

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

**7:30 P.M. -- SEPTEMBER 8, 1992**

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

Mayor Cox called the meeting to order and asked Councilor Bui to lead the pledge of allegiance.

City Recorder Raglione called the roll.

PRESENT: Bui, Cox, Schmunk, Thalhfer

ABSENT: Fowler, Thompson, Wakeman

STAFF: Christian, Cline, Collier, Galloway, Gazewood, Lantz, Raglione  
City Attorney Jennings

PRESS: Web Ruble, The Oregonian

GUESTS: Bruce Stannard, Frank Grande, Carolyn Taylor, Louann Thompson, Cecelia Pavlik,  
Fred Rathbone, Jeff Kleinman, Don Lloyd, David Ripma, Kris DeSylvia, Walt  
Postlewait, Patricia Polly

ITEM 2. CONSENT AGENDA:

Mayor Cox called this agenda item.

MOTION: Councilor Bui moved to accept the consent agenda [2.1 Accept Minutes - Regular Session 7/28/92; 8/11/92; 2.2 Business Licenses - Month of August, 1992; 2.3 Ratify Resolution Authorizing Participation in Task Force to Consolidate Cable Regulatory Services; 2.4 Resolution Adopting the City of Troutdale's Third Annual Waste Reduction plan for FY 1992-93]. Councilor Thalhfer seconded the motion.

YEAS:3

NAYS: 0

ABSTAINED: 0

Bui - Yea; Schmunk - Yea; Thalsofer - Yea

ITEM 3. PRESENTATION: Troutdale Parks Advisory Committee [Slide Presentation]

Mayor Cox called this agenda item.

Bruce Stannard gave a brief introduction of Patricia Polly and Valerie Lantz. He stated they had both done an admirable job of making presentations to groups around the city at the Mayor's home as well as several park areas in the City. They had both done considerable work on getting the word out regarding the upcoming election for the Parks Bond.

Patti Polly and Valerie Lantz gave a slide presentation on the parks and a brief description of the work that had been done in the past and the work that needed to be done.

Polly stated there had been a considerable turnout at Woodale Park and CP Park. Polly stated she had been surprised at the amount of vandalism that occurs in the parks and attributed it to the lack of volunteers and concern in the areas of the parks.

Lantz stated most of the response was positive and one good thing to come from it was a strong theme about BeaverCreek. She stated that there was now a group called Friends of BeaverCreek that had decided to promote, cleanup and care for this area. She then introduced three of the members that were in attendance: Frank Grande, Carolyn Taylor, Louann Thompson, and Cecelia Hadley. They stated there were now 20 people that had joined the volunteer group.

Polly thanked the Mayor for opening his home on two separate occasions for meetings. She also thanked Councilor Bui and Thalsofer for participating and giving names of persons that helped springboard an article to be published in the newspaper and allowed more information to get the message out to the public regarding the Parks Bond.

ITEM 4. PUBLIC COMMENT: Please restrict comments to non-agenda items at this time.

Mayor Cox called this agenda item.

David Ripma, 4220 S Troutdale Rd., voiced his concerns over the priorities regarding the County's projected scheduling of work to be done on Troutdale Road/Cochran/Sweetbriar Road. He stated the plan to improve the intersection at Troutdale Rd/Stark and add bike lanes south past the City line would take the bike lanes through that intersection. He stated the intersection was very dangerous and he was concerned that before it could be resolved, he feared a fatality would occur. He had discussed this issue with staff at the City and County and requested a greater emphasis be placed on this specific intersection.

Councilor Schmunk stated there were specific bike funds that couldn't be spent otherwise. The bike path would be on the east side of the road and shouldn't danger the intersection at all.

Ripma stated the County was going to put in bike paths but not do things that would decrease the danger at the intersection.

Schmunk stated it would all be done at the same time. Developers/County were including all dollars at the same time to improve the intersection and include bike paths.

Ripma stated the improvement at the intersection was in the works and he wasn't asking that not be done.

Councilor Bui asked if this wasn't this the same area that the City encouraged the speed board to reduce the speed due to accidents near the location?

Ripma stated yes. He requested while the County is doing other work in the area couldn't they do something about the intersection.

Councilor Thalhoffer agreed with Ripma in that it was a bad intersection. Vision was impaired and you pray and move out. With the additional traffic from the development going in nearby, something should be done.

