

MINUTES
FAIRVIEW CITY COUNCIL REGULAR MEETING
FAIRVIEW CITY HALL
1300 NE VILLAGE STREET
FAIRVIEW, OREGON 97024

APRIL 19, 2000 -- 7:30pm

- I. **CALL TO ORDER/
ROLL CALL**

Mayor Vonderharr called the meeting to order at 7:30pm.

PRESENT: Mayor Roger Vonderharr
Councilor Ken Quinby
Councilor Sherry Lillard
Councilor Steve Owen
Councilor Len Edwards
Councilor James Raze
Councilor Barbara Jones

STAFF PRESENT: Marilyn Holstrom, City Administrator
Gilbert Jackson, Chief of Police
Jeffrey Sarvis, Public Works Director
Roy Wall, Finance Director
Caren Huson, City Recorder

- II. **CONSENT AGENDA**

Councilor Owen moved and Councilor Quinby seconded the motion to approve the Consent Agenda, consisting of the Minutes of April 5, 2000.

AYES: 7
NOES: 0
ABSTAINED: 0

- III. **CITIZENS WISHING TO
SPEAK ON NON-AGENDA
ITEMS**

Mayor Vonderharr called for persons wishing to speak on non-agenda items. As there was no response, the session continued.

- IV. **PUBLIC HEARING**
 - A. **ORDINANCE 8-2000 -
Comprehensive Plan, Map
and Zoning Ordinance and
Map Change**

Councilor Raze stated that he owned property in the City which would be affected by the proposed ordinance, so he would be excusing himself from this item. Mayor Vonderharr asked for any disclaimers from the Council, including ex-parte, conflict of interest, or personal bias. No response was received.

Bill Cunningham, Assistant Planner, reported that City Attorney Chris Gilmore wished to clarify that tonight's Council action would be a legislative decision instead of a quasi-judicial decision; public notices had been mailed as required by State law. In addition, Tamara DeRidder of Metro found that the City's staff report complied with Metro standards.

Planner Cunningham stated that the proposed Ordinance would create a new Town Center Commercial (C-1) zone for properties in the vicinity of Halsey Street and 223rd Avenue, and to other properties along Halsey Street as far west as the 207th

Avenue intersection. The C-1 zone would continue to allow the majority of uses permitted in the C-2 zone, but would include additional design standards so that new commercial development is more compatible with the desired transit and pedestrian orientation of Halsey Street. In addition to a wide range of retail and service oriented commercial uses, the C-1 zone would allow upper-story residential uses in conjunction with ground-floor commercial uses. The C-1 zone would relegate some uses that are presently permitted in the C-2 zone but are not conducive to a more pedestrian-oriented commercial district, such as automotive repair shops and retail lumber yards, to conditional uses.

Planner Cunningham reported that the proposal was being initiated by the City of Fairview and involves amendments to the Fairview Zoning Ordinance and Code, creating a new chapter for the C-1 zoning, and would also amend the Comprehensive Plan Land Use Map and Zoning Map. The Comprehensive Plan Land Use Map would be amended to extend the area designated as Commercial (currently centered around the intersection of Halsey Street and 223rd Avenue) westward along Halsey Street, and to the intersection of Halsey Street and 207th Avenue. The Commercial designation would be applied to areas currently designated as Low Density Residential, Medium Density Residential, and General Industrial. The Zoning Map would be amended to apply the C-1 zoning to properties along Halsey Street currently zoned as General Commercial (C-2), Neighborhood Commercial (C-4), General Manufacturing (M-2), Single-Family Residential (R-7.5), and Apartment Residential (A-2). The majority of the area of approximately 55 acres to be rezoned is currently zoned C-2.

Planner Cunningham commented that the proposal also involves an amendment to the Zoning Map to apply the Community Service/Parks Overlay Zone (CSP) to a 0.23 acre site located on Halsey Street, west of 7th Street. The properties involved are owned by the City and are the site of a water tower. Current zoning for the site is R7.5. The Zoning Map amendment would acknowledge and facilitate the continued use of these properties as a City facility.

Mayor Vonderharr opened the public hearing.

