

CITY OF TROUTDALE

AGENDA
TROUTDALE CITY COUNCIL MEETING
COUNCIL CHAMBERS
TROUTDALE CITY HALL
104 SE KIBLING AVENUE
TROUTDALE, OR 97060-2099

7:00 P.M. -- SEPTEMBER 25, 1990

- (A) 1. PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE
- (A) 2. CONSENT AGENDA:
 - 2.1 Accept: Minutes of September 11, 1990
 - 2.2 Proclamation: October as Disability Employment Awareness Month in Troutdale
- (A) 3. PUBLIC COMMENT:
 - Please restrict comments to non-agenda items at this time.
- (A) 4. ORDINANCE: Adopting a New Comprehensive Land Use Plan Inventory Second Reading -- Cline
- (A) 5. REPORT/PUBLIC COMMENTS: Request for Direction/Concerning Maintenance and Ownership of Woodale Park Cline
- (A) 6. ORDINANCE: Amending Ordinance No. 551 Regarding Calculation of Assessments and Declaring an Emergency -- Marine Drive/Sundial Road Gravity Sewer System - LID 89-002 "B" Gazewood/Wilder
- (A) 7. ORDINANCE: Spreading the Preassessment for the Local Improvement district known as the "MOUNTAIN SHADOW A/K/A MOUNTAIN VISTA LID NO. 91-002" Providing Service for Utilities to Protect and Enhance the Value of Property and Declaring an Emergency SECOND READING Wilder
- (A) 8. ORDINANCE: Spreading the Preassessment for the Local Improvement district known as the "HOMESTAKE RIDGE LID NO. 91-003" Providing Service for Utilities to Protect and Enhance the Value of Property and Declaring an Emergency SECOND READING Wilder
- (A) 9. PUBLIC HEARING: Considering Adoption of Final Review Order -- Concluding Periodic Review

Open Public Hearing
Declarations or Challenges
Summation by Staff
Public Testimony: Proponents
City Council Questions
Public Testimony: Opponents

City Council Questions
Rebuttal
City Council Questions
Recommendation by Staff
Council Questions or Comments
Close Public Hearing

- (A) 10. RESOLUTION: Adopting a Final Review Order Concluding
Periodic Review Cline
- (A) 11. RESOLUTION: Establishing and Revising Specific Fees and
Charges Cline
- (A) 12. ORDINANCE: Authorizing Bond Sale and Publication of Notice
of Bond Sale and Declaring an Emergency Gazewood/Christian
- (A) 13. RESOLUTION: Accepting Utility Easements for Pump Station
Electrical Panel - Marine Drive/Sundial Road [LID 89-002
"A"] Wilder
- (A) 14. RESOLUTION: Awarding a Construction Contract and
Authorizing the Mayor To Execute for Construction -- East
Troutdale Sanitary Sewer (In Park System) [LID 90-001]
Wilder
- (A) 15. INTERGOVERNMENTAL AGREEMENT: Special Investigations Unit
(Narcotics Investigations) Between Multnomah County
Sheriff's Office and Troutdale Police Department Collier
- (A) 16. REVIEW: Request for Additional Personnel Christian
- (A) 17. ACCEPT: Planning Commission Resignation and DETERMINE:
Method of Appoint
- (A) 18. DEPARTMENT REPORTS: (Carried Forward from 9/11/90 Mtg.)
o Public Safety
o Finance
o Community Development
o Public Works
o City Attorney
o Executive
- (A) 19. COUNCIL CONCERNS AND INITIATIVES
- (A) 20. ADJOURNMENT.



SAM K. COX, MAYOR

**MINUTES
REGULAR CITY COUNCIL MEETING
COUNCIL CHAMBERS
TROUTDALE CITY HALL
104 SE KIBLING AVENUE
TROUTDALE, OR 97060-2099**

7:00 p.m. -- September 25, 1990

ITEM 1. PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE

Mayor Cox called the meeting to order at 7:00 p.m. and called on Councilor Bui to lead the pledge of allegiance.

The roll was called by Pam Christian.

PRESENT: Bui, Burgin, Fowler, Thalsofer

ABSENT: Jacobs, Schmunk

STAFF: Christian, Cline, Collier, Gazewood, Jennings, Raglione, Wilder

PRESS: Dave Pinson, Gresham Outlook, Web Reubal, Oregonian

GUESTS: Don Oakley, Robert Johnson, Nancy Kropp, Susan Senger, David Thoreson, Ed Lopes, Louise Lopes, Herman Krause, Rose Krause, Roberta Smith, Karen Burgin-Kimber, Mark Nelson, Julie Nelson, Mary Szabo, Kathe Szabo, Edna Polzel, Darrell Polzel, Eric Tschuy, Gary Boom, Janelle Boom, John Green, Gerald Attig, Charles and Shirley Angell, John Mershon, Janet Cook, Elaine Jones, Paul Sands, Denise Campbell, Todd & Darla Haley, Kay Derryberry, Elliott Derryberry, Colleen Dransfeldt, Paul Chapenten

Mayor Cox called for agenda updates. Christian stated that #18 was a resolution regarding the purchase of the Oregon Bank Building for a police station. A resolution was required by Security Pacific Bank.

ITEM 2. CONSENT AGENDA: (Tape 1, Side 1 0:21)

Mayor Cox called this agenda item.

MOTION: Councilor Bui moved to approve the Consent Agenda deleting Item 2.1 [9/11/90 Minutes]; 2.2 Proclaiming October as Disability Employment Awareness Month in Troutdale. Councilor Thalsofer seconded the motion.

Mayor Cox read the Proclamation.

Councilor Thalsofer gave his personal endorsement of the Proclamation and urged business owners to hire qualified people with disabilities.

YEAS: 4 NAYS: 0 ABSTAINED: 0
Bui - Yea; Burgin - Yea; Fowler - Yea; Thalsofer - Yea

ITEM 3. PUBLIC COMMENT: (Tape 1, Side 1 0:61)

Mayor Cox called for comments on non agenda items. There were none.

Mayor Cox called on Scott Cline to present the American Institute Certified Planners certificate. Cline was a qualified member of AICP, July, 1990.

