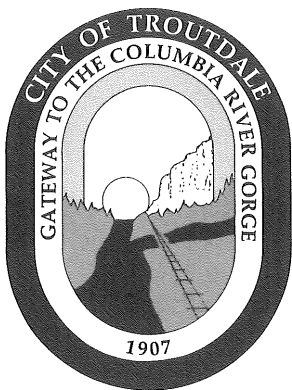


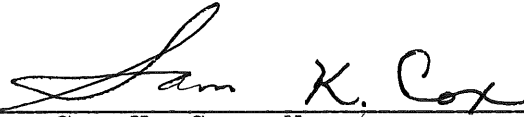
CITY OF TROUTDALE

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



7:00 P.M. -- OCTOBER 11, 1988

- (A) 1. PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE
- (A) 2. CONSENT AGENDA:
 - 2.1 Accept: Minutes of 9/27/88 - Regular Mtg.
 - 2.2 Accept: Business License Report
 - 2.3 Accept: Bills for month of September, 1988
- (A) 3. PUBLIC COMMENT:
Please restrict comments to non-agenda items at this time.
- (I) 4. INFORMATION: Rockwood Water District
Duane Robinson
- (A) 5. ORDINANCE: Adopting Interim Drainage Guidelines
First Reading
- (A) 6. RESOLUTION: Housing of Repeat Offenders
- (A) 7. ORDINANCE: Amending the Light Industrial and General Industrial Sections Section 3.222 and 3.232 of the Development Ordinance (491-0) and Development Standards Text.
First Reading
- (I) 8. DEPARTMENT REPORTS:
 - Public Safety
 - Finance
 - Community Services
 - City Attorney
 - Executive
- (A) 9. COUNCIL CONCERNS AND INITIATIVES
- (A) 10. ADJOURNMENT.



Sam K. Cox, Mayor
Dated: 10/6/88

EX[7.2]

M I N U T E S
TROUTDALE CITY COUNCIL MEETING
COUNCIL CHAMBERS
104 SE KIBLING AVENUE
TROUTDALE, OR 97060

OCTOBER 11, 1988

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

Councilman Thalhofer led the Pledge of Allegiance.

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

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

STAFF: Christian, Collier, Gazewood, Raglione, Wilder
Barker

PRESS: Webb Reubal, Oregonian
Dave Pinson, Gresham Outlook

GUESTS: Harry Fowler, Ron Sherwood, Duane Robinson, Sebastian
Degens

Agenda Update: Christian stated that a report from the Cable Television representative, Ron Sherwood, would be added after Item #4, following Duane Robinson, Rockwood Water District. Sherwood would be reporting on the pending sale of the system.

ITEM #2. CONSENT AGENDA

MOTION: Gault moved for adoption of the Consent Agenda as presented. (2.1 Accept Minutes of 9/27/88; 2.2 Accept Business License Report for month of September, 1988; 2.3 Accept Bills for month of September, 1988. Burgin seconded the motion.

YEAS: 4
NAYS: 0
ABSTAINED: 0

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

ITEM #3. PUBLIC COMMENT

Mayor Cox called for any comments to non-agenda items. There were none.

ITEM #4. INFORMATION: Rockwood Water District

Mayor Cox introduced Duane Robinson, Rockwood Water District, and asked that he present his information.

Duane Robinson, 19601 NE Halsey, Portland, Or. Robinson gave background information on the reasons for considering a water authority. He stated the potential advantages as being: 1) increased local authority; 2) reduction in water costs; 3) more efficient service delivery; 4) stronger negotiating position; 5) increased cooperation; 6) promote development; 7) eliminates confusion; 8) more stable financial base.

Robinson stated that some methods of forming a Water Authority could be: 1) petition by not less than 100 electors in the subject territory; 2) resolution of governing bodies of one or more cities or water districts, or both; 3) resolution by County Board of Commissioners.

Robinson stated that in comparing city rates to Rockwood rates, Troutdale charges are 44% more, Gresham 39% more, and Fairview 18% more. He stated that Congress and the Environmental Protection Act (EPA) felt that an average monthly water charge of \$45.83 would be reasonable to meet the requirements of the Safe Drinking Water Act. He felt that the 1986 amendments to the Safe Drinking Water Act cited changes that would greatly increase the cost of water to all consumers over the next 3-5 years.

