



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

November 2, 2005 – 7:00 p.m.

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

Mayor Weatherby called the meeting to order at 7:00 p.m. and noted that Councilor Owen was excused from the meeting.

PRESENT: Mayor Mike Weatherby
Councilor Darrell Cornelius
Councilor James Raze
Councilor Ken Quinby
Councilor Barbara Jones
Councilor Larry Cooper

ABSENT: Councilor Steve Owen

STAFF PRESENT: Jan Wellman, City Administrator
Ken Johnson, Chief of Police
Tamara DeRidder, Community Development
Director
Connie Hansen, City of Fairview Secretary

II. PLEDGE OF ALLEGIANCE

Mayor Weatherby led the Pledge of Allegiance to the Flag.

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

Mayor Weatherby called for anyone wishing to speak on a non-agenda item to come forward to address the Council.

Lilly Choy, 20705 NE Sandy Blvd, Fairview, Oregon – Gin Sun Restaurant, came forward to address the Council on the denial letter she received from City County Insurance Services. Ms. Choy filed a claim for \$138.00 for the purchase of water during the July 2005 e-coli incident. Ms. Choy stated that she believes the City is responsible for any costs incurred for this or similar issues with City services.

Mayor Weatherby asked why Ms. Choy thought the City should be responsible, as this really was beyond the City's control. Ms. Choy stated she believes this to be the case as supplying water is a City service, the City bills citizens for this service, and the City owns and maintains the water system.

The Councilors discussed the fact that many people bought bottled water, as did other restaurants in the City. The City employees responded very well to the situation and quickly resolved the issue. Mitigating or solving the problem is the City's responsibility, however some things are out of the City's control and the City cannot be held accountable for those problems.

IV. CONSENT AGENDA
A. MINUTES –
OCTOBER 11, 2005
B. APPROVAL OF LIQUOR
LICENSE RENEWALS
C. PROCLAMATION –
MEDIATION MONTH
D. PROCLAMATION –
RIPARIAN
STEWARDSHIP MONTH

Mayor Weatherby called for any questions on the Consent Agenda.

Councilor Cornelius called for discussion on Items C and D before approval of the Consent Agenda.

Councilor Cornelius moved and Councilor Jones seconded the motion to approve Items A and B in the Consent Agenda.

AYES: 6
NOES: 0
ABSTAIN: 0

The Council approved Consent Agenda Items A and B.

Mayor Weatherby called for the discussion on Items C and D on the Consent Agenda.

Councilor Cornelius stated that the two proclamations, one for Mediation Month and one for Riparian Stewardship Month, should have been reviewed and approved by Council prior to being placed on the Council Agenda. Councilor Cornelius expressed concern that proclamations could become numerous and take up valuable staff time. Administrator Wellman was asked to respond to why these two items were on the agenda.

Administrator Wellman stated that the City contracts with East Metro Mediation Services and the month of November is national "Mediation Month" with the goal of increasing awareness of these services. The City was approached by the staff at East Metro Mediation to have a formal proclamation on record of the City's support for this program.

Councilor Cornelius asked if the Council would be seeing more of these proclamations in the future. Administrator Wellman commented that there would be some additional ones in the future, and would be for those programs supported by the City. Councilor Cornelius stated that it is not appropriate to use staff time on a non-essential proclamation and this should not be a regularly recurring agenda item.

Administrator Wellman asked for direction from the Council for future requests for proclamations. Staff carefully reviews these requests and if they are supported, either programmatically or through City funds, staff brings the requests for formal support to the Council in the form of a proclamation.

Council discussed how these should be handled in the future. Councilors Raze, Jones and Cooper and Mayor Weatherby stated they had no issue with the City Administrator bringing these to Council as an agenda item, as they really do not take an inordinate amount of staff time to prepare. Councilors Quinby and Cornelius indicated they would prefer to have these reviewed by Council and approved prior to placement on the agenda.

Councilor Cooper moved, and Councilor Jones seconded the motion to approve Items C & D on the Consent Agenda. Councilor Cornelius requested these be separate motions. Councilor Cooper and Councilor Jones amended the motion to one approving Item C, the Proclamation for Mediation Month.

AYES: 6
NOES: 0
ABSTAIN: 0

Council approved Item C: Proclamation for Mediation Month.

