becoming active in the neighborhood network.

The following item was scheduled as Item No. 11 on the agenda as a Study Session topic; however, City Council decided there was enough time to discuss now:

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- Planning Commission Membership Issue -- Determine if City Council Wants to Take Action

City Manager Prosser referred to a series of emails concerning an issue coming from the Planning Commission. He advised the staff was not before the City Council tonight to talk about the issue itself; rather, staff was seeking direction from the City Council to ask if they want to address, and if so, what is the process for doing so. City Manager Prosser described the situation. The Planning Commission was identifying future topics the Commissioners wanted to deal address. One individual mentioned the Walnut/Ash Avenue Extension, which caused one of the Planning Commissioners to send an email that could be considered abusive and near to threatening. The Planning Commission President contacted the individual who wrote the email and said the author should apologize to the group and specific Planning Commissioner to whom the remarks were addressed. The writer of the email declined to apologize and the Planning Commission President asked him to resign by June 1, with the resignation to come to the City Council. No resignation was offered.

City Manager Prosser reviewed that under the City Code, only the City Council (because it appoints the Commission members) can remove someone from the Commission. The procedure for removal was distributed to the City Council. The hearing to remove the Commissioner may be held in Executive Session unless the Commissioner requests an open hearing. If the City Council members determine they would like further investigation, this matter could be referred to the Mayor's Appointment Advisory Committee.

Assistant Community Development Director Hartnett said this is not the first instance where emails of this nature had been written by this Planning Commissioner. The Commissioner has a poor attendance record; however, it does not quite come to the level where the Planning Commission can declare the seat vacant (as allowed by the Planning Commission bylaws).

Council members discussed how or if it would proceed on this matter. The issue centers on acceptable behavior and not the rights of someone to express an opinion. Council consensus was that Mayor Dirksen would send a letter to the Commissioner in question advising the City Council supports the President's request for resignation. If the Commissioner chooses not to resign, a hearing will be set for an Executive Session on June 8 unless the Commissioner requests an open hearing.

The Mayor will announce that Item No. 11 has been discussed by City Council, so there will be no need for a Study Session after the Business Meeting

- Administrative Items

City Manager Prosser noted Monday is the Memorial Day holiday; City offices will be closed.

Mayor asked about a response to Citizen Communications referring to Mr. John Frewing's question about open space. Information prepared by Parks Facilities Manager Martin was discussed. Council President Wilson said he could see merit in leaving language a little vague. Mayor Dirksen agreed that at the Comprehensive Plan level it is better not to have a

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high level of specificity. The question brought up by Mr. Frewing comes from the Comprehensive Plan directives that say the City will do an inventory. Council President Wilson said that rather than a directive, it is characterized as recommendation. City Manager Prosser said that during the response to Citizen Comment, he would say that Mr. Frewing and Parks Facilities Manager Martin have been in discussion.

Councilor Henderson asked about Planning Commission policy issue regarding what would occur if there were a vacancy. Council discussed the procedure. There are alternates appointed; however, appointment is not automatic, the Mayors Appoint Advisory Committee will make the recommendation regarding who should fill the vacancy. Assistant Community Development Director Hartnett said for the benefit of full disclosure, that the gentleman who was the target of the email is a Planning Commission alternate member.

Study Session concluded: 7:24 p.m.

7:30 PM

1. BUSINESS MEETING

1.1 Mayor Dirksen called the City Council & Local Contract Review Board to order at [7:30:41 PM](#)

1.2 Roll Call

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

1.3 Pledge of Allegiance

1.4 Council Communications & Liaison Reports

Council will report on their National League of Cities conference later on the agenda. (See Item No. 7)

1.5 Call to Council and Staff for Non-Agenda Items

Item No. 11 on the Agenda was discussed during the Study Session.