Robinson stated that Rockwood Water District believed it could best assume the leadership role. Some of the reasons were: largest water purveyor in East County; reasonable existing water rate; only do water -- better than anyone else and have done it for 62 years; 7 3/4 acres of facility in existence and only using half of it; 2500 sq. ft. available for expansion in existing building; 6 reservoirs, 3 wells, 12 mg of storage; lowest unaccounted water percentage in the area - 6.4%; sound infrastructure; Water Authority would reduce duplication of employees, rolling stock, materials, storage; Safe Drinking Water Act increased new testing requirements, it may be necessary for a testing lab with each water provider.

Thalhofer stated that Troutdale had their own wells, we didn't buy Bull Run water and we were pretty well self contained -- one of the few jurisdictions in the Metropolitan area that were in that situation. He stated that our rates would be decreasing as time passed. He asked what advantages it would be to Troutdale?

Robinson requested that Council consider appointing a representative to a Managers Task Force which would made up of the professionals from each area to study the concept of a Water Authority and report back to their respective City Councils the results of that study.

Robinson stated that he felt it beneficial for any agency to seek alternate sources. He stated that contamination to various levels of the aquifers was a possibility...certainly Milwaukie didn't expect the problems that they had. One of the long range plans was possibly tapping into the Columbia River and perhaps wouldn't always be dependent on Bull Run. He felt that looking 25 years

ahead was the type planning needed.

Robinson stated that Troutdale was a big picture to this in East County. He wanted to ask that we be a part of it.

Cox asked what percent of Rockwood Water was wells? Robinson stated 10% (1 good producing well -- 2,000 gpm.) Schmunk asked if the rest was Bull Run? Robinson replied, Yes.

Schmunk asked what other cities had been visited? Wood Village, Fairview and Gresham had not yet been visited. Troutdale was the first one.

Thalhofer asked if Robinson was asking that the City Administrator attend meetings to study the feasibility of this Water Authority issue? Robinson replied, yes. The Board of Commissioners looked like they were going ahead with this issue, they may commission a study. Studies are spendy and sometimes can be done in house. It could be that the Managers gather most of the materials and then come to a point when they determine that they need outside assistance and request a study.

Christian stated that prior to making a decision, Council may wish to have a staff response presented at the next Council meeting, and then make a decision.

Cox asked that Wilder present materials and figures at the next meeting.

Schmunk suggested that these be considered at the next Council meeting. Thalhofer concurred.

Cox thanked Mr. Robinson for presenting the materials and attending the meeting.

AGENDA UPDATED ITEM #5. CABLE UPDATE - Ron Sherwood

Sherwood gave a progress report on the tentative agreement with Rogers on the franchise renegotiation. This agreement amounts to a \$4,550,000 from Rogers at the time of the sale which would buy out their obligations for supporting Access for the remainder of the franchise agreement. The new company would be alleviated from those obligations for the remainder of the franchise agreement.

Sherwood stated that the new company would be obligated for new equipment replacement and demonstration projects and other minor types of projects. The portion affecting Troutdale City Council is a public hearing, October 24, at the Multnomah Cable Access studio. This will be televised live. On November 7, there will be a meeting to determine public support of the renegotiated franchise. The jurisdictions will then be asked if they support to renegotiated franchise.

Troutdale also has the option of holding their own public

hearings, however, Sherwood stated that it was encouraged to respond to the public hearings by the Commission and not have to go through an additional 5 public hearings. Sherwood stated that he would be back before Council after the November 7 hearings to present the proposal.

Gault asked if the pre-settlement figures anticipate the figures required to operate the Cable Access program as it currently exists throughout the life of the contract? Sherwood responded, Yes. The actual figure amounts to 93-95% of the total amount of money was taken year-by-year. With having the money up front it can be invested to make up a lot of the difference. The advantage of knowing in advance that the company won't come with a relief request and decrease the amount. Sherwood stated that it was a 'bird in the hand' situation.

Sherwood stated that the Access Corporation Board and knowing in advance that there would be a 5-7% cut in their budget, it can be planned in advance.

Sherwood stated that the public hearing would be responsive either to visitors coming to the meeting, or calling in to make public comment.

Christian stated that the Council could either accept their decision [due to the public hearing and representing the jurisdictions interest] or Council could have their own public hearing. Given the timeframe, however, it may be difficult to have a separate hearing.

