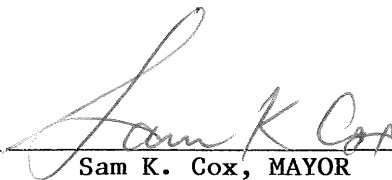


AGENDA
TROUTDALE CITY COUNCIL
7:00 P.M. -- City Council Chambers
104 SE Kibling
TROUTDALE CITY HALL

April 26, 1983

- (A) 1. **Call to Order, Roll Call and Agenda Update:** Mayor
- (A) 2. **Consent Agenda**
 - 2.1 **Accept:** Minutes of April 12, 1983 Regular Session
 - 2.2 **Accept:** Minutes of April 12, 1983, Public Hearing
- (A) 3. **Variance:** Troutdale Conservative Baptist Church
Planning Commission Item #5/ 4-20-83 Meeting
- (A) 4. **Amend:** Park Concessionnaire Agreement
Frank Windust
- (I) 5. Intergovernmental Agreement -- 4 Cities Economic Development
Commission
- (I) 6. Intergovernmental Agreement -- Cable Television
- (I) 7. Gordon Shadburne -- Sheriff's Department
- (A) 8. Council Concerns and Initiatives
- (A) 9. Oral Communication and Adjournment.



Sam K. Cox, MAYOR

4-22-83

DATED

(A) = Action Item
(I) = Information Item

MINUTES
TROUTDALE CITY COUNCIL MEETING
APRIL 26, 1983 - 7:00 P.M.

The meeting was called to order at 7:00 P.M.

ROLL CALL :

PRESENT : Ronald G. Burgin, Marjorie Schmunk, Mayor Sam Cox, Dan Lowe, Paul Thalhofer and Eugene Bui. Dave Butzer was absent.

STAFF : Pam Christian, Nancy Nixon, George Haddock, Greg Wilder, R. Scott Pemble, Brian Freeman and Barbara Rossman

PRESS : Lori Callister of the Gresham Outlook and Joyce Wydrzynski of the Oregonian

GUESTS : Commissioner Gordon Shadburne, Frank Windust Marty Gault and Debbie Wilson

AGENDA ITEM #2 - CONSENT AGENDA

- 2.1 : Acceptance of minutes of April 12, 1983 - Regular Session
- 2.2 : Acceptance of minutes of April 12, 1983 - Public Hearing

Eugene Bui made a motion to approve consent agenda items 2.1 and 2.2. Ron Burgin seconded the motion. Yeas 5 Nays 0.

AGENDA ITEM #3 - VARIANCE: TROUTDALE CONSERVATIVE BAPTIST CHURCH PLANNING COMMISSION ITEM #5/4-20-83 MEETING

Mayor Cox asked any Council members to declare any ex parte contacts to date with anyone in this church. No one on the council had any contact. R. Scott Pemble gave the staff report. He asked the the variance request be stricken throughout the report. The following items should be stricken: Page 1, I-A-2; Page 2, III-2; Page 6, 3-c; Page 7, V-4; Page 8, VI-2. These are all sections of the staff report that are not germane to the City Council. If this request for modification by Troutdale Conservative Baptist Church is approved by the City Council, a site plan will be submitted to the Planning Commission. After considering all sides of the matter, the Planning Commission decided not to grant a variance on the landscape strip. Scott stated that all the Council was considering tonight was the expansion of the church. Based on the staff report, the Planning Commission recommended that the expansion be approved. However, this recommendation was made with the addition of three conditions. The first condition is that the facilites be used only for church purposes. This does not include bingo, day care or nursery purposes. The second condition is that the church agree in writing not to remonstrate against the formation of a local improvement district for the purpose of improving

Buxton Road at a subsequent date. The third condition is that the proposed church site plan meet all applicable City standards.

The following people spoke as proponents: Tom Gross, P. O. Box 86, Corbett; Bill Monfourth and Jack Evans.

There were no opponents who wished to speak.

Mayor Cox closed the Public Testimony.

Paul Thalsofer made a motion to approve the application for expansion subject to the three conditions already enunciated. Eugene Bui seconded the motion. Ayes 5 Nays 0.

AGENDA ITEM #4 - AMEND: PARK CONCESSIONAIRE AGREEMENT - FRANK WINDUST

Pam Christian reported that last year the City had entered into a Concessionaire's Agreement with Frank Windust for parking. This concessionaire's agreement was for parking only. Mr. Windust now has a food concessionaire on his own property and would like to move that concessionaire to the City's property and have him collect the parking fees. Marge Schmunk asked if the City had issued a business license to this concessionaire. Pam said that the City had, but the parking agreement had been with Mr. Windust only. Dan Lowe asked what the advantages to this would be. Mr. Windust responded that the advantages would be: 1) better control - adults command more respect than high school or college students (whom he now hires to collect parking fees); 2) lower employee turnover; 3) less supervision and 4) less vulnerability for robbery. Mr. Windust also stated that if the food concessionaire collected parking fees, Mr. Windust would be paying him an hourly wage which would help justify making his service available to park patrons on light traffic days.

Mayor Cox stated that there had been four concessionaire applications in the past two days. Pam said that the previous City Council had made it an unwritten policy not to have food concessionaires in the park because of problems. There were litter and control problems. She said that the City Council would first have to decide if they did want to allow food concessionaires in the parks.

The second step, if it is decided to allow food concessions, is to look at the Public Contracting issue. Brian Freeman gave a brief explanation of the Public Contracting Ordinance. The concessionaire's agreement would fall into a services contract category. The Public Contracting Law states that Public entities will not play favorites or cause the citizens to spend more money than is necessary or lose money by not going out and finding competitive rates for public contracts. There is a provision that will permit exemptions and the parking lot criteria did fall into this area. Two criteria must be met to be considered as an exemption and the first of those is that a lack of bids will not result in favoritism or substantially diminished competition in awarding the contract. The second criteria is that the exemption will result in substantial cost savings. Both of these criteria were met by Mr. Windust for the parking concession.

Marge Schmunk asked what kind of profit the City made on the parking last year. Nancy Nixon said that the City had made \$668. Eugene Bui asked if it

was a 50/50 split and Nancy explained that the first \$50 went to Mr. Windust and then the City got 40%. Mr. Windust projected that this year the City's take should double. Last year the State Highway was improperly signed and people were parking along the road and were not being ticketed and towed. The highway has now been properly signed and if the Troutdale police department does enforce parking regulations the City can expect to take in probably about \$800 a month. Chief of Police George Haddock commented that the Police Department had previously felt that the parking concession would drive cars out on the street and as there is usually only one unit on the street during the day, he cannot spend all his time writing parking tickets. Chief Haddock also mentioned a possible problem with the commingling of money from parking proceeds and the food concession. Mr. Windust did not feel that would be a problem.

Ron Burgin asked if there was any percentage or material benefit to the City from the food concession. Frank Windust said that it had not been discussed yet. Dan Lowe felt that the food concession should be opened for bids. Paul Thalsofer said that last summer this agreement was decided upon quite late in the summer, but at the time he had been concerned that there was no public bidding. He said that he would like to have the Council reexamine the exemptions from the public bidding. He was opposed to the unwritten policy not to allow food concessions in the parks and felt that perhaps concessionaires would be responsible for the litter. If the City were to get enough compensation from the sales at the concession they might then look at taking care of the litter problem. Eugene Bui stated that he did not feel that the City Council could act on the issue tonight. He felt that the Council needed to decide if they still wanted to be in the parking business and that all conditions needed to be looked at.

Marge Schmunk made a motion to table the issue until the second meeting in May. Eugene Bui seconded the motion. Ayes 2 Nays 3.

Marge then said that she had stated the motion to table it until the second meeting in May; however, the motion had been stated incorrectly by the Mayor as the first meeting in May. The Council discussed the fact that the second meeting in May would be getting close to nice weather and they would like to make a decision sooner. Marge Schmunk then withdrew her first motion and Eugene Bui withdrew his second of the motion. Marge made a motion to table the Park Concessionaire issue until the first meeting in May. Eugene Bui seconded the motion. Ayes 5 Nays 0.

AGENDA ITEM #5 - INTERGOVERNMENTAL AGREEMENT -- 4 CITIES ECONOMIC DEVELOPMENT COMMISSION AND AGENDA ITEM #6 - INTERGOVERNMENTAL AGREEMENT -- CABLE TELEVISION

Pam Christian stated that Agenda Items 5 & 6 were informational only and she would be happy to answer any questions the Council might have. The Development Commission meeting is on April 28th and Marge Schmunk is your representative from the Council. Since this is under economic development, Pam said that she would like to add that she had testified before the Trade and Economic Development Committee in Salem on behalf of Troutdale,resham, Fairview and Wood Village. This testimony was in regard to Senate Bill 534 which has some changes in ORS which would allow

both urban and rural counties to be considered in funding assistance plans in economic areas. Multnomah County is designated a rural county. This has excluded us from quite a few of the federal programs.

Eugene Bui asked if the matter on Cable Television was worked out with Mt. Hood Community College. Pam answered that it was and the first regulatory meeting date is being worked out now. There was no further discussion on these items.

AGENDA ITEM #7 - GORDON SHADBURNE -- SHERIFF'S DEPARTMENT

Commissioner Gordon Shadburne discussed the County Budget. He stated that about \$11 million had been cut from the budget. This is basically because of the shortfall of county revenues, specifically property taxes. The County Budget will be voted on Thursday, April 28. Various projects or departments will be discontinued or cut including the sheriff's department budget. There is a \$2 million cut in the executive budget for the sheriff's department. That's a 28% cut or in terms of amount of protection on the street, it is a 40% reduction. If the budget is not cut, the money has to be taken from somewhere else or there have to be new revenues. Commissioner Shadburne has suggested that if they don't add back (his preference), they do consider a one-year levy. Total personnel cuts in the sheriff's department would be 51 including 40 deputy sheriffs. That is in addition to the 17 deputies that have already been transferred to corrections. Commissioner Shadburne asked the City Council to pass either a resolution in support of the Sheriff's Department and asking the County Commissioners not to cut their budget or a resolution supporting a serial levy. Don Burgin asked Police Chief George Haddock how often Troutdale needed assistance from Multnomah County. The Chief indicated that in the last two months we had been called out of our jurisdiction to help the County or City of Gresham 55 times and they have come in 58 times. Dan Lowe asked what percentage of our support would be affected by this cut. Chief Haddock said that it would depend on how the Sheriff decided to remove the 40 deputies. John Drum of the Sheriff's Department stated that there are now 15 or 16 cars on the road and that number would be reduced to nine. After further discussion, Paul Thalsofer made a motion to adopt the resolution stating he it resolved that the City of Troutdale supports the continued funding of the Multnomah County Sheriff's Department at its current level of service within the County's 1983-84 budget. Eugene Bui seconded the motion. Ayes 5 Nays 0.

AGENDA ITEM #8 - COUNCIL CONCERNS AND INITIATIVES

Marge Schmunk said that she would like to see another work session for the City Council set up. After some discussion, June 4 was set as a tentative work session date. Pam Christian was to let the Council know when the arrangements had been made.

Marge also stated that Pam had sent out a schedule of the various meetings being held within the City. The schedule was really appreciated and Marge would like to receive one every month suggesting that maybe they could be included in the first City Council packet each month.

Paul Thalsofer stated that he has been in touch with the Reynolds Softball and Baseball League and Val Lantz of the City. The League wants to set up a field on county land west of Columbia High School. Val Lantz explained

that the City of Troutdale has a use agreement with Multnomah County for this property. As the City does not have money to maintain the fields, the League will construct and maintain the fields. The City has two backstops in storage for four years that they could use if the Council approves the agreement. Debbie Wilson, coordinator for the Girl's Softball Association and representative for Boy's Baseball spoke about the need for fields because of the growing number of children wanting to play ball. Pam Christian said that she had just received a copy of the agreement for the League to use the field and would like Brian Freeman to look over it. The Council agreed, but did not want to hold up the work the League was doing on the fields. Ron Burgin asked about the costs to the City. Val Lantz said that there were minor material costs which would be about \$100, her time and the back stops that the City already had in storage. Marty Gault, a resident of Troutdale, asked if the use agreement applied to all City parks. It was explained that the agreement was just for the ballfield at Columbia. Ron Burgin stated that he was not opposed to the agreement, but was not happy with the way it was presented.

Paul Thalhofer made a motion to authorize the Mayor to enter into the agreement by the City Attorney with the understanding that there would be no substantial changes in the agreement. Eugene Bui seconded the motion. Ayes 4 Nays 1. Ron Burgin voted against the motion.

Paul Thalhofer said that the action taken on the 4th Street construction contract bothered him. Pam Christian explained that because of the concerns of the Council, Greg Wilder had contacted all residents on Fourth Street. He found that they preferred not to have sidewalks when the road is constructed. Because of the residents objections, it was decided that the sidewalks would not be constructed. Marge Schmunk felt that if sidewalks are part of the City standards and developers are required to meet these standards so should the City. Mayor Cox said that while sidewalks were part of the City standards on streets, the residents on this particular street did not want them and because of the slope of the street, they could only be put on one side of the street. Brian Freeman then pointed out that the City street standards were adopted by the City Council and can only be changed by the City Council. He did not know if the ordinance applied only to developers of subdivisions or if they might also apply to City reconstruction or improvement of streets. Mayor Cox suggested that Brian Freeman examine the ordinance and give the Council a report at the next meeting. Pam Christian agreed, but asked that the report be sooner because the pre-construction meeting had just been completed and she didn't want construction of the street to be held up as it has to be finished by July 1. Marge Schmunk said that the report could be given in writing and the Council could respond to that. Dan Lowe said that Pam could call them and discuss the report and their responses.

Eugene Bui made a motion to adjourn. Dan Lowe seconded the motion. Ayes 5 Nays 0.

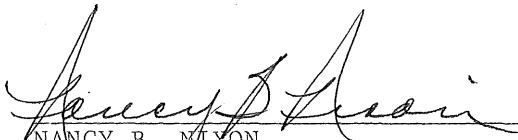
The meeting was adjourned at 9:22 P.M.



SAM K. COX, MAYOR

DATE SIGNED: May 12, 1983

ATTEST:



NANCY B. NIXON
FINANCE DIRECTOR/CITY RECORDER