

CITY OF TROUTDALE

AGENDA

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

7:00 P.M. -- JANUARY 11, 1994

- (A) 1. PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE
- (A) 2. CONSENT AGENDA:
 - 2.1 Accept Minutes Regular Sessions 11/09/93; 12/14/93; 1/4/94
 - 2.2 Business Licenses - Month of December, 1993
 - 2.3 Liquor License Change of Ownership: Troutdale Thriftway
 - 2.4 Ratify Liquor License Renewals: Shirley's Cafe and Fortuna Restaurant
 - 2.5 RESOLUTION: Accepting a Utility Easement from Carol and Scott Asakawa Pertaining to T.L. 33, Sweetbriar Meadows Subdivision Phase IIA
 - 2.6 RESOLUTION: Recognizing the Completion of the Public Facilities in Sweetbriar Meadows Phase IIA Subdivision and Accepting them into the City's System as a Fixed Asset.
 - 2.7 RESOLUTION: Recognizing the Completion of Improvements to Dora Avenue, Harlow Avenue, and 6th Street and Accepting them into the City's System as Fixed Assets.
 - 2.8 RESOLUTION: Recognizing the Completion of Phase II of the Waste Water Treatment Plant Improvements.
- (I) 3. PUBLIC COMMENT: Please restrict comments to non-agenda items at this time.
- (A) 4. COMMENDATION: Walt Postlewait for Service on Planning Commission
- (I) 5. ORDINANCE: Authorizing the City to Enter into a Franchise Agreement and Repealing Troutdale [Ordinance No. 414]

First Reading



First Reading

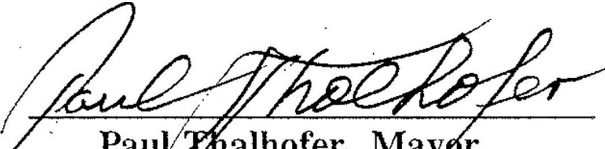
- (A) 6. RESOLUTION: Opposing the Closure of Exit 18 off of I-84.
- (A) 7. RESOLUTION: Opposing the Closure of Exit 16B off of I-84.
- (I) 8. DISCUSSION: Citizens Advisory Committee
- (I) 9. ACQUISITION: Columbia Park Update
- (I) 10. Americans with Disabilities Act [ADA] Plan
- (A) 11. AUTHORIZE: Additional Personnel to Replace Contracting Services Out with In-house Janitorial Service @ City Hall and Police Buildings
- (A) 12a. CONTINUED FROM 12/14/93 PUBLIC HEARING
ORDINANCE: An Ordinance Revising the Public Works Portion of the Troutdale Municipal Code, Chapters 12 and 13 and Chapter 15, Section 28. First Reading
PUBLIC HEARING:
 - .1: Open Public Hearing
 - .2: Declarations, Challenges, Ex Parte Contact
 - .3: Summation by Staff
 - .4: Public Testimony: Proponents
 - .5: City Council Questions
 - .6: Public Testimony: Opponents
 - .7: City Council Questions
 - .8: Rebuttal
 - .9: City Council Questions
 - .10: Recommendation by Staff
 - .11: City Council Questions
 - .12: Close Public Hearing Process.
- (A) 12b. ORDINANCE: An Ordinance Revising the Public Works Portion of the Troutdale Municipal Code, Chapters 12 and 13 and Chapter 15, Section 28. First Reading

(A) 13. DEPARTMENT REPORTS:

- Finance
- Public Safety
- Community Development
- Public Works
- City Attorney
- Executive

(A) 14. COUNCIL CONCERNS AND INITIATIVES

(A) 15. ADJOURNMENT.


Paul Thalhofer, Mayor
Dated: 1-4-94

F:\AGENDA\011194CC.AGE

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

7:00 P.M. -- JANUARY 11, 1994

I. PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE

Mayor Thalhfer called the January 11 meeting to order. He then gave welcoming comments to the audience.

Councilor Lloyd was asked to lead the pledge of allegiance.

City Recorder Raglione was asked to call the roll.

PRESENT: Mayor Thalhfer, Schmunk, Ripma, Thompson, Prickett, Lloyd, Burger-Kimber

STAFF: Barker, Christian, Collier, Galloway, Gazewood, Lantz, Raglione
Tim Sercombe, City Attorney

PRESS:

GUESTS: Brandon Logan, Jennifer Hall, David Schmidt, Kari Wright, Emily Sherwood, Joe Beekman, Tony Diervo, Staci Stevens, Danyele Poviene, Virginia Pugh, Jay Lyman, Jeanette Kloos, Howard Hanson, Julie Sorensen

Mayor Thalhfer asked the City Administrator, Christian, for agenda updates. There were none.

2. CONSENT AGENDA: 2.1 Accept Minutes Regular Sessions 11/09/93, 12/14/93, 1/4/94; 2.2 Business Licenses - Month of December 1993; 2.3 Liquor License Change of Ownership: Troutdale Thriftway; 2.4 Ratify Liquor License Renewals: Shirley's Cafe and Fortuna Restaurant; 2.5 RESOLUTION: Accepting a Utility Easement from Carol and Scott Asakawa Pertaining to T.L. 33, Sweetbriar Meadows Subdivision Phase IIA; 2.6 RESOLUTION: Recognizing the Completion of the Public Facilities in Sweetbriar Meadows Phase IIA Subdivision and Accepting them into the City's System as a Fixed Asset; 2.7 RESOLUTION: Recognizing the Completion of Improvements to Dora Avenue, Harlow Avenue, and 6th Street and Accepting them into the City's System as Fixed Assets; 2.8 RESOLUTION: Recognizing the Completion of Phase II of the Waste Water Treatment Plant Improvements.