Sherwood stated that the Company would like the sale to take place as soon after the first of the year as possible. Cable Regulatory Commission has stated that they will make a 'good faith' effort to do that, however, could not promise a specific date.

The Council consensus was that the public hearing to be held at Multnomah Cable Access on October 24, would meet the necessary requirements for public hearings and public input.

Sherwood stated that there was also another issue. He stated that he would be back in December with the actual Request for Qualifications from Houston Industries talking about their ability to buy the company. Once the franchise is cleaned up and ready for sale, the issue regarding the purchaser is still open.

Burgin asked if the new franchisee would be obligated in some way for the present agreement? Sherwood stated that it would be an amended franchise that they would purchase. The amendments would just relieve them of financial obligations. The rest of the agreement would remain in tact.

Sherwood stated that they will be held to the franchise agreement, the Regulatory Commission is just getting the money in advance.

Thalhofer asked the City Attorney since the studio is legally in Gresham, can the City of Troutdale have a public hearing outside the City of Troutdale? Jennings, 'Yes'.

ITEM #5 (AGENDA UPDATE #6): ORDINANCE: Establishment of Interim Drainage Guidelines.

Wilder stated due to the increasing development pressure in our industrial areas [north section of the City with little or no drainage facilities] necessitates an ordinance. The City does not have an established drainage utility and the City Attorney's opinion is that enablement of interim guidelines is best addressed through an ordinance rather than resolution.

Wilder stated that the first reading was to enable review of the ordinance and open public discussion. All affected property owners will be notified and two readings would allow for sufficient time for input and discussion from any interested parties.

Wilder stated that there are drainage issues that are a concern to the City, the Port, and the downstream property owners. They have been addressed through the interim drainage action plan and subsequently interim guidelines. Attached is an exhibit of the area...that includes most of the County Farm property parts of Wood Village, the Port area, the Reynolds area north of town. Until there is a Master Drainage Plan, which would be approximately a \$45,000 consulting project that will need to be addressed in the next budget year, there will need to be some interim guidelines to protect the downstream property owners.

Sabastian Degens, Senior Planner/Land Development - Port of Portland, was available and commented on this issue. He spoke in favor of the guidelines and action plan. He stated that the Port, Sandy Drainage District, and the City had all worked with the guidelines set out in the proposed ordinance. He felt that the guidelines would address some of the major concerns that the Port had with drainage. The surface drainage in the airport area and in the area being developed for industrial uses relies on an existing ditch system. That system, regarding capacity, hasn't been reviewed for a time. With the development expected to take place, there is an increased water flow and more rapid water flow coming into the system. The Port had raised the concern some time prior to this. The Port had send a letter supporting this issue. [Included in the Council packet materials.] Degens stated that they were willing to be a included in the formation of an LID to do a Drainage Action Plan so that the landowners are essentially taking care of the problem.

Mayor Cox read the ordinance by title.

ITEM #6. (AGENDA UPDATE #7) RESOLUTION Regarding Housing of Repeat Offenders.

Jennings, City Attorney, spoke to this issue. He stated that he

had not prepared a resolution, however, a memo would be prepared. The reason being the legality of the issue raised by Council which was: 'can we do anything to force Multnomah County Corrections to hold repeat offenders for longer periods of time'. The answer to that is "No". There is no jurisdiction to bring suit against Multnomah County Corrections in the City Charter, the State Statutes, nor in the U.S. Constitution nor the Oregon Constitution allowing the City standing to bring a suit. Standing meaning the legal right to bring suit.

Jennings stated that the very real problem of Multnomah County Corrections, which is an order entered by the Federal District Court Judge for Oregon mandating a matrix for discharge of people from the corrections system. That matrix essentially says that a person such as the burglar isn't dangerous enough to hold for an extended period of time when there are other people charged with more serious crimes. In order to keep the prison overcrowding down, the matrix allows that a person accused of a lesser crime be released.

Thalhofer stated that he felt it was ludicrous that someone committing as many as thirteen crimes could be released back into areas that he has already repeatedly hit. Thalhofer stated that the victim is the only one that really knows what it feels like. He wanted the people of Troutdale to know that their public officials can't do anything about it, or they would. He felt that legislators had let people down the past few years in not dealing with it in a more effective manner.