ITEM 4. ORDINANCE: Adopting a New Comprehensive Land Use Plan Inventory (Tape 1, Side 1 0:69) Second Reading

Mayor Cox called this agenda item and read the ordinance by title.

Cline stated this document was a data base which accompanied the City's land use plan it was not applicable to any specific property for land use. There were two items which needed attention 1) public facilities of Fire Stations; 2) Climatological Data/wind gust records.

Cline stated that Wilder had researched the wind gust issue and his sources had indicated that the 110 mph gust information was from a private wind gauge with questionable calibration and reliability. Staff reviewed the weather data that was available and the records indicated that local gusts during high winds were in the 85-95 mph range. The change should be made accordingly.

Christian stated that after researching, staff had come up with ordinances referring to the Inventory that should be repealed so all references were removed of the previous inventory. Ordinance 480 specifically was referenced which would repeal the current Plan and the one before Council would take its place. Adoption of the final ordinance would be the same day of the repeal so documents would be effective all together as opposed to spreading them over a period of months.

Councilor Burgin asked if there would be an amendment to include the information from Wilder's memo? Christian stated that the Council would need to motion to pass with the amendment to change the wind gusts as stated in the original ordinance to 85-95 mph.

Councilor Thalsofer asked for the Attorney's opinion.

Jennings stated that it wouldn't be inappropriate for there to be an amendment offered by any member of Council.

MOTION: Councilor Burgin moved to amend the section where it states speeds up to 100-110 to read 'windgusts up to 85-90'. Councilor Thalhofer seconded the motion.

YEAS: 4 **NAYS:** 0 **ABSTAINED:** 0

Bui - Yea; Burgin - Yea; Fowler - Yea; Thalhofer - Yea

Mayor Cox read the ordinance by title. Christian stated there had been a public hearing at the September 11, 1990 meeting.

MOTION: Councilor Burgin moved to adopt an ordinance for the City of Troutdale repealing ordinance number 480-0 and adopting a new Comprehensive Land Use Plan Inventory, as amended. Councilor Bui seconded the motion.

Mayor Cox called for public comment.

YEAS: 4 **NAYS:** 0 **ABSTAINED:** 0

Bui - Yea; Burgin - Yea; Fowler - Yea; Thalhofer - Yea

ITEM 5. REPORT/PUBLIC COMMENTS: REQUEST FOR DIRECTION CONCERNING MAINTENANCE AND OWNERSHIP OF WOODALE PARK

Mayor Cox called this agenda item.

Cline stated that this item had been before Council at the August 14, 1990 meeting. Staff requested direction and made Council aware of the Woodale Park situation at that time.

The Park's boundaries were outlined by use of visual aid. Cline stated there were 4 access strips into the common open area. It was plated as part of the subdivision as Track A and was part of the original zoning of the property which was PD-R7 plan development. That allowed for a reduction in the lot sizes for the subdivision, even though it was R7 as an underlying zone as a PD designation...and allowed smaller blocks of the 6,000 sq. ft. range in exchange for the amount of open space accommodated in the plan.

Cline outlined concerns as: some maintenance problems; back taxes were owed on the property and Multnomah County foreclosed acquiring it. They now own the green open area in the subdivision. It wasn't County desire to own the property since it was a maintenance problem. The County found it difficult to justify owning or maintaining one small area of the park since it didn't serve County-wide needs and only served the needs of the residents in that specific area. The residents would like the are maintained.

Staff expressed concern that the area did not meet City minimum standards for a city park. There was no public access which was normally required of a city park. There were problems in regard to parking.

Options were presented at the 8/14/90 meeting. Council was concerned because there was no representation from Woodale Park present at that meeting. Council directed staff to provide notice of this meeting to allow for public comment regarding the status of Woodale Park. A copy of the notice was sent to all property owners in the park and was included in the packet material for Council. (Tape 1, Side 1 2:58)

There was discussion regarding the definition of an LID. Christian stated that after notice to property owners, the Council would have to consider this would benefit the Park even though it wasn't abutting property, it would be considered to benefit the entire subdivision. It would require 2/3 of the people to oppose the formation under the LID formation ordinance. The City would buy the property from the County and form an LID of 80+ properties. In order to develop that into a city park, one problem would exist...that was access.

An LID report wasn't prepared because this was information for property owners of Woodale at this time. The people of Woodale would be assessed and it would be divided equally among the subdivision and the cost of developing this particular property into a city park. The Council would need to address the non-conforming standards in terms of access. there were 4 pedestrian easements across the property, not owned by the City. It was primarily granting of pedestrian access.

A basic requirement of a city park was parking space so people throughout the City, helping to support the park, would have equal access to the park. Emergency access was required and Christian mentioned that the pedestrian easement could require it to be one vehicle width. Encroachments and fences could alter the pedestrian easements. Residents outside the LID should be assured that they have use of the benefits. An LID could begin without the parking but not assign the City any portion.

Residents could request something similar to a subdivision LID but only a certain group of people and they would be assessed the total development of the park. Christian stated there wasn't a term that fit all the criteria but Council could come up with a term stating this was not a citywide park. The City would basically be selling bonds to ensure a low financing rate for the development. She stated the City Attorney would need to answer the question of an LID being formed legally that would serve a particular subdivision only that basically excluded public use.

There was further discussion focusing on the legal, political and financial impact of the LID and its formation.

Cline stated that the main concern of the people in the affected area was maintenance of the property.

Additional information from Larry Baxter of the County revealed that there would be an additional assessment which was placed on the property in the amount of \$1100. That was for maintenance of the staff's summer mowing project. That was in addition to the \$1500-\$1600 back taxes. The Board of Commissioners was ultimately going to have control over the disposal of the property. If the City requested that it be transferred to the City, the City could acquire the property and use it for the public good. The assessments from the County would not have to be paid in that case. If it was used for something other than the public good, the City would have to pay the assessments. Unless it was specifically waived by the Board of Commissioners, the homeowners association in Woodale Park should re-form, they would also have to pay.

Cline stated that there were residents of the Woodale Park area in the audience.

Christian explained an LID to the audience.

Discussion continued regarding zoning of open space. What are the options of this open space? The homeowners mow it and develop it or what? The homeowner's association could develop it on their own as long as the basic standards were met [i.e., the nuisance ordinance].