[7:32:05 PM](#)

2. CITIZEN COMMUNICATION

- Follow-up to Previous Citizen Communication

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City Manager Prosser reported on Citizen Communication received on May 11, 2010 from Mr. John Frewing regarding preparation of an Open Spaces Master Plan. Staff has been discussing this matter with Mr. Frewing and discussions are still ongoing. City Manager Prosser said the Mr. Chris Gerard, President and CEO for Plaid Pantry, raised objections and presented signed petitions opposing medians on Pacific Highway. Staff is working to arrange a meeting with Mr. Gerard and some of the local business owners and the Mayor.

- Citizen Communications Sign Up Sheet. No one spoke.

[7:33:22 PM](#)

Mayor Dirksen reviewed the Consent Agenda

3. CONSENT AGENDA: (Tigard City Council)
 - 3.1 Approve City Council Meeting Minutes for February 23, 2010
 - 3.2 Approve IGA with Washington County Accepting Grant Funds to Finance the Knoll @ Tigard Sidewalk and Improvements

Motion by Councilor Webb, seconded by Council President Wilson, 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

[7:34:07 PM](#)

4. APPROVAL OF HERITAGE TREE NOMINATIONS

Associate Planner/Arborist Prager presented the staff report and slideshow presentation.

On January 6, Paul Miller (10380 SW Canterbury Lane, Tigard) submitted nominations for Heritage Trees for a big leaf maple and a red oak. The big leaf maple is native to Tigard and it is about 50 years old, has a trunk diameter of 27 inches and is about 55 feet tall and wide. The red oak is also about 50 years old and is not native to Tigard. It has a trunk diameter of 27 inches and 75 feet tall and 70 feet wide. Both trees are attractive specimens and have received a

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high level of care. These trees provide a lush backdrop to the John Tigard House, which is on the National Register of Historic Places; these trees complement this historic area.

Due to the trees' high horticultural quality and association with a significant historic site in Tigard, the Tree Board voted unanimously to approve heritage status for both trees on March 8, 2010. Tigard Municipal Code Section 9.08.030 requires City Council approval for the heritage tree designation to be complete. Associate Planner/Arborist Prager recommended that the City Council affirm the Tree Board's decision to grant heritage status to both trees.

Council President Wilson noted that Associate Planner/Arborist Prager's initial recommendation was only to only grant heritage status to the oak tree. He asked why the Tree Board disagreed with Associate Planner/Arborist Prager's recommendation. Associate Planner/Arborist Prager said he initially recommended the red oak because it was a larger specimen and it is unique to see a red oak of this size and quality in the City. One of the Tree Board members brought up a good point that in the book, *Tigardville Tigard*, it tells of the history of the John Tigard family and references the big leaf maples that were on the original homestead of the Tigard house. The Tree Board member thought it would be important to highlight that association with the big leaf maple, even though it is not the oldest or largest specimen in Tigard.

Councilor Henderson noted that Tigard only has a few heritage trees. Associate Planner/Arborist Prager advised that these two trees would be Heritage Tree Nos. 4 and 5. The other heritage trees include a white oak, monkey-puzzle, and a Douglas fir. The program began in 2006, which equates to adding about one tree per year and is a good rate for building the program. The City provides some assistance for maintenance of the trees. The City offers a Heritage Tree plaque to the property owners to be displayed with the tree. This is a voluntary program and the trees receive a special designation and are protected on the property deed.

Mayor Dirksen and Councilor Henderson encouraged people to consider participating in this program if they have trees that might be appropriate for this program.

Motion by Councilor Henderson, seconded by Councilor Webb, to include these two trees in the Heritage Tree Program.

