

MINUTES
Troutdale City Council – Regular Meeting
Troutdale City Hall – Council Chambers
104 SE Kibling Avenue
Troutdale, OR 97060-2099

Tuesday, September 12, 2006, 2006

1. PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE

Mayor Thalhoffer called the meeting to order at 7:00pm.

PRESENT: Mayor Thalhoffer, Councilor Ripma, Councilor Thomas, Councilor Canfield, and Councilor Kyle.

ABSENT: Councilor Gorsek and Councilor Daoust excused.

STAFF: John Anderson, City Administrator; Jim Galloway, Public Works Director; Rich Faith, Community Development Director; Kathy Leader, Finance Director; Marnie Allen, City Attorney; Debbie Stickney, City Recorder; and Sergeant Mark Shrake.

GUESTS: See Attached.

2. CONSENT AGENDA:

2.1 ACCEPT MINUTES: May 23, 2006 Work Session; June 13, 2006 Regular Meeting and June 27, 2006 Regular Meeting.

2.2 RESOLUTION: A resolution entering into a new license agreement for use and maintenance of a trash enclosure on city property and terminating the existing license agreement.

MOTION: Councilor Thomas moved to adopt the consent agenda. Seconded by Councilor Ripma. Motion Passed Unanimously.

3. PUBLIC COMMENT: Please restrict comments to non-agenda items at this time.

None.

4. INFORMATION: Information on Mt. Hood Community College's November 2006 Bond Measure.

Paul Hill, Vice-President of Mt. Hood Community College, provided the Council with information about their bond measure that will be on the November 2006 ballot.

Dick Craddick, retired superintendent of David Douglas School District, stated he wants to be an advocate for the bond measure for many reasons. The number one reason is that both my wife and I are very interested in economic growth in east Multnomah County. We both feel that it won't happen unless we have a vibrant higher education facility out here. We have provided you with some campaign material which gives each of you the opportunity to endorse the bond as an individual.

5. PUBLIC HEARING / ORDINANCE (Introduced 8/22/06): An Ordinance amending Chapter 13.20 of the Troutdale Municipal Code regarding the exclusion of individuals from parks.

Mayor Thalhofer read the ordinance title and opened the public hearing at 7:28pm.

Sergeant Mark Shrake stated this ordinance will allow the police department to exclude individuals from city owned parks for up to thirty days for first offenders and repeat offenders can be excluded for up to one year. I have two minor changes to the text of the ordinance. On page 2, Section D add the words "or Police Chief" after director in the first sentence. Section 2E states that all hearings will be recorded. Our court is not a court of record and therefore we can not record our hearings so we are suggesting that Section 2E be deleted and renumber the remaining sections.

Council had no questions.

Mayor Thalhofer asked is there anyone here that would like to speak to us on this issue?

None.

Mayor Thalhofer closed the public hearing at 7:30pm.

MOTION: Councilor Kyle moved to adopt the ordinance amending Chapter 13.20 of the Troutdale Municipal Code regarding the exclusion of individuals from parks with the following amendments: Change Section 2D in the ordinance to add the words "or police chief" after director in the first sentence, delete Section 2E and renumber the remaining sections. Seconded by Councilor Canfield.

VOTE: Councilor Thomas – Yes; Mayor Thalhofer – Yes; Councilor Canfield – Yes; Councilor Kyle – Yes; Councilor Ripma – Yes.

Motion Passed Unanimously.

6. PUBLIC HEARING / ORDINANCE (Introduced 8/22/06): An Ordinance amending Chapters 9 and 10 of the Troutdale Development Code (Text Amendment No. 37) relating to events of citywide interest, temporary parking and temporary signage associated with these events.

Mayor Thalhofer read the ordinance title and opened the public hearing at 7:33pm.

Rich Faith, Community Development Director stated these amendments are primarily intended to address a deficiency or problem area in our Development Code dealing with certain events and allowing special privileges for those events, primarily in the way of signage and overflow parking. We have had a number of meetings on this matter and these amendments are being brought forward at the request of the City Council to address the shortcomings that we have identified. What this ordinance does is creates a new or third category of events, which we are calling events of citywide interest, that would qualify for special signage or temporary overflow parking to be allowed on non-paved surfaces. This would be in addition to the existing categories of community events and special events. I reviewed all the details of the changes at the first hearing so I won't be going through those again. These amendments have been reviewed by the Planning Commission and they are forwarding them to the Council with their recommendation for adoption.

Council had no questions.

Mayor Thalhoffer asked is there anyone here that would like to speak to us on this issue?

None.

Mayor Thalhoffer closed the public hearing at 7:38pm.