Ed Lopes, 2232 SW Larson, stated that they paid for the park when they bought the property. He further stated that the people who lived there didn't need parking spaces because they just walk there.

Karen Burger-Kimber, 1675 SW Cherry Park Road stated that there were many residents who welcomed the responsibility of maintaining a park in Woodale and stated that a decision tonight would be premature and more work needed to be done.

Janelle Boom, 2245 SW Brink, had the easement next to her house and it was used constantly. Children played there and it had been used for baseball fields, golf and provided a place for them to play where it was off of the street. She stated she was in the Neighborhood Watch group and other homeowners would like to see a park there also [President of Homeowners Association two years prior].

The question of speed signs came up and homeowner had called the City. It was determined that because of the access, signs could be posted regarding Children at Play and Speed 25 mph.

General audience discussion regarding the rules and regulations of a Homeowners Association.

Boom stated that the easements were passageways for burglaries at this time. Lighting, and structures were also needed in addition to police patrol.

Christian stated that if the homeowners wished to they could reform a new association.

Rose Krause, 2147 SW Larson, indicated that attendance was extremely poor and suggested the City take it over and then urge the residents to take over the mowing. [Previous president of Homeowners Association.

Questions were raised regarding City's liability. What about a low grass fire? What contribution(s) would be made from the residents?

Staff suggestion that if the City took it over it would need to be done and done right. Residents were asked if they would contribute if the City took over to offset costs?

Krause stated yes.

When asked if it would be used for general public. Krause stated no.

Mary Szabo, 2401 SW 22, stated that she lived across the street from the park and feels that developing it into a park would be worse. She indicated that the enhancement would be worth it since the acquisition of the property was basically zero.

Mayor Cox called for further public comments.

Robert Johnson, 1933 SW Laura Ct., stated he was in a different neighborhood but was interested because in his neighborhood, they paid \$40 a year to maintain a park. There was difficulty in collecting since it was raised to \$60 a year. It was now into filing liens against properties for non-payment. He stated he lived in Fairfax Heights and noted there was a strong reluctance to go to any of the meetings. There weren't quorums at the meetings.

Staff stated that for Woodale, the County owned the property and in Johnson's case, it was it homeowner's association.

Suggestions from the audience was for the City to take the property over and mow it; pay the taxes and assess the homeowners for it. General consensus of the audience was approval for this direction.

Councilor Burgin asked that the planning department staff give a report on the parks that exist and how they are paid for.

Christian stated that was currently available in the Parks Plan.

Councilor Thalhofer asked what the timeline was for the County to take it over? There wasn't a specified time and the County was aware the City was tempting to obtain it and knew of the discussions.

Christian summarized the discussion stating the City was to take title of the property and hold it for open space. Hopefully, the County would waive costs, develop it as a park and seek acceptance from the Park development staff.

The homeowners wanted to maintain the park and keep it as open space. They generally didn't have objection for public use. That would be required if there was going to be an LID. Christian suggested that further information and planning work needed to be done and the issue could be brought to Council at a later date.

An option for acquiring the property would be to ask for dedication from the County. To do that meant that it must remain open space forever, under City ownership.

Second option: City agree to pay \$1100 in mowing costs and \$18 in back taxes. That would give the City a broader spectrum of options as to how the park would be developed, then dedicate it back to the Homeowner's Association should they decide to re-form.

Councilor Thalhofer asked that the City should ask the County to waive the \$1100 and only pay the \$18 to save the money. [Tape 2, Side 1 3:00]

MOTION: Councilor Burgin moved to have the Planning staff come back to Council with varying levels of development for the property; the police department for man hours in protecting the property and have the Mayor direct a letter to the County stating that the City was in process and hold until the decision was made from Council, after all materials needed to made a more knowledged decision.

The motion died for lack of a second.

MOTION: Councilor Thalhofer moved to take the property by purchase and get assessments waived from the County and to do it now. Councilor Fowler seconded the motion.

YEAS: 3 NAYS: 1 ABSTAINED: 0

Bui - Yea; Burgin - Nay; Fowler - Yea; Thalhofer - Yea

Christian stated this item was on the agenda primarily to ask for public comment.

DISCUSSION: Should there be more clarification of the direction for staff from Council. Christian stated yes. Councilor Burgin stated there was a need to obtain facts and figures to put the park together.

It was decided that the affected properties would be notified by mail of the Council meeting that would have this back on the agenda for information as to the County's decision on waiving the \$1100, as well as other facts and figures and levels of park development as discussed.

This item will be before Council the second meeting in October, or as soon as the information can be gathered. The properties affected will be notified.

ITEM 6. ORDINANCE: Amending Ordinance No. 551 Regarding Calculation of Assessments and Declaring an Emergency -- Marine Drive/Sundial Road Gravity Sewer System - LID 89-002 "B"

Mayor Cox called this agenda item.

Christian stated that the letter was received the day after the ordinance was approved by Council [9/11/90] from Union Pacific via FAX.

Gazewood stated there had been an error in calculation of the property in question and the amendment corrected the previous ordinance.

Mayor Cox called for questions from Council. There were none. Mayor Cox read the ordinance by title.

MOTION: Councilor Bui approved the ordinance. Councilor Fowler seconded the motion.

YEAS: 4 NAYS: 0 ABSTAINED: 0

Bui - Yea; Burgin - Yea; Fowler - Yea; Thalsofer - Yea

ITEM 7. ORDINANCE: Spreading the Preassessment for the Local Improvement District known as the "Mountain Shadow a/k/a Mountain Vista LID No. 91-002" ; Providing Service for Utilities to Protect and Enhance the Value of Property and Declaring an Emergency Second Reading

Christian stated that this ordinance was before Council for a second reading with the specific change in Section 3
[Pursuant to the Waiver attached, all formal notice requirements are hereby waived by the City Council, and the bond sale is ordered to proceed.]

The purpose of the waiver was mainly to have the property owners state they weren't questioning the public notice requirements.

Christian clarified that this does change what was read by reading this in open session, to meet the requirements of the Charter, at the adoption, Council would adopt with the change.

