

**MINUTES
FAIRVIEW CITY COUNCIL SPECIAL MEETING
FAIRVIEW COMMUNITY CENTER
300 HARRISON STREET
FAIRVIEW, OREGON 97024**

September 8, 2004 -- 7:00pm

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

Mayor Weatherby called the meeting to order at 7:00pm.

PRESENT: Mayor Mike Weatherby
Councilor Darrell Cornelius
Councilor Sherry Lillard
Councilor Steve Owen
Councilor James Raze
Councilor Larry Cooper
Councilor Jim Trees

STAFF PRESENT: Bob Cochran, Interim City Administrator
John Andersen, Community Development
Director
Caren Huson, City Recorder

**II. AMENDMENT NO. 2
WOOD VILLAGE TOWN
CENTER MEMORANDUM
OF UNDERSTANDING**

Mayor Weatherby stated that tonight's special meeting was called in order to receive additional information on the proposed Amendment No. 2 to the Wood Village Town Center Memorandum of Understanding (MOU).

Wood Village Mayor Dave Fuller thanked the Council for this second opportunity to speak on the proposed second amendment to the MOU. Mayor Fuller narrated a Power Point presentation on the Wood Village Town Center and explained the purpose of Amendment No. 2 to the MOU. Mayor Fuller stated that in the original MOU, only two big box stores were allowed; the current amendment is requesting that a third store in excess of 60,000 square feet be allowed. The remainder of the MOU would remain as is, including the language regarding the first amendment.

Greg Mickelson, Wood Village Town Center developer, reported that he had incorporated the proposed third big box store into the key themes of the Town Center; it will have a variety of store front elevations, landscaping, and will be pedestrian friendly.

Councilor Owen questioned whether Kohl's would try to push into the space reserved for the three smaller stores which would be adjacent to it. Mr. Mickelson responded no, they could not. Councilor

Cornelius asked if the footprint of the third big box would remain at 88,000 square feet. Mr. Mickelson responded yes, adding that the amendment would not affect those office and service zoning designations originally contained in the MOU. Office buildings would be located at the north end of the project.

Mayor Fuller reported that Wood Village would continue to contract with the Multnomah County Sheriff's Office for law enforcement services which will cover the Town Center; staff and the Wood Village Council regularly review the City's needs for law enforcement services and have verified the adequacy of existing service with the Sheriff's Department. All law enforcement agencies work closely together, and he was sure Fairview has noticed that sometime Troutdale officers respond to Fairview calls. Mayor Fuller added that he does not expect the Wood Village Town Center to be a high crime area, and submitted a letter into the record from the Multnomah County Sheriff regarding the Town Center. Wood Village City Administrator Sheila Ritz commented that when the original MOU was drafted, Fairview's concern had been that Wood Village was not paying enough for law enforcement services; however, currently, they definitely are. Councilor Lillard stated that she thought the City's original concern was that Fairview Police would have to answer calls in Wood Village. Councilor Raze mentioned that he would agree that Wood Village's law enforcement coverage is much better now than in 1997. Mayor Fuller stated that public safety was his number one priority. He was always open to discussion should police issues arise, adding that the three cities always need to work closely together. Councilor Lillard commented that she would like to see the two cities share their numbers for police services on a quarterly basis.

Mayor Fuller introduced Allison Winter of Multnomah County Transportation. Ms. Winter provided details on the cost of projects and information on proportionate sharing of funds on developments. The Wood Village Boulevard Extension was a County approved project and was No. 7 on the collector category list. The cost will be \$1.3 million and has been recommended on Metro's list at a rating of 3 for road capacity. Mayor Weatherby questioned if the traffic study determines that the extension needs to be constructed sooner, when would that be completed. Administrator Ritz responded that if the traffic study finds that the Extension has to be completed for the Kohl's project, then it has to be completed, which means more funding may be required from the Town Center. Councilor Owen asked if the traffic study would take into account the smaller lots that were approved for the residential areas of the Town Center. Mayor Fuller responded that the original Town Center plan called for 1,000 units, which the future traffic study must take into account; however, the Town Center will have nowhere near that number of residential units.