MOTION: Councilor Thomas moved to adopt the ordinance amending Chapters 9 and 10 of the Troutdale Development Code (Text Amendment No. 37) relating to events of citywide interest, temporary parking and temporary signage associated with these events. Seconded by Councilor Ripma.

Councilor Thomas stated this is a nice finish to a big hole we had with regards to determining who defines what regarding the type of event. This will make it much easier for staff to make those determinations.

Councilor Ripma stated I think this will help clarify things for staff.

VOTE: Councilor Thomas – Yes; Mayor Thalhoffer – Yes; Councilor Canfield – Yes; Councilor Kyle – Yes; Councilor Ripma – Yes.

Motion Passed Unanimously.

7. PUBLIC HEARING / ORDINANCE (Introduced 8/22/06): An Ordinance amending Troutdale Municipal Code Section 13.20.115 relating to vendors in city parks and Section 13.20.190 relating to alcohol consumption in city parks.

Mayor Thalhoffer read the ordinance title and opened the public hearing at 7:40pm.

Rich Faith, Community Development Director stated this is the companion set of amendments to those that you just adopted. This ordinance relates to provisions in the Municipal Code specifically in Chapter 13.20, which are the rules and regulations pertaining

to parks. Similar to the amendments that you just adopted, it is necessary to incorporate similar changes in these chapters which primarily deal with vendors in the city parks and consumption of alcohol in city parks. These changes do not affect alcohol use within the Sam Cox Building or rental of city facilities; that is governed by a different section of this chapter. At the last hearing on this ordinance the Council asked me to provide you with some additional information. The first item you asked for was what, if any, impacts or problems have been associated with alcohol consumption in conjunction with community events that have been held in the past. The only community event that I am aware in which alcohol use has been allowed is at SummerFest. To my knowledge there have not been any problems. The only incident that I am aware of where there was a problem with alcohol use in the park was the Water Safety Program which was a private function held a few years ago. That was marginally a community event that did receive some support from the city. The second item you asked for was whether other communities in the region allow alcohol consumption as part of their community events held in city parks and if so what kind of special requirements do they impose. We surveyed eight other cities around the Portland Metro Region asking if they allow alcohol consumption as part of an event. We received responses from six of the eight entities. The six that we received comments back from were Fairview, Gresham, Beaverton, Tualatin, Oregon City and Lake Oswego. What we found was that all six of these communities do allow alcohol use as part of community events. With respect to what special requirements are imposed, that seemed to vary but there was a common requirement of Gresham, Beaverton, Lake Oswego and Oregon City to require the sponsor to have liability insurance. Three of the jurisdictions also required that who ever is selling or serving the alcohol must have an OLCC licensed server. Fairview and Tualatin responded that they do allow alcohol use at their community event but the employee that we spoke to wasn't aware of or didn't know what requirements went with that. I want to point out a correction or clarification from the last meeting. A question was put to me during the public testimony as far as alcohol consumption being permitted as part of these events and how the city would evaluate that and who decides that. I think my response was that it doesn't call out anyone in particular but the City's Management Team would do that. I was incorrect; if you look at the language in 13.20.190 it actually places that responsibility on the Community Development Director to evaluate requests for alcohol consumption at these events. It doesn't spell out any criteria but in my mind that would best be handled by taking that request to the entire Management Team for discussion.

Councilor Thomas asked what do we need to do to put in place a requirement for liability insurance?

Rich Faith replied we are looking at that as one of the requirements that would go with alcohol use as part of the rental of the Sam Cox Building or any other city facility. This is scheduled to come before the Council at a later date with a recommendation from the Parks Advisory Committee (PAC). In conjunction with that, part of the recommendation will be that we require liability insurance.

Councilor Thomas stated my concern is opening this up for more events to have alcohol which would be more of a liability and will increase our risk.

Councilor Canfield stated I am wondering if we could handle the conditions for the use of alcohol when we address the use of alcohol in city facilities. When will the PAC recommendation be brought to us?

Rich Faith replied it is scheduled for the first regular meeting in October. This would just be a report from the PAC on the issue of alcohol use in the Sam Cox Building. If the Council is satisfied with the report then you would provide us with direction to bring forward amendments to implement the PAC recommendation.

Marnie Allen stated that would be a good time for Council to provide us with direction in terms of your preference or policy on alcohol use outside of the buildings in the parks and we could bring back amendments to deal with both.

Rich Faith asked is your interest that we have a consistent policy for a community event being held in the park versus someone renting a building for a reception? They really have been treated different in the past.