Gazewood stated that final pre-assessments were sent to the homeowner by Certified Mail that the ordinance was referred back to Council for second reading.

Mayor Cox called for Council questions. There were none. Mayor read the ordinance by title.

MOTION: Councilor Bui moved to pass the ordinance. Councilor Thalhofer seconded the motion.

YEAS: 3 **NAYS:** 1 **ABSTAINED:** 0

Bui - Yea; Burgin - Nay; Fowler - Yea; Thalhofer - Yea

DISCUSSION:

Councilor Burgin asked about the reason for the change of name of the subdivision from Mountain Shadow to Mountain Vista Subdivision. Wilder responded that it was the request of Multnomah County. Councilor Burgin stated that he was still opposed to increasing city liabilities.

ITEM 8. ORDINANCE: Spreading the Preassessment for the Local Improvement District known as the "Homestake Ridge LID No. 91-003"; Providing Service for Utilities to Protect and Enhance the Value of Property and Declaring an Emergency Second Reading

Mayor Cox called this agenda item and read the Ordinance by title.

Cline stated that Homestake Ridge had been changed to Columbia Crest by the Planning Commission. This had been approved at the September 24, 1990 Planning Commission meeting and also required the addition of Section 3. Pursuant to the waiver, all formal notice requirements were hereby waived by the Council and the bond sale was ordered to proceed.

Councilor Burgin asked whether item 7 and item 8, forming LID's had passed? He didn't think they had?

Christian stated that what didn't pass on First reading was the ordinance spreading the LID assessments. That was because they were pre-assessments. There were resolutions to form the LID's and didn't need second readings. Councilor Burgin had voted no on both resolutions.

Gazewood explained the various bonds and their value over the periods of time. There was a call provision in the bond to allow more debt available to the City.

Discussion of Council policy allowing development related projects to consume up to 75% of the total allowable bond indebtedness which, at that point in time was 35%, substantially below current Council policy.

It was suggested that a review of Council policy would be beneficial to staff and Council members.

MOTION: Councilor Bui moved to approve the ordinance, including section 3. Councilor Thalsofer seconded the motion.

YEAS: 3 NAYS: 1 ABSTAINED: 0

Bui - Yea; Burgin - Nay; Fowler - Yea; Thalsofer - Yea

ITEM 9. PUBLIC HEARING: Considering Adoption of Final Review Order -- Concluding Periodic Review

Mayor Cox closed the Council meeting and opened the Public Hearing process. Mayor Cox called for declarations or challenges from Council. There were none.

Staff summation: Cline gave background information. He stated that the City had adopted Ordinance No's. 547-0; 548-0; 549-0; 550-0 and 558-0 pursuant to Periodic Review and effective upon adoption of the Final Review Order. He called for questions from Council. There were none.

Mayor Cox called for proponents: Robert Johnson, 1933 SW Laura Ct stated that he favored the RMU. There were no Council questions.

Mayor Cox called for opponents: Mary Szabo, 2401 SW 22nd wished to speak against the County designation of RMU. She felt that Troutdale should be promoting beauty and livability and not a designation which was primarily for zoning. There were a variety of uses much better for the beauty and livability and commercial aspects shouldn't be a prime concern. She gave an example of a golf course and stated that traffic was already at a saturation point. It would encourage an increase in crime as it does around a commercial area.

Councilor Thalsofer stated that he didn't feel threatened by the RMU designation. The reason for the citizen involvement was to protect the citizens and the impact of a shopping (regional) mall, for example.

There were no further Council questions.

Kris DeSylvia, 1371 SW stated that there were problems with the public input process. Specifically before the first public hearing before Planning Commission...she felt members of the Commission were somewhat "abusive with the public". She was later told that if they had such public backing, why weren't the people attending the public hearings and City Council meetings?

DeSylvia stated that she felt part of the public had been verbally abused by the Planning Commission and as a result, the decision had already been made, they weren't willing to listen to the public.

She felt this should be addressed. The only members of Council that drew a rebuttal were those members of the Planning Commission.

There were items submitted, in good faith, to the Council and it was used against citizen groups without any prior comment from the group. Members should have approached the group and asked what they did, how they arrived at the figures they had. Instead, they were told they wouldn't even be considered.

DeSylvia stated that she felt the argument that is in the Periodic Review for 2 1/2 years to suddenly change 11% of the property within the City limits is a valid argument and that it had changed the way Council and the rest of the public perceived the City, it changed the 4 factors on which many of the decisions were made. Comparisons to the state-wide planning goals and parallels to the City Comprehensive plan - the City wasn't intending such a development at the time that the majority of the Comprehensive Plan was written.

DeSylvia stated in the Outlook of September 1, "school faces traffic problems because of busing." If the quotes were correct, it stated that the Chief of Police, Frank Collier, estimated there were 800 students who could legally drive to school. Obviously there would be problems, they were considering students stepping out from parked cars along the streets. Also, the development to the County Farm property would jeopardize that situation far more.

She stated that all in all, she knew development was inevitable, but is also important that the City recognize the group as simply being concerned. They needed to recognize that they were for development. However, they wanted controlled development. They want to retain livability throughout the City.

Mayor Cox called for Council questions.

Councilor Thalhofer asked what proposals DeSylvia considered outrageous in the area that wouldn't be [inaudible] in those instances?

DeSylvia "First the Citizen Advisory Committee is sadly lacking and knows the City cannot be held accountable for the number of citizens that are active in the CAC, but after this process, as a CAC member, there are certain processes that I would not allow to happen again. [Tape 3, Side 1 3:00] For example, being given materials and asking you to vote on it in an evening when there has been no prior materials. That hasn't given the CAC a fair opportunity to go out and discuss it with the people and see how they might feel about a situation.

Making a recommendation on a night when you've just been given the material, that's basically, a false representation.

Council asked if that could happen? DeSylvia stated yes, that could happen.

Councilor Thalsofer asked if she was referring that information was given to Council at the last minute or to citizens? Was it a time frame where no one had time to study what's going on. DeSylvia stated should be given materials in advance and then come back a week later...two weeks later. It was important to discuss with other citizens what they might want. Opportunity must be there.