Christian stated in Galloway's monthly report a listing and explanation of recommended projects was discussed. Councilor Schmunk was the City's representative to East Multnomah County Transportation Committee. The Commission is where the priorities get set for all of East County. That intersection is a #3 priority out of #5 and all address concerns along Troutdale Road. None of the property owners were willing to dedicate right-of-way and that made projects much more expensive which would put them on a list instead of being immediately addressed.

Mayor Cox asked about the Walnut trees and how the bike trail would affect them?

Councilor Schmunk didn't believe they would be affected at all. Galloway stated he had asked that specific question and was told the project wouldn't affect the trees at all.

Councilor Thalhoffer asked about the right-of-way issue?

Ripma stated the County had asked if he would give 15' of his property away? The County will have to pay for land if they want it now because people aren't willing to give their property away. The College could be asked about their property and there were other property owners involved also that could be asked.

Councilor Thalhoffer asked if Ripma would be willing to talk to the College regarding that property? Ripma stated he would be very willing to do so.

Galloway stated his understanding was bike paths would be on both the east and west side of Troutdale Road.



ITEM 6a. PUBLIC HEARING/ORDINANCE: Amending the City of Troutdale's Comprehensive Plan Text by modifying Language Pertaining to the MPMU [Master Planned Mixed Use] Land Use Plan Designation [Adopted by Ordinance #583-0 ] First Reading

Mayor Cox called this agenda item and called for declarations, challenges. There were none.

**PUBLIC HEARING:**

- .1: Open Public Hearing - 8:40 p.m.
- .2: Declarations, Challenges, Ex Parte Contact -0-
- .3: Summation by Staff - Cline stated this had been discussed at the previous meeting.

The second readings of two ordinances pertaining Ordinance 583 Ripma had asked that an amendment be done to that Ordinance. In reviewing all presentation materials to the CAC, Planning Commission, and Council he had concluded with three options. Option A, B, C all of which contained three ordinances. They were packaged in this manner to keep the issues identified. Cline stated the guiding portions of the MPMU were 4 reasons for adopting MPMU 1] increase flexibility in the application; 2] reduce possibility of further parcelization of the County Farm; 3] increase citizen involvement; 4] recognition that the County Farm is unique and allowing for an opportunity for something different to be created out of the County Farm property.

Cline stated Option A retained existing language of Ordinance 583 and adopt two other ordinances by second readings; Option B modified the Plan Text language removing any percentage reference to density increase and retained existing language of other two ordinance; Option C Modified the Plan Text language removing any reference to a percentage increase to density. It would modify the Development Code by adding criteria whereby density may be increased in an MPMU area and retained the original language for the Plan Inventory. Second readings of the other ordinances shouldn't occur prior to the second reading of the ordinance modifying the Comprehensive Plan Text.

Disadvantage of Option C - to specific? Option A gives more flexibility; Option B doesn't have a real distinctive advantage doesn't give clear message to developer.

All three ordinances were affected so three packages to council.

Councilor Thalhofer asked if Planning Commission had reviewed any of the options? Cline stated no, there was no direction to take them back to the Planning Commission.

Councilor Thalhofer asked Cline what his opinion was about the best option?

Cline stated Option C for clarity of language. He was concerned about modification to ordinance before even applying one. He was unaware of what problems there might be, in terms of application and was difficult to know what needed to change.

Councilor Thalhofer asked what the timeline was? Cline stated 7/1/92 for submission to LCDC.

Christian asked if Councilor Thalhoffer was concerned about an expected density on the zoning map?

Councilor Thalhoffer stated he supported flexibility in moving zoning lines but saw cap on density of total number of acres. Flexible zoning was desired with designation requiring full Type 4 public process which Cline tried to design. There was an increase in density but means full hearing before all bodies established to review land use decisions. Developers could cherry pick areas in the beginning and be left with small undevelopable pieces which is why a minimum size to apply it to was conceived.

Cline stated allowing higher density in an area could have gotten a better development but if specific in allowing that the City could be locking itself out of getting a development approved.

Option B removes references; Option C gives limitations. All three would work but depends on what is wanted to be promoted in terms of developing the property.

Mayor Cox stated hearing testimony tonight but leave hearing open for other Council members to be present before a final decision is made.