Mayor Weatherby called for the discussion on Item D: Proclamation for Riparian Stewardship Month..

Councilor Cornelius commented that he has no issue with the proclamation, but that there seems to be ongoing efforts by the Community Development Department to further an environmental agenda. Councilor Cornelius suggested this item be the subject of further City Council review. Recently 67% of the citizens of Fairview voted in favor of Measure 37 in an effort to protect private property rights and this issue needs further discussion to assure there is no apparent conflict.

As there was no further discussion, Mayor Weatherby called for a motion on Item D: Proclamation for Riparian Stewardship Month.

Councilor Cooper moved and Councilor Jones seconded the motion to approve Item D.

AYES: 6
NOES: 0
ABSTAIN: 0

Council approved Item D of the Consent Agenda.

V. COUNCIL BUSINESS
A. PRESENTATION OF
CERTIFICATES OF
APPRECIATION TO
CAROL GLASGOW,
MARIE KOLPAKOWSKI,
AND LISA BARTON
MULLINS (A)

Mayor Weatherby stated that Council has the pleasure of presenting certificates of appreciation to outstanding citizens throughout the year. Volunteers are essential to the community. Carol Glasgow was not able to attend tonight's meeting, but the Council thanked her for her years of service as a Planning Commissioner. Ms. Glasgow would receive her certificate later in the week.

Mayor Weatherby asked Administrator Wellman to highlight the volunteer contributions of Lisa Barton Mullins and Marie Kolpakowski. Administrator Wellman stated that the two had coordinated a community garage sale. They collected \$500 and donated those funds to purchase a piece of play equipment for younger children, which will be placed in the Community Park. Mayor Weatherby and the Council thanked Lisa Barton Mullins and Marie Kolpakowski for their outstanding volunteer effort that will benefit the children for many years to come. They were each presented with a framed Certificate of Appreciation.

B. PRESENTATION BY
OFFICER DOUG ASBOE
CONCERNING EAST
METRO GANG
ENFORCEMENT TEAM
ACTIVITIES (I)

Mayor Weatherby called for the report on the East Metro Gang Enforcement Team activities.

Chief of Police Ken Johnson stated that East County received a \$750,000 grant to address the gang problems in the area by forming a Gang Enforcement Team with members from all local jurisdictions. Fairview assigned Officer Doug Asboe to the program. Currently it is hoped that the IGA can be extended through 2007. This program is having a significant impact on gangs and gang related activities.

Officer Doug Asboe provided an overview of the gang activities the Gang Enforcement Team (Team) has been addressing since it began in April 2005. Officer Asboe was assigned to the program in June of 2005. The gang activity has remained consistent, but is now less overt since the Team began working in East County. This indicates that gang members are feeling pressure from the Team's presence. The Team has made over 2000 contacts

with over 500 of those contacts being with gang members. They have also added 109 members to the State of Oregon documentation process and data bank for gangs. Fairview now has 11 documented gang members. Tattoos are documented at the street level and then in the corrections system to track the types of gangs in the area. The Team has worked on several violent cases involving weapons, assaults and a wide variety of minor incidents. The Team also has outreach programs with the Reynolds School District, public housing units, apartment complexes, and other types of groups who deal with gangs or gang affiliates.

Chief Johnson stated that a new gang has apparently moved into the area and they "tag" with the number 13. This gang is particularly violent and well organized. This group is a major concern with the law enforcement in Oregon. Five members have been identified in East Multnomah County, with three of them being deported, one currently in jail and one was recently released from jail.

Mayor Weatherby asked if the Team is still maintaining their surveillance of the gang members at their headquarters and taking pictures to help in the identification process. Officer Asboe stated that the Team is continuing their surveillance, but the gangs move around to try to avoid detection. Asboe noted that there are many different types of gangs in the area, such as white supremacists, Latino and African American gangs. A major emphasis of the Team is to target specific gangs with violent histories and those who are participating in large-scale criminal activities.

The Councilors thanked the officers on the Team, commending them for their hard and difficult work on the gang problems in East County. The Team is performing this work with limited staff and funds. The report provided to the Council is a good opportunity to educate the public about the fact that the gangs are a major problem and concern for everyone. The Council suggested a public education component could be a worthwhile endeavor for the Team in the future. Last year the police department put on a seminar at the Community Center for citizens about the current gang problems in Fairview and provided tips on what constitutes a gang related activity.

