

WEST LINN CITY COUNCIL PUBLIC MEETING AGENDA

(The order of business is subject to change at Council discretion)

July 11, 2005

West Linn City Hall - Council Chambers - 22500 Salamo Road

6:30 p.m. Agenda Work Session (Rosemont Room) The regular meeting will be preceded by a one-half hour work session wherein the agenda items will be discussed on an informational basis.

7:00 p.m. Regular Session

- Call to Order / Pledge of Allegiance
- Proclamations, Recognitions and Presentations
 - Proclamation - Royal Court - West Linn Old Time Fair Princesses

Sapna KhemlaniJeanine DonovanTaylor Bensen

Whitney FinnertyAlissa Greenberg
 - Timothy Walsh - Recognition - Elected Governor of Oregon Boys State
- Community Comments -- **[30 Minutes]** The Council President will call for statements from citizens regarding issues related to City government, properly the subject of Council consideration, and not issues on this agenda. Persons wishing to speak shall be allowed to do so only after completing forms provided in the foyer in advance of Community Comments. All remarks should be addressed to Council as a body. **Council will not engage in discussion with those making comments. The time limit for each participant will be determined by the Mayor.**
- Business Meeting -- Persons wishing to speak on agenda items shall be allowed to do so only after completing forms provided in the foyer and turning them in to the Council prior to the item being called for discussion. A separate speaker slip must be turned in for each item. Time limit – 5 minutes for each participant, unless the Mayor decides prior to the item to allocate more or less time.
- Consent Agenda -- Items appearing below are routine and will not be allotted individual hearing time. The items may be passed upon by Council in one blanket motion. Any Council member may remove an item for discussion or questions by requesting such action prior to consideration.
 1. Agenda Bill 05-07-01 Approve Minutes of May 23, 2005
 2. Agenda Bill 05-07-02 Authorize the City Manager to Sign a Contract for the Pavement Surface Overlay - Summer 2005 (Project PW0618) (Contract Review Board)
 3. Agenda Bill 05-07-03 Motion to Recommend Approval of Liquor License Application for Change of Ownership - Off-Premises Sales [Bales Marketplace, formerly known as Zupan's Market, 19133 Willamette Drive]

- Business from the City Council
 - Appointments to Boards and Commissions
 - Traffic Safety Committee
 - Clackamas Cable Access Board

(ANX 05-05) - Step One Annexation Hearing - 2.7 Acres
at 3170 Haskins Road

(ANX 05-06) - Step One Annexation Hearing - 6.2 Acres
at 1165 Rosemont Road

RESOLUTION - Proclaiming that the Annexation of an Eight-Acre Property on Parker Road Received a Majority Vote as a Result of the May 17, 2005, Election and Will Thus Be Annexed into the City of West Linn, Added to the Tri-City Sewer Service District, and Removed From the County Enhanced Law Enforcement District

Acting as the Contract Review Board, Motion to Authorize the City Manager to Enter into Negotiations with Paul Brothers, Inc., regarding a Contract for the Phase 1 Development of Fields Bridge Park

Acting as the Contract Review Board, Motion to 1) Authorize the Allocation of \$90,000 from the State Revenue Sharing Account; and 2) Authorize the Award of a Contract in the Amount of \$89,947 to Halton Tractor for a new Roadside Mower

Motion to Continue Public Hearing (MIS 05-01)
Community Development Code Amendments -
Willamette River Greenway, Docks

- Adjournment

West Linn City Council Meeting Minutes July 11, 2005

Council Present: Mayor Norman B. King, Council President Scott A. Burgess, Councilor Teri Cummings, Councilor Michele S. Eberle and Councilor Mike Gates

Councilor Absent: None

Staff Present: Ron Garzini, Interim City Manager; Ron Hudson, City Engineer / Public Works Director; Gordon Howard, Senior Planner; Bryan Brown, Planning Director; John Pinkstaff, City Attorney; Ken Worcester, Parks and Recreation Director; and Shirley Richardson, Minute Taker

Call to Order/Pledge of Allegiance

Mayor King called the meeting to order at 7:10 p.m. and Councilor Gates led the flag salute.