.4: Public Testimony: Proponents/ David Ripma, 4212 S Troutdale Rd. Option A leave it as is; didn't believe Planning Commission wanted it that way. Ripma supported Option C. It corrected the problem and there were no standards for increasing density that could be pointed to in the Development Code. Th Planning Commission favored flexibility, although he spoke only for himself tonight. Original language granted 20% with no criteria with which to deny it and that was his reason for supporting Option C. It was worded clearly and he had only 1 minor problem - the same flexibility was there could allow 20% in density but allowed flexibility to justify it to the Planning Commission. It provided flexibility but protected City from outright 20% and allowed requesting amenities for the adjustment in density. Pg. 4 in Option C 2nd full paragraph [now being corrected] No area may be increased **or decreased** more than 20%. Ripma didn't feel Option A gave any basis for turning down an increase.

Kris DeSylvia, 1371 SW McGinnis. Asked Cline if the MPMU was subject to conditions of development from the Development Code?

Cline stated shared same conditions but not verbatim.

DeSylvia density increases of 25%. Cline stated MPMU was limited to 20%.

DeSylvia if that condition wasn't limited to MPMU was it limited regarding the planned development? Cline, no, not directly. 25% wouldn't be automatic if the percentage wasn't there.

DeSylvia favored Option B because language in Option C pg. 6 calculation of net area - pg. 7 recreational trails, streets etc. shall be included in net residential area..... Problem she saw was that the calculation [100 acres of R10 what occurs with other 40%] Balance of area could absorb all of the 40% for density. Criteria for dealing with 20% couldn't see what could be met. If criteria met and

developer comes in with plan and zoning unacceptable building out at scheduled densities - could it end up with court challenge if rejected by the City.

DeSylvia was concerned with flexibility but wanted to see cards on table. She stated it would go through a zone change - as a result the timelines would remain the same. It is a projection and in front and from that make the options available.

Bruce Standard, 3475 SE Lis... Place. Property is close to Columbia Park and might need some bargaining power. The Option C language would include that and it might help if increase density was needed.

- .5: City Council Questions -0-
- .6: Public Testimony: Opponents -0-
- .7: City Council Questions
- .8: Rebuttal
- .9: City Council Questions

Councilor Thalsofer asked Postlewait and Lloyd if they had comments as Planning Commission members. Lloyd stated he favored Option C as more in line with their discussions.

The hearing was adjourned to continue to the September 22, 1992 regular Council meeting.

- .10: Recommendation by Staff
- .11: City Council Questions
- .12: Close Public Hearing Process.

ITEM 6b. ORDINANCE: Amending the City of Troutdale's Comprehensive Plan Text by modifying Language Pertaining to the MPMU [Master Planned Mixed Use] Land Use Plan Designation [Adopted by Ordinance #583-0].

First Reading

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

MOTION: Councilor Schmunk moved to table 6b, 7 and 8 until the next meeting. Councilor Bui seconded the motion.

YEAS: 3

NAYS: 0

ABSTAINED: 0

Bui - Yea; Schmunk - Yea; Thalsofer - Yea

ITEM 7. ORDINANCE: Amending the Comprehensive Land Use Plan Inventory [Adopted by Ord. #558-0] Updating Information Pertaining to Current Development on Portions of the Multnomah County Farm Study Area.

ITEM 8. ORDINANCE: Amending the Troutdale Development Code and the Zoning District Map [Adopted by Ord. #549-0 and 550-0] for Portions of Land in the Multnomah County Farm Study Area. Cline

ITEM 9. RESOLUTION: Authorizing the Award of a Construction Contract for Improvements to SE Seventh Street. Galloway

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

Galloway discussed the project and stated it would be partially funded by CDBG funds. A calculation sheet listing the bids was presented to Council.

MOTION: Councilor Thalsofer moved to adopt the resolution as written. Councilor Bui seconded the motion.

YEAS: 3

NAYS: 0

ABSTAINED: 0

Bui - Yea; Schmunk - Yea; Thalsofer - Yea

ITEM 10. RESOLUTION: Accepting a Roadway and Utility Easement Over, Under and Across Property in Section 36, Township 1N, Range 3E, of the Willamette Meridian in the County of Multnomah and the State of Oregon in Connection with the Reconstruction of a Portion of SE Stark Street. Galloway

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



Galloway stated there was a County project. City policy was to include undergrounding utilities wherever possible. Financial arrangements would be drawn up later and easements gotten where possible.