Randy Jones of Holt & Haugh Inc., 1200 NW Naito Parkway #620, Portland, stated that he had been involved in the Transportation System Plan and testified at the Planning Commission hearing regarding tonight's proposal. Mr. Jones commented that the proposal speaks to good design on Halsey Street, and that it was very forward-looking, yet provides flexibility.

As no one else wished to testify, Mayor Vonderharr closed the public hearing.

Councilor Owen questioned if the majority of the properties involved were zoned C-2. Planner Cunningham responded yes, but that there was property also zoned R7.5 which would extend the Halsey commercial zone westward. In addition, there was property near the 207th interchange, currently zoned Single-Family Residential and Apartment Residential to the south, along with a Manufacturing zone which was in City ownership. Councilor Owen asked if the City had received any letters from property owners regarding the proposal. Planner Cunningham responded no. Councilor Owen asked for a clarification of the allowable uses proposed for the C-1 zone. Planner Cunningham read from the list of permitted uses for the C-1 zone as included in the Council packet.

Councilor Quinby questioned how many homeowners would be affected by the zone change and how the change would affect their property taxes. Planner Cunningham

responded that no more than about a dozen Single-Family lots would be affected. Marilyn Holstrom, City Administrator, stated that it was her understanding that a person was taxed on what is on the property, not what the zoning was; the current Single-Family homes would be grandfathered in as Single-Family Residential; if the homeowners decided to sell their property, then the property value would increase as it would be zoned as commercial. Administrator Holstrom added that the City would require no one to sell their home and that they could live there forever if they chose.

Councilor Lillard questioned if the lack of driveway access on 207th Avenue would effect the sale of some properties. Planner Cunningham responded that most of the main access points for property along 207th Avenue would need to be from Halsey Street. Mayor Vonderharr added that he had had a discussion with Multnomah County regarding access from 207th Avenue and that he felt certain that if a business came along and the need was great enough, that the City could probably push for right-in, right-out access from 207th Avenue. Councilor Lillard stated that she felt the Transportation System Plan Committee had done a very good job on the plan and that the proposed zone changes would create more of a Town Center feeling in Fairview and that it would mix well with Fairview Village and the core area, creating more of a destination.

Councilor Edwards asked for a definition of "mixed use". Planner Cunningham responded that mixed use meant a mixing of commercial and residential facilities, and that at least some commercial would be required on the ground floor. Councilor Edwards stated this his concern was the possibility of giving up commercial space for residential use, such as an assisted care facility. Planner Cunningham responded that residential use would only occur on lots where it could be placed more than 80 feet from the front lot line, and there were not many lots where that would be possible. Councilor Edwards questioned if all proposals would go before Design Review. Planner Cunningham responded yes. Councilor Owen asked if the City would receive property taxes from an assisted care facility. Administrator Holstrom responded that if the facility was in private ownership, then yes, the City would receive property tax.

Councilor Lillard moved and Councilor Owen seconded the motion that Ordinance 8-2000 be read aloud by title only.

AYES: 6
NOES: 0
ABSTAINED: 0

Caren Huson, City Recorder, read Ordinance 8-2000 aloud by title only.

Councilor Lillard moved and Councilor Owen seconded the motion to adopt Ordinance 8-2000, AN ORDINANCE AMENDING THE FAIRVIEW COMPREHENSIVE PLAN AND MAP, AND ALSO THE FAIRVIEW ZONING MAP AND THE FAIRVIEW MUNICIPAL CODE, TITLE 19, ZONING.

AYES: 6
NOES: 0
ABSTAINED: 0

Councilor Raze resumed his seat on the dais.

V. COUNCIL BUSINESS

**A.Municipal Court Annual
Report 1999**

Roy Wall, Finance Director, reported that this was the third annual report for Fairview Municipal Court, adding that the Court was founded in 1909 and that it exists to handle minor traffic infractions. Director Wall stated that the Municipal Court Clerk prepares the Court docket, correspondence, receives payments, processes suspensions and reinstatements, and answers general questions about the operation of the Court. The goal is to serve the public in a courteous and professional manner, and one measure of the Court's effectiveness is to keep track of complaints and appeals on the Judge; last year, one appeal was filed but it was not successful, and no complaints were filed.

Director Wall reported that the Municipal Court is 100% funded through fine payments. For the calendar year 1999, the Court received \$146,290 in fine payments; of the \$146,290, the City sent \$34,735 in assessments to the County and State per Oregon Revised Statutes. The net amount retained by the City was \$111,555 with Court operating costs being \$38,474. Any fines received in excess of the cost of operating the Court are available for use for any governmental purpose.

Director Wall commented that a Spanish translator was available during each Court session, and that other language translators can be arranged for prior to arraignment. A translator for the deaf is on call as needed. All Court documents and pamphlets were updated and translated into Spanish.

Councilor Owen stated that he had attended a Court session about a year ago to observe, and he thought it was handled very professionally and that the translator had done an excellent job.

Councilor Lillard asked if a Sheriff Deputy wrote a ticket in Fairview if it could go through the Gresham Court. Director Wall responded that Peace Officers may write a ticket into any court, and very seldom does Fairview have a trial where an officer other than Fairview's was present. Gilbert Jackson, Chief of Police, commented that other jurisdictions are invited to cite infractions into Fairview Municipal Court, but that it was up to the Officer writing the citation.

Councilor Lillard questioned if the Fairview Court does any creative sentencing, such as community service. Director Wall responded that community service was not allowable for traffic infractions, but if there was a sentence that would allow for community service, such as a Nuisance violation, it was difficult because staff must supervise the community service, so it was not really a cost effective way to handle the situation.

**B.Customer Satisfaction Survey
- Police**

Chief Jackson reported that the Police Customer Satisfaction Survey was divided into three parts: results, blank survey, and a recap of 1994, 1996, 1998, and this year. Chief Jackson commented that when one reviewed the four survey results, that they would find no negative trends; the Police has a very consistent report which does not change from year to year.

Councilor Edwards stated that the Police Assistant had prepared a very nice report.

Councilor Owen commented that one of the positive points he noticed from the survey was the number of citizens who had really good things to say about the Police Department, and questioned what had happened to the City's speed monitoring device. Chief Jackson responded that the Department had received a new device and that it would soon be put into use. Councilor Owen asked if the City could possibly borrow a speed monitoring trailer from another entity. Chief Jackson

responded that he thought there would be no problem in borrowing one of the trailers.

C. Annual Police Crime Report

Chief Jackson reported that this year's report was different and that the information was provided in a new format. Previously, Chief Jackson had presented annual reports with the total activity of the Police Department; however, since there is so much more activity now, the report will just address crime issues.

Mayor Vonderharr commented that in reviewing the chart of crime vs. increase in population, that it seems to run fairly consistent and asked if most of the violators were local or from other jurisdictions. Chief Jackson responded that the majority of criminal activity is not performed by Fairview citizens.

Councilor Edwards noted that Fairview Police had covered 78% of calls last year and asked if that was an increase over the previous year. Chief Jackson responded yes, adding that it was the highest percentage ever.

VI. DEPARTMENTAL REPORTS

A. Police

Chief Jackson reported that the Department had actually seen a drop in activity during the last month, and that there was nothing of great importance to report to the Council.

Sergeant Doug Aden announced that on April 1, 2000, the City of Fairview had received an award for the DUII Municipal Agency of the Year and he thanks his officers for that accomplishment as it meant they had removed the greatest percentage of drunk drivers from the road per capita. Council congratulated the entire Police Department on their award.

B. Public Works

Jeffrey Sarvis, Public Works Director, reported that last weekend there was a sewer pump station failure and that a spill had occurred, but the crew had responded within 15 minutes of notification. Director Sarvis stated that: the City had received permission from a property owner to perform geotechnical investigations on a piece of property being considered for an additional reservoir site; staff was developing a plan and strategy for expanding the Public Works facility; staff was reviewing SDCs for water, sewer, and stormwater which will be brought to Council for a public hearing and discussion on June 21st; staff was completing engineering for the construction of the next four core area drainage projects; and, the City has agreed to participate with Portland in performing a wellhead delineation. Director Sarvis added that the second annual Consumer Confidence Report on water quality will be mailed to Fairview residents in June.

Director Sarvis reported that during the month of May, citizens of Fairview will receive a coupon which will allow them to take up to two cubic yards of yard debris to Allwood Recyclers on Marine Drive for free (a \$12.00 value). Allwood Recyclers would be charging the City \$5.00 per customer. In addition, the Mayor's Annual Street Clean-Up Event will take place on May 6, 2000.

Councilor Lillard questioned when the City was forecasted to receive another well. Director Sarvis responded that with the latest population estimate, the City was very close to needing another source of water. Councilor Lillard asked if Multnomah County would oil a graveled road for the City. Director Sarvis responded that the City does not oil roads and that they have eliminated most of the graveled streets in Fairview; such a request would be considered individually.

C. Community Development

Planner Cunningham reported that residential building activity continues to be busy in Fairview. In regards to parks, the Planning Department had held a design charette for the Fairview Community Park, and that planning was underway for Lakeshore Park. A survey was recently sent to Fairview residents on the eastern end of Fairview Lake to inform them of City plans for the future park in their area. Planner Cunningham stated that consultants had designed the park to be located at 223rd and Halsey which will be presented to the Parks Committee.

D. Finance

Director Wall reported that the Budget Committee had approved the year 2000/2001 City budget which would now go to the Tax Supervisory and Conservation Committee for review. Director Wall stated that the Fairview Lake Sewer Local Improvement District was complete and that \$1.3 million had been paid in cash to the City from the benefitting property owners; the remainder of the cost will be financed by property owners through the City.

E. Administration

Administrator Holstrom stated that the next East Metro Cities Regional Issue Forum would be hosted by Wood Village and occur on Thursday, May 18th; agenda items were now being solicited for that meeting. Administrator Holstrom reported that the next City Street Faire would be held on June 28th in Blue Lake Village Manufactured Housing Park. Administrator Holstrom stated that the City had received correspondence from the Federal Government requesting that we provide Passport Service; staff will be responding favorably to that request.

Administrator Holstrom commented that an incident had occurred regarding the City's Open House which involved a group of invitations that were received on April 15th by the Gresham City Council; Open House was held on April 13th. Administrator Holstrom suggested that perhaps Council would like to invite the Gresham Council for a private tour of the City Hall. Mayor Vonderharr agreed that something should be worked out with the Gresham Council.

VII. MAYOR/COMMITTEE REPORTS AND COUNCIL CONCERNS

Councilor Jones stated that the Citizens Noise Advisory Committee had held a meeting on April 13th but that she was not able to attend due to the City Hall Open House.

Councilor Raze reported that the electrical panel had been installed in the Heslin House.

Councilor Quinby reported that Gresham had mailed their "News to Reuse" newsletter and provided highlights on some of the Spring Clean-Up events which would be taking place. Mt. Hood Community College would be the location for the sale of compost bins at a cost of \$25.00 on May 6th. In addition, Metro has collected so much paint that they are now offering house paint at \$22.00 per five-gallon bucket; citizens could contact Metro at 650-1384 or 655-0330. Metro's Household Hazardous Waste Collection would be held at the Gresham K-Mart on May 6th between 9am and 6pm.

Councilors Edwards and Lillard had no reports or concerns.

Councilor Owen stated that he had greeted visitors to the City Hall at Open House for two hours and thanked staff for their hard work as the Open House was a great success. Council as a whole thanked staff for the successful Open House.

Mayor Vonderharr reported that he had attended the design charette for the Community Park and that he was looking forward to the completion of the park and

possible events to be held there. Mayor Vonderharr commented that he had been in discussion with Mayor Becker of Gresham regarding the Gresham Area Visitors Association and that there would be some turnover in the way they will be operating.

Mayor Vonderharr stated that he would be attending a Fish and Wildlife meeting the following evening, and that earlier in the day he had a meeting with representatives of Smith Memorial Church in regards to purchasing land for the possible expansion of the City's Public Works Shop.

VIII. ADJOURNMENT

Councilor Edwards moved and Councilor Owen seconded the motion to adjourn. Mayor Vonderharr adjourned the meeting at 9:10pm.

AYES: 7
NOES: 0
ABSTAINED: 0

Mayor Roger Vonderharr

Dated:

Caren C. Huson Quiniones
City Recorder