

CITY OF TROUTDALE

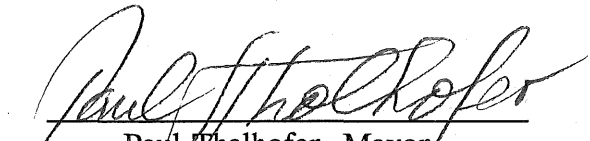
AGENDA
TROUTDALE CITY COUNCIL - REGULAR MEETING
COUNCIL CHAMBERS
TROUTDALE CITY HALL
104 SE KIBLING AVENUE
TROUTDALE, OR 97060-2099

7:00 P.M. -- February 28, 1995

- (A) 1. PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE
- (A) 2. CONSENT AGENDA:
2.1 Accept Minutes - Regular Session - 11/22/94 - 12/06/94
2.2 RESOLUTION: A Resolution Authorizing the Mayor to Enter into an Agreement for Consulting Service for a Storm Drainage Study.
Galloway
- (I) 3. PUBLIC COMMENT: Please restrict comments to non-agenda items at this time.
- (A) 4. ORDINANCE/INTRODUCED 2/14/95: An Ordinance Vacating a Portion of a Plat Designated for Future Right of Way Within Raspberry Lane Subdivision Located Within Section 35, T1N, R3E, WM.
Barker
- (A) 5. PUBLIC HEARING/ORDINANCE INTRODUCTION: An Ordinance Amending Chapters 1, 7, 8, & 9 of the Troutdale Development Code Relating to Transportation Planning Rule Requirements (OAR Chapter 660-12).
Faith
- (A) 6. PUBLIC HEARING/ORDINANCE INTRODUCTION: An Ordinance Amending Chapter 10 of the Troutdale Development Code Relating to Provisions and Standards for Signs.
Faith
- (A) 7a. PUBLIC HEARING/RESOLUTIONS: A Resolution Adjusting the Sanitary Sewer System Development Charge, Revising the Sanitary Sewer Capital Improvement Plan, Amending Resolution No. 941, and Rescinding Resolution No. 1086.
- 7b. RESOLUTION: A Resolution Revising the Transportation Capital Improvement Plan and Amending Resolution No. 1141.
Galloway
- (A) 8. DISCUSSION: Review of Troutdale Municipal Code, Section 2.04, "City Administrator Duties and Responsibilities."



- (I) 9. COUNCIL CONCERNS AND INITIATIVES
- (A) 10. ADJOURNMENT.


Paul Thalhofer, Mayor
Dated: 2-27-95

NOTICE: There will be a Council Work Session directly following the regular meeting regarding Sewage Treatment Plant Capacity.

**Minutes
Troutdale City Council Regular Meeting
Troutdale City Hall
Council Chambers
104 SE Kibling Avenue
Troutdale, Oregon 97060-2099**

February 28, 1995 - 7:00 P.M.

1. PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE

Mayor Thalsofer called the meeting to order at 7:00 p.m. and called on Councilor Thompson to lead the Pledge of Allegiance.

City Recorder Martinez called the roll.

PRESENT: Thalsofer, Smith, Ripma (7:39), Thompson, Kight, Lloyd, Burger-Kimber

STAFF: Barker, Berrest, Christian, Faith, Galloway, Gazewood, Martinez, Sercombe

GUESTS: Amy Smith, Dan Lloyd, Paul DeBlock

PRESS: Web Ruble, Oregonian

Martinez stated the minutes of 12/6 are not ready for adoption.

2. CONSENT AGENDA:

2.1 Accept Minutes - Regular Sessions 11/22/94 & 12/6/94.

2.2 **RESOLUTION:** A Resolution Authorizing the Mayor to Enter into an Agreement for Consulting Service for a Storm Drainage Study.

Mayor Thalsofer called this item.

MOTION: Councilor Thompson moved to approve the consent agenda minus the minutes of 12/6/94. Councilor Kight seconded the motion.

YEAS: 6

NAYS: 0
ABSTAINED: 0

3. PUBLIC COMMENT:

Mayor Thalhoffer called this item.