Mayor Thalhoffer called this agenda item.

MOTION: Councilor Thompson moved approval of the Consent Agenda. Councilor Prickett seconded the motion.

POSITION VOTE: Schmunk - yea; Ripma - yea; Thompson - yea; Prickett - yea; Lloyd - yea; Burger-Kimber - yea

MOTION PASSED

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

Mayor Thalhoffer called this agenda item.

David Schmidt, newly appointed Charter Review Committee Chair gave a brief report of the first meeting. He stated they held the election of officers Don McGinnis, Vice Chair; Jim Kight, Secretary. All meetings would be open to public and would be held on the first and third Thursday of each month. There were 8 voting members and the meetings would begin at 7:00 p.m. Council was invited to the first two meetings - four members to attend the January 20 meeting and the remaining three Councilors attend on February 3. Councilors were asked to limit their testimony [written out for handouts] to 10 minutes with a 5-7 minute question/answer period. He stated City staff/employees; Chamber of Commerce/business leaders and other groups may be asked to testify before the Committee. Any suggestions of other groups/people were welcome.

Mayor Thalhoffer stated he had attended the first meeting since he was Council liaison. He was impressed and believed there would be good things come from this group.

Councilor Ripma, Prickett, Thompson, and Schmunk stated they were available for the January 20 meeting. Councilors Burger-Kimber, Lloyd, and Mayor Thalhoffer stated they would attend the February 3 meeting.

Mayor Thalhoffer recognized several Reynolds students in the audience [9] and asked that they introduce themselves.

4. COMMENDATION: Walt Postlewait for Service on Planning Commission

Mayor Thalhoffer stated this item would be held over to the January 25 when Postlewait would be in attendance.

5. ORDINANCE: Authorizing the City to Enter into a Franchise Agreement and Repealing Troutdale [Ordinance No. 414] First Reading

Mayor Thalhoffer called this agenda item and read the title of the ordinance.

Galloway stated the City Attorney had proposed a new franchise agreement that was believed to be more beneficial to the City's interest. The 10 year franchise terminated 12/31/93. The City Attorney had made substantial changes. There were two significant changes proposed: 1] an increase in the franchise fee from 3.5% to 5%; 2] dedicating the increase to the City's share of future undergrounding expenses. Since this had been received in early January, however, PGE had not had an opportunity to review and comment yet. Galloway stated his recommendation would be to defer this issue until PGE had the opportunity to respond to the proposed franchise.

Councilor Ripma asked about the authority to increase the fee to 5% and asked for an explanation.

Sercombe stated it was generally a matter of negotiation. There was no state cap but state law did allow utility to absorb 3.5% fee as an operating cost of the utility for justifying its rate and obtain PUC approval. Any increase to that amount could be passed through the utility to the customer and shown on the bill to the customer. His purpose in redrafting portions was to change technical parts of it, to allow for a quality of service to what he felt was more to the benefit of the City. This was patterned after Oregon City and Beaverton's ordinance. He did wish Council comment to whether or not there was a desire to discuss with PGE a rate above 3.5% for the difference to go to street related purpose. 5% was about as high as he knew of around the state. A tax was limited by state statute to 5%. Key variables in a franchise agreement for negotiation was how long the franchise would last? Was there a straight rate throughout the period, or could it be re-opened during the franchise [perhaps open at 5 years]? What was the basis that the rate would raise?

Councilor Ripma assumed the 5% was recommended by Sercombe? Sercombe stated no. With Measure 5 and a new initiative measure #5 [next fall] severe limitations may be imposed on cities and a shorter franchise period might be wiser. To lock in revenues at 3.5% it could cramp the ability to raise others.

Councilor Ripma questioned adding 1.5% that appeared on the bill and the 'how to spend that money' would require Council discussion. Modest utility taxes were favored since they were so easy to collect. Undergrounding was a benefit to all users and he believed it was a good idea.

Calloway stated PGE would get responses back to the City next week to allow time for the next agenda materials to be prepared.

Councilor Ripma stated they should be invited and state their position on the 1.5% difference. Pg. 7 [D] could the payments be other than annually?

Sercombe stated that was just the way it had been done in the past. They were calculated based on the previous year's revenues. They pay that way all over, not just Troutdale. Paying in April was a good part of it in advance.

Gazewood stated 3.5% worked out at approximately \$105,000.

Councilor Burger-Kimber asked to look at this in a long range planning process. It was a City goal to underground all new utilities or reconstruction and she was interested in seeing a total cost of undergrounding all utilities in the City. What was a reasonable plan or goal over a period of time? If the City increased the fee and dedicated that portion to undergrounding - how much money would be received in additional revenues and would it cover costs in order to decide if that was enough, too much, or? That would help Council make that decision.