Proclamations, Recognitions and Presentations

Mayor King introduced the royal court of the West Linn Old Time Fair: Princesses Sapna Khemlani, Jeanine Donovan, Taylor Bensen, Whitney Finnerty and Alissa Greenberg.

Mayor King read a proclamation to the audience and acknowledged Timothy Walsh for his hard work and dedication contributing significant value to the community by being elected Governor at Oregon Boys State demonstrating exceptional leadership and reflecting credit upon his school, family and community.

Community Comments

William Relyea thanked the Council for listening to his concerns about Parker Crest Neighborhood Association and thanked John Atkins and Shauna Shroyer for all their work. He announced the neighborhood's election of officers for 2005-06 and indicated they all look forward to maintaining and improving the quality of life for residents of the Parker Crest Neighborhood and continuing to build a positive relationship with civic leaders.

Dave Mintzlaff stated that he is president of the Tanner Basin Neighborhood Association. He is here tonight to express the views and opinions regarding a proposed development for the hillside above the 10th Street, Salamo/Blankenship area. He submitted into the record a letter that was addressed to the Mayor and Council members dated July 11, 2005.

Council President Burgess called a point of order: This testimony on Tanner Basin development may be something that may be heard by the Council at some later date.

John Pinkstaff explained that there is possible litigation or an application that may be in the process regarding this Tanner Basin development.

Ron Garzini explained that, if Council engages in dialog on a pending development, then they become biased on the issue. Staff is glad to share information with the public; however, the councilor and planning commissioners cannot communicate with the public at this time on that subject.

Lawrence Wilson stated that he purchased his home because of the view of the river. They live on the downhill side of Green Street. His wife has long wished that she could live in a home where she could see the bend in the river at that particular spot. He surprised her one day and took her up to this property; she saw the view and wanted it immediately.

The City owns a piece of property between their property and the river, which abuts their property. There are four trees on that property and, since they have been there, they have grown high enough to block their view of the river. He initially called the City to see who owned the property and planned to ask their permission to pay a professional arborist to come in and trim the trees lower and do it periodically. On the other hand, he would have been glad to replace the trees with lower trees and landscaping. It was then that he found out that the City owned this property.

He was told, however, that he could pay for an arborist to come in every year and cut windows in the trees; however, this is not satisfactory with him. He is here tonight to ask Council to advise him on what he can do to remedy the situation.

Ron Garzini stated that he will review the issue and render a decision under the Tree Ordinance.

Roberta Schwarz asked the audience to log onto her website, www.nlwl.org. She read several emails that she has received: (1) "We just moved here from an Arizona community with development problems. Though rather burned out from fighting down there, I appreciate this community effort"; (2) "Great article Roberta, I hope your organization will be able to use your website as a clearinghouse for lining up signatures. There is a virtual petition regarding the likes and dislikes for aspects of Council decision-making. Such a decision was made earlier today. My concerns for development usually fall under the heading of integrity, full disclosure, proper procedures, factual paper trail, community input, etc. I'm willing to make a modest donation for supplies that inform the community or petitions that result in card table setups in grocery stores, if needed. Your dissemination of information via the newspapers is wonderful. While he plans to write to the City Council, it is easier for them to send it to the garbage bin. Petitions for integrity make an impact. I have to get

back to work now; my other life and needs beacon me and this issue just sent me reeling.

Comment, three problems here: One, the subject recall from LUBA. This constitutes manipulative interference with our process. This was a favor to the developer. Two, height restriction willfully violated by the Council. Three, allowing the developer to put in a traffic signal and receive credit for it is mismanagement of our potential dollars. It is also a favor to the developer. This Council willfully violated our rules; this is just not acceptable."

