

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

7:00 P.M. -- JUNE 11, 1991

ITEM #1: PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE

Mayor Cox called on Councilor Thalhoffer to lead the pledge of allegiance.

City Recorder, Valerie Raglione, called the roll.

PRESENT: **Bui, Cox, Fowler, Schmunk, Thalhoffer, Thompson**

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

PRESS: **Steve Amick, Oregonian**
 Dave Pinson, Outlook

GUESTS: **Sally Wakeman, Kris DeSylvia**

Mayor Cox asked City Administrator Christian if there were any agenda updates. Item 2.3 was a request for approval of a special event sign permit and was included in the Consent Agenda.

ITEM #2: CONSENT AGENDA

Mayor Cox called this agenda item and stated that the Aero fair and Windjam should be included in the Special Event Sign Permit Approval.

MOTION: Councilor Fowler moved to approve the consent agenda as written [2.1 - City Council Minutes 5/14/91/91; 2.2 - Business License Report Month of May; 2.3 - Request Approval of Special Event Sign Permit. Councilor Bui seconded the motion.

YEAS: 5

NAYS: 0

ABSTAINED: 0

Bui - Yea; Fowler - Yea; Schmunk - Yea; Thalhoffer - Yea; Thompson - Yea

ITEM #3: SWEARING IN: City Councilor to Fill Vacated Position 4 (Term Ending 1/93).

Mayor Cox called this agenda item and asked City Recorder to administer the Oath of Office to James Wakeman. Councilor Wakeman then took his place at the Council.

ITEM #4: PUBLIC COMMENT

Mayor Cox called for public comment. There was none.

ITEM #5: DECLARATION OF PLANNING COMMISSION VACANCY AND METHOD OF FILLING SAID VACANCY. [Tape 1, Side 1 4:20]

Mayor Cox stated that during the interview process an alternate had been selection, Patricia Polly. Polly had been placed in the vacancy left by LaBarre and there were no other alternates available for Planning Commission. Mayor stated that a selection committee and date would need to be scheduled for filling the vacancy left by Wakeman.

Mayor Cox stated that applications that were previously submitted [and in some cases interviewed] and new applications would be considered.

Christian stated that the application process would be advertised twice in the Outlook, in the newsletter and on the Cable Community Bulletin Board. Christian stated that past practice for the selection committee was that the Planning Commission Chair, the Mayor and one Council person perform the interviews and make recommendation to Council for appointment.

Mayor Cox asked if Councilor Thompson would be the Council member to sit on the selection committee. Councilor Thompson agreed to do so.

MOTION: Councilor Bui moved to set July 23, 1991 as the date Council appoint a member to Planning Commission to fill the vacancy. Councilor Thalhofer seconded the motion.

YEAS: 5

NAYS: 0

ABSTAINED: 0

Bui - Yea; Fowler - Yea; Schmunk - Yea; Thalhofer - Yea; Thompson - Yea; Wakeman - Yea

ITEM #5: RESOLUTION Rescinding Resolution #884 Thereby Invalidating a Tentative Plan and Program for a 248 Unit Residential Planning Development. [Tape 1, Side 1, 8:29]

Mayor Cox called for declarations, challenges, ex parte contact.

Councilor Thalhofer declared a conflict. He had testified when this issue was before the Planning Commission.

Councilor Wakeman stated that he sat on the Planning Commission when it was before them.

Cline stated that due to controversy and opposition by the surrounding homeowners the developer had reevaluated the market conditions. He had re-submitted a tentative plat for an R-7 subdivision which would contain 63 lots on the upper portion of the property. The Planning Commission approved the tentative plat which therefore invalidated the planned development approval on the property. In order to clarify the status of the approved resolution, staff recommended approval of Resolution 884 be rescinded in light of the most recent Planning Commission action to the developer's request.

MOTION: Councilor Schmunk moved to rescind Resolution #884. Councilor Thompson seconded the motion.

YEAS: 5

NAYS: 0

ABSTAINED: 1 [Thalhofer]

Bui - Yea; Fowler - Yea; Schmunk - Yea; Thalhofer - Abstained; Thompson - Yea; Wakeman - Yea

ITEM #6: RESOLUTION: Exempting from Public Bid Procedures a Contract for Urban Renewal Plan. [Tape 1, Side 1 17:30]

Mayor Cox read the resolution by title and called for Council questions.

Councilor Fowler asked if money was budgeted for this expenditure?

Christian stated that there were no changes in the resolution since Council moved to table it at the previous meeting. She stated that comments and suggested changes were invited at this time.

Christian clarified that Council had authorized \$2500 to begin the process. The 91-92 budget does not have this specifically budgeted in it and the 91-92 budget wasn't adopted yet so adjustments could be made at the time the budget is before Council for adoption [June 25].

Christian stated that there were several questions regarding the Council addressing the issue and the City Attorney was present to respond to those questions. There were also questions regarding her recommendation for this particular consultant, Spencer & Kupper. References and bio's were including with packet materials for Council review.

Councilor Fowler stated the Urban Renewal Agency was an independent agency and asked if that required a Chairman, et cetera?

Jennings stated that it could. There was no specific requirement of structure for an Urban Renewal Agency.

Councilor Fowler asked how Council should juggle the position(s) between Council and the Urban Renewal Agency?

Jennings stated that when acting as an Urban Renewal Agency, Council should declare that and take action in that form. The form wasn't spelled out in the statute. Jennings stated decisions could be made regarding purchasing as a City and not as an Urban Renewal Agency.

Councilor Fowler asked if when [if] the funds were received from Urban Renewal was that done as a City or as Urban Renewal? **Jennings: Urban Renewal.** Councilor Fowler asked if a contract was agreed to was it done as a Council or Urban Renewal Agency?

Jennings stated as a Council. The Urban Renewal Agency is not funded at this point. The only purchasing body that exists is the City.

Councilor Fowler expressed his concern of the limited timeframe and the need to get the word out to the citizens before the elections in August. He wanted to be assured of correct steps in the process all the way through. He stated the importance of Council agreement in where money was spent; and where the project would be. He understood that the Plan would require a boundary description. Councilor Fowler stated that if the boundary wasn't described as the downtown, he would be joining the other side.

Jennings stated that in going through the first meetings with Spencer & Kupper, the direction has only been the downtown area.

Councilor Fowler asked if that had been said definitely to the Council?

Jennings stated no. The issue couldn't be prejudged until a Plan is presented.

Councilor Fowler discussed the expenditures over the past years in relation to the downtown [concept plan, implementation plan, sales plan] and now, valuable time reinventing the wheel.

Jennings stated his understanding of what Spencer & Kupper was doing in terms of the urban renewal was different maybe not in terms of goals; but of how to go about doing it than what has been done in the past. He didn't see that they would be duplicating efforts. Jennings stated that Urban Renewal was a way to implement the plans seen in the past, a way to make them work, and to define the area where they are going to work.

Councilor Schmunk asked that item 'G' reflect terminology that would make the contract null and void should the referendum pass in August.

Jennings stated that had been discussed with Spencer & Kupper and they would be agreeable to language which would unilaterally terminate the contract in the event that the referendum pass.

Christian stated it had been discussed with them and they had no problems. The contract would not be signed until it met the criteria Council set.

Jennings stated that the Council can tonight, as the Contract Board authorize the Mayor to sign the contract at such time as the changes have been made.

Christian stated letters went to several individuals that had participated in committees, including downtown task force asking if they were interested in participating in the advisory board. Council has the option of having a citizens advisory board to the Urban Renewal Board for what should/shouldn't be included in the urban renewal plan. She stated 5 persons had responded to date which wasn't significant enough to proceed with appointments to that board. She stated that in the letter received from Spencer it stated the Scope of Services was based on several public meetings during the renewal plan process but could be modified to use an advisory committee to provide guidance throughout the process. That was a Council choice in approving the contract also.

Christian asked if Council wanted to work directly with Spencer & Kupper through public meetings; or should the Advisory board work with them and report to Council [as the Urban Renewal Board] the results of those public meetings and the advisory boards recommendations. It would ensure a broader selection of people in the City and could require more meetings that Council can get scheduled.

Councilor Thompson stated that a reason for low response could be that it was well known that this issue would be up for referendum.

Christian stated that Jim Kight had volunteered to take one of the photos from downtown concept plan and use it for a brochure type flyer/newsletter invitation to participate in the advisory board. This could be used as a type of second follow up to the same letter mailing list.

Councilor Thompson asked about item 'H' and if the word from could be added between modification and the.

Christian reviewed suggested modifications: 1) reduce by amount already approved for initial scoping; 2) change which would reflect City's ability end contract if referendum passes and abolish the Urban Renewal Agency; 3) addition of the word 'from'; 4) change process to include using an advisory board.

Mayor Cox recessed the City Council meeting.
Mayor Cox convened the Contract Review Board.

MOTION: Councilor Thompson moved adoption of the resolution. Councilor Schmunk seconded the motion.

Mayor Cox read the resolution by title.

YEAS: 6
NAYS: 0
ABSTAINED: 0

Bui - Yea; Fowler - Yea; Schmunk - Yea; Thalhofe r- Yea; Thompson - Yea; Wakeman - Yea

Mayor Cox recessed the Contract Review Board.
Mayor Cox reconvened the City Council meeting.

MOTION: Councilor Bui moved to authorize the mayor to enter into a contract for the development of an Urban Renewal Agency with the firm Spencer & Kupper. Councilor Thompson seconded the motion.

YEAS: 6
NAYS: 0
ABSTAINED: 0

Bui - Yea; Fowler - Yea; Schmunk - Yea; Thalhofe r- Yea; Thompson - Yea; Wakeman - Yea

ITEM #7: RESOLUTION: Regarding the Facts and Public Hearings Information, and Declaring the City Council's Approval of Garbage Rate Increases Pursuant to Ordinance No. 309 and Rescinding Resolution 828-R. [Tape 1, Side 2 8:43]

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

Christian stated that this resolution was strictly a pass through of Metro's increase at landfills/transfer stations. She stated Metro controlled tipping fees [costs to dump a truck] at each of the sites.

Ege, Terry stated that anyone using any Metro Service District's facility will have the charges attached July 1, 1991. He stated that there was a rate analysis that the cities of Gresham, Fairview, Wood Village and Troutdale were having a CPA firm review.

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

YEAS: 6
NAYS: 0
ABSTAINED: 0

Bui - Yea; Fowler - Yea; Schmunk - Yea; Thalhofe r- Yea; Thompson - Yea; Wakeman - Yea

ITEM #8: STATUS: RUGGO; Objectives as approved by the Urban Growth Management Technical Advisory Committee. [Tape 1, Side 2 11:45]

Mayor Cox called this agenda item.

Cline stated the final draft had been adopted by the Technical and Political Advisory Committees and would be going before Metro for action. He was before Council to update on the process and give

explanation as to the next steps. Cline stated Council had been provided with copies of the final draft at the previous Council meeting.

Cline stated the regional urban growth goals and objectives [RUGGO's] would be the guiding goals and objectives used by Metro in any type of functional planning they do which would include management of the urban growth boundary. He stated he was on the Technical Advisory Committee which had been dealing with these issues for the past 18 months. This was necessary in order for Metro to complete their periodic review for submission to DLCD.

Cline highlighted specific items: 1) provisions for functional plans under objective #5 3b spoke to how the plans could be initiated. Functional plans currently dealt with water, air quality, transportation; 1) objective 15.3 creates a concept of an urban reserve area. The urban growth boundary had been established and the boundary should have enough land within it to accommodate the need for a twenty year growth projection. This talks to how can land be prepared so that when it is taken into the boundary the appropriate lands are taken and protecting farm and forest lands through the concept of urban reserve. This has set and established the area as being designated appropriate for urban uses sometime within the next 50 years but is not inside the actual UGB. The UGB can only be expanded into the area known as urban reserves. This will be updated every time Metro goes through periodic review. It appears to give two urban growth boundary lines one for future urban growth boundary and what currently exists. 3) Creation of RPAC [Regional Policy Advisory Committee] set up identical to JPAC.

Cline stated the Policy Advisory Committee would be recommending creation of any types of functional plans [i.e., Metropolitan Greenspace Plan]. In terms of functional plans it must be of a regional significance. Cline stated that a concern he expressed was how it would impact Troutdale in terms of the city's own planning process and procedures. If the Region determines the business of a significance to the region and the City plan doesn't reflect it...there is a method [determined by the Metro Council] as to the appropriateness of that and there is a mechanism where Metro could actually require the City to change the Comp Plan to be in compliance with the region. It is very clear in the goals and objectives that Metro does in fact have the authority.

Councilor Thalhoffer asked if Metro could over ride the City Comprehensive Plan and do the City's planning for the City, isn't that high handed?

Cline stated Metro did have authority to do it, they haven't done it in the past though - in terms of review for compliance. Under Metro's authority they can request or demand compliance but that doesn't mean that is the final say. The City can still appeal the decision to the State as opposed to just Metro. The thought is through the process of creating the functional plan the City shouldn't get to that point because the City was involved in the planning process through the functional planning process as well as through representation on RPAC.

Councilor Schmunk stated that was one of the reasons there are TAC and a PAC. The impact would be reviewed by those committees and if there is proper representation [i.e., Cline] it is brought forward for Council review.

Cline stated that there would be a brief presentation of the views of Gussie McRoberts and Ethan Selzer concerning Metro's adoption of the RUGGO's at the June 25, 1991 City Council meeting.

ITEM #9: DISCUSSION: Should City Take Action to Place a Measure on Ballot [August 13] Asking if Citizens Want to Invest in an Urban Renewal District?

Mayor Cox called this agenda item. At the May 28 regular Council meeting Councilor Thalhofer had requested this item be placed on the agenda for discussion while the City Attorney would be in attendance.

City Attorney stated the ballot title was Shall the City form an Urban Renewal District. A no vote [defeat] would abolish that Urban Renewal District. If the vote is yes, the Urban Renewal District would continue to run. By putting a second question on the ballot it may answer the question of citizenry support it if there is a specific boundary [i.e., downtown area].

Councilor Thalhofer asked if it would be a tax burden on every tax payer in the City, correct?

Jennings stated it was tax increment financing and was a different burden. The burden would be carried primarily by the newly developed property. A second measure on the ballot could be placed asking, as an example: 'Shall the City of Troutdale prepare an urban renewal plan for renewal of the downtown core area?'

Councilor Thalhofer asked if that would be redundant?

Jennings stated right now this was an urban renewal area that is not bounded. Just the urban renewal agency is created and the issue might be should the urban renewal district be focused to a particular area.

Councilor Thalhofer stated it might help the urban renewal district to succeed where it might not otherwise.

Jennings stated that a question doesn't have a specific legal affect. It wouldn't create a new urban renewal district but it might give a strong sense of what the citizenry is interested in.

Councilor Thompson stated that the question on the ballot now was to do away with the urban renewal agency that has been created.

Jennings stated yes, but there is nothing to prohibit the Council, if deemed politically wise to do so, to form another urban renewal agency. All the referendum does is deal with the one that was formed. The agency has to be formed before a district is created. Although it isn't binding, the City would have to make it very clear that you are forming the agency with the expressed desire of going forward with one project now and that is the project for the development of the downtown area that Councilors Fowler and Thalhofer discussed earlier.

Christian stated that under new legislative laws there is a need to declare the total amount that would be financed within this district and a beginning and ending period for the urban renewal district. This has placed tighter constraints on urban renewal districts now.

Councilor Thompson stated there were two different items. Creating an urban renewal agency [already created] and that in turn creates an urban renewal district. This particular ballot measure would do away with the agency itself, which is required to do any urban renewal.

Councilor Fowler questioned why putting something else on the ballot when the referendum would give the answer?

**MOTION: Councilor Fowler moved to not put a second question on the ballot.
DIED FOR LACK OF SECOND.**

Jennings stated that he would need a consensus of Council for him to prepare a ballot title to be before Council at the June 25 meeting by resolution.

Councilor Thompson was not in favor of putting a question on the ballot that was essentially asking them 1) if they wanted to have an urban renewal agency or not; 2) then you are asking if you don't want the urban renewal agency - would you like to have some sort of an urban renewal take place in the downtown? If they say no on #1 why would they vote yes on #2. He stated it was Council responsibility to inform the citizens how to vote on the first one - the urban renewal agency is the downtown area. That's all. If the Council does the job well, the agency would be there and there wouldn't be a need to ask questions where the district should be.

Councilor Thompson stated that the discussions have been with creating the downtown district only. That's all that is contemplated now.

Councilor Thalhoffer stated that some people would be voting against measure 1 because there wasn't trust in the Council - it was felt that the County Farm was the issue. A second question would give people the opportunity to limit the district to the downtown. That was what made sense to him.

Councilor Thompson stated that an urban renewal agency isn't limited to one area in the City. An urban renewal agency can look anywhere in the City.

Jennings agreed. He stated that the Council can, in non binding terms state that the agenda right now is only for the downtown.

Jennings stated Councilor Thalhoffer is trying to get a clarification of if you don't like urban renewal, what part of it don't you like? In trying to define an area you could get a different response, such as asking a question which would address the issue of focus on the downtown area, is that acceptable?

Councilor Fowler asked if the consultants were going to be studying the entire City for urban renewal or are they going to be instructed where it will be concentrated?

Councilor Thompson stated it was his understanding that it would be downtown area, the resolution says the downtown area.

Christian stated that Spencer & Kupper had been authorized to do the Plan and the Advisory Board to be an integral part of forming the plan because it meant a broader incorporation of citizens. The advisory board, under statutes, will make recommendation of the exact boundaries of the district. The recommendation does not have to be taken, general direction that you are interested in seeing the downtown core area generally re-developed must occur in public meetings. The Council, acting as the Urban Renewal Board takes the Advisory Board's recommendations and enacts them as the Board. There is still control over boundaries of the district. That is the idea of having the Advisory Board and the idea of not specifically [by property description] stating the boundary of the area before it goes to the Advisory Board...otherwise, what is the idea of having the Advisory Board?

Councilor Schmunk stated in light of the Executive Session to follow the meeting and the length of discussion for the remainder of this issue and balance of agenda - she recommended that the discussion be carried over to the 25th meeting.

Councilor Thompson asked if this item could be tabled.

ITEM #10: DISCUSSION: Recruitment Process for Selecting Hearings Officer. [Tape 2, Side 3 28:56]

Christian stated there were two items: 1) authorization to contract to services of a hearings officer; 2) if so, a volunteer Councilor to be a part of the interviews for the hearings person.

Mayor Cox asked for volunteer(s). Councilor Bui stated he would.

MOTION: Councilor Schmunk moved to approve the resolution authorizing contract for the services of a hearings officer. Councilor Thompson seconded the motion.

YEAS: 6

NAYS: 0

ABSTAINED: 0

Bui - Yea; Fowler - Yea; Schmunk - Yea; Thalhoffer - Yea; Thompson - Yea; Wakeman - Yea

MOTION: Councilor Schmunk moved for the appointment of Councilor Bui as the Councilor to be part of the interviews for the selection of a hearings officer. Councilor Thompson seconded.

YEAS: 6

NAYS: 0

ABSTAINED: 0

Bui - Yea; Fowler - Yea; Schmunk - Yea; Thalhoffer - Yea; Thompson - Yea; Wakeman - Yea

ITEM #11: COUNCIL CONCERNS AND INITIATIVES

This item was laid over to the June 25, 1991 meeting.

ITEM #12: ADJOURNMENT [Tape 2, Side 3 30:04]

MOTION: Councilor Schmunk moved to adjourn the meeting. Councilor Bui seconded the motion.

YEAS: 6

NAYS: 0

ABSTAINED: 0

The regular City Council meeting for June 11, 1991 was adjourned at 8:48 p.m.

Sam K. Cox, Mayor

Dated: _____

ATTEST:

Valerie J. Raglione, CMC
City Recorder

F:\MINUTES\061191CC.MIN