Councilor Canfield replied I think it makes sense to be consistent especially with the use of alcohol in the Sam Cox Building or in a City park.

Rich Faith stated there will be a broader range of conditions that the PAC thinks would be appropriate to be imposed on anyone renting the Sam Cox Building and planning to serve alcohol. Whether or not all of those are also appropriate in conjunction with community events is a subject that you will have to review and discuss. The question is whether you want to treat these concurrently and look at that range of conditions that the PAC is going to be offering to you and try to determine which is appropriate in which venue.

Councilor Canfield stated it makes sense to me to see what the PAC has to say and deal with them at the same time.

Councilor Ripma stated as far as alcohol, this ordinance is just adding special events or events of citywide interest to the Code. Other than the adding those two categories, the Code allows alcohol for community events now. The only change here is to make it consistent for special event or events of citywide interest. I don't see any reason why we shouldn't adopt this tonight.

Councilor Kyle stated I would agree.

Councilor Thomas stated it opens it up a lot from what it was. Community events are narrowly defined and this opens it up to the general public.

Councilor Ripma stated adding special event or events of citywide interest really isn't opening it up very much. This will include a few more events. I don't think it is that much of a change.

Councilor Thomas stated if you look at what we call special events and events of citywide interest, there is a pretty broad spectrum of things that fit that definition versus what is defined as a community event.

Councilor Ripma stated it states that the director may from time to time allow by permit in certain parks or park areas, I am not as worried as you are.

Councilor Canfield stated we are on the tail end of the community event season now that summer is ending and what we are really shooting for is next spring and summer.

Councilor Thomas stated the one thing that does help satisfy my concern is the possibility of adding some liability insurance requirements.

Mayor Thalhofer asked is there anyone here that would like to speak to us on this issue?

None.

Mayor Thalhofer closed the public hearing at 7:59pm.

MOTION: Councilor Ripma moved to adopt the ordinance amending Troutdale Municipal Code Section 13.20.115 relating to vendors in city parks and Section 13.20.190 relating to alcohol consumption in city parks. Seconded by Councilor Thomas, Councilor Canfield, Councilor Kyle and Mayor Thalhofer.

VOTE: Councilor Thomas – Yes; Mayor Thalhofer – Yes; Councilor Canfield – Yes; Councilor Kyle – Yes; Councilor Ripma – Yes.

Motion Passed Unanimously.

Mayor Thalhofer called for a break at 7:59pm and reconvened the meeting at 8:10pm.

8. RESOLUTION: A resolution accepting the work products for phase one of the Columbia-Cascade River District Economic Development Master Plan.

Mayor Thalhofer read the resolution title.

Rich Faith, Community Development Director introduced John Andersen who was the Community Development Director in Fairview but has since retired and is now a part-time consultant and has been retained to assist in this project. In March of this year the City of Troutdale submitted a grant application on behalf of Columbia-Cascade River District (CCRD) Vision Steering Committee and received a \$70,000 grant through the Oregon Department of Land Conservation and Development's (DLCD) Technical Assistance Program to assist in the preparation of an Economic Development Master Plan for the CCRD. Upon notice of receipt of that grant the City Council adopted a resolution accepting the grant and entered into a partnership with the Cities of Gresham, Fairview and Wood Village and the Port of Portland. One of the requirements of the grant agreement is that at various points along the way we need to demonstrate acceptance of the work from each of the partner jurisdictions. The reason behind that is the State wants to make sure that all of the partners are on-board with what is being done and are being kept apprised of the work as it is in progress. Phase I of

the project has been completed and the work products that have come out of that first phase are a series of computer generated maps (Exhibit A to the staff report) that provide a detailed picture of the River District and an economic opportunities analysis (EOA) which is Exhibit B to the staff report.