(3) "We are in total agreement with Roberta Schwarz's article of 6-30-05 which reads like fiction but true regrettably." (4) "Nice editorial in the *Tidings* this Thursday. We were concerned about the direction the present City Council is going as well. It is more difficult to promote sensible growth with the current City Council, but with a grass roots effort we have confidence it will be done. Please put us on your e-mail distribution list and keep us advised of your efforts to promote sensible growth and livability in the City of West Linn." (5) "Recent article by Roberta Schwarz got me interested in the development issue that she addressed. I agree with her point of view. I fail to see how the pro-growth agenda of the new Council will improve the standard of living in West Linn. Growth will stress our schools and our City's ability to deal with traffic, crime, etc. In addition, new development will surely reduce the value of our existing property supply and demand. Why is this desirable for us? I do not see how the pro-growth agenda is in the best interest of the residents of West Linn. Thank you for keeping an ear to the ground for all West Linn citizens. My life and time is so busy and I can't possibly keep up, but I appreciate your work." (6) "The current mayor and councilors are doing exactly what I and many people knew they would do. For years they have been telling us that they are not pro-development, but I thought it was understood by most citizens that this was a blatant lie and that the first thing that they would do, if they were voted in, would be to build, build, build. The statements about how they are forced by law to permit these developments are, or should be to anyone paying attention, painfully transparent. Gee, I had to brush tears away when I read Mike Gates' statement about how he had no choice but to agree to one developer's project once a few minor changes to the plan had been made. How he must suffer. I hope all of them with the exception of Teri Cummings are jerked out of office when people finally wake up, or we may as well just turn this City over to the Chamber of Commerce and be done with it. At least that agenda would be on the table. I am opposed to the development. It will further congest an already congested area, and we don't need multi-story buildings in West Linn. Perhaps we citizens should require the City Council to refer these developments to a vote of the people of West Linn. If the City Council is not living up to their campaign promises, maybe there should be a recall. I like your website. Isn't modern technology great for keeping in contact with problems. The reason for my response to your website is that I have noticed a change in the cooperation in the City of West Linn services. I am concerned with the new City Manager and Council as not having our best interests as their goal."

Ms. Schwarz stated that she will read more next time.

Dean Suhr stated that he has missed a couple of meetings, particularly the one where the budget was changed at the end of last month. He thanked the Council and Budget Committee members for their hard work. It appears that the City is being divided into growth and non-growth. This is a gross misstatement of where the citizens within the City are. Applications have been going out for development every month for years. That is how his house got here, and it is probably how everyone's house got here in the last 10 to 30 years. There is a process today that allows the staff and the City to respond to applicants that want to put in a business, a house, or a subdivision.

There have been a number of requests for annexations. These meetings have gone until midnight because of so much commentary about the general issue of annexations. Citizens changed the law so that citizens can vote "yes" or "no" on the ballot. The process of getting those annexations on the ballot was one that goes through the City Council. The discussion is proper; the citizens will help make the decision through the information that is provided to them. There were discussions on how much it cost to annex property. Information was provided that is accountable for these costs. The City is accountable for those costs. West Linn has some of the highest SDC's in this region and recovers a higher degree of those costs than other cities around here. People still want to develop because this is a desirable place to live. The residents want to have a city and do have a city that is desirable. There are rules, regulations and procedures that control that development. That's why the procedures are in place. If citizens are dissatisfied with something, they have to go back and modify the rules and regulations that allow something to get on the agenda, to be discussed, and to be reviewed and decided upon. He spent many months last year attending meetings about the tree ordinance. The Mayor had an article in the *Tidings* that basically said we have to follow the law; the decisions that are made by the Council and Planning Commission must follow the process and procedures.

Mr. Suhr suggested to the Council that they stay the course. They were elected by a great majority last fall. All citizens have the right to speak; but use common sense, respect what the law says, and don't get distracted by those that rant and rave and carry on.

Alice Richmond stated that she has a history to bring to light. She has resided in West Linn since 1959 by choice. She read her statement to the audience and it was made a part of the record. She voiced her concern that her character and reputation were tarnished by the words of a neighbor when he was dissatisfied with the fact that the neighborhood association did not have all of its officers.

Ms. Richmond commended and congratulated Gordon Howard on the annexation calculations.