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

[7:42:46 PM](#)

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5. CONTINUATION (FROM MAY 11, 2010) OF INFORMATIONAL PUBLIC HEARING – FINALIZATION OF SANITARY SEWER REIMBURSEMENT DISTRICT NO. 45 (SW HOODVIEW)

- a. Mayor Dirksen opened the proceedings noting the hearing was a continuation from May 11, 2010. , which was continued from the May 11, 2010
- b. City Attorney Hall announced the hearing requirements.
- c. Declarations or Challenges : None
- d. Staff Report:

City Engineer Kyle presented the staff report. The resolution would finalize the Sewer Reimbursement District in the Hoodview Street neighborhood. The District was formed in August 2009. The construction work was completed in April. The project was finished 25 percent lower than estimated last August. Notice of this meeting was sent to property owners last week to advise them the City Council was likely going to consider finalization of the District. He noted some property owners were anxious to connect to the sewer system. If the resolution is approved tonight, the fees will be finalized and make it possible for property owners to connect and become customers of the sewer system.

- e. Public Testimony: None
- f. Staff Recommendation: City Engineer Kyle recommended the City Council approve the final resolution draft.
- g. Council Discussion

Councilor Webb apologized to the neighborhood for having to come to two City Council meetings on this matter. She said the City Council members needed some clarification on some issues of concern. Mayor Dirksen added that, at this point, the majority of City Council is comfortable with moving forward with the original recommendation with no changes.

- h. Mayor Dirksen closed the public hearing. [7:49:31 PM](#)
- i. City Council Consideration: Resolution No. 10-23

Motion by Council President Wilson, seconded by Councilor Webb, to approve Resolution No. 10-23.

RESOLUTION NO. 10-23 – A RESOLUTION FINALIZING SANITARY SEWER REIMBURSEMENT DISTRICT NO. 45 (SW HOOD VIEW DRIVE) AND AMENDING THE PRELIMINARY CITY ENGINEER'S REPORT CONTAINED IN RESOLUTION NO. 09-56.

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

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

Agenda Item No. 7 was addressed before No. 6.

8:07:52 PM

6. DIRECT STAFF TO SUBMIT TIGARD TOWN CENTER BOUNDARY EXPANSION

Assistant Community Development Director Hartnett presented the staff report. She reviewed previous discussion regarding adjusting the boundaries for the Tigard Town Center and referred to maps included in the packet material.

The Mayor and Community Development Director Bunch presented Tigard’s proposal to Metro for the boundary expansion, which was generally supported by the Metro Council. To progress to the next step, Metro would like a formal action from the City Council requesting the proposal be included in Metro’s update. Assistant Community Development Director Hartnett distributed to the City Council information that was prepared today regarding the size of the various regional and town centers.

Tigard’s existing Town Center is 128 acres. If it is expanded to include what is proposed, it will be 702 acres. About 100 acres of the 702 acres consists of rights of way. There are advantages to including the rights of way. Tigard will not be the only jurisdiction proposing two separate “lobes” for its Town Center area. West Linn’s Town Center consists of two completely separate areas.

Councilor Webb asked about the Pfaffle and Dartmouth connection and if there was a reason this area was not included. Assistant Community Development Director Hartnett said a specific decision had not been articulated about confining the Town Center to one area of 99W. One of the concerns was about where the boundary would stop if more area was included north of Highway 99. Once the alignment decisions are determined, we might want to revisit and shift northward. Councilor Webb pointed out that many people are using Pfaffle now as a travel route to avoid 99W. This area is commercial. In response to a question to Councilor Webb, Assistant Community Development Director Hartnett said that including this area would not necessarily mean that this area could compete better for funding. It would affect connectivity. If this area was included in the Town Center, we would be required to establish appropriate distances for intervening streets and provide for bicycle and pedestrian connections as the area develops. This might give us leverage for exacting those kinds of facilities from developers. Councilor Webb advised of a citizen contact requesting sidewalks for this area; sidewalks are intermittent.

Council President Wilson noted that Tigard received Greenburg Road funding on the basis that it served the Washington Square Regional Center even though it is outside the Center’s boundaries. Mayor Dirksen said the Metro 2040 Plan and the update to the Urban and

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Rural Reserves states that Metro wants to support development in centers and corridors. All of the property we are discussing is identified as being within the Pacific Highway corridor.

Council President Wilson noted his preference to retain the Triangle.

Mayor Dirksen commented that in looking at adding more acreage to the Town Center, there would not be any portion of the Triangle that we would want to exclude. There are already advantages in terms of funding if the area is inside a designated Town Center. It looks as if, in the future, this will become more important. There are discussions regarding changing rules relating to the Transportation Planning Rule for land that is within a Town Center. Such a designation would be helpful in attaining the goals we have for the area. Tigard has a unique challenge in that the Metro region just completed the Urban and Rural Reserves process where the decision has been made region-wide that there is going to be little or no expansion of the Urban Growth Boundary for the next 50 years. Tigard's population will continue to grow and we will be required to have capacity to accept the growth. If we are unable to expand, then we will absorb the growth by increasing densities in certain areas. To meet the challenge, while at the same time protect the existing single-family residential neighborhoods, we must identify areas like this that will not impact those neighborhoods.

Mayor Dirksen said that if the City Council is satisfied with the boundary as proposed, then staff should be directed to move forward and formally submit this as the Town Center Boundary expansion.

Motion by Councilor Buehner, seconded by Councilor Webb, to approve Resolution No. 10-24.

RESOLUTION NO. 10-24 -- A RESOLUTION SUPPORTING THE SUBMITTAL OF A BOUNDARY CHANGE PROPOSAL TO METRO FOR THE TIGARD TOWN CENTER

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

There was brief discussion following the approval of the resolution. In response to a question from Councilor Henderson, Assistant Community Development Director Hartnett reviewed the original Town Center boundaries. The new maps have been refined so lines do not dissect a piece of land; however, there is still some "flexibility on the edges." She agreed with Councilor Henderson that the boundary lines could be refined further in the future. Mayor Dirksen said the Town Center boundary line will be co-determinant with our Urban Renewal District. Councilor Henderson commented some property owners might question whether

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they are in or out of the Town Center. Mayor Dirksen said that in most instances, we would be able to be fairly specific with regard to the tax lots that would be in or out of the boundary line. Assistant Community Development Director Hartnett said lines were not drawn to the lot-line level detail; however, the approximate lot lines are indicated. For the purposes at this point, the lines drawn are adequate. When we get to specific regulatory actions, we might want to revisit boundary lines if they have a positive or negative effect on properties. In response to Councilor Henderson, the Library was not included because it is outside of the Urban Renewal Boundaries and would open the question as to how far we should go on the other side of Hall Boulevard.

7. UPDATE FROM MAYOR AND CITY COUNCIL ON NATIONAL LEAGUE OF CITIES (NLC) CONFERENCE

[7:51:07 PM](#) Mayor Dirksen said this was a national conference held annually. This is the *Congress of Cities*, held in Washington DC and offers opportunities to meet with Mayors, City Councilors, and City Managers. There are also opportunities to lobby with our Congressional delegation to discuss issues and put forth our needs and desires to our senators and congressmen. Educational sessions are offered.

Councilor Webb's comments included the following:

- When a delegation of the City Council attends conferences such as the NLC Congress of Cities, members make an effort to select different sessions, so they can cover a variety of subjects and take advantage of what is offered.
- She attended seminars on:
 - Finding job growth opportunities in a down economy.
 - Marketing cities and towns.
- Both of the above seminars addressed matters for the City of Tigard, in particular for the downtown development. She summarized what she heard and gave the City Council members a copy of the summary. She cited the experiences of Ventura, California that adopted the policy for “no growth.” That City changed its tact once they discovered that other cities around them were vibrant and they had been left behind. She described their successful efforts in creating a business incubator.
- Councilor Webb said she planned to share this information with City Center Advisory Commission.

Councilor Henderson's comments included the following:

- This is the second time he has attended this Conference. He spoke of his amazement in attending sessions where there are 1500 Mayors, City Council members, and City Managers from cities across the country. Being able to hear the experiences of other cities was educational.
- His focus for attending sessions was on sustainability. There are many viewpoints regarding sustainability but he walked away knowing that being “green” is the destination and “sustainability” is the path to get there.

