



CITY OF TROUTDALE

"Gateway to the Columbia River Gorge"

AGENDA

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

7:00 P.M. -- November 23, 1999

Mayor

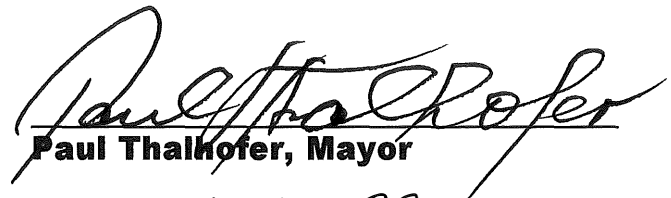
Paul Thalhofer

City Council

Pat Smith
David Ripma
Bruce Thompson
Jim Kight
Paul Rabe
Doug Daoust

- (A) 1. **PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE**
- (A) 2. **CONSENT AGENDA:**
 - 2.1 **Approve Liquor Licenses:** Flying J. Travel Plaza, The Black Rabbit Restaurant & Bar, Edgefield Brewery, Mr. B's Lounge, Travel Centers of America, Safeway Store #1542, Troutdale Triftway and Troutdale Office.
 - 2.2 **Motion:** A Motion to authorize the Mayor to enter into an agreement with Multnomah County regarding the distribution of proceeds relating to municipal liens on tax foreclosed properties in compliance with ORS 275.275(3)(A).
- (I) 3. **PUBLIC COMMENT: Please restrict comments to non-agenda items at this time.**
- (A) 4. **RESOLUTION:** A Resolution providing for budget transfers and making appropriation changes for Fiscal Year 1999-2000. Gazewood
- (A) 5. **RESOLUTION:** A Resolution providing for the receipt and expenditure of a Metro Grant for a specific purpose; providing for General Fund appropriation increase and making appropriation for fiscal year 1999-2000. Gazewood
- (A) 6. **PUBLIC HEARING / ORDINANCE (Introduction):** An Ordinance changing the Solid Waste Franchise term length and amending Chapter 12.10 of the Troutdale Municipal Code. Morrow
- (A) 7. **PUBLIC HEARING / ORDINANCE (Introduced 11/9/99):** An Ordinance amending Chapter 8.28 of the Troutdale Municipal Code pertaining to nuisance enforcement penalties. Hanna
- (A) 8. **PUBLIC HEARING / ORDINANCE (Introduced 10/12/99):** An Ordinance amending Chapter 2.08, Rules of the City Council, Section 2.08.060, Presiding Officer. Mayor Thalhofer

- (A) **9. RECOMMENDATION:** A Recommendation to Tri-Met concerning the preferred layover location for Bus Line 24 in downtown Troutdale (Continued from November 9, 1999).
Galloway
- (I) **10. REPORT:** A status report on compliance with the Metro Urban Growth Management Functional Plan.
Faith
- (I) **11. COUNCIL CONCERNS AND INITIATIVES**
- (A) **12. ADJOURNMENT**


Paul Thalhofer, Mayor
Dated: 11-17-99

MINUTES
Troutdale City Council - Regular Meeting
Troutdale City Hall
Council Chambers
104 SE Kibling Avenue
Troutdale, OR 97060-2099

November 23, 1999 7:00pm

Meeting was called to order at 7:03 p.m. by Mayor Thalhofer.

1. PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE

Mayor Thalhofer called on Councilor Daoust to lead us in the Pledge of Allegiance.

PRESENT: Smith, Ripma, Thompson, Kight, Daoust, Thalhofer.

STAFF: Faith, Gazewood, Wiesinger, Morrow, Hanna, Galloway, Kvarsten, Allen and Stickney.

GUESTS: Terry Smoke

Mayor Thalhofer asked are there any agenda updates?

Kvarsten replied that under the consent agenda item 2.1, approval of liquor license, we would like to ask you to add Texaco Star Mart and I believe you have a copy of the application in front of you.

2. CONSENT AGENDA:

2.1 Approve Liquor Licenses: Flying J. Travel Plaza, The Black Rabbit Restaurant & Bar, Edgefield Brewery, Mr. B's Lounge, Travel Centers of America, Safeway Store #1542, Troutdale Trifway, Troutdale Office and Texaco Star Mart.

2.2 Motion: A Motion to authorize the Mayor to enter into an agreement with Multnomah County regarding the distribution of proceeds relating to municipal liens on tax foreclosed properties in compliance with ORS 275.275(3)(A).

Mayor Thalhofer called this item and read the consent agenda.

MOTION: Councilor Thompson moved adoption of the consent agenda. Councilor Kight seconded the motion.

YEAS: 6
NAYS: 0
ABSTAINED: 0

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

Mayor Thalhofer read this item and asked if there was anyone here who would like to speak to us on a non-agenda item.

No public comment was received.

4. RESOLUTION: A Resolution providing for budget transfers and making appropriation changes for Fiscal Year 1999-2000.

Mayor Thalhfer read the Resolution title and called on Mr. Gazewood.

Gazewood reviewed the staff report contained in the packet.

Councilor Daoust asked are we allowed to know where this property is?

Gazewood replied yes, if you are familiar with the location of the Mazda Toyota on Marine Drive near the northwestern boundary of the City, that property is a triangular shape that is bordered by the railroad that crosses Marine Drive and to the north just east of that property. It's part of that group of properties that the conversion plant to produce products from recycled tires. It was a group of four properties that are the subject properties and this is the parcel immediately to the south of those lots.

MOTION: Councilor Ripma moved to adopt the Resolution. Seconded by Councilor Kight.

**YEAS: 6
NAYS: 0
ABSTAINED: 0**

5. RESOLUTION: A Resolution providing for the receipt and expenditure of a Metro Grant for a specific purpose; providing for General Fund appropriation increase and making appropriation for fiscal year 1999-2000.

Mayor Thalhfer read the Resolution title and called on Mr. Gazewood.