Bob Thomas read his statement regarding reasons not to believe Metro's projected regional population growth and reasons to not keep rushing to process annexation applications in West Linn nor engage in mass annexations. He suggested ways to keep Council meetings from going past a reasonable hour without limiting or reducing time allowed for citizens. He said not to believe anything from Metro. This is hype to accept another growth expansion. His statement was made a part of the record.

Mayor King announced that Agenda Bill 05-07-02 would be pulled from the Consent Agenda and heard during business from the Council.

Consent Agenda

- | | | |
|----|----------------------|---|
| 1. | Agenda Bill 05-07-01 | Approve Minutes of May 23, 2005 |
| 3. | Agenda Bill 05-07-03 | Motion to Recommend Approval of Liquor License Application for Change of Ownership – Off-Premises sales [Bales Marketplace, formerly known as Zupan's Market, 19133 Willamette Drive] |

Council President Burgess moved to approve the Consent Agenda consisting of the minutes of May 23, 2005, as amended, and a motion to recommend approval of a liquor license for a change of ownership. Councilor Eberle seconded the motion.

Ayes: Eberle, Burgess, Cummings, Gates, King

Nays: None

The motion to approve the Consent Agenda carried 5-0.

The amendments to the minutes of May 23, 2005, were as follows:

Page 16, fourth paragraph: Council President Burgess stated that under Finding #16 it needs to be clear in future annexations, as well, that the site currently receives ~~no~~ urban services (e.g., Library); ~~however~~.

Report from the City Manager

Ron Garzini stated that he passed out maps of the holdings that are still in the county. He has asked Ken Worcester to review and do an analysis for a report to Council to look at what should be done with these parcels. This analysis of legal requirements, infrastructure requirements, status and the owners' feelings will result in a better feel. It is hoped that this project can be done in 30 days. An individual property owner has the right to initiate an annexation. The Council and City must respond.

Mr. Garzini stated that he asked the Mayor to appoint a Council committee to work with the attorney and him to take a look at the issue of Council terms. When he arrived here, Sandi Farley had on her desk a product which had the Council moving to four-year terms, staggered. He doesn't know if this is the wish of the community or Council, and

he proposed to take a look at the issue and bring some options back to Council in a work session.

Mr. Garzini stated that the labor negotiations for the police agreement have been settled. There will be a police agreement for review and approval at the next Council meeting.

Mr. Garzini stated that he has been talking with the Mayor about having neighborhood association meetings with Council. He would like to begin scheduling meetings with the neighborhoods (possibly two or three neighborhood associations a month). At this joint meeting Council can hear what issues are important to the neighborhoods and share what is of interest to the Council that might affect the neighborhoods. The neighborhood association leaders would be at the table with the Council; however, others in that neighborhood would be aware of the meeting and invited to attend.

Mr. Garzini noted that the capital improvement projects for ODOT are ten times what they can fund. From the moment that the developer offered to put in the signal, staff has pursued the issue with ODOT. ODOT has so few dollars to spread around, and the reality of it is ODOT tries to fund public safety and traffic flow solutions in those areas where there are no financial dollars. If someone has some evidence that there is traffic signal funding that the City somehow lost, he would like to know about it. The City requiring the developer to do the signal did not in any way damage the ability to get the SDC funds. There was no evidence that the ODOT funding was going to occur soon. Absent the development, the signal may have happened some day but the money being endangered is false.

Business from the City Council

Mayor King stated that there were two applicants for the Traffic Safety Committee. He nominated Alice Johansson.

Vote from the Council:

Ayes: Burgess, Gates, Eberle, King

Nays: Cummings

Alice Johansson was voted in to serve one term on the Traffic Safety Committee.

Mayor King stated that there are three positions vacant on the Clackamas Cable Access Board. He nominated Kurt Lewis and Karyn Pennington for a two-year term and Chuck Sharkody for a one-year term.

Ayes: Cummings, Gates, Eberle, Burgess, King

Kurt Lewis and Karen Pennington were voted in to serve two-year terms, and Chuck Sharkody was voted in for a one-year term.