Councilor Schmunk voiced her preference to hear PGE's response before asking staff to spend additional time researching.

Councilor Prickett agreed with Schmunk. Another concern was the post office mailing address that included other than residents of Troutdale [Wood Village had the same zip code]. Setting it aside in a reserve was also a good suggestion. He questioned the last sentence in 5 {d}. He was concerned about contractually obligating the City to spend the money in that specific fashion.

Christian stated it not be written as part of the franchise itself. A suggestion of an ordinance was to separate out that portion. The money currently goes into the general fund and Council/Budget members budget that money out. Rational nexus between each charge made - Council ends up with very little discretion and can't make decisions of what to fund/not to fund in what may be a time with a loss of revenues. She didn't support pigeon holing things into specific purposes and eliminating funding choices later on.

Councilor Ripma asked if using the 1.5% could be used for anything and could it go into the general fund?

Sercombe stated yes. It was like any other tax. PGE would prefer a stand alone ordinance because it didn't lock it into the entire length of the contract.

Councilor Schmunk asked to what other cities had a 5% fee now?

Councilor Thompson asked if it was a tax?

Sercombe stated in the franchise it was a tax, for user fees. A tax would go into the general fund and adding the 1.5% gave the appearance of a tax. He was concerned about the ability of the Council to channel funds elsewhere if it was what the fee increase was for - undergrounding purposes. PGE hadn't been cooperative with undergrounding. He was interested in PGE's comments also.

Mayor Thalhoffer stated it going into the general fund appeared to be more of a tax than if it went to a specific.

MOTION: Councilor Burger-Kimber moved to table this item to the January 25 Council meeting. Councilor Prickett seconded the motion.

POSITION VOTE: Schmunk - yea; Ripma - yea; Thompson - yea; Lloyd - yea; Prickett - yea; Burger-Kimber - yea **MOTION PASSED**

Sercombe stated he would try to push the issues - reaction of the utility would be predictable. They would resist to all sorts of technical and minor things - PUC regulations, costs etc. He would also have a list of cities that do charge 5%.

6. **RESOLUTION: Opposing the Closure of Exit 18 off of I-84.**

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

Galloway stated this was before Council at their request from the December 14 Council meeting. The resolution opposed the closure of the Jordan Road Interchange [Exit 18]. The United States Forest Service, in considering alternative locations for a proposed Gateway facility, which included the Sandy River Delta area, as well as the Oregon Dept. of Transportation were studying possible options for the future of the Interchange [Exit 18] on Interstate 84. One of the options considered was closing Exit 18. The increase in traffic to Exit 17 would place too high a traffic volume and congestion along the Historic Columbia River Highway in the downtown area.

Galloway stated Virginia Pugh, U.S. Forest Service, Jeanette Kloos, ODOT, Jay Lyman, David Evans & Associates were present to respond to concerns.

Virginia Pugh, U.S. Forest Service stated the Forest Service was developing a master plan for the Sandy Delta. Objectives were: 1] to create a gateway center; 2] trail system development; 3] restoration of landscape to a more natural character [wetland restoration]. This included state land to the south. ODOT has concerns with interchange on-ramps - Jordan Road. Truck ramp entering the interstate was too short. ODOT would redesign the interchange. ODOT offered to bring the

interchange design up and incorporate it into the master plan. Recently, the Jordan Road interchange process was begun. Public issues and concerns were asked, data was collected and alternatives was the next step. Brainstorming brought about the elimination of the Jordan Road interchange; which option to drop and which to carry forward for further analyses and consequences would be known in approximately 1 year. This was early in the planning process. The City decision was good to keep the Forest Service informed and appreciated the early intervention by the City.

Councilor Schmunk stated the EIS was expected this summer and 6 months after for the design.

Councilor Lloyd asked the ODOT representative, Kloos, if there were preliminary feelings about closing Jordan Road? Was this considered a viable choice? Or, was it just simply on the list?

Kloos stated it was viable in that the two interchanges were close. The very preliminary indication was that it would cause problems other places and it wasn't known if there were other options for those problems. This was early in the process and it hadn't been determined if it was or wasn't a viable alternative.

Galloway stated the December 15 meeting gave three options for 1] further engineering; 2] an environmental study; or, 3] do nothing. It was with three or four other options under consideration.

Councilor Lloyd asked Pugh if ODOT closed the Jordan interchange what would happen to the Western gateway?

Virginia stated 15:27 Tape 2.

Councilor Thompson asked what other access to the freeway would be provided? The next exit was a long way down the road.

Lyman stated preliminary traffic analysis indicated all traffic would be shifted over to the Troutdale interchange. That would impact operations at Buxton, and Graham Road. All would need to be looked at in more detail if the alternative was carried forward.

Kloos, stated the weight limit on the Stark Street bridge indicated that would not be a viable alternative and ...

Councilor Burger-Kimber asked about the Forestry Center plans? There were proposed sites? Weren't they on the east side of the Sandy River as part of 1000 acres?

Pugh stated all were east of the Sandy River.

Councilor Burger-Kimber asked if planning all in that general location wouldn't that adversely affect the facility being cited there?

Pugh stated the trails would be centered there, not the gateway.