Councilor Trees commented that he noticed the dog track was included on the Town Center map and he felt more focus needed to be placed on the 223rd Avenue entrance to the Town Center, especially for cars traveling south on 223rd and turning left into the Center. Mayor Fuller responded that all of that would be reviewed again in the updated traffic analysis. Councilor Cornelius asked what would happen if Fairview did not agree with the results of the traffic study. Mayor Fuller responded that Fairview, Gresham and Multnomah County all have to approve the traffic study before the Wood Village City Council could approve it, asking why Councilor Cornelius would object to a good study. Councilor Cornelius stated that his concern were improvements at 223rd Avenue and Halsey, and the fact that funding for the Wood Village Boulevard Extension would occur in 2008, yet the opening of Kohl's proposed for 2006. Mr. Mickelson mentioned that regardless of the outcome of the traffic study, he would pursue dead-ending Arata Road now; it could be five years before the Town Center is built out, and the traffic study will consider build-out.

Councilor Owen questioned if the traffic study determines that the Wood Village Boulevard Extension needed to be completed now, would that occur. Administrator Ritz responded yes.

Councilor Raze stated that the Fairview Council had no objections to Kohl's; there will be an impact with the addition of Kohl's, but it was an unknown factor right now. There is no way 223rd Avenue and Halsey could escape scrutiny in the new traffic study. Mr. Mickelson commented that he could ensure the Council that he would make sure 223rd and Halsey has an operating level of service "D" as required in the MOU. Mayor Fuller suggested that Fairview review the standards that the traffic study will cover, adding that the County has already submitted their standards.

Ron Papsdorf, Gresham Transportation Planner, reported that Gresham will ask for the assumptions of the traffic study to be updated as they will work with the developer and traffic analyst and provide them information and criteria to use in their traffic study. Councilor Cornelius stated that one suggestion would be to state that the traffic study would be submitted to Fairview for review; it needs to be in writing to ensure that Fairview has the opportunity to review the traffic study and approve it. Mayor Fuller commented that the MOU was a legal document and that it states Fairview will review the traffic study. Councilor Owen questioned what entities would be allowed to review the traffic study. Mayor Fuller responded that the reviewing agencies would be Fairview, Gresham and Multnomah County, along with Wood Village.

Councilor Raze stated that Fairview will have the opportunity to review the traffic study; if input is allowed along the way, he was sure the traffic study would be fine. The County would not do a half-hearted project, and neither would Wood Village or Fairview. Councilor Cooper concurred, adding that with the protocol that is required, and with all the entities involved in that protocol, it seemed to him that once the traffic study is complete that Fairview should not have veto power over Wood Village, and Wood Village should not have veto power over Fairview. Councilor Cooper stated that we need to move ahead as economic development was important to both cities.

Councilor Owen moved and Councilor Cooper seconded the motion to approve Amendment No. 2 to the Wood Village Town Center MOU with the addition of the following four conditions: 1) the first floor of the third big-box store would not exceed 90,000 square feet; 2) the Arata Road cul-de-sac/dead-ending would occur prior to the opening of Kohl's; 3) the traffic study is to include the intersection of 223rd Avenue and Sandy Boulevard; and, 4) a third big-box store must retain the original facade architecture enhancements.

Councilor Lillard commented that she felt a lot better tonight about the amendment and asked that all staff of all jurisdictions work together on the traffic study. Mayor Fuller mentioned that he would also encourage that cooperation.

Mayor Weatherby stated that he has supported Kohl's all along.

Councilor Cornelius commented that when the traffic study was submitted for Fairview review that he personally was going to take a good, thorough look at it and pursue legal matters if he was not satisfied with the results of the study. Councilor Raze clarified that that was Councilor Cornelius' personal feelings and did not reflect that of the Fairview Council as a whole.

Mayor Weatherby called for the vote.

AYES: 7
NOES: 0
ABSTAINED: 0

**III. EXECUTIVE SESSION
ORS 192.660(2)(a)
Employment of Public
Officers, Employees and
Agents**

At 8:35pm, Mayor Weatherby adjourned the Council into Executive Session.

Council President Steve Owen

Dated:

Caren C. Huson Quiniones
City Recorder