There was no public comment.

4. ORDINANCE/INTRODUCED 2/14/95: An Ordinance Vacation a Portion of a Plat Designated for Future Right of Way Within Raspberry Lane Subdivision Located Within Section 35, T1N, R3E, WM.

Mayor Thalhoffer called this item, recessed the council meeting and opened the public hearing at 7:04 p.m.

Barker stated this is an ordinance to vacate a 40 x 1,026 ft strip of land, if passed the land will be transferred to the abutting property owners. Since the last meeting I received a phone call from Mr. DeAmillio who requested again that the city grade and seed this property before the city give it to him. Planning Commission has forwarded their recommendation of approval to you.

Councilor Burger-Kimber asked did the city put the mounds of dirt on the property?

Barker stated I understand the dirt was placed there by a former tenant.

Mayor Thalhoffer closed the public hearing and reconvened the council meeting at 7:08 p.m.

MOTION: Councilor Thompson moved to adopt the ordinance. Councilor Lloyd seconded the motion.

YEAS: 6
NAYS: 0
ABSTAINED: 0

Mayor Thalhoffer asked staff to notify Mr. DeAmillio of the action taken by the council and why, by letter.

Barker stated all of the effected property owners will be notified.

5. PUBLIC HEARING/ORDINANCE INTRODUCTION: An Ordinance Amending Chapters 1, 7, 8, & 9, of the Troutdale Development Code Relating to Transportation Planning Rule Requirements (OAR Chapter 660-12).

Mayor Thalhofer called this item, recessed the council meeting and opened the public hearing at 7:10 p.m.

Faith stated this is being brought to you to comply with the requirement of Transportation Planning Rule, which was adopted by the LCDC in April of 91. The primary purpose of the TPR is to insure that new development is pedestrian, bicycle and transit friendly. The way this is intended to occur is through design and construction standards for new development. The amendments are designed to make it safer and easier for people to make trips by walking, cycling or taking transit. The amendments are outlined in your packet.

Mayor Thalhofer raised safety concerns about having buildings close to the street and parking lots in the back.

Councilor Thompson asked what effect would this have on a development like the factory outlet?

Faith stated it would look entirely different than it does now. This is a very sensitive point and may be revised by the legislature.

Councilor Lloyd raised concerns about this not fitting in with all developments, is there flexibility in this.

Faith stated inherent in our development code is the opportunity for flexibility because we do have various provisions and with the provision for accommodating the transit user I can see where a trade off could be made, such as a turn around transit stop.

Councilor Lloyd asked would they need a variance for that from the P.C. or the council?

Faith in most instances the would need a variance.

Councilor Lloyd asked how did we arrive at this ordinance, was there a model?

Faith stated there was a committee established, after the TPR was adopted, to look at what other communities were doing that fit into the mold and those were compiled and distributed by the committee. We did have a compilation of excerpts of various codes from throughout the state to draw on so we could pick and choose to put together our own ordinance.

Councilor Lloyd asked is this equivalent to what our neighboring cities are doing?

Faith stated it is nowhere close to what Gresham has, they have a very stringent set of amendment to their development code that have been adopted and they are the subject of a lawsuit. I am not sure if Fairview or Wood Village has adopted anything yet. In the grand scheme of things we have the bare bones minimum set of provisions to meet these requirements.

The council discussed the amendments.

Faith stated that the Planning Commission and Staff recommend adoption of the ordinance and reminded council that this would only apply to new development.

Mayor Thalhoffer closed the public hearing and reconvened the council meeting at 8:02 p.m.

Councilor Ripma stated that he fully supports the staff recommendations, some concern about the 4 ft. fence, but this can be amended. This is excellent.