Councilor Burger-Kimber stated having no exits and recovering them would be next to impossible. She was concerned about losing an exit for concerns of safety/access and the current difficulty in getting on and off the freeway. A strong, viable alternate would have to replace it.

Councilor Ripma asked what the accident history of that interchange was?

Lyman didn't have figures in front of him but understood it wasn't unusually high. However, that wasn't the reason for looking at this interchange. It was a relatively low volume interchange at this time. The ramps off of Graham Rd. heading east bound forced merging onto the freeway before the trucks were up to freeway speed. Part of any study would include an additional third lane between Jordan Rd both east and west bound.

Councilor Ripma was concerned about the location being in the Gorge Scenic area. He questioned building the gateway within that area. If it wasn't built, he questioned the growth east of the Sandy River and if that much needed to be done to the intersection. It was heavily used during the summer to get to the Sandy River. He believed it had more to do with the visitor center than cause of accidents.

Lyman stated there was no intent at this point to construct the interchange. The Forest Center shouldn't preclude future options, however.

Councilor Ripma asked that the City receive information as this was pursued.

Lyman stated there were three build options: a folded diamond interchange which included a concentrated effort to improve access to the river by relocating Jordan Road under the freeway; the existing to become a bicycle and pedestrian path requiring going through the park - access to the boat ramp would be moved; new lanes west and east bound across the Sandy on freeway bridges. Alternative 1 - no interchange option; Alternative 3 - new interchange option standard diamond modify underneath railroad bridge; Jordan Road closed to motor vehicle but open to bicycle and pedestrians.

Kloos stated alternatives could also be mixed and matched.

Councilor Thompson stated the resolution opposed the closed of exit 18 and didn't have anything to do with ideas for the interchange. He was concerned with closing the interchange and could there ever be another one there?

MOTION: Councilor Ripma moved to adopt the resolution opposing the closure of Exit 18. Councilor Prickett seconded the motion.

DISCUSSION:

Councilor Lloyd stated any closure that would encourage all traffic coming through town would be a disaster. He opposed channeling traffic through the city with any other alternatives also.

POSITION VOTE: Schmunk - yea; Ripma - yea; Thompson - yea; Lloyd - yea; Prickett - yea; Burger-Kimber - yea **MOTION PASSED**

Christian asked how long ago there was discussion about a new bridge across the Sandy River? In 1986. At that time it was deemed that the bridge was historic and statements at the time were that a bridge couldn't be built in view of the historic bridge. How did the historic requirements affect the options that are being looked at now?

Kloos stated within view which would be 100' of the existing bridge. I-84 bridges were considerably downstream with a railroad bridge between them.

Mayor Thalhofer discussed ODOT's attempt to look at a Port of Entry on the east side of Sandy River.

7. RESOLUTION: Opposing the Closure of Exit 16B off of I-84.

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

Galloway stated Council requested staff to bring this item forward. Exit 16B was heavily used and relieved congestion at the Troutdale interchange [Exit 17].

Kloos stated there was a meeting on this internally next week. The rebuilding of the on ramp from the new interchange at 238th would cause a closure of this ramp even without the widening to the east. With the new bridge going over the railroad the design of the ramp would be different and would affect exit 16B.

Mayor Thalhofer stated the people in the city use this exit to get home faster and into Troutdale faster. Gresham residents and Hwy 26 travelers also used this. There would be heated opposition to closing it. He was aware that ODOT was between a rock and hard place with controversial issues. He did understand their dilemma.

Kloos stated this was accepted by the city previously in a resolution.

Councilor Burger-Kimber understood the reason it wasn't objected to was there was a sense that there wasn't a chance in hell to save it. She thought [as well as Ripma] there was a possibility of reconsideration of closure, not only from a traffic standpoint but also historic. The local Chamber proposed a center that this exit could be keyed to and could be the Forest Service's answer to a

center. This could give an opportunity to bring the development of the Center and Forest Service Program further west and preserve the delicate area in 1000 acres. She supported keeping it open.

Councilor Ripma voiced agreement with Councilor Burger-Kimber. He spoke with Dave Simpson as well as others and understood it was possible to preserve exit 16B. A matter of where the money should be spent was an issue. He understood the grade of the interchange was changed considerably. The design of the interchange had changed many times and continually revolved. He drove 16B every day and it did carry considerable traffic and was important to Troutdale. He wanted to forestall ODOT in considering closure of this exit.

Councilor Schmunk understood closure was considered for funding of 238th and standards between other interchanges -- the on-ramps and off ramps change daily. She didn't object to it but didn't want any detriment to 238th. It would send a message to ODOT that Troutdale was serious and a few feet this way or that could save the exit.

MOTION: Councilor Schmunk moved to adopt the resolution opposing closure of 16B.
Councilor Prickett seconded the motion.

POSITION VOTE: Schmunk - yea; Ripma - yea; Thompson - yea; Lloyd - yea; Prickett - yea; Burger-Kimber - yea
MOTION PASSED

8. DISCUSSION: Citizens Advisory Committee

Mayor Thalhfer called this agenda item.

Barker stated Bi-monthly meetings would be held the last Monday of each odd number month. January, March, May, July, September, and November. Discussion of formula for membership to the committee might also need to be changed. As the City grew it could create a very large committee. Every 200 units.