Mayor King announced other liaison appointments:

- Councilor Gates – Parks and Recreation Department
- Councilor Gates -- Parks Board

- Councilor Eberle -- Finance Department
- Councilor Eberle -- Library
- Council President Burgess – Engineering and Public Works Department
- Council President Burgess -- Planning Department
- Council President Burgess – Utility Advisory Board
- Mayor King -- Police Department
- Mayor King – Tualatin Valley Fire and Rescue

Mayor King announced that July 14th is the first of four "Tanner Creek Music in the Park" concert series. He reviewed the upcoming schedule.

Council President Burgess thanked Police Chief Timeus and his staff for looking into an issue and finding a solution.

Council President Burgess reported that he attended the Utility Advisory Board meeting. Dennis Wright brought back some issues regarding the Clearwater Project that needs to be reviewed by Council. Mayor King explained that the Clearwater Project is a project by the County to consolidate the sewer districts in northeastern Clackamas County into one. The Tri-City Sewer District would become the sewer district for most of northeast Clackamas County.

Councilor Gates stated that Councilor Eberle and he would be participants on the steering committee for the selection of the next City Manager. The application process will be open until August 15th. He described the advertising effort and indicated what the qualifications would be.

Councilor Eberle mentioned that the entire Council was able to participate last Wednesday with a group selected by Darlene Hooley's office to talk about the Willamette Cove issue and brainstorm ideas on what could be done to help that community. There were representatives from the Governor's office and the County, as well as the State legislature.

Agenda Items

Agenda Bill 05-07-02
(Pulled from the Consent Agenda)

Authorize the City Manager to Sign a Contract
for the Pavement Surface Overlay - Summer
2005 (Project PW0618) (Contract Review Board)

Ron Hudson reviewed the staff report with the Council. The budget authorized \$340,000 for street repairs this next calendar year. \$300,000 of that amount was allocated to do pavement overlay work. There is a comprehensive evaluation process that is in place to evaluate all the streets in the City based on a pavement management system.

A map was presented showing the location and status of all the streets in the City. The process focuses on the medium- to poor-level streets, not the worst level because the average level streets need to be updated to the highest level or else they will disengage and cost three to four times more for repair.

The streets were identified by Sam Foxworthy of the Streets Department, and recommendations were passed on to staff but were not made visible to the Council. It is critical that the contract be awarded at this time because now is the season to pave streets.

The low bidder is a responsive contractor and has done a lot of work in the area. Morse Brothers' bid amount was reasonable. The estimate was \$300,000 and the bid amount from Morse Brothers was \$276,145.50.

Councilor Eberle asked how staff factored in the streets that will be remedied through development. Hudson explained that staff is aware of the areas where there is a high potential for development; therefore, they rely on the developer to pave at least a half street. Depending on the condition of the street, the City can require more of the developer.

Mayor King voiced concern about the major streets that are rated D and F are being abandoned because it has been decided that they are not worth the investment of keeping them up. Every year these streets will be ignored to repair those in better shape. The long-term implication is that the City will end up with streets that are arterials that are major problems.

Ron Hudson stated that the idea is to get the streets that are in the C- to D+ range up to A condition. Once there is a good wearing surface on the streets, they will last a long time. Once they start to break, it doesn't make any difference if they are repaired today or two years from now. Financially that's the way pavement management systems work. The responsibility is on staff and the Utility Advisory Board to find mechanisms to find additional sources for the repair of streets.

Council President Burgess stated that this issue has been before the City for years. He hopes there are discussions as to alternative means for street repair and what other like cities are spending on street repair. He asked why the City would fix a small street as opposed to a small section of a big street.

Hudson stated that it is a combination of funds available and streets that fit into the category to be repaired in the same vicinity. They try to minimize the moving around of the paving to cut costs.

Councilor Cummings stated that last year the former Council put \$500,000 into the street fund and was criticized for using it as a windfall. This year the budget process is trying to do the same thing. The public survey indicates that streets are number one.

People want to see the streets maintained. The last serial levy on streets expired in 1996. The City has gone a long time without stable funding.

Councilor Gates stated that one of the streets on the list goes in front of his daughter's house so he did not feel he should vote on this issue.

Acting as the Contract Review Board, Council President Burgess moved to authorize the City Manager to sign a contract for the pavement surface overlay - Summer 2005 - per Agenda Bill 05-07-02. Councilor Cummings seconded the motion.

Ayes: Eberle, Burgess, Cummings, King

Nays: None

Abstentions: Gates

The motion carried 4-0-1.

1. Agenda Bill 05-06-12 (ANX 05-05) Step 1 Annexation Hearing
2.7 Acres at 3170 Haskins Road

Mayor King re-opened the Step 1 annexation hearing on 2.7 acres at 3170 Haskins Road. At the last meeting the hearing was stopped after applicant's rebuttal and before questions from the staff. In the interim Mr. Howard has written a memo to the Council responding to questions about transportation. A copy of the two-page memo dated June 29, 2005, was made available to the public.

This memo is considered new evidence and Mayor King opened the meeting to testimony on this new information.

Public Testimony

Bob Thomas stated that the processing of these annexations is unduly rushed. He has read three different explanations by Gordon Howard; one before the election, one in the paper afterwards, and again a different one in the paper now regarding costs that are not covered by SDC's when these annexations are done. Some of the information is questionable. These applications are taking up time when there are more important things for the Council to do.

The consultant's report on the costs that are not covered by SDC's is doing a dis-service to the citizens of West Linn and misleading them to think that the costs are minimal. Gordon Howard's explanations are confusing as well as the explanatory statement.

Mayor King asked Mr. Thomas to confine his statements to the new evidence.

Mr. Thomas stated that annexation does not mean development is imminent. Development can occur at any time. Just because a property owner says they have no

intention immediately, that potential is there. He does not think the transportation problems created by the ones already annexed and this application are being adequately addressed by Gordon Howard or staff. These annexations are not costing the City. It is costing taxpayers. That is why he objected to the explanatory statement in the voter's pamphlet which states that it will cost the City from \$5,500 - \$14,000 per dwelling unit. It is not costing the City.

Council President Burgess asked what the status is of the lot between 3170 and 3000 Haskins Road. Mr. Howard stated that the lot in question is not annexed. The City has received an application but has not been scheduled for a hearing as of yet. There have been no applications from the fourth parcel that fronts on Salamo Road, nor the properties to the northeast.

In the future, when looking at the subdivision of this area, if it is annexed into the City, the options are to not have any further access onto Salamo Road or having an access that makes a four-way intersection of Salamo Road and Barrington Drive. That decision would be made during future platting of this area.

Councilor Eberle asked when the 120-day limit would expire. Mr. Howard stated that this application was found to be complete on April 25, 2005; therefore, the 120-day period will end in late August. If action is not taken within the 120-day period without the applicant's approval to extend, the applicant can go to court and file a Writ of Mandamus to compel the City to approve the Step 1 annexation. There is no timeframe on the Step 2 annexations.

Councilor Eberle asked staff how this property fits in the City's master plan and capital improvement plan. Mr. Howard stated that the City's master plans (water plan, sewer plan, storm drainage, transportation, parks and recreation) include the entire area that is in the urban growth boundary of West Linn as it existed in October 2002. None of the Stafford Triangle area was planned for. The master plans did plan for and have planned for eventual annexation and development of all lands within that October 2002 urban growth boundary. This includes all the island areas that have yet to annex to the City. All of the master plans have looked forward and projected their improvements on areas such as this being in the City at some point.

Councilor Gates noted that the demarcation in the report suggests zoning at R-7. The zoning map indicates that south of the subject site it is zoned R-10. As you continue on Haskins Road across Salamo, the distinction is R-7 to the north and R-10 to the south. It seems to him R-10 would be more appropriate.

Mr. Howard stated that staff's recommendation for the low density areas is to recommend R-7 unless there is a reason not to. Statewide Planning Goal 14 calls on the City to maximize use of land within the existing urban growth boundary, as opposed to looking at expansions. This area is in the urban growth boundary. Staff did not identify any significant constraints that would lead them not to recommend R-7 zoning.