MOTION: Councilor Bui moved to adopt the resolution as written. Councilor Thalsofer seconded the motion.

YEAS: 3  
NAYS: 0  
ABSTAINED:

Bui - Yea; Schmunk - Yea; Thalsofer - Yea

ITEM 11. RESOLUTION: Granting a Slope and Utility Easement to Multnomah County Near Sandee Palisades I for the Undergrounding of Utilities.

Galloway

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

MOTION: Councilor Bui moved to adopt the resolution as written. Councilor Schmunk seconded the motion.

YEAS: 3  
NAYS: 0  
ABSTAINED: 0

Bui - Yea; Schmunk - Yea; Thalsofer - Yea

ITEM 12. APPROVE: Intergovernmental Agreement/Solid Waste between the City of Gresham and the City of Troutdale.

Christian

Mayor Cox called this agenda item.

Christian reviewed the document purpose for Council. This spelled out what the City would do. Gresham was the watershed representative and were responsible for submitting final figures ending of each year. They also had full staff in solid waste administration.

MOTION: Councilor Bui moved to approve entering into the Intergovernmental Agreement as written. Councilor Thalsofer seconded the motion.

YEAS: 3  
NAYS: 0  
ABSTAINED: 0

Bui - Yea; Schmunk - Yea; Thalsofer - Yea

ITEM 13. RESOLUTION: Authorizing Foreclosure of Delinquent Assessment Liens.

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

Christian discussed the resolution in Gazewood's absence. This had been sent back for new language by staff from the previous meeting.

Jennings stated that Council asked designing language to allow people to avoid foreclosure if in a payment plan. The second paragraph addressed if they fell off in the payment plan. If delinquent in the plan they are foreclosed on at the next regular foreclosure action.

MOTION: Councilor Schmunk moved to adopt the resolution as written. Councilor Bui seconded the motion.

YEAS: 3  
NAYS: 0  
ABSTAINED: 0

Bui - Yea; Schmunk - Yea; Thalhoffer - Yea

ITEM 14. DEPARTMENT REPORTS:

- Finance -0-
- Public Safety - Councilor Bui commented on the color of new cars and how nice they appeared.
- Community Development - Cline stated a presentation from the 2040 Program had been scheduled at the CAC 10/6/92 meeting by Metro staffing. Council could also have the presentation and Cline asked for direction.

Councilor Thalhoffer preferred a presentation to Council separately. The second meeting in October was the Council preference.

- Public Works - Galloway made a date change to a comment in his report.

Jennings was asked by Councilor Thalhoffer how many times the date would be changed for the trial? Jennings stated none. This date interfered since all Judges attend a conference and none would be available they were all reset. The October 12 date was firm.

Councilor Schmunk asked if Galloway could explain how the odor control would work? Galloway stated the masking ingredient had been applied but wasn't fully installed. He was prepared to present a report at the next Council meeting and would have a video to be viewed at that meeting.

Christian stated it doesn't mask - it bonds and neutralizes.

- City Attorney - Jennings reminded members that there would be another executive session at 6:30 p.m., prior to the regular meeting on September 22.

- Executive - Christian commented on the objection to the Ballot Title allowing County roads and revenues to be turned over upon demand with some conditions. It was filed by 5:00 p.m. on Friday. She thanked Jennings for his actions to get it filed in the required timeframe.

Christian asked if Council would affirm Councilor Bui's appointment to the Cable Regulatory Commission. Council was in consensus to maintain Councilor Bui as the City representative.

ITEM 15. COUNCIL CONCERNS AND INITIATIVES

Councilor Bui briefly updated council on Cable Regulatory consolidation. It appeared that there would be one Commission in Multnomah County 3 City of Portland; 1 Multnomah County; 1 each city in County; He was unsure about an at-large representative. He stated the process of finalizing staffing concerns hadn't been completed. These were open public meetings and everyone was invited and encouraged to attend.

ITEM 16. ADJOURNMENT.

Mayor Cox called this agenda item.

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

YEAS: 3

NAYS: 0

ABSTAINED: 0

Bui - Yea; Schmunk - Yea; Thalsofer - Yea

Adjourned at 9:30 p.m.

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Sam K. Cox, Mayor

Dated: \_\_\_\_\_

ATTEST:

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Valerie J. Raglione, CMC

City Recorder

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