Christian asked for clarification. decisions for the work session to give O'Grady a chance to talk as a representative of the Citizen's Advisory Committee. Should this be brought forward to a work session?

Mayor Thalhfer stated yes.

Councilor Ripma asked if the composition of the committee could be done outside of the Comp Plan to eliminate the huge undertaking it now required?

Christian stated yes, that was for discussion.

9. ACQUISITION: Columbia Park Update

Mayor Thalhfer called this agenda item.

Val Lantz, Parks & Facilities Superintendent stated it had been agreed upon and was in process of being finalized for the acquisition of the property. Students would be involved in the construction portion of the park. Leslie Daoust was putting forth a citizen effort to get a play structure placed.

Mayor Thalhfer explained further for the Reynolds students in attendance.

Councilor Burger-Kimber stated this was made possible due to Council foresight in setting it aside as open space and a part of the Parks Plan which was good in-sight. She stated Council had worked hard in getting the land purchased and was excited about the development of it as a park facility.

Mayor Thalhfer read the Tonya Harding commendation stating she had been a participant at last year's Picnic and Parade she was adopted Troutdale's First Lady. The commendation would be mailed to her and any others wishing to add comments could get them to the City and they would be included in the packet.

Mayor Thalhfer called for a 10 minute break.

Mayor Thalhfer reconvened the Council at 8:45 p.m.

10. Americans with Disabilities Act [ADA] Plan

Mayor Thalhfer called this agenda item.

Val Lantz, Superintendent of Parks and Facilities stated the packet materials summarized some workings toward complying with ADA. A graphic timeline was also available which she explained. Some work required by the Act was surveyed and items to be corrected had been accomplished already that were on a maintenance level. In the current FY budget there were funds to proceed with compliance. An expert in the field was needed since the language in the Act left some interpretation of its meaning open. A budget adjustment in building improvements and parks improvements capital expenditures transfer to professional services would need to be done in order to hire a professional consultant.

Councilor Prickett stated the State building Code, Chapter 31 - a striped area indicated parking for disabled was used by persons not disabled and the shopping carts were actually placed in the striped area at the grocery store.

Mayor Thalhfer stated it appeared that all parking spaces at the Cox building near the building were striped. It appeared to be more than necessary.

Lantz stated it met with the number required based on the number of spaces in the lot.

Councilor Ripma asked about Helen Althaus park - that was an unimproved park and wondered if it was suitable for ADA requirements?

Lantz stated when any new improvements are done the ADA requirements must be brought up to those standards. It would be considered reasonable that when improvements are done, the requirements be brought up to standard.

Councilor Schmunk asked about Woodard Park? Lantz stated when improvements are made, the grade must be brought up to the grade surface.

Councilor Ripma clarified changes would be done when improvements are made to the park[s]. The porch improvements [ramps, etc.] he stated this was a national registered site and changes would alter the appearance [historic value] of the house.

Lantz stated this example was one that needed a professional consultant input. Looking at specific areas and identify how to address those areas.

Councilor Ripma didn't want something written into the plans something that would be difficult to change later. He didn't want a Plan submitted [i.e., the porch] to see what was required under the historic registered site.

Lantz stated interpretation issues were nation wide.

Councilor Schmunk stated the historic site might be grandfathered in, however, something could have changed. The interior of the Harlow House could be a concern. There must be some exceptions to the rule.

Mayor Thalhoffer asked if Lantz had decided on what seats would be removed in the Council Chamber to accommodate wheelchairs? Lantz stated they had already been removed.

Councilor Burger-Kimber asked why two seats were taken out in front when they couldn't get past the cameras? The whole idea behind ADA was to make it accessible. She didn't feel that it was in the spirit of the operation. A person might be embarrassed by asking that the cameras be moved so they could park their wheelchairs where the seats had been removed.

Lantz stated this was again a reason for getting a professional.

Christian stated there had been a long discussion about seats to be removed in the Chamber. Removing seats further back closed off rows to be used by someone else. This gave available space to turn to get out once they were in.

Mayor Thalhoffer stated City Hall should be accessible to citizens with disabilities.

11. AUTHORIZE: Additional Personnel to Replace Contracting Services Out with In-house Janitorial Service @ City Hall and Police Buildings

Mayor Thalhoffer called this agenda item.

Val Lantz stated a memo was included in the packet summarizing contracted services for janitorial services at City Hall and the Police Dept. The main reason contracting this service out was to improve quality of janitorial services and the number of sq. ft. that city facilities was increasing compared to personnel handling additional duties. It was more effort to administer and evaluate the work than addressing it on an in-house basis. Conflicts with in-house and contracted people had also been an issue. Rather than extending the contract, the division discussed alternatives. Each of the 5 staff members were signed primarily staff responsibilities. Janitorial duties with additional square footage with additional parks, greenways was discussed. She was asking for additional staff between now and July 1 when the new budget would be in effect. She requested transferring contracted janitorial staff to in house additional staff [maintenance worker scheduled for July 1, 94]. That individual would be assigned to the two facilities janitorial duties and put more effort into complying with ADA work and free other staff to work on other functions in the parks and grounds areas.

Councilor Ripma supported the case made for the change. Financially, would this require additional monies?

