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

Tuesday, September 27, 2005

1. PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE

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

PRESENT: Mayor Thalhofer, Councilor Gorsek, Councilor Thomas, Councilor Canfield, and Councilor Daoust.

ABSENT: Councilor Kyle (excused) and Councilor Ripma (excused).

STAFF: Jim Galloway, Acting City Administrator/Public Works Director; Rich Faith, Community Development Director; Kathleen Leader, Finance Director; Dave Nelson, Chief of Police; Marnie Allen, City Attorney; Debbie Stickney, City Recorder; and Beth McCallum, Senior Planner.

GUESTS: See Attached.

Mayor Thalhofer asked are there any agenda updates?

Jim Galloway, Acting City Administrator replied summing up the work session that was held prior to the Council meeting, I believe it is your intent to pull item 2.1, the resolution that deals with the Halsey Street Charrette, from the Consent Agenda. Also we have provided you with corrected copies of Consent Agenda Items 2.2 and 2.3 at your place this evening.

2. CONSENT AGENDA

~~**2.1 RESOLUTION:** A resolution adopting the concept plan of the Halsey Street Conceptual Design project. (pulled from agenda)~~

2.2 RESOLUTION: A resolution authorizing the City to enter into an agreement with Wood Village for building inspection services.

2.3 RESOLUTION: A resolution providing for budget transfers and making appropriation changes for Fiscal Year 2005-06.

2.4 RESOLUTION: A resolution approving an intergovernmental agreement between Metro and the City of Troutdale for funding of Year 16 Annual Waste Reduction Program.

MOTION: Councilor Daoust moved to adopt the Consent Agenda Item 2.2, a resolution authorizing the City to enter into an agreement with Wood Village for building inspection services including the amended resolution language for this agenda item that we were given. I also move that we

adopt Consent Agenda Item 2.3, a resolution providing for budget transfers and making appropriation changes for Fiscal Year 2005-06 including the amended resolution language for this agenda item that we were given tonight and to adopt Consent Agenda Item 2.4, a resolution approving an intergovernmental agreement between Metro and the City of Troutdale for funding of the Year 16 Annual Waste Reduction Program. Seconded by Councilor Gorsek.

Councilor Thomas requested that Item 2.3 be pulled from the Consent Agenda and added to the Regular Agenda so it can be discussed.

Council agreed to remove Item 2.3 from the Consent Agenda and add it to the end of the Regular Agenda.

Motion Passed Unanimously (adopting Item 2.2 and 2.4).

Mayor Thalhofer stated the consent agenda items 2.2 and 2.4 have been adopted.

3. PUBLIC COMMENT

None.

4. RESOLUTION: A Resolution approving the annexation of approximately 14.08 acres of real property (City Land Use File No. 05-044 Baker Property) and adopting findings.

Marnie Allen, City Attorney stated this is a quasi-judicial land use proceeding that is before the City Council and there are procedural requirements in the state law and in the Troutdale Development Code that govern the way that these proceedings are to be conducted. Because the public hearing and the public record on this matter was closed at the meeting two weeks ago, unless the Council makes a different decision, there would not be any public testimony or any written material following that last meeting that would be presented to the City Council. For that reason I won't go through the process of the applicant making a presentation and people responding because that occurred at the meeting two weeks ago. The only other procedural matter is to ask the City Council if they have had any ex-parte contacts and if so to declare those ex-parte contacts and the content of them so they are on the record. Mr. Faith will then present a short staff report regarding the resolution and the findings that are being presented to the Council.

Mayor Thalhofer asked the Council if they have had any ex-parte contacts that need to be declared.

Councilor Thomas stated I meet with one of the affected property owners. We didn't really talk about the process, we just discussed how to better facilitate things in Troutdale.

Rich Faith, Community Development Director, stated at the conclusion and closing of the hearing on this matter on September 13th the Council voted to approve the annexation of approximately 14 acres into the city. According to state law and our Troutdale Development Code the decision to approve the annexation has to be supported by written findings,

therefore, Council directed staff to come back with those findings. The findings in regards to this annexation approval must be adopted by the Council before October 10, 2005 in order to comply with the statutory 120 day rule. We have outlined in our staff report two options available to you. The first is simply to adopt the resolution approving this annexation with the findings as they have been written. Those findings, both in the resolution itself and in Attachment C explain how the annexation approval criteria are met in light of the testimony and the information that is currently in the record and that was presented to the Council. The findings also explain why the Council denied the request to continue the hearing at your last meeting. The second option would be to adopt the resolution approving the annexation but with revisions to those findings. Staff is recommending that the Council adopt the resolution approving the annexation with the findings as currently written. Earlier today each of you did receive a memo from the City Attorney with respect to some written material that has been submitted to the City after the closing of the hearing on September 13th. In that memo she advises you on how to deal with that particular matter.

Councilor Daoust asked who is the additional information from? Is it from the applicant?

Rich Faith replied no, it was submitted by opponents to the annexation.

Councilor Daoust stated with the options before us, I don't know what that additional information would be.

Marnie Allen stated because the record has been closed, the information that was submitted hasn't been provided to the Council. If you were to receive that information you would have to re-open the record and the applicant has to then be given a chance to respond, which is why you weren't given the information.

Mayor Thalhofer asked at the hearing on September 13th an opponent asked us to keep the record open and we didn't keep the record open. I think that needs to be a two step process. We need to determine which evidentiary hearing we consider to be the one that we are going to rely on as the last evidentiary hearing. I made a statement that I thought the City Council hearing should be the last evidentiary hearing and that we could have kept the record open. However, we did not vote on whether or not we considered the planning commission hearing or our own hearing to be the last evidentiary hearing and so I think we did not take the first step which set the stage for the second step and that is a problem for me because we probably should have done that. Do you want to respond to that Ms. Allen?

Marnie Allen stated as I recall at the last meeting the question came up about whether or not the Council was required to continue the hearing. The legal advice that I gave, that is consistent with state law, is that was a discretionary decision of the Council and you could continue it if you wanted to or the Council could close the public hearing and close the record and make a decision and that the law did not mandate the Council to continue the hearing or to leave the record open. I think that advice is accurate and I believe that the findings that are before the Council reflect the law and the reasoning to deny the request to continue the hearing. I agree with you Mayor that those two items were not voted on separately, obviously one motion was made to approve the annexation. It seems to me implicit in the motion to approve the annexation is the decision to deny the request to continue the hearing.

However, that is really something to revisit with your fellow councilors in terms of what was intended by the motion that was voted on.

Mayor Thalhofer asked doesn't the law allow for providing written information after the hearing is closed?

Marnie Allen replied what the statute says is that if new evidence is submitted and a party that is at the hearing requests, before the record and the hearing is closed the opportunity to provide written information and to leave the record open to respond to that new evidence, then the Council must leave the record open. At the last hearing I didn't hear anybody testify that there was new evidence that they wanted to submit a written response to, nor did I hear a request to the Council to leave the record open so that someone who was there could submit additional written information. What I heard was a request to postpone taking action on the annexation so that the neighborhood meeting that was talked about could be attended so that more information about the future development could be sought and so that Council could do more exploring about its options with regards to the wetland. That to me is very different then what is contemplated in the statute as a mandatory obligation to leave the record open. Having said that, as I advised the Council at the last meeting, that was a discretionary decision for the Council to decide whether you wanted to continue it or not, either the record or the hearing.