There were 4 members in attendance in the particular public hearing that discussed the RMU designations. By not allowing citizens to go out and discuss with fellow citizens, you have nothing more than four attending. There has been no opportunity to formulate any thought and to really counter it with people. The more conversations there are, the more you broaden your spectrum, education and it helps in the decision process.

Mayor Cox stated that one of the things that disturbed him was that in this process, in the conversations, we've been taught about having outside conversations before a public hearing. The Council was instructed to act as a judge as in a judicial hearing. That pretty much eliminates the possibility to go door to door and get the kind of feedback. In regards to the CAC, we would hope that it would help in that process.

DeSylvia stated in regards to process, or an error in this process...she felt the City had already made some determinations about what they would like to see. In doing so, the City had an unlimited attention and resource with Council. The citizen does not have that same opportunity or access to the Council. It created an imbalance, made it one-sided.

Councilor Thalsofer also had protests to some of the processes.

Summation: No matter what group it is, there will only be a certain number that approve and are active but still have to represent the others. The City has only seven members, six and the Mayor, to represent all of Troutdale. The Council was doing the best they could.

Councilor Thalsofer stated he was not aware that the Planning Commission had been abusive to the group. He hadn't heard that before and had no reason not to believe what DeSylvia said. It's deplorable and shouldn't happen.

Mayor Cox asked Councilor Thalsofer to bring the issue up again when Council reconvened. Mayor Cox thanked DeSylvia for her comments.

Karen Burger-Kimber, 1675 SW Cherry Park Rd., stated she was very concerned, as was DeSylvia, that the public process hadn't been

accomplished in the way she would like to see it. She stated that since April, they had tried to communicate with Council as to how the citizens of Troutdale really felt about development of the County Farm property and the RMU designation. When she voted for the RMU, she thought it was her responsibility to set her personal feelings aside and make a judgment to vote for RMU and a zone change. But, she stated, she made her judgment and decision under hasty circumstances.

Burger-Kimber stated looking back, she realized that wasn't a good process. As a consequence, she made an effort to come forth to two Council members and discuss her concerns and also to make an appointment with Mayor Cox. She asked City officials and staff to have a meeting and discuss to formulate some decisions as to what the responsibilities and procedures were for the CAC. She stated she had no response to this.

Burger-Kimber stated after polling constituents, she should represent the community, the citizens to Council. Basically, as a member of the CAC, her responsibility was to act as a go-between [Planning Commission and community]. She stated she didn't feel Council was well informed as to what was going on. She still wasn't satisfied that this was an adequate citizen involvement/educational process. She wanted to make some changes so the City could help to recognize that there was true citizen involvement and input.

Mayor Cox called for Council questions.

Councilor Thalsofer stated that Council listened very carefully to all the testimony; just didn't happen to agree with the testimony. He stated that he tried his best to decide what was best for the entire City and apologized that the perception was negative. The CAC was an advisory committee to the Planning Commission and was sorry that the CAC was unhappy about the process of public hearings and citizen involvement.

Burger-Kimber stated that the CAC was a puppet organization and its value needed to be re-evaluated. She approached Council with a packet of materials.

Councilor Burgin stated that Council had already approved and reviewed materials but questioned the legality of accepting it without even scanning the materials.

City Attorney Jennings stated that HB 2288 required evidence (written) had to be submitted ahead of time so that there was time for the decision makers to review it. The material was new and not part of this record. This also applied to Tri-Met who had just handed materials the day of the Council meeting. They would be accept even though not proper, since Tri Met did have an interest.

Councilor Burgin stated everyone should have a fair opportunity to review materials prior to a hearing. Council should be sticking to the rules.

Staff and Council debated the issue of materials being accepted in time.

REBUTTAL:

Robert Johnson declined to comment further. No rebuttal from opponent and no rebuttal from proponent.

End tape 3, Side 2.

Mayor Cox closed the public hearing and opened the Council meeting.

ITEM 10. RESOLUTION: Adopting a Final Review Order Concluding Periodic Review

Mayor Cox read the resolution by title.

Considerable discussion ensued.

MOTION: Councilor Bui moved for approval. Councilor Fowler seconded the motion.

DISCUSSION:

Discussion regarding the definition of a quorum ensued. Councilor Burgin stated that for any RMU designation there should be a quorum of at least 8 members.

YEAS: 3 NAYS: 1 ABSTAINED: 0
Bui - Yea; Burgin - Nay; Fowler - Yea; Thalsofer - Yea

ITEM 11. RESOLUTION: Establishing and Revising Specific Fees and Charges

Mayor Cox called this agenda item.

Cline stated that there were new fees for electrical permits and manufactured dwelling structures. The resolution before Council was to address this change and Cline also stated that the fees used were as suggested by the State.

MOTION: Councilor Fowler moved to adopt the resolution. Councilor Bui seconded the motion.

YEAS: 4 NAYS: 0 ABSTAINED: 0
Bui - Yea; Burgin - Yea; Fowler - Yea; Thalsofer - Yea

ITEM 12. ORDINANCE: Authorizing Bond Sale and Publication of Notice of Bond Sale and Declaring an Emergency

Mayor Cox called this agenda item and read the ordinance by title.

Christian stated a new page marked Agenda 12 was passed out. When the public notice was done, it was advertised as an Ordinance. However, when it came over the FAX at 4:45 p.m. on the previous Friday, it was a resolution. Bond Counsel had submitted this to the City to be passed as a resolution.

Councilor Burgin called for point of order. He stated that on a first reading it could pass with a simple majority versus an Ordinance which wouldn't pass on first reading. He didn't appreciate the substitution. Bond Counsel didn't dictate the City's resolutions and ordinances.

Christian stated that she understood but wasn't clear and didn't require...

Gazewood stated that this didn't have anybody's intervention in it at all. The reality as it turns out is the previous bond sale that was submitted by Council's ordinance was the first time [when researched the record] the previous bond sales were always done by resolution. When it had something to do with the law office that the bond counsel was with - it was submitted as an ordinance. When staff was waiting for the paperwork to be sent, Gazewood went under the assumption that they would be giving us an ordinance. The public notice was prepared to be certain that it met the test of an ordinance and also Gazewood's cover letter dealing with the issue of an ordinance. At approximately 4:45 p.m. on Friday we received a FAX to make the Council packet as a resolution.