Councilor Raze asked what the main gang activity is at this time. Officer Asboe stated that the activities run the full gambit of crimes, such as criminal mischief, theft, car thefts, burglaries, drug sales and tagging. However, ID theft is a popular new way to make money and is on the rise.

Councilor Cornelius asked how many gang members there are in Fairview. Officer Asboe stated there are approximately 25 to 50 members of various gangs that have been identified, but there is triple that amount on the fringe of the gangs. Also, gangs don't recognize boundaries and members are seen all over the area, not just in the neighborhoods where they reside. Councilor Cornelius asked how much of an impact the Team is having on the gangs. Officer Asboe responded that obvious activities have lessened and as the more senior members of the gangs are arrested it takes about a year to replace them from the lower ranks. One of the key elements of the Team's impact is to keep up the pressure, and that makes the gang members move to other locations where they are not being targeted.

Mayor Weatherby asked about the outcome of the meeting that was held about eight months ago with the management at the Fairview Woods and Oaks apartment complexes, where significant problems have been an ongoing concern. Chief Johnson stated that the manager, the Police Department had originally worked with, was severally assaulted and

ultimately was too afraid to return to the apartments. Since that time new management has not been stabilized through the Housing Authority or the management group in charge of the site. Originally the Police Department had negotiated with the management to have a police office in the complex, but that did not occur. The Council recommended that a series of meetings with the management company and the new manager would be a good thing to pursue. Chief Johnson noted that the gang activities at the apartment complex have been on the rise again. The Police Department is in the process of trying to re-establish a presence at the apartments, but this is proving to be a difficult process. The department will continue their efforts. Officer Asboe noted that there has been an increase all over the city from citizens who are willing to become involved, and that involvement is very important in helping to control gang activity.

The Council recommended the Police Department put an article in the next city newsletter with information on ways that citizens can contact them with information.

Chief Johnson commended Officer Asboe and the other five members of the Team for doing an excellent job.

**C. APPROVAL OF AN
INTERGOVERNMENTAL
AGREEMENT BETWEEN
THE CITY OF FAIRVIEW
AND MULTNOMAH
COUNTY FOR
ACCEPTANCE OF A
COMMUNITY
DEVELOPMENT BLOCK
GRANT IN THE AMOUNT
OF \$94,000 FOR
COMMUNITY CENTER
REMODEL (A)**

Jan Wellman, City Administrator provided the report on the Intergovernmental Agreement for the Community Development Block Grant for the interior remodel of the Community Center. This agreement is the third and final phase of revitalizing the Community Center in the Old Town neighborhood. Phases I and II were for the exterior ADA improvements, landscaping, the Bonita Jenkins Plaza and street improvements. This grant provides \$94,000 for the renovation of the upper level interior, the addition of an ADA restroom in the basement, and front step improvements. The Fire and Building Departments are now requiring the building to have a sprinkler system and improvements to the HVAC system. This increased the cost of the improvements and staff has identified funds from the Parks SDC budget to help with these added improvements. With the improvements the building should be more functional for the community.

Staff recommends approval of the IGA and authorizes the City Administrator to sign the agreement.

Councilor Raze stated that many grants have hidden requirements and asked if this grant had any known problems. Administrator Wellman stated that these particular grants are very straightforward with a limited match required. The City has performed a number of projects under this grant program and has had no concerns or problems in the past. Councilor Cooper asked if this was enough money to do the project. Wellman replied that other work has been identified that will come out of the Parks SDC, but the building is old and once demolition of the interior begins there could be other problems not known at this time. Reassessment at each stage will help to determine the final scope of work.

Mayor Weatherby called for a motion to approve the CDBG IGA for the Interior Remodel of the Community Center.

Councilor Quinby moved and Councilor Raze seconded the motion to approve the IGA and for Administrator Wellman to sign the agreement.

AYES: 6
NOES: 0
ABSTAIN: 0

Council approved the IGA with Multnomah County for the CDBG funds for the interior remodel of the Community Center.