Gazewood stated that this Resolution is somewhat different than what you are accustomed to seeing in terms of resolutions changing the budget and making transfers from general contingency appropriations within a specific fund. Also this differs from a situation where we increase the budget that has been adopted in the normal process. Generally you would see a supplemental budget to increase a fund appropriation if it is given certain dollar provisions, of above 10% it goes to the budget committee, less than 10% comes directly to Council by Resolution. This is different in that it is a Resolution to increase the appropriation under a specific purpose grant provision in the ORS. We are dealing with that situation where the City and Metro have been in negotiation with the owner of the estate of the Strebin property to purchase 15.6 acres of the land for the Beaver Creek Greenway area.

Councilor Ripma stated I am concerned with my possible conflict on this. I am a trustee involved in the sale. I wonder if I should step down, my instinct tells me I probably should.

Allen stated I would recommend that you not participate.

Councilor Ripma stated I will step down from this item.

Gazewood stated that the money being provided here is actually bond money from a Metro Greenspaces Grant and that particular grant provides for a two allocation bases. One is a portion

is dedicated to jurisdictions in the way of local money and there is the larger group of money that Metro had for greenspaces and is what they consider their share of the pot. In essence then the total fund increase in the General Fund that will be allocated to the Community Development Department specifically the Parks and Recreation Division, will be \$102,327, this represents the City's share of that purchase. Metro will contribute \$629,301 towards the purchase for a total purchase value of \$731,628. This will be merely a paper transaction entry in which the City will not actually receive the funds and Metro will be disbursing money directly into escrow. The City has to book this as money that shows up in the budget and an expenditure from the standpoint of capitalizing this portion of the land asset.

MOTION: Councilor Thompson moved to adopt the Resolution providing for the receipt and expenditure of a Metro Grant for a specific purpose; providing for General Fund appropriation increase and making appropriation for fiscal year 1999-2000. Seconded by Councilor Kight.

**YEAS: 5
NAYS: 0
ABSTAINED: 0**

Mayor Thalhoffer presented Bob Gazewood with a Certificate of Achievement for excellence in financial reporting presented to the City of Troutdale for its comprehensive annual financial report for the Fiscal Year ended June 30, 1998. I want to thank you for your 14 years of service to the City of Troutdale. The 14 years that you have spent in the City have been very productive years for the City. When you came here we were right in the middle of a deep recession, but you made due with what you had and the City progressed very well, probably better than most cities because of the way you managed the financial affairs of the City of Troutdale. It is a great tribute to you to have brought us this far, because in large part the financial management of this City is reflected by the progress this City has made. The optimistic spirit that you will see among the townspeople and the business people and the residents who are excited about our City and you are one of the main ingredients that made that happen.

Gazewood gave a short speech and thanked the City Council.

Councilor Daoust stated as a fellow financial manager, I have the greatest respect for Bob. The words that come to mind when I think of you Bob, are knowledge, wisdom, integrity, and this man has sole. I will miss you.

Councilor Smith stated Bob is excellent in the financial end but he also has a great sense of humor and he has taken the time to sit with us and explain things to us. He has a great deal of patience and I am going to miss him.

Councilor Ripma stated as a non-financial person I have always appreciated Bob's explanations, not always at the Council meetings, but I could talk to you before or after and you would explain it clearly to me. We could always be confident that the City was on a sound financial footing and the parade of awards we received every year were a testament to that. I want to thank Bob for his community service to the Historical Society. He would help with the audit of the Historical Society's books, a long thankless job. Thanks so much for years of service to the City, the community and

the Historical Society. We are going to miss you.

Councilor Thompson stated we are going to miss you. We have a great deal of respect for you and your knowledge of budgeting and accounting. You have always been very approachable. I hope you enjoy your retirement.

Councilor Kight stated it is clear from the comments that we are hearing that we hold you in the highest regard. You epitomize integrity and honesty within your department. You are going to be missed and I want to wish you well.

6. PUBLIC HEARING / ORDINANCE (Introduction): An Ordinance changing the Solid Waste Franchise term length and amending Chapter 12.10 of the Troutdale Municipal Code.

Mayor Thalhoffer read the Ordinance title, closed the City Council meeting and opened the Public Hearing at 7:34pm.

Morrow reviewed the staff report contained in the packet.

Councilor Daoust asked when would we determine the term?

Morrow replied we are currently working on finalizing the proposed franchise agreement and we will be bringing that to you at the next meeting.

Councilor Kight asked they are asking for a longer franchise period in order to recoup the cost of depreciation of their equipment. Why in the past have we only had a five year contract?

Morrow replied from what I understand, Waste Management asked for the franchise to be eight years. They bought new equipment to take over more commercial accounts within Troutdale and going to the new co-mingling system they had to accommodate the trucks with new equipment.

Councilor Kight asked worst case scenario, if Waste Management isn't able to meet our demands for service and the service level falls off, is there an out in this contract?

Morrow replied we can look at that in the franchise agreement. There are terms for revoking the franchise agreement that will be specified in the agreement.

Councilor Kight asked are you confident that this is the best contract that we could have with our waste hauler in Troutdale?

Morrow replied yes. We have modified the new agreement quite a bit. I am confident that it is a solid agreement.

Mayor Thalhoffer asked if there was anyone here who would like to speak to us on this issue?

No public testimony was received.

Mayor Thalhoffer closed the Public Hearing and reconvened the City Council meeting at 7:39pm and stated that the second reading of this Ordinance would be held at the December 14, 1999

meeting.

7. PUBLIC HEARING / ORDINANCE (Introduced 11/9/99): An Ordinance amending Chapter 8.28 of the Troutdale Municipal Code pertaining to nuisance enforcement penalties.

Mayor Thalhoffer read the Ordinance title, closed the City Council meeting and opened the Public Hearing at 7:40pm.