John Andersen, consultant, stated the process is to ultimately develop a plan and an implementation program for bringing new businesses and an increased tax base to the River District area. In the process of preparing plans you start out having an inventory activity and then you have a goal setting activity to find out where you want to be and ultimately you come up with an implementation program that defines how you are going to go from here to there. The EOA talks about a variety of different categories and information. It is one tool to use in our process of making decisions; it is not the decision. It contains some basic information about the economics of the region. The study points out some interesting things in terms of industrial land potential. It points out that there is a significant amount of demand and we have opportunities to meet that demand because we have a larger amount of large parcels, which are relatively rare in the Portland region, and that puts us in a little better competitive position. It also talks about the value of different kinds of businesses that could be beneficially attracted to this area. By beneficially I mean they would be profitable and stable businesses. Things like warehousing distribution came out very high in the potential for being attracted to the area and the reason for that is we have an area that has airport access, river access, rail access and it has very good access to the highways. Because this area has a long history of manufacturing businesses, they also have a very good base for attracting additional manufacturing and expanding existing manufacturing facilities. Those are a couple of industrial things that got called out as being beneficial for us. Some things that were surprising were offices. We thought that this area would be a good location for offices but it turns out our relative competitiveness is not good for office and that has to do with the distance. Much of the regional population would have to travel to use this as an office location. That doesn't mean that we wouldn't get any office complexes, but it means that will be a much smaller component in whatever mix of uses we attract. It also talks about commercial development and tourism as one of those things that we have a particular advantage for. We have some great quality natural environments here and some really attractive communities. These are the kinds of things that can serve as attractions for tourism, so tourism is one economic area that we need to look at. Another one was retail/commercial which is a mixed-bag for us. On the one hand if we are able to attract some industrial development we are certainly going to attract some of that service commercial that comes along with that. When you have a lot of manufacturing businesses the people who work there need restaurants, hotels, dry cleaners, etc. and those kinds of businesses will be attracted as well. That is a relatively small component but it is important. Another area that has some potential is big boxes. At the same time every time you look at something there are always other factors you have to balance it with. For example, if you look at warehousing distribution where we have a great potential for attracting a lot of very viable businesses the downside to that is there are problems in terms of overall employment density because they have a lower employment density than manufacturing. They also tend to have a lower tax base so they are not quite as beneficial but on the other hand they can serve as attractors to the kinds of businesses that would provide those beneficial tax dollars and jobs. The best thing to do is to have a mix of these different uses. This is a very interesting report with a lot of good information.

John Andersen reviewed the maps that were provided in the packet.

Councilor Thomas asked what is the ending date for the study?

John Andersen replied June 2007.

Mayor Thalhoffer stated I am on this committee so I do not have any questions.

Councilor Canfield stated the report is enlightening. It is very fascinating to see all four of the city's plans all on one map. It is exciting to see the potential for East Multnomah County.

Councilor Kyle stated this is very informative.

Councilor Ripma stated I agree. I am concerned that we don't use this land for an excessive amount of warehouses and distribution. Marine Drive in Portland is being filled up with these vast warehouse distribution centers that have no employment and they use up all of the land. These are not the kind of economic activity that I was hoping to see in Troutdale. What we need is at least some manufacturing like Tube Specialties. On the west side, due to a recent excise tax passed by Metro, we are subsidizing more industrial land and that is where all of the offices like to go, so we don't get any. I don't know how we can hold out for some quality development and perhaps steer away from warehouse distribution; there will be enough pressure to do warehouse distribution.

Mayor Thalhoffer stated that Bill Wyatt has assured me that they will strive for a balance of manufacturing and warehouse distribution development on the Alcoa site.

John Andersen stated the Committee is concerned about what that mix is going to be. I am sure there will be a compromise of some sort.

Councilor Thomas stated I talked with a couple Port of Portland employees at the open house. What I came away with from those discussions was that the Port seems to be committed to not overindulge the development with warehouses and to try and bring family-wage jobs and manufacturing opportunities that we need to help support our economy.

MOTION: Councilor Thomas moved to adopt the resolution accepting the work products for phase one of the Columbia-Cascade River District Economic Development Master Plan. Seconded by Councilor Canfield.

VOTE: Councilor Thomas – Yes; Mayor Thalhoffer – Yes; Councilor Canfield – Yes; Councilor Kyle – Yes; Councilor Ripma – Yes.

Motion Passed Unanimously.

9. RESOLUTION: A resolution declaring the need to appropriate real property for street and right-of-way improvements and authorizing condemnation proceedings if necessary.

Mayor Thalsofer read the resolution title.

John Anderson, City Administrator stated the City Council has adopted the Troutdale Town Center Plan, the Transportation Capital Improvement Plan and the Troutdale Riverfront Renewal Plan. Also in November of 2003 the Council approved the concept plan labeled the STP Site Master Plan which is also referred to as the Vision Plan. All of these Council adopted plans identify the need for street and right-of-way improvements in the area located east of 257th Way, south of the I-84, north of the railroad and west of the Sandy River. The street and right-of-way improvements would extend 257th Way to the east and improve accessibility and mobility of vehicles, pedestrians and bicyclists. Council has deemed that this is necessary and in the public interest to acquire this real estate for the purpose of extending, improving and constructing street and right-of-way improvements. To achieve that, the City has been negotiating with Chelsea Corporation, the current owners of the Columbia Gorge Premium Outlet Mall. These negotiations have been ongoing for some time and we have now stalled in those negotiations and that is the reason for the resolution before you this evening. The options for Council to consider are: 1) continue to negotiate with Chelsea Corporation without taking any action on condemnation; 2) continue to negotiate with Chelsea, but begin condemnation proceedings with the intent to negotiate an agreement with another developer pursuant to a request for development proposals for the entire 20-acre site; and 3) abandon negotiations regarding the right-of-way acquisition and pursue development of the site without access from the west. Staff is recommending that Council consider Option 2.