Lantz stated yes, approximately \$9,000.

Councilor Ripma stated if it was already in the budget for contracting services [1.5 to do janitorial] - knowing .25 janitorial and .75 building maintenance - rather than hire a .25 person now, the suggestion was to hire a full time person now and another would be requested in the upcoming budget.

Lantz was requesting the monies to come from the Contingency fund and required Council approval.

MOTION: Councilor Ripma moved to approve the request as presented. Councilor Prickett seconded the motion.

Councilor Burger-Kimber stated it was an informal request and discussion but didn't see that it was an action item and nothing outlined, in report form, by the Finance Director. In the past there was a format with a report from the Finance Director and transfer of funds.

Christian stated a resolution could be before Council at the next regular meeting which would formalize the action.

POSITION VOTE: Schmunk - No, Ripma - Yea, Thompson - Yea, Prickett - Yea, Lloyd - No, Burger-Kimber - no

TIE VOTE: Mayor Thalhoffer broke the tie with a Yea vote.

MOTION PASSED

Mayor Thalhoffer stated a resolution would be coming forward at the next meeting to clarify the request and action.

Christian stated the resolution would have the balance of contingency and authorizes the Council to take from contingency and allowing the transfer.

12a. CONTINUED FROM 12/14/93 PUBLIC HEARING/ORDINANCE: An Ordinance Revising the Public Works Portion of the Troutdale Municipal Code, Chapters 12 and 13 and Chapter 15, Section 28. **First Reading**

Mayor Thalhoffer asked Sercombe how many readings for an ordinance.

Sercombe stated the Charter required two readings for an ordinance to pass. In the past a unanimous vote of Council allowed passage. The way ordinances had been passed was acceptable. However, passage of ordinances should be by two motions - First be "I move ordinance be given first reading" Then a reading "Council will be considering Ordinance # _____ [title portion of the ordinance]". If adopted by unanimous consent of Council, then proceed directly to the second reading - "I move the ordinance be given second reading". If voted on by the majority of the Council, then the ordinance passes.

Christian suggested Sercombe put it in writing for consideration by the Charter Review Committee. The current process was suggested by two City Attorney's ago. This was cumbersome and she would appreciate it being in writing and going to the Charter Review Committee.

Sercombe stated there was other language drafted which was used by Metro and allowed objection to put off final adoption to second reading. [Sercombe wrote the process on the board for ease of understanding.]

Councilor Thompson stated this should be reviewed by the Charter Review Committee first and saw no need in changing the method at this time.

CONTINUED PUBLIC HEARING:

- .1: ● Open Public Hearing - 9:20 P.M.
- .2: Declarations, Challenges, Ex Parte Contact -0-

.3: Summation by Staff - Galloway stated this was before Council at the previous meeting. Comments incorporated by City Attorney were now available. City Attorney recommended changes were incorporated in the ordinance now before Council. Chapter 12.01 - definitions pertaining only to pre-treatment ordinance into 12.07. Three sections were substantially changed. pg. 3 12.01.030 ownership and responsibility - define where the city responsibility stopped and ownership started. Better definitions were recommended by the City Attorney. In Section 12.01.050 [a] language of user be changed to account holder. Pg. 7 12.01.110 language was copied from previous code qualifying extension of service outside city limits - some restrictions were deleted to do if in accordance with law and Council. Chapter 2 changes due to recent legislation and City Attorney suggested making those changes [i.e., how credits can be obtained]. 12.3 - Water; 12.4 - Sewage time was shorted on a billing period to a delinquency period. Now takes 75 days before City could turn off water now changed to 45 days. Language was omitted that belonged in construction standards.

.4: Public Testimony: Proponents

.5: City Council Questions

Councilor Ripma - pg. 21 12.05.030 - 1% is applied to bike lanes was confusing in that it didn't explain what the 99% was or the 1% and he would like that to be included. "And the remaining 1% be deposited to the parks fund for bike lanes and pedestrian ways.

Councilor Ripma - 12.07.060 - didn't state special agreement with industrial user the City may obtain additional compliance requirements. It didn't appear to specifically allow the City to add additional requirements.

Councilor Ripma - pg. 65 and 66 12.08 - Voiced concern about 12.08.030 [c] 60% of property owners in area to request local formation of improvement district. It was unwise to require that a district couldn't be formed. Four councilors could overturn that. He could see no reason for the simple majority.

Councilor Prickett state this appeared to be a basic violation of the Charter.

Galloway stated he had no problems with changes suggested.

Councilor Burger-Kimber understood that there should be approval of 80% of the citizens.

Galloway stated existing Code indicated when the matter was before Council if owners 2/3 oppose the action, then the action is dead. [Pg. 68]

Councilor Ripma suggested those three items be changed and presented at the next Council meeting before adoption.

Councilor Schmunk voiced concerned with section C on pg. 66

Sercombe stated provisions dealing with ability to remonstrate against public improvements, this process was typical. You may wish to give citizens the right to begin the process by petition, this ordinance does that. Council could block that initially if it isn't something they agree with. - i.e., policy of no LID's on bare land. Once the engineer comes back with a report of costs - the citizens can then remonstrate on it by 2/3 vote and stop the process for 6 months. If not, the LID is formed and can be assessed.