Cox stated that in fairness to the legislators and the Sheriff, the people have turned down jail bills a number of times. He stated that you need to have jailspace in order to put people in them.

Burgin stated that in some areas, not in Troutdale, he didn't feel that police had been as understanding as they could be toward people with faulty alarm systems. He stated that the people are just trying to do the best they can to protect themselves. He encouraged the Troutdale police officers to, if there is a faulty alarm, go the extra mile to be as understanding as possible toward individuals doing the only thing they know how to do.

Burgin then asked what could be done to the Zoning Ordinance, if and when the County asks for an increase in size for a facility here in Troutdale? Could there be any kind of provision to reserve a specific amount of bedspace for Troutdale offenders?

Jenning stated, 'No'.

Christian stated that the existing facility is not allowed to expand where it is currently located.

ITEM #7 (AGENDA UPDATE #8) ORDINANCE: Amending the Light Industrial and General Industrial Sections 3.222 and 3.232

of the Development Ordinance (491-0) and Development Standards Text.

Mayor Cox read the ordinance by title.

Christian stated that Sue Barker was in attendance and would address this item.

Barker stated that the Planning Commission had held two public hearings on both the light industrial zone and the general industrial zone to recognize current development trends in Troutdale. These are related more to transportation and manufacturing than the previous ordinances allowed.

Barker stated that the ordinance amending 498-0, adding new sub-sections 4.014H, I and J, related to off-street parking restrictions and provided an effective date. This amends the development standards. The changes are to address parking and set back areas. Currently, in industrial zones you can park directly at the property line abutting the street. In order to allow industrial development and still protect the major arterial, we have required that they have a minimum set back before the parking lot starts. This would mean that there would be some landscaping around any industrial site, rather than directly on the street. [Arterials and in some parking lots.] The ordinance changes in actual uses have reduced these to basically manufacturing, fabricating process, packing and storing of any materials, as long as it is not hazardous, have any smell or have any odor inside and is closed over.

Barker stated that any outside storage in the light industrial zone would have to have prior approval from the Director and be screened so that it would not be visible from the public right-of-way or from adjacent residential areas.

Barker stated that the general industrial zone recognizes that there are nuisance factors that go with some industry (i.e., traffic, noise, steam, exhaust). It does allow all industrial uses in the general industrial zone. It does allow any type of development that is non-hazardous. It would also allow on-site storage and would require some screening but does recognize that there would be a large utility yard with some business or outside lumber storage. It is felt that it sets a better direction for Troutdale where development demands can be responded to much quicker.

Barker stated that many of the developers, as well as Union Pacific, worked together to come up with flexibility yet provide the protection for the City. The Planning Commission recommends adoption of the ordinances.

Mayor Cox read each ordinance by title.

Christian stated that there would be another reading at the next

scheduled regular Council meeting.

Sebastian Degens, Port of Portland presented an amendment to the proposed changes for the General Industrial District. He stated that A.2. should include to read: "Airport and related uses; airport supportive commercial and industrial uses (maintenance facilities, hangars, aircraft tiedown, passenger parking, restaurant and flight schools".

Barker stated that this language could be included and is certainly appropriate. It allows us to be more specific since the City has an airport located in Troutdale. For the second reading, this amendment would be included in the language.

ITEM #8. (AGENDA UPDATE #9) DEPARTMENT REPORTS

Public Safety: Chief Collier had no additional comments to his report. There were no Council comments.

Finance: Gazewood had no additional comments. There were no Council comments.

Community Services: Wilder commented on the increase in building activity. He stated that there were half of the projected residential starts for the entire year in the first quarter. He stated that was a real positive note. He stated that Ed Kubicki's father had passed away and would be out of town for a few days. He commented on Kubicki's concern regarding the Rockwood Water District's proposal for a Water Authority.

Wilder stated that there several issues suggested that were erroneous. Robinson stated that Rockwood's losses were the lowest in the County; Troutdale's are 3% not 6-7%. Troutdale has a crew and system that was certified long before certification was even talked about. There is a testing program that is as rigid as the EPA's guidelines and have had for some time. The most recent results received were 154 tested for with no trace detected at all. The crew has grown up and knows the system well. Wilder stated that staff was completely convinced that any test, whether it be a Manager's forum or whatever, as to the ability to provide the water service would be no problem.

Christian stated that the City now meets 1,200 additional users with 1 less person staffing the water division. She felt that speaks to the evergrowing efficiency.

Wilder stated that the past 4 years budgets in constant dollars, as well as current dollars, has gone down while the service levels have increased and the service connections have increased. He stated that the system is capable of supporting 16,100-18,000 people and there are currently 7,100 people. They have 1mg storage for 1,000 connections, City has 3 mg. They would stand to gain much more from the City, than the City could gain from them. In the short term they could maybe depress rates, however, not on the

long term. Wilder stated that his personal opinion was that they could do absolutely nothing for the City. He would be prepared to address it formally at the next regularly scheduled Council meeting.

City Attorney: Jennings had nothing further to report. Schmunk asked about a recent meeting wherein some Council members, before a vote was taken, stated their membership of a Board when an item [Historical Society Request for Waiver of Fees] was scheduled for action by Council. Council members started to vote, after hearing the report and Legal Counsel stated that they could not vote. Schmunk stated that there was no audience that protested the voting method. She asked for clarification.

Jennings stated that technically, if Council members don't disqualify themselves, once their interest is declared, they may participate in discussions, and may also vote.

Jennings stated that he understood the declarations made as an intention of disqualification of their part. Schmunk stated that they were simply stating that they were members of the Board for the record. Jennings stated that he was in error.

Executive: Christian stated that the date for the meeting with the County over Edgefield Manor had been rescheduled to October 18, 1988, at 7:00 p.m. This is general discussion period with County Commissioners over the Council's feelings and expectations of the County Farm and Edgefield Manor.

Christian stated that Council meeting for November 8 is Election Day and the Chambers is the Polling Place for this precinct. She called for Council comment on their desire for that meeting. Hold it elsewhere, a work session, or cancel the meeting.

Council consensus was to cancel the meeting entirely.

Christian asked for Council opinion on dates and times for Goal Setting with Marv Himmel. November 12/26 or December 3/17. All dates are Saturdays. After discussion, consensus was that it be held on Saturday, December 3, 1988 at 9:00 A.M.

ITEM #9. COUNCIL CONCERNS AND INITIATIVES

Burgin stated that as a non-member of the Troutdale Historical Society he wanted to take the opportunity to commend his fellow Council members that declared their membership in the Historical Society is just a reflection of their civic pride and high regard for the City, and in no way disqualified them of anything coming before Council for a decision. He wanted to say it publicly due to the comments that have been going around.

Schmunk - Nothing.

Cox stated that the Chairman of the County Board mentioned that

most of the officials on the Council that were also members of the Historical Society. He stated that when there is a City the size of Troutdale, most people that are in anything are in multiple organizations that have to do with the City. He surmized that the Chairman of that County Board is also a member of the Portland Historical Board and maybe the State also.

Thalhofer stated that there was also another study on Edgefield Manor. He was puzzled why public bodies couldn't use each others studies and reports to consolidate the amounts of money spent for these types of fact finding information. He stated that the fact was that the County hasn't done a blame thing with the Manor with all the studies that have been done, the building hasn't been secured, the vandalism wouldn't occur if they were really serious about securing the building. He stated that the Council had all toured the building and knew the condition of it. He stated that they could have been more aggressive in their efforts to market the entire property. He felt that they had been neglect in their duties and stated that the County official in charge of the real estate for Multnomah County had been neglect in his duties as well.

Schmunk stated that in one of the previous studies, it had been recommended that the County do a marketing study, which hadn't been done as yet.

Thalhofer stated that the article stated that the Chair of the Multnomah County Commission wanted to see the Manor torn down. He felt that was the whole attitude that has been the problem.

Cox announced items on Multnomah Cable Access specifically relating to Troutdale -- 1) The Troutdale History Tour; 2) the Barn Raising.


ITEM #10. (AGENDA UPDATE ITEM #11) ADJOURNMENT

MOTION: Schmunk moved to adjourn the meeting. Gault seconded the motion.

YEAS: 4
NAYS: 0
ABSTAINED: 0


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

The October 11, 1988, regular City Council meeting was adjourned at 8:30 P.M.



Sam K. Cox, Mayor
Dated: 10/13/88

ATTEST:



Valerie J. Raglione, City Recorder

CITY COUNCIL MINUTES
OCTOBER 11, 1988