Councilor Burger-Kimber stated one of the things that we have lacked in E. County is a good access for pedestrians and bicycle traffic, we are very automobile orientated. It is very dangerous to ride your bicycle anywhere and during the summer I make an effort to do all of my traveling and shopping by bike I find it extremely hazardous and once you get somewhere you don't have a place to park that is safe. This has been a long time coming and I support the ordinance and all of the work that you have done. I am pleased that you have put some flexibility in the ordinance, there are not a lot of mandates in here, there are guidelines and recommendations for trade offs. There is a need for covered bike parking, most of the large shopping centers do provide parking under cover. When you shop by bike you have bags on your bike, you can wipe off the seat by the bags get really wet sitting out in the rain. Most buildings have a covered walkway or breezeway that can provide bicycle coverage. It is important that people are able to walk from one development to the other. You have done an excellent job with flexibility and building in some safety features and giving the city the opportunity of being progressive in the transit area.

Councilor Lloyd stated even though I have some problems with the bicycle stuff, this is an ordinance we have to pursue because we are mandated to, so I think we have done a good job with what we have.

Councilor Smith stated that a lot more people are riding their bikes and walking, and there would be even more if the facilities were there. This is a good idea.

Councilor Thompson stated I also will vote for this ordinance although I have some concerns

about the building orientation and transit line provisions, I hope we can apply it with enough flexibility that we are not going to constrain development. I think the bicycle thing is great but we probably will never be that bicycle friendly because things are a long distance apart out here unlike downtown Portland. Highly in favor of the grid system for streets and I am very glad we are stressing this.

Mayor Thalhoffer expressed concerns over the bicycle, fence height and building orientation requirements. This may need to be amended. If you have any amendments please get them to Mr. Faith so that we can get them to you in time for review before the next meeting.

6. PUBLIC HEARING/ORDINANCE INTRODUCTION: An Ordinance Amending Chapter 10 of the Troutdale Development Code Relating to provisions and Standards for signs.

Mayor Thalhoffer called this item, recessed the council meeting and opened the public hearing at 8:20 p.m.

Faith stated this ordinance would amend the development code with respect to the regulations on signs. Chapter 10 of the code currently regulates signs, content and location. One of the key provisions is that it prohibits signs or billboards that advertise a business, service or facility not located on the same lot as that sign. The provision of limiting content or placement of off premiss signs has been the subject of numerous court challenges around the country. In the state of Oregon the courts have also heard cases pertaining to the prohibition of billboards and off premiss signs and have ruled on several occasions that it is unconstitutional to ban billboards or off premiss signs. This has come to light for us because of the interest to place a billboard within the city limits, when the applicant came forth in early 1994 seeking a permit to construct the billboard he was informed that our code did not allow billboards at which point he raised the constitutionality question. The matter was referred to our city attorney and he found that the challenge would likely be overturned if it was taken to court so he recommended that we modify the ordinance to address this issue and that is why this is being brought to you. There are other provisions that may be brought to you in the future for the same reasons, but we felt that we would address those if there are any challenges. The P.C. has addressed this and is recommending that the council adopt this amendment.

Councilor Kight asked is it true that regulation of signs based on content is forbidden?

Sercombe stated that is correct, within the law, such as to protect minors.

Councilor Kight asked about the size of the sign?

Faith stated there are provisions that regulate the size.

Councilor Kight asked can we regulate how many on one piece of property?

Barker stated it is regulated under the code currently.

Councilor Kight asked if you can regulate lighting?

Faith stated that generally it can't project onto an adjacent property, we can't prohibit lighting of the sign it self.

Councilor Ripma asked does this eliminate billboards or allow billboards?

Faith stated it will allow billboards.

Councilor Ripma asked why did you go that way?

Faith stated the issue here is that currently our development code prohibits off site signs, which is synonymous with billboards, that has been determined by the courts to unconstitutional.

Councilor Ripma asked so by billboards you mean a sign that does not advertise the premiss itself?

Faith stated that is correct.

Barker stated that each commercial lot is allowed one free standing sign of not more than 100 sf.

Sercombe stated that the purpose of this change is to eliminate the previous distinction between on premiss and off premiss signs. The distinction is true in the code now, off premiss signs are prohibited no matter what their size, no matter where they are located. What this does is it says that Troutdale will no longer distinguish from the content of the sign. That had most practical effect with respect to large advertising signs or "billboards" which are commonly thought to have more than 500 sf of area and those are only allowed, as Sue said, along I-84. So given the states' regulations there are only room for a couple more in Troutdale and this would be one of them.