Councilor Ripma objected to wording on pg. 66 - 2/3 Councilors present. He favored dropping language and have it be a majority.

Councilor Lloyd disagreed.

Councilor Ripma asked what if the 40% of the land was city land? Why should a super majority be required to defeat it? A majority ought to be enough.

Councilor Thompson stated a quorum would be 2/3. It would be a rare case when there was a 3-3 split and the Mayor would have to break the tie.

Councilor Prickett agreed with Thompson but agreed with Ripma also with the 2/3.

Sercombe agreed with Prickett. It required a majority of Councilors present to block a petition.

Councilor Lloyd stated this would be for the first step to study it. There was a separate process after that for approval of the report. Councilor Ripma agreed. He wished to get rid of ambiguous language that had caused concern before.

MOTION: Councilor Ripma moved to continue the public hearing and allow the changes discussed to be presented to Council.

Councilor Ripma withdrew his motion.

.6: Public Testimony: Opponents -0-

.7: City Council Questions -0-

.8: Rebuttal -0-

.9: City Council Questions -0-

.10: Recommendation by Staff - Galloway stated staff recommended adoption of the ordinance.

MOTION: Councilor Ripma moved to continue the public hearing to allow the incorporation of changes suggested.

Councilor Ripma withdrew the motion.

Mayor Thalhoffer stated the Hearing could be finished before a motion would be entertained.

.11: City Council Questions -0-

.12: Close Public Hearing Process, 10:10 P.M.

(A) 12b. ORDINANCE: An Ordinance Revising the Public Works Portion of the Troutdale Municipal Code, Chapters 12 and 13 and Chapter 15, Section 28.
First Reading

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

Councilor Ripma asked if he would move to adopt the ordinance with the changes he wished or how should that be done. Move the adoption of the ordinance with 3 changes he would detail. Move 1st; then move to amend; then move.

MOTION: Councilor Ripma moved that the proposed ordinance be amended on pg. 21 12.05.030 first line to delete the reference to 99% of the state gas tax revenues; pg. 36 12.07.060 at the end add a special agreement may contain requirements in addition to those specified in this chapter. Councilor Prickett seconded the motion.

POSITION VOTE: Schmunk - yea; Ripma - yea; Thompson - yea; Prickett - yea; Lloyd - yea; Burger-Kimber - yea
MOTION PASSED

MOTION: Councilor Ripma proposed a further amendment on pg. 66 line 8 after comma 'shall pass required motion unless by a majority vote of Council the Council deems it is not in the public interest.'. Councilor Prickett seconded the motion. 2.08.080[c]

Councilor Thompson disagreed with the amendment. 60% of the affected property owners unless 2/3 of Council didn't want it. It should take 2/3 of the majority of the Council. He saw nothing wrong with that.

POSITION VOTE: Schmunk - no; Ripma - yea; Thompson - no; Lloyd - no; Prickett - yea; Burger-Kimber - yea

TIE VOTE: Mayor Thalhoffer voted no. **MOTION FAILED**

MOTION: Councilor Ripma moved the ordinance as amended be given a first reading. Councilor Prickett seconded the motion.

POSITION VOTE: Schmunk - yea; Ripma - yea; Thompson - yea; Lloyd - yea; Prickett - yea; Burger-Kimber - no

MOTION PASSED

Mayor Thalhofer stated this item would be set over to January 25 for the Second Reading.

13. DEPARTMENT REPORTS:

- Public Safety - Collier expressed his pleasure in seeing so many students from Reynolds at the meeting. He briefly discussed a Coloring book project that was being done by students at Reynolds.

Councilor Thompson appreciated seeing the letter of appreciation.

Councilor Lloyd stated his insurance had been canceled due to the amount of times he has had problems with vandalism. So, community policing didn't matter if it didn't lower the crime rate.

Collier stated there were several thefts of vehicles made easier in the early hours during cold spells when since driver's start their car early to warm them up but, leave them in the driveway unattended. He suggested using extra keys then lock and unlock the vehicle if this was a practice citizens wished to continue.

Councilor Lloyd stated police did get there quickly and responded as best they could.

Collier stated getting involved in Neighborhood Watch groups and getting to know your neighbors also helped.

Councilor Prickett suggested a security light keyed by motion could help.

- Finance - Gazewood had nothing further.

- Community Development - Barker stated there was nothing to add.

- Public Works - Calloway discussed the status of the lease with Wastewater Management. He stated DEQ would be authorizing them to dispose of the sludge on the property. The site won't be acceptable to DEQ that it has been stored on, however. Multnomah County awarded the contract for Phase I underground and utilities on north side, street trees, grates, light poles - work will start January 17 and be completed April 30.

Councilor Lloyd asked if the cost purposes were accomplished in the process.

Calloway was unsure there were costs for phase 2 yet. Low bid on street lights were \$100,000 and city had purchased for \$45,000.

Mayor Thalhoffer asked about the name of the street having several different names. Would that be standardized?

Christian stated Historic Columbia River Highway was the name adopted by Council and would be used for what was Crown Point Highway. The Post Office was taking steps in notifying people of the correct name of the road and hopefully as things progress, it will change over time.

Councilor Schmunk expressed appreciation for clearing it up with DEQ since the letter was vague.

- Executive - Christian stated general information before Council with a clip on it was for information only and didn't require reading prior to Council meetings. A draft resolution had been prepared by Sercombe and was before Council for information. The resolution subject regarded policy of groups using facilities or resources of the City and would be scheduled at a later meeting. Forms would also be available with the resolution which would enable the group[s] to understand they have a commitment to the City, as well as for recordkeeping purposes [who has agreements]. This would be a possible agenda item for the January 25 meeting.

Councilor Burger-Kimber asked about work session items?

Christian stated work sessions had been canceled due to the Saturday meetings.

Mayor Thalhoffer stated more work at a work session should be done as early as possible but it wouldn't be at the next meeting.

- City Attorney - Sercombe - Options for a February work session would be a draft for Council regarding the roles of administrator and Council. He would be reporting back with a retrospective on his first 5 months as City Attorney. The report would include the amount of legal services being used, what he has done, to better assist the budgeting process for FY 94-95. It would be helpful for Council to know what to expect.

14. COUNCIL CONCERNS AND INITIATIVES

Mayor Thalhoffer called this agenda item.

Councilor Ripma discussed a letter from Hollie Berry regarding the Solid Waste issue and urged Councilors to read the letter. Berry was one of the representatives on the Advisory Committee. She was making a plea for Council not to be buffaloed into lowering the price, as presented by City of Gresham.

Councilor Lloyd discussed the Board of County Commissioners meeting for McMenamin's February 1; a project overview accompanied the letter. The meeting would be presented by the Chamber of Commerce regarding the Columbia Gorge Transit. He asked that the City be officially represented

by the Mayor or City Administrator in order to show the County this area for the things being discussed.

Councilor Burger-Kimber discussed a recent meeting [City of Gresham representatives were in attendance]. At the end of the meeting she got the attitude Gresham would do whatever they could to keep revenue going into Gresham. That appeared to go along with the comments in the letter from Berry. She was concerned that it didn't appear to be service oriented.

Councilor Burger-Kimber asked if a letter to Mike Nelson had been done yet. She wished it to be more timely in regard to money he had donated to Columbia Park.

Councilor Schmunk stated she wouldn't sign it.

MOTION: Councilor Burger-Kimber moved to have Council send a letter of thank you to Mike Nelson and have the Mayor sign the letter on behalf of the Council. Councilor Ripma seconded the motion.

POSITION VOTE: Schmunk - abstained; Ripma - yea; Thompson - yea; Prickett - yea; Lloyd - yea; Burger-Kimber - yea **MOTION PASSED**

Mayor Thalhfer stated a representative to the City/County Coordinating Committee issue arose over the holidays. Originally the smaller cities had been excluded but, they had demanded respect and he appeared at the meeting. Fairview and Wood Village requested we be included by 1 elected official from the three cities. The Fairview Council recommended Mayor Thalhfer be the representative. Wood Village would be taking up the matter later in the week. City of Troutdale should take action at the next Council meeting.

He stated he had been invited to have lunch with Beverly Stein at Shirley's Troutdale Cafe.

MOTION: Ripma stated a vote of confidence could be done now for Mayor Thalhfer be the representative from the City of Troutdale for the Cities County Coordinating Committee. Councilor Thompson seconded the motion.

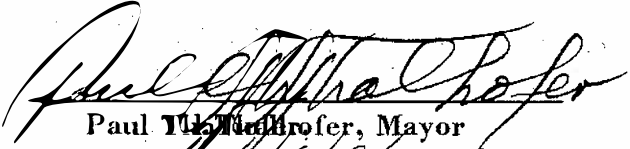
POSITION VOTE: Schmunk - abstained; Ripma - yea; Thompson - yea; Prickett - yea; Lloyd - yea; Burger-Kimber - yea **MOTION PASSED**

Mayor Thalhfer stated the number of meetings attended by staff should be an agenda item at a work session to see about continuing and/or how to handle it. He wished people would set meetings in the evenings to enable attendance.

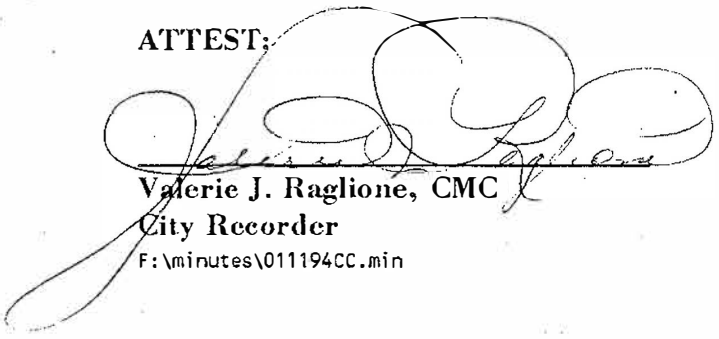
15. ADJOURNMENT.

Mayor Thalhofler called this item.

MOTION: Councilor Ripma moved to adjourn the meeting at p.m. Councilor Prickett seconded the motion.


Paul Thalhofler, Mayor
Dated: 1/5/94

ATTEST:


Valerie J. Raglione, CMC
City Recorder

F:\minutes\011194CC.min