**D. APPOINTMENT OF A
PLANNING COMMISSION
MEMBER (A)**

Administrator Wellman stated that with the resignation of Carol Glasgow from the Planning Commission and, with one other Commissioner's term coming to an end, that would leave two vacancies to be filled. Additionally, an alternate for the Commission needs to be appointed. Jan Shearer's term is expiring, but she has indicated she would be available for another term if the Council thought her expertise would be valuable. Staff is asking for direction from the Council on how they would like to proceed with filling those vacancies.

Council discussed the process and the timing of the interviews with the upcoming holidays. Council noted that there are a number of important issues coming before the Planning Commission so filling those two positions in a timely manner is needed. Discussion by the Council highlighted the land use decisions that the Planning Commissioners make and, the level of knowledge of the City Code takes time. Staff would need to train new Commissioners for the upcoming applications. Council decided that immediately advertising for the positions and interviewing the applicants in a work session on December 7th, prior to the regular session of the Council, would be the most appropriate timeframe. The appointments would then be made in the regular Council session, which follows the work session. Staff was directed to advertise the positions in the Outlook.

Mayor Weatherby called for and received a consensus to approve immediately advertising these positions. Administrator Wellman thanked the Council for their input and stated the City would advertise these positions and Council could expect to interview the applicants and make the appointments on December 7, 2005.

Administrator Wellman also brought to the attention of the Council the upcoming vacancies on the Budget Committee. One of the individuals whose term is ending has indicated an interest in continuing, but there would still be two other vacancies to be filled for the next budget cycle. Administrator Wellman asked for Council's direction on advertising these positions. Council directed staff to advertise the Budget Committee vacancies at the same time as the ones for the Planning Commission.

**VI. CITY ADMINISTRATOR
REPORT**

Administrator Wellman reported that the negotiations with Wood Village on the Sandy Blvd. parallel sewer line agreement have been progressing. The attorney for Wood Village drafted an IGA, which was reviewed by Fairview's City Attorney Paul Elsner. Attorney Elsner made changes and Wood Village is reviewing those changes at this time. It appears that the two cities are close to finalizing the agreement. Fairview has allowed Wood Village to proceed with the connection of the Alternate 4 line to a manhole at Sandy and 223rd. The remobilization costs for Wood Village would have been significant if this had not been allowed. The tests will be completed and Fairview has put a valve on the line until an IGA has been approved, after which the line can be opened for use. It is anticipated that the IGA would be presented at the December 7th Council meeting. After Fairview's Council has approved the IGA it would be forwarded to Wood Village for their Council's approval, after which it would be signed and further work could be completed. Administrator Wellman also reported that the Wood Village water well protest action is also moving forward and Public Works is hopeful that this issue will be resolved soon as well.

**VII. MAYOR/COMMITTEE
REPORTS & COUNCIL
CONCERNS**

Mayor Weatherby called for Committee Reports and/or Council concerns.

Councilor Cornelius stated he has concerns about the environmental agenda that seems to be part of the Planning Department's work program. This caused significant problems three or four years ago with citizens along Fairview Lake who became very upset due to the riparian buffer regulations that were limiting the use of their property. The formation of a Green Streets Committee is also of concern, and Councilor Cornelius stated it is important for Council to have an opportunity to review these issues in a work session before they are presented in a formal Council session.

Councilor Jones noted that the Fairview Farmer's Market is now a Holiday Market and would be at the Community Center through Christmas. Everyone was encouraged to support the market, and to visit Santa on December 3rd. There will be a volunteer decorating party there on November 19th and volunteers are needed to help from 10:00 a.m. to 1:00 p.m.

Mayor Weatherby stated that he had attended the recent League of Oregon Cities conference in Eugene. The conference was very well attended and the workshops were pertinent to current issues facing all cities. Mayor Weatherby concurred with Councilor Cornelius that a work session on the Green Streets concepts should happen soon, so that Council can provide direction to staff.

Tamara DeRidder, Community Development Director stated that the Green Streets information would be presented to Council on November 16th in a work session. This issue came up as a result of concerns by the Wistful Vista and 205th neighborhood. The citizens expressed a concern that the current street standards in the Code do not fit with the rural nature of their neighborhood and they would like to have alternative options. Staff, as a result of these meetings, promised to bring these issues to the City Council and the Planning Commission for their review.