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- There is a need throughout all the communities to establish sustainable programs. If we do not achieve success in this area within the next ten years, we will be very behind. As other nations achieve economic successes, the competition for existing resources will become ever greater.
- He referred to a catch phrase, “the new normal,” which has a lot to do with our economy. We do not have the means that we used to have and we need to figure out how to work effectively with what we do have. Stemming from this concept were ideas regarding public/private partnerships.
- He attended the IBM Institute. IBM has taken 25 percent of their budget to work with cities throughout the world. They are using technology to determine what is occurring around the world and pair up solutions where it appears to be feasible. The “new normal” is to make efficient use of available technology.
- He described computerized programs to work on issues such as maximizing energy consumption or studying future transportation alternatives. Urban areas need to be connected so people can work, live and play in a sustainable manner.
- He walked away anxious to come back to get started on these ideas on how to manage a changing world.

Councilor Buehner’s comments included the following:

- One of the classes she attended was addressing the new atmosphere of polarization in Congress, state legislatures and other governmental entities. One solution was to develop strategies for consensus. The class organizers were not hopeful that, in the short run, this polarization would get better.
- She attended a class on communicating with difficult people, which is a skill she wants to improve.
- She attended a session on how to sell your City to obtain government grants. She said it is amazing to discover the number of programs available if you are willing to do the necessary research and work with the legislature, city government, or Congress to obtain funding for local infrastructure that is needed. She will work in this area, as she is concerned about obtaining funds for Tigard’s infrastructure needs.
- City representatives from Oregon, while attending the NLC Conference, are given an opportunity to meet with their Congressmen and Senators. Tigard officials met with our Congressional delegation, including some one-on-one meetings to discuss issues. She was able to talk to the Congressional delegation staff regarding issues relating to the water treatment plant we will be building and potential funding programs.
- During the General Sessions, conference attendees heard from several of the Cabinet members. Mayor Dirksen added that they heard from the Sectary of Transportation, Administrator for the Small Business Administration, Secretary of Commerce, Secretary of Agriculture, and the Secretary of Housing and Urban Development.

Mayor Dirksen’s comments included the following

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- Attendees were able to get a sense of what local governments can expect from the federal government over the next couple of years. This will be valuable as local governments set goals because they will know what the federal government is planning and what types of things they will be “blessing” that could complement or assist us with our ventures.
- Mayor Dirksen was in Washington D.C. the week prior to the NLC Conference as a member of the Joint Policy Advisory Commission for Transportation (JPACT). JPACT is a Metro commission and as a member, Mayor Dirksen represents all the cities of Washington County. While in D.C., the JPACT members had meetings with all of the Oregon Congressional Delegation and discussed metro-wide transportation issues.
- During the NLC Conference, Mayor Dirksen attended several seminars including a Smart Policing Program where he learned there is the possibility of new federal funding in 2011 to support local law enforcement.
- He attended a seminar on sustainable regional development. In 2011 there is a plan for HUD planning grants, Department of Transportation capacity increase grants, ETA smart growth grants, and urban circulator funding. There is a substantial amount of federal money that will become available. It is important for local officials to take the opportunity to apply for grants and bring some of those dollars back home again to address the issues we need to address in the City of Tigard.
- He said he had the opportunity to meet with Congressional leaders as part of JPACT and then again as the Mayor of the City of Tigard and as a member of the League of Oregon Cities. He and other City Council members had personal meetings with Congressman Wu and Senator Merkley to discuss issues specific to Tigard and make requests for funding for specific City of Tigard projects for the upcoming appropriations year.
- The opportunity to attend a conference like this and to interact with other Mayors and Councilors across the country along with the opportunity to lobby with members of Congress is invaluable.

Agenda Item No. 6 was heard next by the City Council.

[8:25:20 PM](#)

8. COUNCIL LIAISON REPORTS
9. NON AGENDA ITEMS
10. EXECUTIVE SESSION: Not held.

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