Mayor Thalsofer stated I want it to be clear that the Riverfront Renewal Plan prohibits the Urban Renewal Agency from pursuing condemnation. However, the City of Troutdale has condemnation power.

Councilor Kyle asked if Chelsea calls us tomorrow and wants to negotiate a successful access, this would not prohibit that from happening, right?

John Anderson replied correct.

Mayor Thalsofer asked is there anyone here that would like to speak to us on this issue?

Pat Smith asked is condemnation just a way of doing something right or are we having problems negotiating with Chelsea?

John Anderson stated we have been negotiating with Chelsea. We have looked at appraised values and we disagree on how those costs should be shared as we move forward. We are far enough apart that we believe that we need to consider condemnation as a possibility.

MOTION: Councilor Canfield moved to adopt the resolution declaring the need to appropriate real property for street and right-of-way improvements and authorizing condemnation proceedings if necessary. Seconded by Councilor Thomas.

Councilor Canfield stated I hope that we don't have to condemn the property. I hope that we can still reach an agreement with Chelsea for access through their property. This is something that either way we have to do to get access to a valuable piece of city land.

Councilor Thomas stated it is time to address this. It appears that negotiations have pretty much stopped. I am hoping that Chelsea will negotiate with us and come up with something that works for both of us. The property has been sitting there for six years and it is time to get it moving and do what we promised the taxpayers.

Mayor Thalhoffer stated I favor the motion. I hope we can work it out with Chelsea but if not then we need to move forward.

Councilor Kyle stated I favor this motion because we need the option.

Councilor Ripma stated condemnation is an option that we are going to have to allow for here in the public interest.

VOTE: Councilor Thomas – Yes; Mayor Thalhoffer – Yes; Councilor Canfield – Yes; Councilor Kyle – Yes; Councilor Ripma – Yes.

Motion Passed Unanimously.

10. STAFF COMMUNICATIONS

Jim Galloway, Public Works Director stated following your last meeting in which you adopted the Findings of Fact and Final Order pertaining to the Tyson's Place Condominium project, we sent that information to the County and asked them, in-light of this new information would they reconsider their decision to not allow access from 257th. We received a response back from the County indicating that they would not reconsider their decision.

Rich Faith, Community Development Director stated we received a copy of the applicant's notice of intent to appeal your decision to the Land Use Board of Appeals (LUBA). I believe that the City Attorney prepared a memorandum to you outlining the various timeframes and steps that will occur now that the notice of intent has been filed. We have heard through Multnomah County staff that the County was also contemplating filing an appeal of your decision. We have not received anything official on that.

Councilor Canfield asked if the County does file an appeal would you please let us know.

Rich Faith replied yes.

Marnie Allen, City Attorney stated it may be that the County will not file their own notice of intent to appeal, but instead file a motion to intervene on the side of the developers who appealed. They would have 21 days from yesterday to file that motion.

11. COUNCIL COMMUNICATIONS

Mayor Thalhfer expressed his condolences to Joyce Lindsey and her family for their loss of Oregon National Guard Staff Sergeant Nathaniel "Brad" Lindsey who was killed on September 9th in Afghanistan. Brad was a resident of Troutdale. There were two others who were killed just recently, US Army Reservist Staff Sergeant Robert J. Paul of The Dalles and US Army Staff Sergeant First Class Richard Henkes of Boring.

Mayor Thalhfer asked for a moment of silence in honor of our troops that are in harms way throughout the world.

Councilor Ripma stated Councilor Daoust and I are Co-chairs of the 100-Year Celebration Committee. We have a vacancy on the committee and Len Otto, the son of a former mayor of Troutdale, has volunteered to fill the vacancy. Councilor Daoust and I would like the Council to approve the appointment of Len Otto to the 100-Year Celebration Committee to fill the vacancy.

Council agreed to appoint Len Otto to the 100-Year Celebration Committee.

12. ADJOURNMENT:

MOTION: Councilor Ripma moved to adjourn. Seconded by Councilor Thomas. Motion passed unanimously.

Meeting adjourned at 9:10pm.

Paul Thalhfer, Mayor

Approved November 14, 2006

ATTEST:

Debbie Stickney, City Recorder