Council discussed this issue.

Burger-Kimber voiced concerns regarding waiting on the other issues in the code that may cause problems.

Faith stated that he did not feel that there are any other issues with the sign code, the City Attorney does.

Sercombe stated that he felt that there are some issues that should be addressed sooner than later.

Councilor Kight asked what if we don't pass the ordinance?

Sercombe stated there is a possibility of litigation.

Councilor Ripma asked if we could ban all new signs?

Faith asked about new businesses?

Mayor Thalhofer closed the public hearing, reconvened the council meeting at 8:51 p.m. and called for a 10 minute break.

Mayor Thalhofer reconvened the meeting at 9:01 p.m.

7a. RESOLUTION: A Resolution Adjusting the Sanitary Sewer System Development Charge, Revising the Sanitary Sewer Capital Improvement Plan, Amending Resolution No. 941, and Rescinding Resolution No. 1086.

Mayor Thalhofer called this item.

Galloway stated at the last meeting we brought forward four resolutions regarding SDC's, two were enacted, and council gave other direction to staff regarding the two remaining, one was the sanitary sewer. At the last meeting we proposed funding capital improvement out of both the system development charges and a rate increase for the Sanitary Sewer user fee. Council directed that we change that procedure and show all of the projected improvements funded with the SDC's. A proposed resolution that we have in your packet would do that, however yesterday I received a call from Mr. Berry from the Homebuilders Assoc. who raised the question regarding notification prior to this action. There is a requirement in the ORS. that requires that anyone who asks to be notified be given a 45 day notice prior to any action that adopts or amends the methodology of SDC's. My response to him at that time was that I did not believe that we were adopting or amending methodology and therefore I did not think that would apply. Since that time I have did further research and discussed this with the attorney and we decided there is a bit of a gray area there. So I think it is a wise

thing to defer action on this until after the 45 day notice, and we will bring it back to you at a later time.

Mayor Thalhoffer asked if there was anyone present to speak on this agenda item.

A gentleman in the audience stated he would speak when it was brought back the next time.

7b. RESOLUTION: A Resolution Revising the Transportation Capital Improvement Plan and Amending Resolution No. 1141.

Mayor Thalhoffer called this item.

Galloway stated this came before you at the last meeting and we had proposed some tweaking of the fees as well as an update of the capital improvement plan. Council asked us to defer any action on changing the rates until the first council meeting in May to give us time to see what actions other jurisdictions are taking, this might have some impact on the way council may want to go with transportation impact fees. However there were to minor changes to the capital improvement plan that should be acted on before that and this would make those two changes. One is to add one project to the plan, the city's portion of the improvements to Sturges Dr., the second is it modifies the cost estimate for the extension of Hensly Road.

Councilor Kight asked are all of these funds coming from our SDC's?

Galloway stated that is correct, this is separate from the regional fee.

Councilor Kight asked what it would take to divert some of the regional fees to our projects?

Galloway stated I don't believe there is a way to do that, the regional fee is for arterials only.

Council discussed this item.

MOTION: Councilor Ripma moved to adopt the resolution. Councilor Thompson seconded the motion.

YEAS: 7
NAYS: 0
ABSTAINED: 0

8. DISCUSSION: Review of Troutdale Municipal Code, Section 2.04, "City Administrator Duties and Responsibilities.

Mayor Thalhoffer called this item.

Sercombe stated this on the agenda as a discussion item to discuss the duties of the City Administrator, it was placed on the council agenda for two purposes, in the context of recruitment of a new administrator, one to provoke discussion or what the council is looking for and second to provoke comment from the public on the duties of the City Administrator and what standards the council should employ in selecting a new City Administrator. What state law says is before you go into this private process of screening and recruiting candidates, you need allow the public so opportunity for input into the employment of the officer, such as the standard you are going to use for selecting. This item was designed to illicit some public input, although I think its' phrasing is unartful, and there is probably a need for more open and precise as to public input. You may want to schedule this for the next agenda with more artful wording. Before going into executive session you should have more public input beyond this agenda item.

Mayor Thalhoffer asked does that mean we can't advertise before we have another public hearing?

Sercombe stated no, it is just a prerequisite before going in to closed session to review the applications.

Mayor Thalhoffer directed Sercombe to artfully prepare the wording for the next agenda.

Councilor Burger-Kimber asked if there should be a work session to discuss the criteria we would be looking for in the process, maybe have a public hearing after that.

Mayor Thalhoffer stated the WS he envisioned would be an executive session and we can't have that until we meet this legal requirement. We discussed the process while you were gone. If the council would like to have another WS on this it fine with me.

Councilor Ripma stated I am in favor of discussing tonight the duties of the position, and have a public hearing at the next meeting. I worry about having another WS beyond discussion tonight.

Councilor Kight stated he agreed with Councilor Ripma, set out the duties tonight and then go forward.

Councilor Lloyd asked if the current ordinance is in compliance with the new charter?

Sercombe stated that is generally.

Councilor Lloyd asked Christian if this is how she sees the position because looking at this I don't know if I would have anything to add, unless she says there is a deficiency somewhere?

Christian stated it needs to be clarified, so duties are given to the CA but can be taken back without any clear reason why, it can be in terms of personnel which has some things that need to be clarified, do I or do I not hire dept. or is there an approval process through the council. For the most part it is a good job description. There are some things like semi-annual reviews, you may want to make some allowances for contracts, most people in this profession work under a contract.

Councilor Kight asked about inconsistencies with the personnel rules?

Christian stated that the personnel rules will need to be revised.

Councilor Thompson stated that he is ready to move on with the process.

Mayor Thalhoffer stated that if there are any suggested changes to submit them to the City Attorney.

Councilor Lloyd stated that a lot of this will be subject to negotiation.

The council discussed the possibility of having to adjust the salary range.

9. COUNCIL CONCERNS AND INITIATIVES:

Mayor Thalhoffer called this item.

Councilor Burger-Kimber updated the council on the Metro Arts Committee, next meeting will be at the Gresham City Library March 11th, from 10 to 12.

Councilor Lloyd asked for an updated calendar.

The council discussed and decided to have the first budget meeting on March 28th, at 6:00 p.m. before the regular council meeting.

Councilor Kight voiced concerns about having the Dept. Heads at the meetings when they do not have anything on the agenda.

Councilor Thompson voiced concerns about the length of the meetings.

Councilor Ripma had nothing.

Councilor Smith had nothing.

Mayor Thalhoffer stated there was a memorial for Lee Irwin former publisher of the Gresham Outlook, I attended on behalf of the city, we have made a donation in his honor to the Troutdale Historical Society.


10. ADJOURNMENT:

Mayor Thalhoffer called this item.

MOTION: Councilor Thompson moved to adjourn. Councilor Ripma seconded the motion.

**YEAS: 7
NAYS: 0
ABSTAINED: 0**

Mayor Thalhoffer adjourned the meeting at 10:18 P.M.


Paul Thalhoffer, Mayor
Dated: 4-27-95

ATTEST:


George Martinez, City Recorder

CITY OF TROUTDALE

PUBLIC ATTENDANCE RECORD

MEETING DATE 2/28/95 TYPE Regular + Work

PLEASE COMPLETE THE FOLLOWING

PRINT NAME	ADDRESS	PHONE#
Jim Galloway	City Hall	665-5175
Bob Crozewood	City Hall	665-5175
Mark Barrest	City Hall	665-5175
Rich Faith	" "	" "
Sue Baker	" "	" "
Amy Smith	1436 SE 29th Ct. Troutdale OR 97060	669-9304
Dick Schleich	Concept Const 1665 NE Division	661-0699
Dan Lloyd	1540 SW 25th Street Troutdale	666-3670
Paul de Block	15650 NE Glisan Portland	254-9360
Web Ruble	The Oregonian	294-5939