Hanna stated that this is the second reading on the amendment to Chapter 8.28 of the nuisance code. This is to implement the imposition of penalties of non-compliance or non-abatement of nuisances after the official notification has gone out. The old ordinance allowed for notification of abatement only and the notification to the violators was only a notification to their rights to ask for an appeal of the notification of the nuisance. The amendments will change that to allow for the notification of the penalty phase and the notification that they have the right to ask for an appeal or hearing on the penalties that may be applied to the abatement.

Councilor Daoust asked if the penalty for failure to abate the nuisance is two-fold, the first thing is the cities cost of the abatement if we take care of it?

Hanna replied if the City abates the nuisance we are allowed to charge the cost to abate the nuisance plus a fee for the administration of the nuisance abatement to the property owner.

Councilor Daoust asked so that is the second part of the cost of the enforcement penalties?

Hanna replied the enforcement penalties would be if they don't abate the nuisance and the City does not abate the nuisance, there would be a penalty applied for the delay of the abatement. Basically what that amounts to is I have cases in my records that have been two to three years old that have gone to court and they have failed to respond and they have gone to court a second time. It's a penalty for failure to act on their part. The City has yet, since I have been here, gone in on a property and abated a nuisance.

Mayor Thalhoffer asked if there was anyone here who would like to speak on this issue?

No public testimony received.

Mayor Thalhoffer closed the Public Hearing and reconvened the City Council meeting at 7:44pm.

MOTION: Councilor Ripma moved to adopt the Ordinance. Seconded by Councilor Kight.

**YEAS: 6
NAYS: 0
ABSTAINED: 0**

8. PUBLIC HEARING / ORDINANCE (Introduced 10/12/99): An Ordinance amending Chapter 2.08, Rules of the City Council, Section 2.08.060, Presiding Officer.

Mayor Thalhoffer read the Ordinance title, closed the City Council meeting and opened the Public Hearing at 7:45pm.

Allen stated item number eight on your agenda this evening is an ordinance that updates the current council rules and recognition of the Mayor's role in participating in advocacy on issues that come before the Council. You have before you two ordinances, both eliminate the current language in the Council Rules that prohibit the Presiding Officer from participating in advocacy on an issue. One ordinance allows the Presiding Officer to second a motion but not make motions. The other ordinance indicates that the Presiding Officer shall not make or second motions. Both of these ordinances were brought back at your request following the first hearing on this ordinance.

Councilor Daoust stated maybe you could clarify Roberts Rules of Order relating to the chair. It says that the presiding official can not make or second motions unless they pass the gavel temporarily to the president or another member of the council and then it goes on to say, that once action is taken on that motion the gavel would then be returned to the Presiding Officer, is that correct?

Allen replied it has been awhile since I looked at Roberts Rules of Order but I seem to recall some discussion in those rules about the ability of the Presiding Officer to make motions, particularly when you have smaller governing bodies, that does occur without the Presiding Officer passing the gavel.

Councilor Ripma stated when this issue came up, there was no question that our rule was inconsistent with our Charter because it didn't allow our Presiding Officer to vote. The rule is older than the Charter and the Charter did allow the Mayor to vote so it did require clarification. I did check with our Attorney and apparently a body like ours can make its own rules on this issue, whether we want the Presiding Officer to make motions or second motions or not is really up to us. I have had discussions with the Mayor and he agreed and I think the whole Council agreed to the idea of not having the Presiding Officer make motions so we are down to the issue of whether the Presiding Officer seconds motions. I heard from a citizen, Shannon Turk, who is on the CAC and I have been convinced, I was actually leaning the other way at our first hearing on this ordinance, and I have always believed in free and open debate, so I have been convinced that we can't always be sure, with this Council we can, but in the future we would always be able to debate something. I have changed my mind and I do favor allowing the Mayor to make seconds just in case the issue ever came up where debate might be lost.

Councilor Daoust asked for clarification, since the Mayor is elected by the citizens, can a Council take away the rights of an elected official to make motions. Since the Mayor is an elected official by the people, does he not have the inherent right to make and second motions?

Allen replied under the Charter the way it is currently written, the Council is the body that decides what the rules will be in proceedings. In exercising that power as a Council, it would be up to the Council to decide what role the Presiding Officer plays.

Mayor Thalhoffer asked is there anyone else who would like to speak to the Council on this issue?

No public testimony was received.

Mayor Thalhoffer closed the Public Hearing and reconvened the City Council meeting at 8:51 pm.

MOTION: Councilor Ripma moved to adopt version "B" of the Ordinance which is the version that states: the Presiding Officer shall not make motions but may second motions. Seconded by Councilor Kight.

Councilor Ripma stated I think this is a good rule. I think the rule of clarifying that the Presiding Officer should not make motions is a good rule. The risk in that situation is that the Presiding Officer could perhaps abuse that in some way, something that our current Mayor has never has never done and I don't think would ever do. The idea that the Presiding Officer could make a second when a motion has enough merit that it deserves to be debated I think that it doesn't carry the same inherent risk of abuse and in fact this Mayor has never abused that either. We don't have the shortest council meetings on record and one of the reasons is that in Troutdale we have a tradition of unlimited debate, it has bothered people and us but it is the right way to go.

Councilor Kight stated even though the Mayor has never abused this privilege, I think we need to have that safeguard.

Councilor Daoust stated at first I didn't even know why this was an issue. I was okay with the ordinance that was introduced at the last meeting which allowed the Mayor to make and second motions and I thought it would not even be an issue beyond that because this mayor or any Presiding Officer worth their salt would not abuse power. I am okay with the fact that we are allowing the presiding officer to second motions and I think it is probably a good way to go.

Councilor Thompson stated I have some problems with the idea of the presiding officer making motions, I don't have nearly as much problem with him making a second. In view of the size of this council being a small body I think allowing the Mayor to make a second is a good choice in this case.

Mayor Thalhoffer stated I support the motion. I feel that a Mayor could abuse his right to make motions. I think in theory, that the Mayor being elected voting member of the City Council probably should be able to make motions and second motions, but I think in practice that it would be bad for a Mayor to make motions because I think it would be easy to abuse that right. I don't think I ever would or have but it is still possible.