Gazewood stated that he spoke to bond counsel about the issue of whether it should be an ordinance or a resolution. Mr. Roberts of Preston, Thorgrimson indicated that it dealt with whether the City had a requirements that the authorizing document for a bond sale be an ordinance. Gazewood and City Recorder researched the Charter and other ordinances and found nothing that required an ordinance. It was really up to Council how they wanted to address the issue.

Councilor Burgin stated that he felt staff knew that he trusted them. The net effect of this issue, however, was that everyone knew his continued opposition of the addition of the \$1.1 million dollars involving Mountain Shadows and Homestake Ridge. He stated he would have voted against an ordinance which would have the effect of pushing it to a second reading. The effect of a resolution is that it would go ahead. He stated that regardless of everyone's intentions, he would have to object to the 10/30 substitution of a ordinance to a resolution that was on the agenda as an ordinance and advertised as such.

Gazewood offered that this had been published as an ordinance with an emergency clause consist with his memo to Council. If Council desired, they could substitute the word resolution for ordinance and change the wording in the enacting clause.

Councilor Burgin stated that he didn't understand at this point with the advertising, the agenda before the public and the hour -- what the Council desire had to do with it. He didn't see how there was a choice when it was advertised and on the agenda that way.

City Attorney stated that there was no legal impediment to change it.

Councilor Thalsofer asked why?

Councilor Burgin asked why you would circumvent an emergency problem?

City Attorney Jennings stated that it was not a function so much of notice as what needs to be passed. There were a number of things that required passage by ordinance and required prior written notification. If staff was wrong in the status - makes a mistake an is advised by someone else that it wasn't appropriate. The fact that it was advertised as an ordinance doesn't keep it from being changed to a resolution. Because, there is no need for it to be an ordinance, according to Mr. Roberts.

Jennings stated that he didn't know whether it needed to be an ordinance or not? If Council chooses to do it by ordinance, they could do so. He was under the understanding that Mr. Roberts didn't feel an ordinance was necessary.

Councilor Thalsofer asked if Mr. Roberts was a bond expert?

Jennings stated that someone of Mr. Roberts expertise must prepare these documents. A regular attorney cannot. His opinion [Mr. Roberts] which is attached to the documents has an effect on their salability.

Gazewood stated that bond counsel had to state a legal opinion which was on the bond company documents and was a part of the bond itself.

Christian asked Mayor Cox if she could address Councilor Burgin. She stated she didn't mean to be so what about it. The point she was trying to make was yes, it had been advertised as an ordinance but that assured a greater level of advertising, public input - over a resolution. If Council wanted to assure, or try to assure that this had a second reading, it would have no affect on the bond sale in terms of time frames, was that correct?

Gazewood stated yes, the ordinance would have to have an emergency clause to take effect immediately. The timeframe would require, with public notices due to be printed, there would have to be a second hearing no later than Thursday. If for some reason it didn't go, the notices would be null and void. The whole bond sale would be in jeopardy if it went past this week. A special public hearing

14 days after publication of the notice for the opening of the bond bids. October 16th is the designated date for the special meeting of the Council to accept or reject the bids. The whole timeframe in terms of delivery of the bonds, in terms of being crunched up to meet the timeframe of the November 6th election. You would be looking at a crunch period and the second reading would have to be this week.

Jennings stated that Councilor Burgin could move to amend this to again call it an ordinance instead of a resolution. That would be the first step.

Councilor Burgin didn't accept that part of the process, he didn't accept that Council had the option of, without any public notice, accepting what comes before Council with a resolution typed on top of it. The fact that staff passed out something later this evening that says resolution doesn't change what was advertised and what was in the packet.

Christian stated that the packet material itself stated resolution. The notice stated ordinance.

Gazewood stated that the only change this evening on the front page was when the dollar amount had to be included to designate the amount of the bond \$3,293,792 because there was a bond that was other than \$5,000 language had to be added to designate an odd amount bond that was in Section 1...[since the dollar value of the bond issue wasn't known until today] we didn't know the maturity schedule would be. That was given at 5:20 p.m. this afternoon. That the reason under Section 1 - Serial bonds. The term bond amount was also designated. In relation to Section 4 -- Mandatory Redemption of Term Bond -- that language had to be changed because in the event that the City couldn't call in the whole 2000 yr. bond amount, the City had to be protected in terms of 1997-2000 in terms of each individual year indebtedment period. On the next pg. since the two top lines, on the resolution that was distributed had to be deleted because ordinance lines were no longer applicable to section 4. Section 11 on pg. 10, because this issue was above \$3 million or more it must be advertised in the New York bond buyer then language has to be added that it had been published in that publication.

Councilor Burgin deferred to the rest of Council by whatever their pleasure was.

Councilor Fowler stated that there was a possibility than the November election could change the bonding ability of the City, correct?

Gazewood stated yes.

Councilor Fowler stated that due to the possibility, stalling this beyond the time could cause trouble, he didn't like the way it was done with the resolution/ordinance changes but, he felt that was the way it would have to go.

Councilor Thalsofer stated he agreed with Fowler, he didn't like the process, but it was legal and he thought it should go forward as discussed. He would vote in favor of the resolution. Basically, there had been more notice as an ordinance that was required for a resolution. So, there had been more notice than needed.

Christian stated that she hadn't even noticed that it came over as a resolution. Council would have to call for a special meeting and posted notices on Thursday evening to have consideration and second reading of the meeting. That was Council's option.

Gazewood stated that could be done.

Mayor Cox read the resolution by title.

Tape 4, Side 2

MOTION: Councilor Fowler moved to adopt the resolution. Councilor Thalsofer seconded the motion.

YEAS: 3 NAYS: 1 ABSTAINED: 0

Mayor Cox called for further discussion. There was none.

Bui - Yea; Burgin - Nay; Fowler - Yea; Thalsofer - Yea

Councilor Thalsofer stated that this had been the second meeting in a row that had been difficult and lengthy. He asked that there be a work session soon to clarify some of the issues that were problems.

ITEM 13. RESOLUTION: Accepting Utility Easements for Pump Station Electrical Panel -- Marine Drive/Sundial Road (LID 89-002 "A")

Mayor Cox called this agenda item and read the resolution by title.

Wilder gave background information. He stated that as a result of the Graham Road extension on Port property, the electrical panel associated with the pump station needed to be relocated. That relocation was to private property. Council approval for the acceptance of the easement agreement was needed.

MOTION: Councilor Burgin moved to approve a resolution accepting a non-exclusive utility easement from medical media laboratory, inc. over, under and across property in the SW 1/4 of Section 23, T1N, R3E, W.M. in the County of Multnomah and the State of Oregon. Councilor Fowler seconded the motion.

YEAS: 4 NAYS: 0 ABSTAINED: 0--
Bui - Yea; Burgin - Yea; Fowler - Yea; Thalhofer - Yea

ITEM 14: RESOLUTION: Awarding a Construction Contract and Authorizing the Mayor to Execute for Construction -- East Troutdale Sanitary Sewer (In Park System) LID 90-001

Mayor Cox called this agenda item and read the resolution by title.

Wilder stated that bids had been opened and ranged from \$48,000 to \$73,812. The low bid was submitted by Colt Construction and exceeded the City and engineer's estimate by 14%. The other two bids were submitted by Casper and Magera, Inc. @ \$63,856 and Marshall Associated Contractors at \$73,812.

Wilder stated that it was staff recommendation to award the project to Colt Construction in the amount of \$48,000.

MOTION: Councilor Fowler moved to authorize the bid award to Colt Construction. Councilor Bui seconded the motion.

YEAS: 4 NAYS: 0 ABSTAINED: 0
Bui - Yea; Burgin - Yea; Fowler - Yea; Thalhofer - Yea

ITEM 15: INTERGOVERNMENTAL AGREEMENT: Special Investigations Unit (Narcotics Investigations) Between Multnomah County Sheriff's Office and Troutdale Police Department.

Mayor Cox called this agenda item.

Chief Collier stated that the agreement serves to formalize a pre-existing verbal agreement between the Sheriff and Chief. It also was a required mechanism where the Sheriff's office may reimburse City for operational overtime.

Councilor Fowler asked if Chief recommended it? Chief Collier stated yes.

Councilor Thalhofer asked if this specified activity was joint special investigations that might be pursued. What about murders/capital cases?

Chief Collier stated not with this unit.

Councilor Thalhofer asked if there was help from Multnomah County Sheriff's Dept. for that type of thing? Chief Collier responded, yes. It was a separate agreement, however.

MOTION: Councilor Bui moved to approved the Intergovernmental Agreement between the County and City. Councilor Burgin seconded the motion.

Mayor Cox called for further discussion. There was none. Mayor called for the question.

YEAS: 4 NAYS: 0 ABSTAINED: 0

Bui - Yea; Burgin - Yea; Fowler - Yea; Thalsofer - Yea

ITEM 16: REVIEW: Request for Additional Personnel

Mayor Cox called this item.

Christian stated that there had been a tremendous rise in building activity and was need for additional personnel in the department. She stated that there would be one third of the initial budgeted amount was still available and would mean that it wouldn't require an additional \$9,200 required to make the position authorized full time rather than part time.

Councilor Fowler asked if with 600 new homes, where were we with that figure? Have we been running that in the last few months, or was staff counting vacant lots?

Christian stated that was with the potential of 600 new homes with all LID's on the table right now.

Councilor Fowler stated that was saying that in 18 months all 600 houses would be built.

Christian stated that aside from the 600 vacant lots, the amount of inspections had tripled within the last 3 months. They are doing almost 600 inspections a month. That generates 3 times the work load over the past nine months. The workload has increased.

Councilor Fowler stated that using 300 homes was using a pie in the sky. Looking at the vacant lots that have sat over in Sunrise Park for how many years? There were 16 permits last month by the report.

Cline stated that there had been more plans for new home construction in the last month than in the last ten years at any given time.

Councilor Fowler stated that was 16 in the month. He had no problem with the position.

MOTION: Councilor Bui moved to approve the request. Councilor Thalsofer seconded the motion.

YEAS: 4 NAYS: 0 ABSTAINED: 0

Bui - Yea; Burgin - Yea; Fowler - Yea; Thalsofer - Yea

ITEM 17: ACCEPT: Planning Commission Resignation and Determine Method of Appointment

Mayor Cox called this agenda item.

Councilor Bui stated he was very sad to receive the resignation. He was probably the most efficient Planning Commission member and that included the Chairman.

Mayor Cox stated that he hated to accept it also, but the resignation had been received. Mayor Cox stated that the last interview a second person had been suggested and the Mayor asked that he be chosen as well so Council didn't have to go through the process so soon.

MOTION: Councilor Bui moved to appoint Don Lloyd to the Planning Commission to replace Larry Nicholas. Councilor Fowler seconded the motion.

YEAS: 4 **NAYS:** 0 **ABSTAINED:** 0

Bui - Yea; Burgin - Yea; Fowler - Yea; Thalsofer - Yea

Councilor Bui asked that Mr. Nicholas receive a letter or plaque for his service to the City as a member.

ITEM 18: RESOLUTION: MEMORANDUM OF MUNICIPAL LEASE AND OPTION AGREEMENT (OREGON BANK BUILDING) Added Agenda Item at beginning of meeting.

Mayor Cox called this agenda item.

Christian gave background information. She stated that this was a follow up to the purchase of the Bank building. Mr. Albrecht had suggested this. She had this to Council as a choice. The building could either be paid off immediately or enter into the lease/purchase giving the City a two year timeframe to pay it off. There was money but she would like the flexibility of coming to the Council for other issues that might arise this year. It expands the City options in terms of cash flow.

Councilor Bui agreed.

Councilor Fowler asked where the money was going to come from if paid in cash now?

Christian stated that there was additional revenues, discussed earlier, due to the telephone franchise tax which freed money originally assigned out of the general fund.

Councilor Fowler asked when that was passed it was to go to 911. Why was it put into 911 if there already was money there. That was a sales pitch. He was trying to understand why xx dollars going in the budget then there is extra xx dollars going to 911. Now the money was going from 911 and putting it to the money going underneath for the bank.

Christian stated that the in March/April there was money budgeted for 911 costs. The 3% for local access calls not for overall calls.

The Council had the option that was their choice. Now there was additional money unallocated if Council was going to designate the franchise money to 911 in the present year.

Councilor Burgin stated it wasn't designated this year, that it was Council comment that in future years as 911 requirements grow, it would be a source for that. So, we all knew that the first year the bill wasn't going to increase. There is no shifting of one to the other.

MOTION: Councilor Fowler moved to approve the Resolution for the lease and purchase agreement of the Oregon Bank Building as a Police Facility. Councilor Bui seconded the motion.

YEAS: 4 **NAYS:** 0 **ABSTAINED:** 0

Bui - Yea; Burgin - Yea; Fowler - Yea; Thalhofer - Yea
Tape 4, Side 2

ITEM 18: DEPARTMENT REPORTS: (Carried Forward from 9/11/90 Mtg.)

Cline discussed the construction of a parking lot on the Reynolds High school property. It was suggested to Cline that the City advise the Reynolds High School District they may proceed with the parking lot at their own risk in continuing to build. Any decision by Council concerning enforcement action would be made after Planning Commission has the opportunity to address the issue by either granting or denying the Conditional Use Permit.
[inaudible]

City Attorney Jennings asked to set an Executive Session prior to the 10/9/90 regular Council meeting.

ITEM 19: COUNCIL CONCERNS AND INITIATIVES

Mayor Cox stated there were three items to discussion. 1) Work Session scheduled for 10/6/90 at 9:00 a.m. All Department heads were requested to attend; 2) Mayor Cox had authorized dumping at the Pit to help aid in the clean-up of the slide that had recently occurred near the Stark Street Bridge. 3) Appointment of Gene Bui to the Cable Regulatory Commission replacing Ron Sherwood.

Councilor Bui reminded Council that the Harvest Faire was 9/29 and 9/30 at the Troutdale Park...there would be great items and good music.

ITEM 20: ADJOURNMENT.

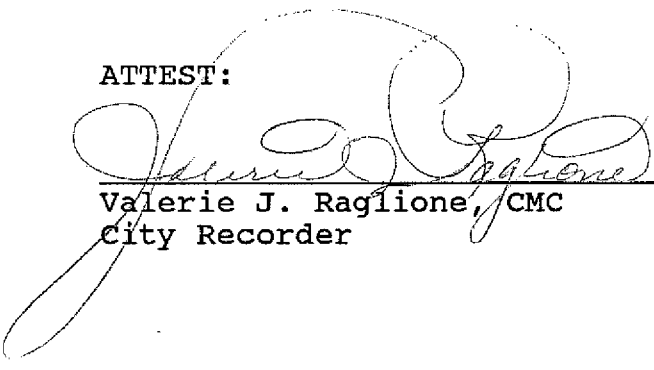
The meeting adjourned at 11:25 p.m.



Sam K. Cox, Mayor

Dated: November 15, 1990

ATTEST:



Valerie J. Raglione, CMC
City Recorder

THIS IS A PUBLIC ATTENDANCE RECORD. PLEASE LIST THE FOLLOWING INFORMATION:

LEASEE PRINT NAME	ADDRESS	TELEPHONE
WILDER	CITY HALL	665-5175
Lesolt Cline	104 S.E. Kibling	665-5175
Brent Couler	TROUTDALE POLICE	665-5175
DON OAKLEY	8948 SW BARLOW, PORTLAND	227-7062
ROBERT JOHNSON	1933 S.W. LAURA ST	665-4449
Nancy Kropp	2423 SW 23RD	665-7330
Susan D Senger	2419 SW 23 rd , Trtdl.	661-5672
DAVID N. THORESON	2407 SW 23rd Trtdl	667-1043
ED LOPES	2332 S.W. LARSSON	---
Louise Lopes	2228 S.W. Larsson Ave. Troutdale	669-7943
Bernice Krause	2147 SW Larsson Ave	661-2051
Rose Krause	" "	661-2051
Roberta M. Smith	2204 S.W. Townsend Ct.	661-2710
Kuen Burger Kuhn	1675 SW Cherry Park Rd	661-6486

THIS IS A PUBLIC ATTENDANCE RECORD. PLEASE LIST THE FOLLOWING INFORMATION:

PLEASE PRINT NAME	ADDRESS	TELEPHONE
Mark Nelson	2312 SW 22	6675662
Julie Nelson	2312 SW 22	6675662
Mary Lyabo	2401 SW 22	667-9074
Kathie Seder	2401 SW 22nd St.	667 9074
Eva Polzel	1520 SW 13 Cir	NA
Darrell Polz	1520 SW 13 Circle	NA
Eric Tschuy	1675 S.W. Cherry Park Rd.	Na
Gary Beam	2245 SW Brink	661-8797
Janelle Beam	" " "	661-8797
John S. Green	36123 Camp Cr. W. Springfield	747-4399
Gerald K. Attia	# Ross Investments Inc. 1 S.W. Columbia Portland	243-2529
Charles + Shirley Angell	2339 S.W. 23rd	667-5919
JOHN G. MERRISON	2520 S.W. 23 rd CIRCLE	665-8883
Janet Cook	2320 SW 23 rd Trout Lake	NA

THIS IS A PUBLIC ATTENDANCE RECORD. PLEASE LIST THE FOLLOWING INFORMATION:

PLEASE PRINT NAME	ADDRESS	TELEPHONE
Elaine Jones	2334 SW 22 nd Troutdale	661-1997
PAUL SANDS	2228 SW 23 rd TROUTDALE	6615011
Dorise Campbell	2239 SW BIRK Troutdale	661-5826
Todd & Darla Haley	2313 SW 23 rd Troutdale	665-5621
Kay Derryberry	1415 S. W. 13 th PL Troutdale	665-1682
ELLIOTT Elliott DERRYBERRY	1415 SW 13 th PL TROUTDALE	665-1682
Colleen Dransfeldt	1357 SW McGinnis Ave. Troutdale	660-6875
Paul H. Carpenter	2301 SW 22 nd TROUTDALE	6612189