Councilor Raze stated that at this time he had no reports.

Councilor Quinby stated he agreed with Councilor Cornelius that it is Council's duty to set policy and provide guidance to staff on citizen concerns. A joint workshop with the Council and Planning Commission would be in order. Councilor Quinby stated that when he was interviewed in 1998 for the City Council he was asked about his views on environmental protections. It is important to protect the environment, but with sensitivity to the property owner's rights. A workshop on the riparian buffer and the Green Streets is important.

Councilor Quinby stated that last Friday he attended the Regional Emergency Management meeting in Beaverton. The policies and technical issues were a highlight of the meeting. Portland is preparing for a drill on their evacuation and emergency management plan to help them fine-tune their procedures. Grants are available to help cities develop and prepare for emergencies of all kinds, but the Federal Government is proposing a testing process for applicants before approval of funding. First responders in all jurisdictions would be required to take and pass this test. At this point it is unknown if City Councilors would be included in that requirement. Another discussion item at the meeting was the Avian or Bird Flu, which is considered to be a possible pandemic and would test the resources across the country, if not the world.

Councilor Cooper stated that he was recently appointed and had promised to bring to the Council a list of concerns he would like to have on record. These are not for discussion tonight, but for possible work session presentations at a later time. These included the following:

1. Metro Advisory Committee: The Mayors of Wood Village and Troutdale are on the Committee and Councilor Cooper represents the Water Districts. There are a number of upcoming issues being discussed including the riparian buffer, significant environmental concern areas, and Goal 5. It is important that Fairview attend these, and Councilor Cooper will be reporting to the Council on the activities of this Committee.
2. The Fire Ad Hoc Committee has resolved most of the issues with the new contract with Gresham for Fire Services to the three smaller jurisdictions.
3. Councilor Cooper stated he is concerned with the growing number of drivers he sees running red lights. Red light radar would help with the enforcement, but at this point Fairview is not big enough to qualify for that technology.
4. The City Budget: The City could face significant budgetary shortfalls in the future. One of the possibilities to aid in this shortfall would be to propose to the citizens a Public Safety bond. This has merit, but it has failed in the past. Perhaps now this could be a viable option for public safety funds.
5. Outsourcing of services: The City could look at Park's Maintenance as one of those services that could be outsourced. The HOA's could be approached again for assuming responsibility for the pocket parks that are in their neighborhoods, as those parks really only benefit those local homeowners. This was tried at one time, but was not successful. Perhaps this is the time to bring this back to the HOA groups to see if this would now be feasible.
6. Firearms in City Hall: Councilor Cooper stated this is a personal issue, but that he believes it is inappropriate for firearms to be allowed in City Hall and he would like to have a work session to address this concern.

Mayor Weatherby stated he would like to see an increase in personnel available for emergencies, as well as how the different jurisdictions would coordinate their efforts. A work session to address how this could be achieved would be appropriate for Council review.

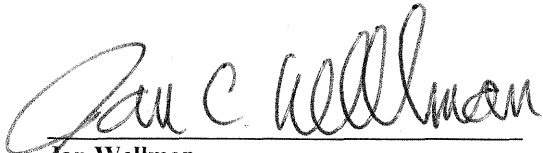
Councilor Quinby noted that a recent meeting of the Drainage District provided a simulated computerized demonstration of what would happen if the levees were breached along the Columbia River. This might be a good presentation for the Council. Administrator Wellman stated the presentation was excellent and there are significant differences in our levee system and the one in New Orleans that recently failed. Staff would ask the Drainage District to see if this could be presented to the Council.

VIII. ADJOURNMENT

Mayor Weatherby called for a motion to adjourn.

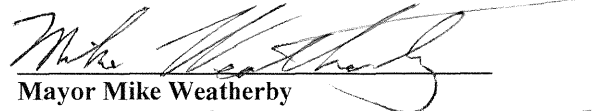
Councilor Quinby moved and Councilor Jones seconded the motion to adjourn the meeting. There was a consensus to adjourn.

The meeting was adjourned at 8:32p.m.



Jan Wellman
City Recorder

December 8, 2005
Dated:



Mayor Mike Weatherby

December 8, 2005
Dated: