

AGENDA
CITY COUNCIL MEETING
CITY OF TROUTDALE
104 SE KIBLING STREET
TROUTDALE CITY HALL
7:00 P.M. -- CITY COUNCIL CHAMBERS

JANUARY 27, 1987

- (A) 1. PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE
- (A) 2. CONSENT AGENDA:
2.1 ACCEPT: Minutes of 1/13/87
2.2 ACCEPT: Liquor License Approval - Sandy Flats (new ownership)
- (I) 3. PUBLIC COMMENT:
- (I) 4. PRESENTATION: Kim Bennett, Festival
- (A) 5. PUBLIC HEARING
*** LID - Dunbar Way***
McKnight Property/Montecucco Property
- (A) 6. Resolution: Accepting Dunbar Way Right-of-Way
- (A) 7. Appoint/Reappoint
Planning Commission Members
Budget Committee Members
Economic Development Commission Member
- (A) 8. Ordinance: Establishing a Forfeiture Section within the Public Safety Code to be Known as Section 1.01.004
Second Reading
- (A) 9. Resolution: Accepting Waterline Easement - Port of Portland
- (A) 10. Resolution: Annexation of Property
- (A) 11. Resolution: Requesting Renegotiations
Portland-Multnomah County Gas Tax
Apportionment
- (A) 12. DEPARTMENT REPORTS:
12.1 Public Safety
12.2 Finance
12.3 Community Services
12.4 City Attorney
12.5 Executive
- (A) 13. COUNCIL CONCERNS AND INITIATIVES
- (A) 14. ADJOURNMENT.



SAM K. COX, MAYOR

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(I) 4. PRESENTATION: Kim Bennett, Festival

ITEMS 5 AND 6 ARE TABLED

- (A) 7. Appoint/Reappoint
Planning Commission Members
Budget Committee Members

Economic Development Commission Members deleted for now.

- (A) 8. Ordinance: Establishing a Forfeiture Section within the Public Safety Code to be Known as Section 1.01.004

Second Reading

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- (A) 11. Resolution: Requesting Renegotiations
Portland-Multnomah County Gas Tax
Apportionment

(A) 11A. Report: Capital Improvement Bond Memorandum

(A) 11B. Report: Bid Summary - Edgefield Manor

- (A) 12. DEPARTMENT REPORTS:
12.1 Public Safety
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(A) 14. ADJOURNMENT.

SAM K. COX, MAYOR

MINUTES
CITY COUNCIL MEETING
CITY OF TROUTDALE
TROUTDALE CITY HALL - 104 SE KIBLING
COUNCIL CHAMBERS
TROUTDALE, OR 97060

7:00 P.M. JANUARY 27, 1986

7:03 P.M. -- AGENDA ITEM 1 - PLEDGE OF ALLEGIANCE

The meeting was called to order by Mayor Sam K. Cox at 7:03 p.m. Mayor Cox asked Councilman Burgin to lead the Pledge of Allegiance.

City Recorder, Valerie J. Raglione, called the roll.

PRESENT: Bui, Burgin, Gault, Schmunk, Thalhofer, Cox
Jacobs - EXCUSED

STAFF: Christian, Dorsey, Gazewood, Raglione, Barker

PRESS: Oregonian - Webb Reubal

GUESTS: Paul Montecucco, Virgil Montecucco, Kris DeSylvia, Kim Bennett, Barbara Dorsey, Donna Burlingame, Sandy Emrick, Michael Grappe

AGENDA UPDATE: - Pam Christian

Christian stated that Items 5 and 6 had been requested to be tabled by the requesting petitioner. Items 11A and 11B were additional agenda items for information only.

AGENDA ITEM 2 -- CONSENT AGENDA

MOTION: Bui moved to accept the consent agenda items 2.1 (minutes of 1/13/87 regular session; 2.2 (liquor license - new ownership/Sandy Flats). Gault seconded the motion.

Bui - Yea; Burgin - Yea; Gault - Yea; Schmunk - Yea; Thalhofer -
Yea
YEAS: 5
NAYS: 0
ABSTAINED: 0

There was no further discussion.

AGENDA ITEM 3 -- PUBLIC COMMENT.

Mayor Cox called for any comments from the audience. There were none.

AGENDA ITEM 4 -- PRESENTATION: FESTIVAL/KIM BENNETT

Kim Bennett gave a brief presentation regarding Troutdale Windjam to be held at the west end of downtown area on July 25/26, 1987. (Handout in packet materials.) Bennett stated that she would come before Council again, February 24, 1987, and update Council. She asked for Council support and feedback for her requests which include: Banners across Columbia St advertising the festival; Santi-cans for restrooms facilities; indoor table and chairs/picnic tables.

Council commended the actions and enthusiasm of Bennett and her efforts. A favorable consensus for Bennett's requests were expressed.

AGENDA ITEMS 5 AND 6: PUBLIC HEARING
LID - DUNBAR WAY - MCKNIGHT/MONTECUCCO
PROPERTY

Included in packet materials was a memorandum stating that the proponent of the LID had requested that the public hearing be tabled until further notice. There appeared to be difficulty finalizing the sale of property and the proponent does not wish to proceed without the sale taking place. Mr. McKnight is the requesting petitioner for the project.

It was recommended that the hearing be held over or tabled until the request is initiated again, or for six months, whichever is sooner. If there is no further request, the recommendation is that the project should be abandoned.

Item #6 - Resolution is affected by the process of #5.

MOTION: Bui moved to table Agenda Items 5 and 6. Gault seconded the motion.

Bui - Yea; Burgin - Yea; Gault - Yea; Schmunk - Yea; Thalhofer - Yea

YEAS: 5
NAYS: 0
ABSTAINED: 0

AGENDA ITEM 7: APPOINTMENTS

Christian reviewed packet materials.

MOTION: Bui moved to appoint Neil Handy, District No. 2; Sandy Emrick, District No. 3; Kristi DeSylvia, Natural Resources/Historic to the Citizen Advisory Committee. Thalhofer seconded the motion.

Bui - Yea; Burgin - Yea; Gault - Yea; Schmunk - Yea; Thalhofer - Yea

YEAS: 5
NAYS: 0
ABSTAINED: 0

MOTION: Bui moved to appoint Michael Sullivan, Position No. 1 for a two-year term; Donna Burlingame, Position No. 6; and re-appoint Debra Zachman for four-year terms to the Planning Commission. Thalsofer seconded the motion.

Bui - Yea; Burgin - Yea; Gault - Yea; Schmunk - Yea; Thalsofer - Yea

YEAS: 5
NAYS: 0
ABSTAINED: 0

MOTION: Gault moved to appoint Michael Grappe, Position No. 1, and James M. Carlson, Jr., Position No. 6 for three year terms to the Budget Committee. Bui seconded the motion.

Bui - Yea; Burgin - Yea; Gault - Yea; Schmunk - Yea; Thalsofer - Yea

YEAS: 5
NAYS: 0
ABSTAINED: 0

Christian stated that the only person indicating an interest in the Economic Development Commission was Allen Haite. An application had not yet been received, but was expected. It was discussed and Council decision was that Marge Schmunk could review the application and Council would ratify the decision at the February 10, 1987 Council meeting.

AGENDA ITEM 8: ORDINANCE ESTABLISHING FORFEITURE SECTION

Christian stated that all changes previously discussed with Council, City Attorney and staff had been made and incorporated in the Ordinance. The first reading on this item took place at the January 13, 1987 meeting.

Mayor Cox read the title.

MOTION: Bui moved to pass the ordinance as written. Burgin seconded the motion.

Burgin asked if a separate revenue source could be coded for the monies to identify specifically the amount of revenue generated by this. Christian stated that it would be identified in the budget document.

Bui - Yea; Burgin - Yea; Gault - Yea; Schmunk - Yea; Thalsofer - Yea

YEAS: 5
NAYS: 0
ABSTAINED: 0

AGENDA ITEM 9: RESOLUTION Waterline Easement/Port of Portland

Christian stated that construction of a new waterline to service proposed industrial development on the Port property required a Resolution and Utility Easement Agreement between the Port and the City. After the construction of the waterline, the City will be asked to accept the waterline facility itself.

Mayor Cox read the Resolution by title.

MOTION: Bui moved to pass the Resolution as written. Burgin seconded the motion.

There was no further discussion.

Bui - Yea; Burgin - Yea; Gault - Yea; Schmunk - Yea; Thalhofer -
Yea
YEAS: 5
NAYS: 0
ABSTAINED: 0

AGENDA ITEM 10: RESOLUTION: Potential Annexation

Christian discussed the Council materials. There were two alternatives for consideration. These alternatives were discussed.

Council consensus was to look into Alternative #2 plus Tax Lot #5 and bring it back for consideration. Metes and bounds descriptions would be prepared for preliminary review. Also, staff was directed to notify the affected property owners.

AGENDA ITEM 11: RESOLUTION: Petitioning Multnomah County Board of Commissioners to Initiate Re-Negotiation of Formula for Transfer of County Gas Tax Revenues to the City of Portland

Christian gave background information stating that the County's gas tax revenues restricted funding of the East County transportation needs and that the transfer formula compensated double to Portland. She stated that the resolution was before Council if they wanted to request the County to re-open negotiations with Portland to delete the element of payment for population increases from future transfers of Gas Tax to Portland.

Cox read the Resolution by title.

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

Bui - Yea; Burgin - Yea; Gault - Yea; Schmunk - Yea; Thalhofer -
Yea
YEAS 5
NAYS: 0
ABSTAINED: 0

AGENDA ITEM 11A: Report: Capital Improvement Bond

Christian reviewed packet information with Council. This item

references capital improvement that will need to be addressed regarding 257th, the construction of 257th and reconstruction of Columbia (Scenic Highway). There is approximately \$500,000-600,000 worth of improvements if all facilities are installed at the time of construction - reconstruction of these two roadways. The memo informed Council that if City expedites and serves that property to be the most lucrative to the builders (ready to go) the above amount would be the kind of money it would take to address the improvements at the time of construction. Hopefully, at the next meeting staff can bring alternatives to be discussed. (i.e., which would have to be installed; which would be nice to be installed, but not necessary; and the impact on the builders or developers of the adjacent properties.)

Christian stated that staff will be looking at GO bonds to fund the improvements, which means that they would have to go to a vote to be approved -- if Council so desires to proceed. This is a need that exists now.

AGENDA ITEM 11B: Report: Edgefield Manor/Consultant Selection

Christian addressed a status report to Council. Christian stated that the Historical Society, Planning Division Staff and prior consultants were solicited for a Request for Proposals. Two firms submitting proposals for the Goal 5 ESEE Analysis were Cogan-Sharp-Cogan and Benkendorf Associates. Wilder's calculations included costs of two public hearings. The proposals did not include the cost of public hearings.

Christian stated that the 45 day time limit had been the discussion item. She stated that there was a choice of approving all or in part, or disapproving the application. There is a 45 day time limit for that, hence the need to get the consultant work completed. If it is found that the application was approved in part (found to be historically significant), however, there are not enough findings of fact to justify designating it a historical resource district that lifts the 45 day timeline that requirement is met. The next section of the ordinance addresses the fact that once Council has found it all or in part, City is prohibited from issuing permits for remodel, demolition, change...until City has proceeded through the ESEE. At that point, the fees and charges ordinance stated that the City can charge an applicant additional costs of processing an application if they are outside usual and customary costs with that process. In other words, the costs of a consultant could be required to share with the applicant in the costs of that evaluation.

Future impact is that Council will need to address how to handle designating historic resource districts. In fact, a 'body' can ask for any property, building or site to be designated that, and we will be faced with going through the process and issue at any time. The ordinance needs to be re-worked at least to address the protection of the property owners rights also and, to have some recourse other than to fund this type of study. Christian stated

that there are over 40 sites on the inventory list. The potential of going through this same process is very real.

Cox stated that there is no other structure of this nature and felt that this was a unique case.

Burgin asked where the County was at this point?

Christian stated that the County has asked to take bids and the bids will go back to them for approval in March. They would be coming back to Council for the demolition permit after that. Regardless of Council action, the County (Counsel) proposes to ask for a hardship relief to demolish the building if the evaluation finds it historical.

Gault stated that the issue is whether or not there is firm enough ground to defend the anticipated suit against us from the County for hardship in order to demolish the building. The designation of the ESEE study is completed or not is middle ground that will go by anyway.

Thalhofer stated that the motion made at the last Council meeting declared Edgefield Manor to be a historically significant site and referred to the Planning Commission for further study (steps 2 and 3)...he wasn't sure why there was further discussion on the issue.

Christian read the motion from the minutes of the 1/13/87 Council meeting. She then stated that the discussion was Step 2 which required expenditure of City money and hiring of a consultant. Planning Commission does not have that authority and therefore, it is a Council decision.

Thalhofer stated that the money issue was irrelevant at the time and was still irrelevant. He understood it was a large sum of money for the City to come up with, however, it was decided at the last meeting after considerable debate. He felt that any action the County may take shouldn't deter Council from performing the duties as City Council.

Cox stated that due to the 45 day limit, or the assumption of the 45 day limit Council felt the need to act fast.

Thalhofer was concerned and felt that the City Attorney should be present. Christian stated that it had been a Council direction that the City Attorney appear only at the 1st meetings as a cost saving measure. Jennings was also under the impression of the 45 day limit had to be met. The ordinances (old/new) state that 'by approving the LC designation - you have approved in part the application. Therefore, the time clock can be turned off. That was the only point this evening. That was not, however, Pete Kasting's opinion (County Counsel).

Burgin agreed with Thalhofer that the direction was taken by the vote Council took last meeting. Council directed that the next 2

portions of the study continue. He felt that the process should continue. The motion didn't specifically state 'completed in 45 days'. He did feel that if there were some leeway in that timeframe, he would be in favor now of not accepting either proposal and ask for bids based on longer term -- move it out to 60-90 days and see what bids come in based on a longer timeframe, however, continue with what has been directed.

Christian asked if Council wished, a conference call could be made to Jennings to get his opinion on the 45 day limitation. Thalsofer wanted to get the attorney's opinion.

Cox called for a recess to make the conference call.

8:30 P.M. -- Recess.

Christian called the City Attorney for an opinion. All Council members and press were in the City Administrator's office for the conference call when it was placed.

8:48 P.M. -- Reconvene

Christian stated that the City Attorney's opinion was to continue at the 45 days requirement and to continue with the motion made at the 1/13/87 meeting. In the meantime, try to negotiate with Multnomah County regarding the 45 day period. Also, the fees and charges ordinance which was adopted in July, 1986 allowed the City to charge an applicant fees to cover costs that are unusual to processing the application. That is open to interpretation and would probably go before Council for their recommendation of additional fees given the type of application.

Burgin asked why a consultant had to be obtained rather than gather all known data and have staff draw conclusions from that information for a conclusion.

Christian stated that the Planning Division was in the process of documenting and preparing documents for periodic review and there is not the time without disrupting work programs and putting everything else -- including permits and applications aside. A staff of 1 1/2 persons would not be able to comply with this request and keep the normal work flow current.

Barker stated that one of the major areas of the ESEE is the economics which is evaluating the cost of bare land, cost of land and buildings, renovation, tax advantages a developer would have based on how much money he invests in it (appraiser). She stated that at a staff level the economic expertise wasn't there that consultants with staff that had degrees in Economics which evaluate that type of thing - as well as tax experts. That would need to be complied with and the social significance to the regional area balance against the cost of preserving?

MOTION: Burgin moved to conditionally award the bid for the ESEE

Analysis to the lowest bidder..Benkendorf and Associates, \$4,945 unless 45 days is waived by the County. Thalhofer seconded the motion.

Gault called for discussion on the motion. He expressed concerns about the City spending monies for this type of study, when there is no budget for it. The fees and charges ordinance specifies 'unusual costs in processing the application will [can] be borne by the applicant'. This makes the provision that the City can pass on some of the costs to the applicant, and the applicant may withdraw the application if they so choose.

Discussion continued.
Schmunk called for the question.

Bui - Abstained; Burgin - Yea; Gault - Nay; Schmunk - Nay;
Thalhofer - Yea

YEAS: 2
NAYS: 2
ABSTAINED: 1

Thalhofer stated that had been an issue at the previous Council meeting. He said that there shouldn't be further action since a motion had already been passed. Thalhofer requested staff to follow Council direction from the last meeting when Council passed a motion on this issue. Staff was directed to implement the policy decision made at that time. Staff should pursue that direction. No further motion is needed.

AGENDA ITEM 12: Department Reports

12.1: Public Safety: Nothing additional
12.2: Finance Dept.: Nothing additional
12.3: Community Services: Nothing additional
12.4: City Attorney: Nothing additional - Not present
12.5: Executive: Nothing additional

AGENDA ITEM 13: Council Concerns and Initiatives

No comments from any Council members.

AGENDA ITEM 14: Adjournment

MOTION: Bui moved to adjourn the Council meeting. Burgin seconded the motion.

Bui - Yea; Burgin - Yea; Gault - Yea; Schmunk - Yea; Thalhofer -
Yea
YEAS: 5
NAYS: 0
ABSTAINED: 0

Council adjourned at 9:10 P.M.

Sam K Cox
Sam K. Cox, Mayor
Dated: February 12, 1987

ATTEST:

Valerie J. Raglione
Valerie J. Raglione
City Recorder

27:17