YEAS: 6
NAYS: 0
ABSTAINED: 0

<p>9. RECOMMENDATION: A Recommendation to Tri-Met concerning the preferred layover location for Bus Line 24 in downtown Troutdale (Continued from November 9, 1999).</p>

Mayor Thalhoffer called this item.

Galloway stated you are working to try to provide Tri-Met with a recommendation for the preferred location for the layover of Bus Line 24 in down town Troutdale. At the last meeting there was a motion made and seconded to refer the matter to a Citizen Advisory Committee, the issue was

then tabled prior to the vote. I believe that is the matter before you now. One item that I would like to mention is since that last meeting we did look at one more potential location and that was the eastern portion of the old or perhaps original turnaround/layover location just north of City Hall in an effort to see whether or not a turnaround could be accomplished staying within the city owned property or possibly city owned property with a little bit of the Multnomah County right-of-way. We ran that idea past Tri-Met briefly, so they have not had much time to study that option. But the initial communication from the Tri-Met staff is, it might be technically feasible there probably would be some costs involved due to some elevation changes a retaining wall might be needed, there is a utility vault there that may need to be relocated. They are not comfortable giving much more of a response without some more detail and an engineering study into that. If it turns out that it might be something worth pursuing, perhaps a course of action could be offered to share some costs with them in bringing in a professional service to take a look at that. Beyond that I have no additional remarks to make.

Councilor Kight asked do we have costs estimates on doing an engineering study?

Galloway replied no, if I had to guess it would be in the \$5,000 to \$10,000 range.

Councilor Kight asked is there enough space to turn the bus around in?

Galloway replied it appears to be.

Councilor Kight asked on the occasion when there is two buses, do you think there would be enough space?

Galloway replied I think there would be. Obviously one of the issues that would be looked at would be what affect do those buses have with where they are parked. I know there are some concerns about the visual and aesthetics of having the bus anywhere, probably compounded by would it block the view of the Depot Building from traffic on Columbia River Highway. Those would be issues to look at. Certainly, I don't think there is probably any variation of this option that gets the bus out of the way as well as where they use to layover, but that is not on our property.

Councilor Kight asked have you heard anything from the down town merchants?

Galloway replied I have not, but again this is fairly late breaking and I haven't shared this option with them yet. Obviously if it is something that is going to be looked into with great detail they would probably be a part of that process.

Mayor Thalhoffer stated this is a new version or modification of a previous turnaround location, is that correct?

Galloway replied yes. That is probably a good way to look at that. I think that some testimony that we have heard at the previous three or four Council meetings where this has been discussed, there seemed to be a fair amount of sediment from at least several of the folks that spoke, that if we could just go back to the way things were, that may not be ideal but may have less objection then some of the other locations being considered. So I think this was an effort to try to salvage something from the old turnaround location if possible.

Councilor Daoust asked when you talk about a cost of \$5,000 to \$10,000 I assume we would need

to relocate the sidewalk, we can't just take the sidewalk out, people have to have a place to board the bus plus a bus stop shelter. Is that within the cost of \$5,000 to \$10,000 that you are talking about?

Galloway replied that cost is only to take a look at the issues and to come back with some information, it is not the cost of doing the work.

Mayor Thalhofer asked under this new scenario, would the buses be parked on the street?

Galloway replied I don't know. In my discussions I don't recall we talked about exactly where the buses would be. In my discussions with Tri-Met the assumption being made, but that again was based on a phone call I made to them so I may have conveyed that impression to them, they were looking at the idea of the buses perhaps being within the turnaround as opposed to back on the street. They were concerned that the on-street parking of the buses would be blocking the vision of certain businesses and that might be objectionable to the Council. If you have a specific direction you want the study to look at, only parking on the street or only parking off the street, we could certainly convey that.

Councilor Kight stated the suggestion that I brought forward about having the pull-out across from the R.V. Park, is that eliminated?

Galloway replied I think that is another issue. I think if we are going to ask Tri-Met to form a partnership with us and take a look at a option or options, if we have more than one that we want them to give a serious look at we probably ought to put it all in one basket and go through it one time with one request as opposed to giving it to them in pieces. I guess I would ask the Council, if you want them to look at an option or options, is it just the one that recently came to mind, is it this one plus the one that Councilor Kight advocated at a previous meeting, or is there another one out there that you want them to take a look at. I think if we are going to, especially if Tri-Met has to go away from their in-house work force and bring in an outside consultant, I think we probably need to let them know all of the options that we want them to take a look at.

Councilor Kight stated I don't disagree with you. I remember when Tri-Met brought a driver and bus out here and I think the thing that surprised me the most was the amount of roadway that a bus needs to turn in a circle or u-turn.

Councilor Daoust asked regarding the proposal at hand, would we ask for an analysis of moving the sidewalk to the Yoshida property along that property line so we would create more roadway for the bus to park in front of that. Is that the alternative that we are talking about?

Galloway replied I think we are talking about basically removing as much of the east end of the walk and the landscaping strip as necessary to allow a bus to turn.

MOTION: Councilor Daoust moved to take the motion off of the table. Seconded by Councilor Kight.

**YEAS: 6
NAYS: 0
ABSTAINED: 0**

MOTION: Councilor Daoust moved to withdraw the Motion.

MOTION: Councilor Ripma moved to direct staff to work with Tri-Met and come back at the first meeting in January with a report on how it is going and cost estimates and then we can decide whether to proceed at that point. Seconded by Councilor Kight.

Councilor Daoust asked what about having Tri-Met work on Councilor Kight's option also?

Councilor Ripma replied I don't actually favor that I don't know if Councilor Kight does. The reason I don't favor doing that is I think it doesn't merit the same level of a look as this option because of the comments made by Tri-Met. They said it is around a blind corner, it will cost a lot of money to build a turn-out, it is a u-turn around a blind corner, he said it had so much going against it. I think we must pursue realistic options, I know it is good to have several on the table but we are running low.

Councilor Kight stated I would tend to agree with you but I am still a little nervous as I mentioned in my comments about the turning radius of the bus. I hope that your option works but I think we are running out of options. Maybe they could come up with a solution on the blind corner. We are still going to be spending money.

Councilor Ripma my motion is for Mr. Galloway to work with Tri-Met and come back with a proposal on the engineering, by then they will have a better idea of whether the bus can turn around. I am not proposing to spend any money until we get that answer. If the answer is yes on that then we would consider spending money, if it is no we could always go on to your idea.

Councilor Kight stated I don't want to commit to spending money on something that won't work. I would agree to that.

Terry Smoke stated originally we were looking at a temporary location for Tri-Met layover, now are we looking at a permanent location? We need to look at where Troutdale is going from here in the direction of expansion and is this where we want the permanent layover location. We have been discussing this as a turnaround and we wanted the bus to go through town but we are back to Tri-Mets layover and that is their problem. Where they have their people take their break is not our issue as far as how we handle it and how we look at where it should go. I don't have a problem with where Tri-Met turns its buses and we want the route to go through town but we are not responsible for where they make their layovers that is Tri-Mets problem and to be spending our money on that part of it, I just don't see. I think it can be worked out as far as somewhere for a turnaround but again it is back to where they take their breaks. If you are talking about putting it across the street, we are back to where is the restroom that they are going to use, is it City Hall and are you going to allow them a key to come into City Hall in the evening? If we are looking at this for a permanent spot for Tri-Met we need to look at it as the turnaround point or are we going to take on the layover for Tri-Met and give them a spot to do it. We want the bus to come through town, pick up the people and continue on with their route but not layover and take their breaks and have the buses sitting at one point in town. That is just one of the things we have to look at.

Mayor Thalhoffer replied if this location works it would be permanent, we are not talking temporary. You raised a good point. And that brings into play the idea that ultimately we wanted to have a permanent location across from Glenn Otto Park. They said they would be willing to be considered that in 5 to 10 years. What I think we need to do is find out what the cost will be and there will be plenty of time for comments or input from the citizens, merchants and everybody.

Smoke stated I don't want to give the idea that the businesses and merchants don't want to deal with this, we just want to work on a solution but if we are going to look at this as a permanent solution we need to look at where we are headed.

Mayor Thalhoffer stated I also agree with Councilor Ripma about the blind corner and having to turnaround on the blind corner would be unsafe. The other thing, we are changing from a temporary to a permanent solution, maybe they need to run some figures on the option across from Glenn Otto Park. I don't know the cost to buy that property and fix it up so it could be a bus stop and a park-and-ride down the road. If they are going to spend \$50,000 maybe we ought to look to a permanent permanent solution instead of a semi-permanent solution. I don't know if the Council would like to go that far or not. If Tri-Met is willing in 5 to 10 years to look at the bus turnaround across the park, maybe they ought to be doing that study now also.

Smoke stated one of the other things you have to look at is if I am not mistaken, they are looking at moving the Chamber of Commerce down to the Depot at which point the buses would be above that. I spoke to Diane McKeel today and she is very much against the fact of them moving the Chamber down there and then not being able to have a clear view of the down town and traffic not being able to see the Chamber office.

Councilor Ripma stated the Historical Society is also concerned with that. Mayor, on your comment on the study of the Glenn Otto Park option, if that could be tackled at the same time, it is worth asking Tri-Met. I favor that also.

Councilor Smith asked since Troutdale is the end of the line, we are limited. Buses are going to have to stop someplace with facilities, where would they go if we didn't have facilities at the end for them?

Smoke replied that is something that any business would look at, as Tri-Met is a business for their own people and their union and not something for the City to be responsible for.

Councilor Smith stated it is a service for the City and it is a service for the people coming to the City. If you want business to come you have to provide for them. It would be like you building a new building in town but we can't give you sewer service. It is the same idea, you are a business, you expect to have facilities for a business in a town if you want the service.

Councilor Daoust stated when we first started talking about doing this engineering analysis, I heard a cost of \$5,000 to \$10,000 to do that. And then I heard some of the Council say we don't want to spend much money at all doing that, so to me the motion needs to be clarified as to whether we are going to spend \$5,000 to \$10,000 for the engineering analysis or are we just going to call Tri-Met and see if they can turn the bus at that location and not spend any money at all. If Tri-Met is going to do an engineering analysis on the property across the street and putting a bus stop there, I think we need to be up-front as to whether that is going to be a permanent fixture or not because if I were a business doing an analysis and

I am going to tell you how much I am willing to spend on it, it is going to make a difference as to whether I am going to be there 5 years or 20 years. In my mind, I thought we were talking about other permanent locations such as; Glenn Otto Park or the new City Hall as a permanent ending point for the bus and temporarily we are trying to decide where to put it. That is a long winded way of asking what the motion really is, are we asking to spend \$5,000 to \$10,000 for a full engineering study for a permanent location across the street or not?

Councilor Ripma replied the motion was to direct staff to work with Tri-Met on the idea of doing an engineering study. No money would be spent by this motion that is before us now. I expect Mr. Galloway to come back early January with a report and cost estimate of the engineering study. Then we will decide whether to spend the money. It will also give the merchants time to react to this option. The question on whether it is a permanent location, I guess I have to say I don't ever visualize these as ever being permanent, they can always extend it but Tri-Met has made it clear that it will be a long time before they extend the line to the park. I wouldn't call it temporary either, it would be until such time that Tri-Met could extend the line.

Councilor Daoust stated so as I understand, your motion would simply just ask staff to ask Tri-Met if they are willing to do a study.

Councilor Kight stated Mr. Galloway came up with a good suggestion that if there is a fall-back location in case the turnaround across the street doesn't work, do we have a second spot that we want to identify as a layover area?

Councilor Ripma stated we are having trouble finding one.

Councilor Kight stated but we have gone back and forth so many times and I think that is Mr. Galloway's point.

Councilor Ripma stated I didn't understand that Mr. Galloway was looking for us to identify a second spot.

Mayor Thalhofer asked Mr. Galloway to come forward and could you tell us what direction you thought you received.

Galloway replied I understood that the motion before you, if approved, was to direct staff to work with Tri-Met and come back to your first meeting in January with a report or proposal indicating whether or not Tri-Met was agreeable to cost share an engineering study and a best estimate of what the cost of that study would be and I believe at this point, it is looking at only one location and that is at the eastern end of the former turnaround north of City Hall. To clarify what I said earlier, I wasn't soliciting a list to look at more than one option, I was just saying if it was in the back of your mind that you may want Tri-Met to look at more than one option, I think it would be more efficient and economical to identify all the locations at one time and present it as one package.

Mayor Thalhofer asked for discussion on the motion.

Councilor Daoust stated I am okay with the motion and I am also okay with looking at just one option. We can look at the more permanent options, if there is any, later like when we get closer to, if we do, building a new City Hall.

Councilor Smith stated I am okay with the motion. I still think if it is non-feasible and we need more room I think we should acquire that other piece of land.

Councilor Ripma stated I am hoping that this option will avoid that.

Councilor Thompson stated I favor the motion.

Mayor Thalhoffer stated I also favor the motion.

Councilor Kight stated not only do I favor the motion but I hope it answers the question of this bus layover.

**YEAS: 6
NAYS: 0
ABSTAINED: 0**

10. REPORT: A status report on compliance with the Metro Urban Growth Management Functional Plan.

Mayor Thalhoffer called this item.

Faith stated we are at a point where we need to make some decisions on how to proceed with compliance with the Metro Functional Plan. As you will recall the Functional Plan took effect in February 1997 and we had two years in which to comply with provisions of the plan which met the deadline, to do so was February 18, 1999. However, in submitting our compliance report to Metro back in January of 1999 we had requested some extensions to the deadlines that were set forth. We had considered a number of things already up to that point and most of the provisions we had already complied with. However, there were a couple of items that we did not yet meet and we requested an extension to meet several of those until May of 1999. The two specific items were amendments to our Development Code that would require new residential developments to achieve at least 80% of maximum density per net acre allowed by the zoning district. Another provision would have amended our code to address street connectivity, including minimum spacing between street intersections and minimum spacing between bicycle and pedestrian ways. These amendments were brought to Council in May of this year. We had two hearings on May 11th and May 25th and there was considerable debate among the Council particularly on the matter of establishing the minimum density standards. At that time the Council took no action and directed staff to look into how other communities are dealing with this issue, most notably looking at Lake Oswego, who we understood were not going to adopt this standard. I purposely have chosen to not to come back until I felt I was compelled to do so. In a recent letter from Mike Burton of Metro, which I have included as an attachment to my staff report, I would like to focus on some of those points in that letter. He specifies that the two provisions of the Functional Plan that we have not yet met and the deadlines which we requested an extension on have passed and he is seeking word on how we intend to address those. The two provisions that he outlines in his letter deal with the minimum density standard and also accessory dwelling units. He did not mention the street connectivity. With respect to the minimum density standard, once again we have already adopted an amendment to our Comprehensive Plan that lays the groundwork for us to adopt provisions in our Development Code that would allow for new residential development to achieve at least 80% of the maximum density allowed by the underlined zoning. Even though this provision has been

adopted as a policy in our Comprehensive Plan, we have not yet acted on adopting this provision to put it in our Development Code. I have outlined some options in terms of how we respond to Metro in terms of this letter and their desire to know what we are going to do. The options that I have outlined are; 1) schedule a public hearing as soon as possible to bring these amendments back before you for consideration; 2) postpone action on this item until later next year then request an extension from Metro to reflect the time period that we would like to take to postpone this; 3) request an exception to this requirement of the Function Plan on the basis that the City substantially complies with the Functional Plan without this minimum density standard; 4) would be to do nothing which would force Metro to initiate an exception on our behalf and then we will have to wait the outcome of that and bare the enforcement penalty if they do not rule in our favor on the exception. With the respect to street connectivity, again there are a couple of options that we can consider. The first would be to bring these back along with or separate from the minimum density requirements for consideration and do this as soon as possible and get it done with. A second option would be to postpone action on this as well, to a time later next year in conjunction with what we might choose to do with minimum density standards and then request an extension from Metro on these items as well. The third item that we have not complied with the Functional Plan is dealing with accessory residential dwellings. The Council has actually considered this matter twice, the first time is when we brought the Town Center Plan before you and in conjunction with that was amendments to our Development Code to adopt new zoning for the town center area. At that time staff did include provisions to allow for accessory dwelling units in the town center area, that was rejected by the Council and taken out of the town center amendments. In late 1998 we brought a series of amendments before you to our Comprehensive Land Use Plan for amendments to Goals 2, 9 and 12 to satisfy requirements of Functional Plan. We included in those amendments a housing policy to allow accessory dwelling units where detached family developments are allowed, that also was rejected by the Council. After two attempts I am reading into that, that the Council does not want to adopt provisions for accessory dwelling units. What we will be looking at is an exception that either the City could request or in the absence of doing that, the Metro Executive Officer or Council can initiate the exception. I have included as an attachment to my staff report the exception process which has been outlined by Metro and what is involved in doing that. I would like to see some action taken on the minimum density activity and it would be my recommendation that we bring this back as soon as possible for you to take further testimony and render a final decision and pending on the outcome of that we may have to request an exception from Metro but at least we will have a decision in place on how we would like to deal with those two issues. There is one other thing that I would like to put before you this evening and that is the Title 3 amendments that was the topic of a hearing two weeks ago. We brought forward a series of amendments to our Development Code that would comply to Title 3 of the Functional Plan that deals with water quality and erosion control and flood plain areas. We were on track with a schedule that we had established with Metro to meet their deadline of December 18th and we were going to continue that into January for additional public comment. Since we met on this topic two weeks ago, there has been a decision that came out of LUBA on an appeal that was filed on the Title 3 issue. The LUBA decision effectively said that the deadline that Metro had established does not apply, that local jurisdictions are not bound to meet the December 18th deadline. I am not sure what the deadline will be, but there are different view points on that decision. I think at least from our City Attorney, the interpretation that has been given to that decision is that we no longer have to meet that deadline. I think that it would be in our best interest to postpone action on the Title 3 amendments. The other reason for that is that Metro is also in the process of working on what they are calling the Goal 5 standards. Goal 5 having to deal with wildlife habitat and the endangered species listing. They are working on standards that will be required by all the local governments to comply with.

The setbacks that we are now looking at with Title 3 are likely to be expanded under the Goal 5 work, so if we were to go forward and amend our Code now, in all likely hood we would have to come back and revisit this later next year to comply with Goal 5. Because of those two things I would recommend that we hold off on continuing the hearing on the Title 3 amendments and suggest that we request an extension, if we need to request an extension. But basically inform Metro that it is our intent to adopt these amendments six months after the adoption of Goal 5 work by Metro.

Councilor Daoust asked back to the Functional Plan requirements for minimum density, if we do nothing you say we are subject to enforcement actions. What are Metro's enforcement actions?

Faith replied first of all they would have to look at an exception on our behalf from that requirement of the Functional Plan and if they determine that we are not eligible they would deny the exception. Then I suppose that they will inform us of that and then ask us to reconsider and if we are unwilling to reconsider then I think at that point we would be into a penalty phase. The only thing I am aware of that is mentioned in the Functional Plan as a type of penalty would be withholding of regional funds, such as transportation funds, that is one of the things mentioned as a possible enforcement action.

Councilor Daoust stated we want to be good regional players, but how much time do you think we have if we ask for another extension on the minimum density requirement?

Faith replied we have to show good cause and that we are making progress, I believe that is the criteria they look at in terms of granting an extension.

Councilor Ripma asked what is Lake Oswego doing?

Faith replied the very same thing you are doing. It is being put before their council to talk about whether or not they want to go forward. The staff person that I talked to said they also received a similiar letter from Metro and they were going to have to go back and ask the council what they want to do.

Councilor Ripma asked would a possible action for tonight be to wait and see what Lake Oswego does?

Faith replied I would prefer we take the lead instead of follow on this issue. I wouldn't favor that but it is not my decision.

Councilor Ripma stated don't you think one of the really good reasons that we should be granted an exception is the fact that our density numbers are based on the zero option and Metro is no longer following the zero option. Our numbers were jacked up by several hundred thousand units based on the zero option and now that the UGB has been expanded that no longer applies, that is very good grounds for an exception. Don't you at least think it is a good argument for an exception?

Faith replied the way I understand it is that the most recent Urban Growth report that Metro did, was an update of the 94 report, shows a shortfall looking at the densities that are going to be allowed in all of the jurisdictions throughout the region after they are adjusted to comply with the

2040 Plan, they are still anticipating 32,000 dwelling units shortfall which was the reason why they needed to expand the boundary.

Councilor Ripma stated it is also the reason why they are going to expand it more, moving it further and further from the zero option.

Faith replied but it is no longer a zero option.

Councilor Ripma stated exactly, so those numbers don't apply, we revert to the old numbers.

Faith replied but in doing there calculations, they are saying, Troutdale is to accommodate this many units and every other jurisdiction is to accommodate this many units and if there is zoning that allows for that, and we are still going to be short 32,000 dwelling units, there is where we need to expand the boundary. That's in addition to our ability to accommodate the allocation.

Councilor Ripma stated that the additional dwelling units are going to go out to the expanded UGB.

Councilor Kight asked in talking about the housing issue and the 80% density and accessory dwellings, the one description I never hear discussed is livability. Do they ever discuss that?

Faith replied yes they do. They are not only interested in the numbers, they are interested in the design. The other component to density is things like connectivity, mixed uses, the ability of people to get somewhere easily. It is a very multifaceted issue of livability, but I do think that they are talking about things other than just density.

Councilor Daoust stated the way I see this is we are clearly out of compliance on a couple of issues. The housing density issue we are out of compliance with the number of units we have, we are out of compliance with the accessory dwelling issue. I think going for an exception would be not based on very solid grounds, so I am leaning toward option two, requesting an extension from Metro. I see this as a negotiation tool with Metro, they even say we want to work with you on this. They don't even give us a time-line as to when they need it finished. I am thinking we should ask for an extension, option two, and just go ahead and spell out what we believe we have worked on already, what we believe our stand is and then say we will work on completing the remaining compliance work in the next four months or so. I don't see a hurry to get it done in January or February, if they don't like us saying we are going to take until May or June then they can negotiate with us.

Councilor Smith stated I agree that we should take an extension, but a long one. And I think we should hold a work session to work on this.

Councilor Ripma stated I agree with Councilor Daoust. I also favor having a work session. Nothing we do on this Council is going to be more important to the way this City ends up looking, to our livability, then dealing with these Metro issues. I have always been of the opinion that we shouldn't rush into this. I commend the Mayor and the Council on the way this has been handled. I realize that it has been tough for the staff, but I also commend Mr. Faith and his staff for dealing with it under difficult circumstances. There is a reason why I think we have very good grounds for an exception on the 80% requirement. The zero option numbers that were applied to all jurisdictions hit Troutdale the hardest. We got the biggest increase in density of any city. Ours was the largest and we are getting the most disadvantage from the fact that those numbers are not being revisited.

The expansion of the UGB should be providing us with some relief from those unfair numbers. We have valid grounds and if we stick to our guns, we can get those numbers reversed. At some point we are going to have to go to Metro and tell them what is wrong with our numbers, that we are in compliance, that is the exception process and I think we ought to do it.

Councilor Thompson stated it seems to me that we ought to go through the extensions. I favor Councilor Daoust's idea. I also favor having work sessions to get some of this worked out. We need to address these issues, the sooner we do that the better off we will be. But the first step is to ask for an extension of time.

Mayor Thalhoffer stated I agree that the numbers are wrong and that we ought to straighten Metro out on that. We ought to be more aggressive on that issue. On the 80% density rule, we shouldn't have a problem with that, we are already over that and have been. Street connectivity, I am not sure how I feel about that yet. Accessory residential dwelling, I think if we are creative we can work our way around that and still be in compliance and still not increase the density hardly at all. I think that Title 3 and Goal 5 we ought to consider together at an appropriate time down the road. I would like to put that one off for as long as we can. My feeling is that we ought to address some of these issues. I would favor a more aggressive approach in dealing with these issues. I think waiting for Lake Oswego to make a decision doesn't cut much water for me because Lake Oswego is a completely different city. They have large lots with palaces on them, we will never have that in Troutdale. On Title 3 and Goal 5, we ought to put that one off until down the road because that one just came up and it is very disturbing to me the devastating consequences that are possible.

Councilor Kight stated I commend this Council for taking the time and being a very deliberative body and thinking of the impact that we have on the community. Livability is a very important issue. You can build wall to wall apartments but I think what will happen is people are not going to have the investment in the community that you want them to have. Last week this body attended a meeting with the Reynolds School Dist. They were able to give, based on their best projections, that some of the schools are at or beyond capacity. I remind you that Reynolds High School is designed and built for 800 students, it is now one of the largest high schools in the State of Oregon at 2,394 students. The density issue will impact all of our schools. The decisions made by this body will deal with livability issues, streets, police, fire and maybe the most important is the crowding or overcrowding in our schools. Reynolds School District in 1994 or 1995 passed a bond measure, they tried to do it again in order to increase capacity in their schools and make capital improvements but have been unsuccessful to date. I would say to Metro, if you want to increase density, if you want accessory dwellings, that means more people and children in the community, who is going to pick up the cost? I think Councilor Daoust's suggestion of going slow, work with Metro. We need to look at the bigger picture and see the total impact to the community, not just complying with Metro on housing density.

Councilor Daoust stated what I am thinking is that part of requesting the extension from Metro is to come up with a detailed schedule for completing the remaining work. Could staff bring that detailed schedule back to us at the next meeting so we could review it prior to submitting it to Metro?

Faith replied could you give me some indication of how much time.

Councilor Daoust stated I am thinking we would address the issues in February and March in work

sessions and we may reach the point of asking for an exception by May 30th. Can you put that kind of a time-line together and bring it back to us at the next meeting so we can review it to see if we agree with it before we submit it to Metro?

Faith replied yes.

MOTION: Councilor Daoust moved that we choose option #2 presented to us by staff and that is to request an extension from Metro. I would also like to request that at our next Council meeting, staff come back with the details of that request for an extension. Further guidance would be, the Council would address these issues again in February and March possibly at public work sessions and that we may ask for exceptions by sometime in May. Seconded by Councilor Ripma.

Councilor Daoust stated it seems reasonable and it is what this Council wants. I also believe that Metro is willing to negotiate with us.

Councilor Ripma stated I agree with Councilor Daoust

Mayor Thalhofer asked for a point of clarification, this motion just deals with the minimum density standards, street connectivity and accessory residential dwelling, is that correct?

Councilor Daoust replied yes.

**YEAS: 6
NAYS: 0
ABSTAINED: 0**

11. COUNCIL CONCERNS AND INITIATIVES

Councilor Daoust stated we had our first New Residents Program meeting on October 18th. We had a few new residents show up to get information on services provided by the city and to meet some of the people who work in the city. The next meeting is in January. On November 2nd there was a chat with the Chief of Police at Walt Morey Middle School. This also gives citizens a chance to discuss things with the Police Department. On November 17th we had a joint City Council meeting with the Reynold School Board. That was a very positive step to get the School Board together with the Council to just sit down and talk.

Councilor Ripma stated on December 4th is Christmas at the Harlow House. We are also going to have the caboose open that day. Also on that day the artist who did the drawings on the Historical Society's 2000 Calendar of Troutdale buildings and historic sites around the city will be autographing the calendars at Celebrate Me Home from 1-4pm.

Mayor Thalhofer stated I attended the League of Oregon Cities last weekend. I attended the New Residents meeting also. We also had two sessions at City Hall in October with 4th Grade students where we hold a mock City Council meeting. They decided to discuss the issue of a skate park. On November 9th I helped with the unveiling of the Rainbows Splendor sculpture that you see in

Mayors Square. I, along with Erik Kvarsten and Mike McMenammin met with Commissioners Lisa Nato and Diane Lynn pertaining to the proposed sale by Multnomah County to the City of Troutdale and they seemed to be in favor of it.


Councilor Kight stated I also attended the League of Oregon Cities meeting. As your representative on JPACT we have some good news. The down town trolley, which the Mayor has been the lead on, the Transient Management Association there subcommittee approved that they would have a \$32,000.00 study to look at the feasibility of having a trolley in down town Troutdale. It would also go to the Outlet Mall, Frontage Road and to McMenammins. I have also been accepted on the League of Oregon Cities Transportation Committee, they meet monthly in Salem.

12. ADJOURNMENT

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

**YEAS: 6
NAYS: 0
ABSTAINED: 0**

Meeting was adjourned at 9:56pm.



Paul Thalhofer, Mayor
Dated: 2-9-00

ATTEST:



Debbie Stickney, City Recorder

CITY OF TROUTDALE PUBLIC ATTENDANCE RECORD

November 23, 1999
CITY COUNCIL REGULAR MEETING

PLEASE COMPLETE THE FOLLOWING

NAME <small>(please print)</small>	ADDRESS	PHONE #
Jim Galloway	City Hall	665-5175
Rich Fauth	" "	" "
Bob Grazebrook	" "	" "
Kyra Willinger	" "	" "
Christa Maxson	" "	" "
Jack Hanna	" "	" "
Kary Smith	345 E Hist Col Hwy	661-0123