Mayor Thalhofer stated one of the members of the opposition requested that the record be kept open. I am not going to belabor this anymore. I am not happy with this process. Process is very important when we are dealing with some of these issues. Someone actually made a request to keep the record open, and perhaps didn't do it in the correct way. I think we should give them some leeway and give them an opportunity to make it in the right way. These folks aren't lawyers and they aren't necessarily planners or are they familiar with all of our rules and regulation and I think we should bend over backwards to help them create what they want to say, at least give them an opportunity to put together something that would comply with the law because it is pretty clear to me that they had the intent to object as grounds to oppose the annexation based on the criteria. Be that as it may, it is up to the Council whether they want to do anything about this or not. At this point we don't take any testimony right?

Marnie Allen replied correct, not unless there is a motion to reopen the record or hearing.

Councilor Canfield stated the objection that heard at the last meeting and also the Planning Commission hearing regarding this subject which I attended, all had to do with the plans for future development. I didn't hear any opponent testifying, I could be wrong but I didn't hear any one testify regarding the specific criteria about annexation. We are not allowed to even think about considering future development plans when we are considering annexation. I thought I was voting to close the public testimony and voting in favor of the annexation. I have sympathetic thoughts for the folks who are concerned about what the developers might do with regard to lot sizes. However, the only question we are dealing with is annexation and do they comply with the criteria, and they have clearly met the criteria. As far as I am concerned the annexation issue is a closed issue.

Councilor Daoust stated I agree with Councilor Canfield. It was implicit in my motion that we deny the extension of the hearing. I think the majority of the Council was well aware of the process and in fact our vote was reflective of the process. Any issues related to the subsequent development of this land including but not limited to the density, the size or configuration of the lots, the application of wetland density transfers or other provisions of the VECO overlay, the city's acquisition of parks or openspace, anticipating speeding on Sweetbriar Road and the options to convey storm water are irrelevant to the annexation criteria. Those concerns are relevant and will be considered and addressed once a specific development application is submitted, which we don't even have yet. At that time, not now, the city and the public will participate in a public review process that will evaluate every component of the subdivision to ensure that it complies with all city development standards. That is the process we are supposed to follow. I agree that process is very important and I think we stuck with the process.

Councilor Gorsek asked in terms of the original meeting with the planning commission, that was fully open, public input was taken and the reason that it came to us was because they were appealing their decision, right?

Marnie Allen replied no. The Planning Commission, for this type of proceeding, forwards a recommendation to you and the Council always makes the final decision.

Councilor Gorsek asked and they approved it, is that correct?

Marnie Allen replied yes.

Councilor Gorsek asked does anyone know what the vote was of the Planning Commission?

Councilor Daoust stated it was unanimous.

Rich Faith stated I believe that is correct.

Councilor Gorsek stated there are some things in the memo here about people waiving the 120 days, has that been discussed with anybody?

Marnie Allen replied no.

Councilor Gorsek asked is there any way to ask that question?

Marnie Allen replied yes, the Council could ask that question of the applicant.

Councilor Gorsek asked is this the time to do that?

Marnie Allen replied if you are wanting to consider the option of reopening the public hearing or the record and continuing this, or if for some other reason there is a need to set this over and you can't adopt the decision before October 10th then it would be appropriate.

Councilor Gorsek asked what is the position of the Bakers in terms of the 120 day deadline and a potential for a waiver of the 120 day deadline?

Farrand Livingston replied I will let Centex Homes answer that question. I know that the Bakers basic feeling is that this process for approval of the annexation has been ongoing now since the middle of June. Everyone has had opportunities to appear before both the Planning Commission and the Council and I know that the Bakers understand the need for an open process and for people to present their views and to express their opinions and to advocate positions, but at some point and time I think they feel there needs to be an end to that. I think their feeling would be that now is the time to get this thing resolved, I think in part because about 95% of all of the comments dealt with those issues that are outside of the annexation criteria.

Dana Krawczuk, representing Centex Homes, stated I agree with what Mr. Livingston said. We are eager to get to the process where it is appropriate to talk about all of the issues but we are not going to get there until after we have this annexation approved. I haven't heard legal or factual compelling issues that would require us to extend the 120 day rule. Centex Homes prides itself on being collaborative and agreeable and is not interested in suing cities, so if that is where we have to get, we would consider it certainly but I don't think it should be an issue.

Councilor Gorsek stated I just wanted to get that question out there because I was interested to see if there was some room for that. If there is not I understand that but I think it was important to clarify that position, which is that 120 days is a solid day.

Dana Krawczuk stated no, I sorry, the 120 days, we want to get to a decision that the City Council is comfortable with in a way that they can support the majority decision of two weeks ago. If it is going to take you a little more time to tweak these findings to get there, that is one matter. If we are talking about reopening the hearing so that we can talk about everything under the sun, that is different.

Councilor Gorsek stated to reiterate what Councilor Daoust and Councilor Canfield have said, it is all about annexation. The question here is whether we are going to annex the property. I don't think you will find anybody on the Council that says yes, we want small lots. That is not true. All of us want to preserve as much of that country feel in the areas around the city especially. We've approved some things in more central sections of the city that I think are too small. We certainly wouldn't want to see small lots like that. We will come to that and I think you can feel assured that we will be very considerate and very concerned about not allowing, within our power, things to go below R-10. The thing to remember is that we have some problems in that the Code is written in certain ways which may allow for some deviance from the R-10 and that is something that we can try and work with but I think we all want to stay as close to R-10 as we possibly can. To stay within the timelines we need to just continue with the approval of the annexation and then we can get into these very important decisions about lot sizes and configuration of the development.

Councilor Thomas stated when the vote came up last time my concern was thinking that people had really requested an extension and that was the reason I voted the way I did. I

have been thinking about it after the fact and I really hadn't heard any new evidence in regards to what we were voting on which was the annexation. What I heard was a lot of complaints about how it will be developed and I understand that. I concur that we would go through the planning process and hopefully build something that we can all look forward to seeing.

MOTION: Councilor Gorsek moved to accept the findings for the annexation of the Baker property which will conclude what we started at the last meeting. Seconded by Councilor Canfield.

Councilor Gorsek stated realistically we probably said most of what we would need to say about this except I would respectfully disagree with the Mayor. I think what we are trying to do is live by the law and it is not the end of the line for any of you because we will have a development process. This is far from over and Centex knows this too. So don't write us off yet. The Council is trying to live within the law and do the best that we can. I hope that the people see that. We are doing what we can and we certainly will pursue this, so it is not over. This is just simply a question of annexation, which I think we should go forward with.

Councilor Canfield stated this is just about annexation. There will be a development process. We are very sympathetic to the concerns that you have all raised. However, on the annexation question it is very obvious that the applicant met the criteria.

Mayor Thalhofer stated this is about annexation but it is also about process. It is important that the process be crystal clear and clean. In my opinion it hasn't been and in fact we had someone from the opposition who asked to keep the record open and after the record was closed they filed a written document, we don't know what that was. I think they made a good faith effort to keep the record open. We need to listen to the people who are impacted by our decision.

Councilor Daoust asked would anyone mind if I read these three points from the staff recommendation?

Council did not object.

Councilor Daoust stated point number one: The record and public hearing on the annexation application was closed on September 13, 2005, which means that the City Council was not able to consider written documents that were filed with the City after September 13, 2005. It also means that the City Council is not going to be listening to public testimony regarding the annexation application. Point number two: The City Council is sympathetic to those that are in attendance that want to present additional information to the City Council. The Council also is sympathetic to those that testified at prior hearings and asked the City to postpone a decision regarding annexation. However, the City Council's hands are tied in this situation because the City must issue its decision prior to October 10, 2005. If the record or hearing is reopened it is unlikely that the City Council can issue the decision prior to October 10, 2005. If the City does not issue the decision by October 10th the applicant may file a writ of

mandamus or lawsuit in Circuit Court and the court might order the city to approve the annexation. The court might also order the city to pay the applicants attorney's fees and to refund a portion of the application fee. Point number three: The City Council heard the concerns that were testified to at the last hearing and encourages those that are concerned about the future development to continue to participate in the proceedings. The Council can and will take interested citizens concerns into account when a specific development proposal comes before the Council in the future assuming that Centex Homes applies for the planned unit development rather than a standard subdivision.

VOTE: Mayor Thalhofer – No; Councilor Canfield – Yes; Councilor Daoust – Yes; Councilor Gorsek – Yes; Councilor Thomas – Yes.

Motion Passed 4 - 1.

Marnie Allen stated I would like some clarification that the motion was to adopt the resolution with the findings to support the Council's decision.

Council agreed.

5. PUBLIC HEARING / ORDINANCE (Introduction): An Ordinance amending Chapters 1, 3, 4, 5, 7, 8, 9, 10, and 11 and Appendix A of the Troutdale Development Code (Text Amendment No. 36)

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

Rich Faith, Community Development Director stated this set of amendments pertain to a variety of topics and affects nine different chapters of the Code and Appendix A. Very generally the topics being amended include: definitions, dimensional standards and/or setbacks for various zones including Apartment Residential, Neighborhood Commercial, Community Commercial, Central Business District, Mixed Office/Housing, and R-4 and R-5 zoning districts but only as it pertains inside the Town Center Overlay District. The amendments also affect uses and/or density standards for a variety of zones including Apartment Residential, Neighborhood Commercial, Central Business District, Mixed Office/Housing and the Town Center Overlay District. Other topics that the amendments affect deal with accessory structures, storm water management, the land division chapter, site orientation and design standards only as they relate to multi-family dwellings, the sign chapter, off-street parking and loading, trash and recycling storage. Even though there are quite a variety of topics, most of these amendments do affect standards relating to development within the Town Center area that has been the driving force and the focus of these amendments. I would like to give you a brief summary of these amendments.

<u>Amendments to Section 1.020 General Definitions</u>:
Rich Faith stated these amendments add definitions for existing terms that are not now defined in the Code that should be. The three definitions that we are adding are corner lot, double frontage lot and interior lot. The second category of definition amendments is to improve the definitions that are in need of clarification or correction. That pertains specifically to the definition for alley, duplex dwellings, triplex dwellings, zero lot line dwellings and front

lot line. Thirdly we have added some illustrations in several instances simply because it improves the understanding with a visual picture as oppose to just the words.

Amendments pertaining to the accessory structures in Section 5.010:
Rich Faith stated the first amendment limits the cumulative area of all accessory structures to 25% of the gross lot area. The required rear yard area is still under 50%. So where we now have in the Code a restriction that no more than 50% of the rear yard area can be built or constructed in accessory structures, we have no limitation or provision that deals with the fact that you can also put accessory structures in side yards under certain circumstances. So we are trying to account for that in terms of looking at the total gross area of the lot and if you factor in accessory structures that may be in the rear yard as well as those in the side yard, that the cumulative of those would not exceed 25% of the gross lot area. The second amendment in this section deals with fencing around manmade bodies of water. Specifically, fences are required around swimming pools, hot tubs or other manmade bodies of water with a depth greater than 24 inches. Currently the standard in the Development Code is 42 inches. The change is being proposed so that our Development Code coincides with regulations in the Building Code. The Council did receive a letter on this particular matter from Mr. Roberts dated August 3rd, a copy of that letter was included in the packet. I would like to address some of the points that he mentioned in that letter. He is asking that we look at an exception for hot tubs that have locking covers. His belief is that there are a number of these types of hot tubs around and that with locking covers the protection, which the fencing is intended to provide to keep children out of the area and from falling into the hot tub, is taken care of. It seems that he believes that this requirement would be around the hot tub or whatever that manmade body of water is when in reality in many cases a rear fence or any kind of fencing around the property suffices. So, if you have a hot tub or swimming pool in your back yard and the entire backyard is fenced, as long as that fence is at least 4' in height that satisfies the requirement. You don't need to put a separate fence or barrier just around the water body itself. The second point he mentions is that he feels that many Troutdale citizens are not aware that the proposed change will impose an immediate requirement to construct a fence enclosure around their tubs. That is not correct. Even if this change is adopted and goes into effect it does not automatically require everyone out there who is not currently in compliance to build a fence around a hot tub or other body of water that may be more than 24 inches but less than 42 inches. The trigger point will be if someone is going to be doing work on a hot tub, installing a hot tub or rewiring anything related to a hot tub, swimming pool or any other kind of body of water in which there is a need for a permit. Because this requirement is also in the Building Code then at that time the inspector would have to implement or invoke that requirement of the Building Code as well. The trigger point will be when a permit is taken out to do work; it will not just apply automatically and require everyone to retrofit around those bodies of water. So those are just clarifications to points that were made in Mr. Robert's letter on this topic.

Councilor Gorsek asked do the fences have to be locked or is it just that they have a gate that closes?

Rich Faith replied they don't have to be locked; they do have to have a gate with a latch on it.

Amendments to Section 5.800 – Stormwater Management: Rich Faith stated in Section 5.840 which are our design standards for stormwater quality facilities there are a number of things taking place with respect to these amendments. First these are really housekeeping changes for better structure and clarity of our current language in the Code. Secondly, the amendments add provisions about when a stormwater drainage easement is required in conjunction with a water quality facility. This change is largely an outgrowth of the Sandy Heights subdivision drainage issue which you know ended in litigation. We are trying to clean up this provision in the Code to address some of the factors that surrounded that. The third change is we are eliminating the requirement for a performance bond or other financial guarantees because really it is not necessary to have that. The reason being is if the stormwater management facility is privately owned then they are not subject to performance bonds or other securities since they are privately owned and maintained. If that facility is going to be publicly owned and deeded over to the city for us to take care of then it becomes one other publicly owned facility, part of the public infrastructure that is covered by a comprehensive financial guarantee for all public improvements.

Councilor Thomas asked if, for example, a privately owned stormwater facility has been maintained for a number of years and all of a sudden they quit maintaining it and the city has to take over and it doesn't meet standards, what happens then?

Rich Faith replied this really doesn't have to do with standards; this is a performance bond which talks about the ongoing maintenance of that facility. With a stormwater quality facility the developer is required to provide a performance bond, is that a two-year bond Jim?

Jim Galloway, Public Works Director replied the language that is currently in the Code that Mr. Faith is suggesting to eliminate is a performance bond that basically says that what gets built will work properly for a period of time, which I believe is two years. I don't think this would cover the scenario that you stated. This was basically a duplication of effort. We already have other requirements for financial guarantees for facilities that are going to be made public and instead of having this separately in a different part of the Code, if it is going to be a public structure we would simply incorporate it into the overall bond requirements for the entire public improvements that are going to be made.

Councilor Thomas asked I assume that if it is a public structure we would require certain standards to be met that may not be required of a private structure?

Jim Galloway replied that is correct.

Amendments to Chapter 7 – Land Division: Rich Faith stated the main amendments here are clarifying once again when a stormwater drainage easement is required as part of the subdivision improvements. Second, it is changing what utility improvements must be completed to receive a Certificate of Completion from the Public Works Department. The Certificate of Completion is the means by which the City determines that the public improvements in a subdivision have been completed according to our standards and therefore we are prepared to accept those or at least allow issuance of the building permits so that the buildings can start to be constructed that will be tapped into those public improvements. The change is going to limit what triggers the Certificate of Completion. It will

only be triggered upon the completion of the public improvements which includes streets, sanitary sewer, water and stormwater. It is no longer going to apply to private utilities such as telephone and cable television.

Amendments to Chapter 10 – Signs: Rich Faith stated these amendments deal specifically with regulations for temporary political signs. As you may recall several months ago the Council referred this question to the CAC in response to complaints that had been received during the last November's election campaign and the proliferation of campaign signs. The recommendation would add a number of provisions for temporary political signs. Amongst those is imposing a height restriction that the height of a political sign can not exceed four feet above the ground. The current maximum sign face area is six feet and remains unchanged. There is a maximum of two sign faces per sign which means generally when one sign has text on both sides that constitutes one sign but two sign faces. It could also mean that you could have a V-shaped sign that is connected and each of those is a sign face and there would not be anything on the back side of those. The idea is to limit how many sign faces can be put on a sign. There are changes that would allow multiple signs on the same support provided that the cumulative area does not exceed ten square feet. The idea here is that last year we saw stacking signs trying to circumvent the six square foot limitation where there would be one sign, a small gap and a second sign on the same support. So this change is saying we will recognize that you can put multiple signs on that same support but the cumulative area can not exceed ten square feet. These changes propose a maximum of ten signs on a single lot at any one time except that there is no limit to the number of political signs that can be displayed on property that is occupied by a residence. With the maximum of ten signs the commercial or vacant properties, mainly the one on the corner of 257th and Columbia River Highway, would be limited to no more than ten signs. All of the other provisions relating to political signs remain the same. These are the changes that the CAC and the Planning Commission came up with in response to the question of political signs.

Councilor Daoust asked is that ten signs per candidate?

Rich Faith replied no, ten signs on a single tax lot. This applies to candidates and ballot measures.

Councilor Canfield asked do you really think that is workable?

Rich Faith replied it is very easy to enforce.

Councilor Canfield stated according to this proposal, someone could come out and totally jam residential lots putting unlimited signs up and down the street for miles. That doesn't make any sense to me. If we are going to limit the signs on non-residential lots it doesn't make any sense to not limit residential lots. Why the difference?

Councilor Gorsek stated it is a question of personal expression by the resident and somewhat of a first amendment thing.

Marnie Allen, City Attorney stated I wasn't asked to give any legal advice and to my knowledge distinguishing between the number of signs that you allow on commercial and

industrial versus residential doesn't have anything to do with legal advice about protected speech.

Rich Faith stated we wanted to impose restrictions on the number of signs on any lot in the city and we started out by saying that it would seem only fair that it should be allowed, if you wanted, to put up a sign for every candidate that is running and every ballot measure. So what we initially said is that you would be limited to one sign in favor and one sign opposing a ballot measure and then one sign for any candidate that is running. The City Attorney said no that gets in to regulating the content of the sign and you can't do that. We then decided that we needed to set a number and we thought that ten was enough signs on an individual piece of property. The concern is that the most visible signs are on the arterial and collector streets and most of those are going to be commercial type properties and so they felt that we would be taking care of the worse culprits in terms of proliferation of signs if we deal with the vacant and commercial lots and let the residential lots do as they wish.

Councilor Canfield asked if there were a maximum of ten signs on a single lot at any one time with the owner's permission, once those ten signs are up and they are prohibited to add any further signs for candidates or issues, aren't you in affect stifling their speech because you are prohibiting any more signs?

Rich Faith replied the property owner needs to establish priorities. If they have allowed the permitted ten signs to go up and an eleventh candidate comes along and asks to put up a sign, the property owner would then have to make a choice.

Councilor Canfield asked what business is it of the city to require a property owner to make those sorts of decisions?

Rich Faith replied it is in the name of trying to limit and control the sign blight. Obviously it is still a judgment call whether or not we even think we have a sign problem. The assignment given to the CAC was to take a look at this issue of what seemed to be an over abundance of campaign signs and see what they could come up with to limit those, and this is what they came up with.

Amendments in Chapter 11 – Landscaping and Screening: Rich Faith stated this chapter addresses our landscaping and screening and also the very closely related Appendix A amendments which are a by-standard for the Central Business District. We are adding standards for garbage and recycling enclosures. These standards are not new standards, they are currently found in the Public Works Construction Standards, however, effective July 1 the responsibility for the City's Solid Waste Program was transferred from public works to the community development department and we thought it would be more fitting to incorporate those standards into the Development Code which is administered by the Community Development Department. That change will also need to be made in Appendix A.

Amendments to Chapter 3 – Zoning Districts: Rich Faith stated the rationale for these amendments are: The Town Center (TC) zoning was adopted in 1998 in conjunction with the adoption of the Town Center Plan. Those standards have been in effect really without any

significant change since that time. Recently we have been seeing a bit of development activity, particularly residential development activity, here in the downtown and in the TC in general. As we have gained some experience in processing these residential subdivisions we have realized that the various dimensional standards that we have in the Code do not work very well. There have been particularly some unforeseen problems as we have been dealing with subdivisions that allow 2,000 square foot size lots with 20' wide lots. Those are where the developers are trying to maximize what they are allowed to create but that creates a problem and we are beginning to see those problems. As a result of that we have had a large number of variances requested and approved in conjunction with these developments and also a variety of administrative adjustments that have been requested and approved as well. Looking at the proposed changes to the **Apartment Residential (A-2)** district, these amendments apply in the A-2 zone throughout the city not just in the TC. The A-2 zone allows for a range of housing types. It permits not only apartment complexes or multi-family housing, but it allows for attached housing like duplexes, triplexes or more than that. It also allows single-family dwelling by conditional use permit. However, the current standards do a poor job in distinguishing between the different housing types and the lot dimensions and setbacks. In essence what we have had is a one size fits all approach in this zone and we are finding out that doesn't hold true, one size really does not fit all. The amendments are intended to bring about a better fit between the lot dimensions and the setbacks and the changes being proposed take into consideration lot dimensions and setbacks with rear alleys as part of that development. So we are factoring in when there is a rear alley it is going to change some of these standards. Next is the **Neighborhood Commercial (NC) district**. Like many of our zones that we have within the TC boundary they occur both inside the TC Overlay District as well as outside and the NC is one of those. However, unlike most of the other zones there are very few parcels in the city that are actually zoned NC. In fact outside of the TC area there is only one site in the entire city zoned NC. For those parcels that are within the TC Overlay what that means is a different set of uses or standards are established for the underlying zone and that holds true for any of the zoning districts within the TC Overlay. At the Planning Commission hearing a request was made that because there are so few NC properties why can't they just be combined and have the same standards whether it is inside or outside the TC Overlay. The Planning Commission felt that made sense and had merit. The TC Overlay standards that affect the NC district are being transferred to the NC district itself. Standards pertaining to the NC district are being deleted from the Overlay district and as a result we will no longer have differences between NC zoned parcels inside or outside of the TC boundary. In the **Community Commercial (CC)** zone there were a few minor changes being proposed. We are adding 20' street frontage standard which is lacking currently in this particular zone but would be consistent with every other zone that we have in the city. The second change is we are amending the street side yard setback from 5' to 10' to be consistent with the other commercial zones. This was the only one that had a 5' street side yard setback. In the **Central Business District (CBD)** there were quite a number of changes. We are adding attached dwellings as a permitted use. Currently in the CBD it does not list attached housing as a permitted use. A particular property owner is desirous of perhaps developing some attached housing and has requested that we take a look at this and therefore it is a proposed changed that the CAC and Planning Commission agreed to. In addition the amendments would allow duplex, triplex and attached dwellings on separate lots. Currently in the CBD we only allow duplex and triplex dwellings on a single parcel, not each of those units on their own parcel. With this change effectively what we are saying is that if

you create these attached houses, row houses, that they can be sold off separately because they would be on individual lots which opens the door for more home ownership. Without this change we are locked into the current status that they all have to be on one parcel so the best you can do is rent them out or perhaps create a condominium. Currently in the CBD there are no lot dimension and setback standards for residential uses. With this change we would add those and those setback and dimensional standards would vary depending on the housing type and whether or not it has alley access. Furthermore we are amending the density standard from one dwelling unit per 2,000 square feet of new land area to variable density based on the different lot area standards. Because we have a variety of housing types one density does not fit all housing types and we are trying to recognize that with these changes. Next we are requiring that residential uses have two off-street parking spaces per unit. Currently none are required. The exception to that as far as residential development would be apartments within mixed-use buildings, which are required to have one parking space per apartment unit. In the **Mixed Office-Housing District (MO/H)** the first change is the dimensional standards for residential lots become the same as the CBD standards. In a sense we are creating the CBD standards as sort of our baseline in which other zones are going to be built from. Because the MO/H district has many of the same characteristics as the CBD we are going to be applying the same dimensional standards to this zone. Setback and density standards are also going to be amended to coincide with the CBD. Just as in the CBD, for the MO/H zone residential uses are going to be required to have two off-street parking spaces per unit instead of one per unit with the exception of apartments within the mixed-use buildings which will be required to have one parking space per unit. Because of these changes that we are making in the parking standards it necessitates a change to Chapter 9, which is our off-street parking and loading chapter. We are amending the section that pertains to residential off-street parking in the TC Overlay to be consistent with the amended CBD and MO/H parking standards which I just described to you. In the **Town Center Overlay District (TC)** we are adding duplex, triplex and attached dwellings on separate lots as permitted uses in the A-2 District only within the TC Overlay. The reason for this is that currently the TC Overlay allows single-family detached dwellings as permitted uses in the TC Overlay, but oddly enough it doesn't allow duplex, triplex or attached dwellings on individual lots and we just don't think that makes sense. This change is being proposed to be more consistent with other treatments of housing in this zone. By the same token then, we would remove these same uses, the duplex, triplex, and attached dwellings on separate lots, from the list of conditional uses because they are now going to be moved into the list of permitted uses. We are deleting modifications to the uses density dimensional standards in the NC zone because we are incorporating those into the NC zone and completely taking NC out of the TC Overlay standards. The CBD lot width, depth and various standards will be applied to the A-2 district, CC and GC districts within the TC Overlay and we are removing unnecessary setback exceptions in the A-2 and CBD districts and that is because we are amending the setbacks in those two zones which makes it no longer necessary to keep the exceptions that we had in this particular district. Other changes in the TC Overlay district is that the residential density standard for the CC and GC districts become the same as the CBD and the density standard of the CBD is also being applied to attached housing types in the A-2 district. These are all being done to be consistent with their use of the CBD dimensional standards for lot width, depth and area so it makes sense to also include the same density standards for these zones. Another change that relates to the R-4 and R-5 districts within the TC Overlay is that we are applying a new front yard setback standard to

residential units in the R-4 and R-5 districts. Currently any residential unit in the R-4 or R-5 zones has a 20' front yard setback in the TC Overlay. We also have a requirement that garages have to be set back farther behind the house or the front door. Effectively you could have a house that meets the 20' front yard setback but if they have a detached garage it has to be set back even farther at 25'. This change would apply essentially three different front yard standards: 1) The 20' standard applies to the garage door if you have a garage unit as part of that residential development; 2) a 15' setback to the front door of the housing unit; 3) if you have a porch that extends out in front of the front door then it establishes a 10' setback to the front porch. You effectively have three different setback standards to look at for housing units in the R-4 and R-5 districts within the TC Overlay district.

Councilor Thomas asked what is the purpose of the snout house provision?

Rich Faith replied the concept is that you are trying to make your neighborhoods more pedestrian friendly by taking away the garage as the dominant feature and by setting it back behind the front door. The theory is that you don't look down the street and see nothing but garage doors you are actually going to see a front door of a house. In theory it also is suppose to open up people in that neighborhood to the street and to the neighborhood so that they feel like a part of it and they are not behind the garage and have no interaction with the street.

Rich Faith stated one more change in the TC Overlay is that we are removing certain standards that pertain to building orientation, storefront design, and setbacks for new development on the Factory Outlet Mall and the former Sewage Treatment Plant site. As a reminder, back in 1998 when we did adopt the TC Plan and the TC zoning we built in some specific design standards that pertained to the Outlet Mall and the Sewage Treatment Plant based upon our best understanding of how we would like to see that developed. It said things like you are going to put a public street through there and we want some shops along the street as it enters into the Factory Outlet Mall. That has become a very sticky issue with the Factory Outlet Mall owners and it runs havoc in their lease agreements. Some of the ideas that we put into the Plan and in the zone in 1998 as time has evolved we have realized that they are not really practical and not workable so we are going to take those out now and that will open up more opportunities and flexibility for how that is going to develop. Going back to the snout house situation, we are also amending the standards dealing with the garages in the TC Overlay, expanding the standards that prevent the garage dominating snout house from single-family and duplex dwellings to include the triplex and attached dwellings on separate lots since those are now going to be part of the uses here. Furthermore, we are trying to build in more flexibility in how you can meet the anti-snout house concept. Currently the only standard we have there is that the garage needs to be set back 5' behind the front door. We are now adding some other options. If you can't meet that or don't want to meet that then you could put the garage door less than 5' behind the front door or even with the front door but the garage door can not be wider than 50% of the street facing elevation. Another option is that the garage door can again be even with or just not extending beyond the front door and you have a roof porch at least 5' deep over the front door which gives that same feel or impression of the house extending out in front of the garage. And finally, that the dwelling has a ground floor window providing a view of the street. This is considered one of the key points in terms of interaction between the residents

and their neighborhoods that they have visibility of their street to see what is going on. It is also considered to be crime prevention. These amendments pertaining to the garage and the anti-snout house are being applied to Section 8.225 which deals with off-street parking, garages and carports for duplex, triplex and attached dwellings outside of the TC Overlay district.

Rich Faith stated additional information is that in compliance with Measure 56, notification of the hearing before the Planning Commission was mailed to over 200 property owners within the city who might be affected by these amendments. Finally, the amendments were reviewed and discussed at length over the course of four meetings by the Citizens Advisory Committee (CAC) between December of last year and April of this year. The CAC proposal went to the Planning Commission (PC) for public hearing on July 20th and the PC is now forwarding the recommended ordinance and amendments to the Council with their recommendation for adoption.

Mayor Thalhofer called for a break at 8:34pm and reconvened at 8:45pm.

Councilor Canfield stated I read through the PC minutes and I noticed that Frank Windust voiced concerns. If we changed the setbacks that he was talking about, would he be able to get a variance?

Rich Faith replied he can request a setback variance from the standard.

Councilor Canfield stated I also remember reading in the PC minutes about increasing a setback for two story buildings, can you explain that?

Rich Faith replied this is a change that we implemented I think in 2000 or 2002, and it was at the request of the Council to look at this in response to the complaints of the neighbors regarding the Cherry Park Plaza development on 257th and Cherry Park Road. That came through as a conditional use application and the residents of the adjacent subdivision (behind it) were very upset that this imposing three-story structure was going to be built within 15' of the property line. Through all of that testimony and discussion the idea that we should look at increased setbacks depending on the height of the structure came out and as a result of that we did go through a process with the CAC to come up with a stair-step setback depending on whether you are constructing a single level, two level, or three level structure but only if you are immediately adjacent to residential property. So that change was made at that time and it seems to be working fine. In general I think most people have been satisfied with that provision of the Code.

Councilor Daoust stated I think we are getting a little carried away with the snout house ordinances. The DR Horton development, Morgan Meadows, is a new development and I think that more than half if not three-quarters of the homes in there are snout houses. If we maintain these snout house ordinances, I take it that DR Horton wouldn't be able to implement a subdivision because they have standard designs that they use for their houses which they don't deviate from. Is that a concern?

Rich Faith replied no. That is not correct. There are two places where the snout house provisions apply. For all housing within the TC Overlay (the DR Horton development is not in the TC Overlay) that standard would apply to any single-family detached, duplexes or whatever. Outside of the TC Overlay it applies to everything except for single-family detached housing. That entire DR Horton subdivision is single-family detached housing, therefore the snout house provisions do not apply. We have a specific section in our Code that deals with design standards for duplex, triplex, multi-family and attached dwellings and in that particular section of the Code we have built in this provision of requiring garages to be set back behind the front door but those standards do not apply to single-family detached homes.

Councilor Daoust stated I was under the impression that we were applying them to single-family.

Rich Faith stated only within the TC Overlay.

Councilor Gorsek asked is there a reason why we haven't tried to apply this standard to the entire city?

Rich Faith replied we do apply it but only when it comes to duplex, triplex and attached housing.

Councilor Gorsek asked why not the single-family?

Rich Faith replied when we added Section 8.225 in the Development Code, which is design standards for multi-family, duplex, triplex, and attached housing, we came forward with that to improve the aesthetics of these type of units. We weren't so bothered by our single-family neighborhoods, but it was the new multi-family housing where we were concerned about the look of those so that we didn't have the blank walls and that we had plenty of windows and articulation and architectural features to make them attractive. Those are generally investment type developments. Whereas we didn't want to impose that on the single-family detached home that constitutes the bulk of our traditional neighborhoods in the city. When we adopted that section it only applied to the multi-family and attached housing, it was never intended at that time to be applied citywide to all housing types.

Councilor Gorsek asked in terms of the enforcement of the political signs, lets say that we enact the changes, is this still going to be complaint driven or will we actively seek out these signs during a campaign period?

Rich Faith replied any way you would like to direct us to handle it. If your direction is that you only want it to be complaint driven, that is how we will enforce it.

Mayor Thalhofer asked the top of the sign has to be 4' from the ground?

Rich Faith replied the top of the sign can not be higher than 4' off of the ground.

Mayor Thalhofer asked what if the stakes are a little higher than 4'?

Rich Faith replied the stake is the supporting element and it is not considered the sign face.

Councilor Thomas asked in regards to the snout houses is there an option for the garage to be slightly forward?

Rich Faith replied the options are: 1) the garage is set 5' behind the front door; 2) the garage door does not extend beyond the front door but is not more than 50% of the width of the front façade; 3) the garage door is behind or even with the front door and the dwelling has a roof front porch extending at least 5' deep. The way it is written now the garage can not project in front of the building, it can be even with it but not project in front of it.

Councilor Thomas stated on the sign issue, I originally took that proposal to the CAC and my concept was three signs per candidate or event. I think I found out soon after that was not doable. How did you come up with the 10 square feet, that wasn't in the original proposal?

Rich Faith replied what we is preferred is that you put up one sign on each support, and the sign could have two sign faces. But as we have seen in the past some folks liked to stack two signs on top of each other. So the tendency would be to take two of your standard size signs, which in most cases were 2 x 3 or 6 square feet, so we figured someone who is going to maximize that would have all of these signs at 6 square feet and the tendency would be to take two of them and put them on top of each other. By saying that the maximum cumulative area can only be 10 square feet we just prohibited you from taking two of your standard 6 square foot signs and stacking them on top of each other.

Councilor Thomas asked why not go with a cumulative total of 6 square feet?

Rich Faith replied that would be more restrictive.

Councilor Thomas stated looking back when we came up with that ordinance when I was on the CAC the idea was when they put a sign up it would be basically 6 square feet on a per sign basis. We weren't thinking that people were going to build skyscrapers and figure out how many different ways we can attach signs to these things and bend the rules. I was just curious why we didn't consider 6 square feet total.

Rich Faith stated there is no reason why we couldn't do that. That isn't how it came out of the CAC.

Councilor Daoust asked sometimes people want to put a sign up on a roadway where it is visible from both directions, so you would have two signs on one or two stakes, if they have 6 square foot signs is that going to be 12 square feet just because they have one on each side?

Rich Faith replied no, that is why it reads that a sign can have no more than two sign faces. We would consider, if they are back to back, to be one sign with two sign faces.

Councilor Daoust asked would that also allow a V-shaped sign?

Rich Faith replied yes.

Councilor Daoust stated so you could have two if they were back to back or V-shaped just not stacked on top of each other.

Rich Faith stated the proposed change would allow them to be stacked on top of each other as long as it is not higher than 4' and the cumulative area is not more than 10 square feet.

Councilor Canfield asked looking at the PC minutes, apparently the CAC also looked at all of these proposed amendments, was it a unanimous vote from the CAC to approve these?

Rich Faith replied I would have to look at the CAC minutes but I don't believe that it was unanimous.

Councilor Canfield asked are the minutes available from the CAC meetings?

Rich Faith replied yes.

Councilor Canfield asked could we get copies of those minutes prior to the next meeting?

Rich Faith replied yes.

Elma Sutherland, resident on SW 4th Street, asked Mr. Faith what is the setback on Mr. Windust's property, which is adjacent to my property, going to be? It was 10' and I asked for 20' and I don't know what was decided.

Rich Faith replied the answer depends on what he builds, how many stories or the height of what he builds, and it depends on how he lays it out and whether or not it is a side or rear yard setback adjacent to your property. There are a lot of variables that would affect what that setback would be. To best answer your question, based upon what we know about what Mr. Windust would like to do and that is somewhat sketchy, but what he has shared with us about what he would like to build adjacent to you, we have determined it would require a 20' setback between the two or three story row house that he wants to build and your property to the south. As it is proposed he would be required to maintain a 20' setback assuming that is the rear yard backing up to your properties. That is all subject to change if he modifies his proposal and decides to build something different than what he has been talking about,

Elma Sutherland asked is there only one road out, 2nd Street?

Rich Faith replied the property in question has frontage on 4th Street as well as on the Kendall Avenue extension, which is the cul-de-sac property behind the City Conference Building. He has access on an undeveloped portion of 2nd Street, there is a partial right-of-way there that is unimproved that his property fronts on as well. It would depend on that road actually being constructed and extended.

Elma Sutherland stated my main concern in the beginning was, because I have lived there for 39 years, is the view and I know that I am going to lose it. I have been very concerned about

what he is going to build. Apartment houses do not bring in good clients and I will have to deal with them, he will not have to because he lives in Corbett. And there is a parking problem. If you put in apartments, where will they park? Can he go 35' high?

Rich Faith replied the maximum height in the CBD is 35' from the average grade of the property. So if you have a cross slope and you build a unit you would measure from the median point of that grade and it can be 35' up from that.

Elma Sutherland asked can I make him build retaining walls?

Rich Faith replied that will all be looked at and considered at the time of an application for his development.

Mari Hunt stated I know Frank and I would like to see him develop the property but what about the City. We have got so many row houses and so many subdivisions. The downtown area is dying out. What is bringing people to the downtown area? It is not going to be houses. They are going to live in their houses and they are going to go to work. What is the highest and best use of that property in front of me? What about a bank, a dry cleaners, things that bring people to this town so that all of these little shops aren't dying out. We are the Gateway to the Gorge and what are we doing, we are putting in these row houses. I would hope that the Council and this city and people that are involved, wouldn't have one builder and one developer ruin the integrity of this city because he wants to build and he wants extra setbacks so he can squeeze in more units. We have a problem with erosion and I do think we need a retaining wall if anything is built there. But more important, what about the aesthetics? We have 257th and here is the City of Troutdale and they are going to look at and see these squeezed in townhouses. Look at Fairview is that what you want? Is that your vision and dream for this city? I see so much more for this city than that. We are the Gateway to the Gorge. We need something to bring people to this city. What is there to draw people here? I sell real estate, I am for development. We should have a view ordinance here. Who wants to have this imposing three high story unit 15' from your house? What about my rights? What about my view? Where is my $20,000, who is paying me for the view that I will lose? I would like to see development here but lets come up with a plan for Troutdale that is going to get Troutdale going.

Glenn White stated I am on the CAC but I didn't get to see the final product after the PC completed their review. Regarding NC, is my property still going to be considered in the TC Overlay District?

Rich Faith replied yes. Your property is still within the TC Overlay District but in terms of the allowed uses, the standards affecting setbacks, or lot width and so forth, are not governed by the TC Overlay district any longer. They are strictly built into the NC zone itself.

Glenn White stated my concern is as we are approaching buildout, especially with properties that are neighboring other commercial properties even though they are vacant they should still be allowed the same rights and setbacks as the developed neighbor next to them took advantage of. I would just ask the Council to look at any changes being proposed that are more restrictive. This was very complex for me to even map out what was going to happen

with my own property. On the sign issue we did have mixed emotions. My personal opinion is I think it is great to see the involvement in the community and I am in favor of free speech and I thought all of the signs were great.

Mayor Thalhofer closed the public hearing at 9:34pm and stated the second hearing on this ordinance will be on October 11th.

6. MOTION: Council action on the proposed multi-year fire service contract with the City of Gresham.

Chief Nelson stated this is consideration for the September 15, 2005 recommendation from the Three City Ad Hoc Fire Service Study Committee. On July 18, 2005 there was a Three City Meeting with Fairview, Wood Village and Troutdale outlining a proposal, which is in your packet as Exhibit A. The proposal is for a multi-year contract with the City of Gresham for fire service. The original recommendation was for a ten-year contract with a 12% trigger. That recommendation was presented to the City of Gresham and they accepted all aspects of the contract proposal with the exception of the 12% trigger, they wanted a 9.5% trigger. On September 15, 2005 the Ad Hoc Fire Service Study Committee reconvened and discussed Gresham's proposal. The Committee unanimously voted to accept the conditions and proposal by the City of Gresham which included the original agreement from July 18th and agreed on the 9.5% trigger. The Committee also discussed having the Councils appoint a new fire committee to look at forming a fire district after the contract is in place. They had a target date for completion of December 31, 2006. The Committee's recommendation is to go with the 10-year contract with the re-opener trigger in year six through ten of 9.5% and to direct our legal counsel to prepare a draft contract to bring back to all three city councils.

Mayor Thalhofer stated part of the agreement includes the creation of a user board with representatives from the three cities, one elected and one appointed.

MOTION: Councilor Thomas moved to adopt the proposed multi-year fire service contract with the City of Gresham for the 10-year term. Seconded by Councilor Gorsek.

Debbie Stickney, City Recorder asked Councilor Thomas to clarify whether his motion included the 9.5% or the 12% trigger.

AMENDED MOTION: Councilor Thomas amended his motion to include the 9.5% trigger as recommended by the Ad Hoc Fire Service Study Committee. Councilor Gorsek agreed with the amendment.

Councilor Thomas stated this guarantees a set rate between now and year six.

Mayor Thalhofer stated I agree with the motion.

Councilor Canfield stated the committee did a fine job researching this issue and working on it and I am in favor of this.

Councilor Daoust stated I agree with Councilor Canfield.

VOTE: Mayor Thalhofer – Yes; Councilor Canfield – Yes; Councilor Daoust – Yes; Councilor Gorsek – Yes; Councilor Thomas – Yes.

Motion Passed Unanimously.

Mayor Thalhofer suggested that the Council consider appointments to the Fire User Board, Fire Advisory Board and the new Ad Hoc Fire Service Committee at the October 11th Council meeting.

2.3. RESOLUTION: A Resolution providing for budget transfers and making appropriation changes for Fiscal Year 2005-06.

Councilor Thomas stated I asked for this item to be removed from the consent agenda because during the budget process this year we were very concerned with maintaining our ending fund balances and I was uncomfortable moving $25,000 around on the consent agenda. Are there other options besides purchasing a new vehicle and why wouldn't it be cost effective to repair the existing vehicle?

Chief Nelson explained the vehicle that was being replaced had a blown engine. The vehicle has 97,000 miles on it and I don't think it makes a lot of sense to repair a vehicle (repair was estimated at $5,000) with this many miles on it. Other options would be to replace the engine at a cost of $5,000 and keep this vehicle that has 97,000 miles in the fleet. The $5,000 for the repair would also need to come out of the contingency fund.

Kathy Leader, Finance Director stated the contingency appropriation in the budget is $260,000. Those funds are set aside for unanticipated expenditures throughout the year. In evaluating the Chief's request we looked at the police department's budget for the last three years. Historically they have purchased two new vehicles every year. That has not been the case the last three years; two years ago they purchased two used vehicles, last year they purchased only one new vehicle and this year they have only budgeted for one new vehicle. Over the last three years the police department has been able to save money and we have put that money back into the general fund balance. In preparing this year's budget we anticipated a beginning fund balance of approximately $1.8 million. We have completed the year end audit for FY 2004/05 and our actual ending fund balance is about $300,000 more than we had initially thought due to some increased revenue sources and efforts to keep expenditures down this last year. After evaluating the Chief's request we felt that it was appropriate for the police to purchase an additional vehicle.

Councilor Canfield asked how many patrol cars do we have right now?

Chief Nelson replied we have 18 cars in our fleet. We have one new vehicle that is not on the inventory list yet so that would make it 19 and counting the one that we have ordered that we don't have yet would make it 20. We have 7 of those that are assigned out to individuals that are on call. We have one vehicle that is ready to go to auction and another vehicle that we are stripping out that we are getting ready to sell which was a forfeited vehicle. We have 1 staff vehicle and we have 1 jeep that has approximately 70,000 to

80,000 miles that we use during snow and ice and we have the vehicle with the blown engine. That leaves us with seven vehicles that are available for patrol.

Councilor Canfield asked if we don't replace the vehicle with the blown engine what kind of load does that put on the remaining vehicles?

Chief Nelson replied it will increase the miles, wear and tear. There are times currently during the overlap of shifts where we do not have enough vehicles for the officers. If there is a vehicle that is taken out of service for computer problems, radio problems, or maintenance issues, it can be a couple of days before that vehicle is repaired so we need to have some vehicles in reserve so we can keep officers on the road.

Councilor Daoust stated in my mind a blown engine is an appropriate use of contingency funds.

Councilor Gorsek stated Councilor Daoust is absolutely right. We want police vehicles that are good solid cars that our officers can rely on. It sounds like a good use of the contingency funds.

MOTION: Councilor Thomas moved to adopt the budget transfer making appropriation changes for FY 2005/06 for the purchase of one police vehicle. Seconded by Councilor Daoust.

Councilor Thomas stated I think the Chief answered my questions.

Councilor Daoust stated contingency funds are set up for unforeseen circumstances and certainly a blown engine is an unforeseen circumstance.

Mayor Thalhofer stated I agree.

Councilor Canfield stated this is the kind of thing that contingency funds are for. The department needs a car and the consequences of us not giving them a replacement vehicle, I don't even want to have to think about. I am in favor of this motion.

Councilor Gorsek stated I support the motion.

Jim Galloway, Acting City Administrator asked for clarification that Councilor Thomas' motion included the corrected version of the resolution provided to the Council this evening.

Council agreed.

VOTE: Mayor Thalhofer – Yes; Councilor Canfield – Yes; Councilor Daoust – Yes; Councilor Gorsek – Yes; Councilor Thomas – Yes.

Motion Passed Unanimously.

7. STAFF COMMUNICATIONS

None.

8. COUNCIL COMMUNICATIONS

Mayor Thalhofer stated we are fortunate that we do not live in the southern part of the United States where all of the hurricanes are occurring. We need to continue to pray for the folks that have been affected by the hurricanes.

Councilor Daoust stated about a month ago Councilor Thomas and I met with Shane Bemis, Gresham City Councilor. The intent was to brainstorm how Gresham and Troutdale councils could collaborate, share ideas and thoughts and how we could improve communications between the two cities in an informal setting. We have not taken any action yet, we just had an informal discussion.

Councilor Gorsek stated I trust that our emergency plans are in tact and ready. We may not have hurricanes but we have the potential for a substantial earthquake or volcanic activity. This just reminds us that everybody needs to have their own personal disaster kit ready.

Councilor Gorsek stated October is domestic violence awareness month.

Councilor Thomas stated approximately a year ago we approved a 10-minute parking zone in front of the Chamber office. Since the Chamber is moving locations we may want to consider removing the 10-minute parking zone.

Councilor Thomas voiced concerns regarding the Beaver Creek Bridge construction and the closure of Columbia River Highway and the affect that will have on the downtown businesses and the accessibility of Glenn Otto Park. Councilor Thomas asked if there were any other options.

Councilor Thomas stated one idea that Councilor Bemis shared with us that works well for Gresham is to hold an informal monthly meeting where the councilors can get together and share with each other what they have been working on.

Councilor Thomas stated I am hearing a lot of customer service complaints. We need to keep a handle on how we deal with our customers.

Mayor Thalhofer stated I have talked with John Anderson, City Administrator, about customer service and I have let him know that we all have concerns about it and that customer service is extremely important to us.

Mayor Thalhofer stated I have asked Mr. Abrahamson of Multnomah County if there was any way they could put in a second temporary bridge to handle the traffic during the construction of the Beaver Creek Bridge. Mr. Abrahamson said that he will work on that, he understands that it is a problem for the downtown merchants.

Jim Galloway asked is there consensus by the Council to ask Multnomah County to remove the 10-minute parking in front of the Chamber's office.

Council agreed.

9. ADJOURNMENT:

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

Meeting adjourned at 10:15pm.

Paul Thalhofer, Mayor

Approved January 24, 2006

ATTEST:

Debbie Stickney, City Recorder