Mr. Garzini noted that a decrease in density puts more pressure on expansion. One way to fight sprawl and moving the City boundary to other areas is to keep the densities high within the urban growth boundaries.

Councilor Gates asked if it is possible for Council to bring a Step 2 application forward five years after the Step 1 process, since there is no time limit on the Step 2 applications. Mr. Garzini stated that there is a high degree of subjectivity at Step 2. Step 1 focuses on protections for the landowner. Step 2 has protections for the general interest. The law does not prescribe the same timelines for the Step 1 and Step 2 processes. Mr. Pinkstaff stated that the window between a Step 1 process and a Step 2 process could be unlimited.

Discussion followed on density. Council President Burgess voiced concern about the issue of affordable housing. Land prices are directly related to that issue. Councilor Gates stated that he doesn't agree that there should be dense housing at the top of Salamo Road or, if not, it will put pressure on the urban growth boundary. There are other places in the community where it would be more logical to do that. The UGB line will not be a factor for future transportation.

In response to a question from Rick Givens, Planning Consultant for the applicant, Councilor Cummings stated that she would be abstaining from voting on this issue because she had to leave before public testimony was taken at the last hearing.

Mayor King closed the public testimony portion of the hearing and opened it to discussion among the Council members.

Councilor Eberle stated that she felt Haskins Road was the divider line between R-7 and R-10. She is concerned that the property heard before this had a stipulation that it would be R-10. She concurs with Councilor Gates that this is an area where there is adequate public transportation to serve density needs. Staying consistent with the Comprehensive Plan of low density, she would like to recommend that this property stay R-10 zoning.

Council President Burgess stated that there is not enough public transit in this community. If there were adequate transit, Salamo Road may be one of the routes to review. Affordable housing is directly related to the amount of land. He does not agree with the R-10 designation. There are some very nice subdivisions in the town that are R-7. Good planning can improve pressure on the surrounding areas.

Councilor Eberle stated that she is concerned that with the R-7 zoning there would be a possibility of large houses on small parcels of land. She doesn't see any indication that in the confines of this area there will be affordable housing.

Council President Burgess moved to approve the Step 1 annexation for 2.7 acres at 3170 Haskins Road per Agenda Bill 05-06-12.

The motion died for lack of a second.

Councilor Gates moved to approve the Step 1 annexation for 2.7 acres at 3170 Haskins Road per Agenda Bill 05-06-12 with the following changes:

- In Item 6 of the Findings of Fact, that the appropriate zone be changed in the same language to R-10
- The reference in the third line be changed from R-7 to R-10
- Reference to developed land to the south be referenced
- All verbiage after that deleted

Councilor Eberle seconded the motion.

Ayes: Gates, Eberle, Burgess, King

Nays: None

Abstentions: Cummings

The motion to approve the Step 1 annexation for 3170 Haskins Road with an R-10 designation carried 4-0-1.

[A recess was taken at 9:20 p.m. and the meeting reconvened at 9:27 p.m.]

2. Agenda Bill 05-07-04 (ANX 05-06) Step 1 Annexation Hearing - 6.2 Acres at 1165 Rosemont Road

Mayor King opened the hearing for a Step 1 annexation for 6.2 acres at 1165 Rosemont Road. John Pinkstaff explained the hearing format. The standards to be considered are limited to compliance with the applicable land use criteria; Community Development Code Chapter 81 and Metro Code Chapter 3.09. The applicant has the burden of proving that the application complies with all relevant criteria.

Mr. Pinkstaff asked if any member of the Council visited the site. All of the members of the Council stated that they have driven by the site. He asked Council if there were any *ex parte* contacts or conflicts of interest to declare. There were none. No one in the audience challenged the impartiality of any Council member or the jurisdiction of the Council to hear this matter.

Mr. Howard stated that staff has identified two major issues with this application. Until the Rosemont Pressure Zone is repaired with a new pump station and pipe to the Rosemont Reservoir, there is no additional water available for new homes in the Rosemont Pressure Zone. Based on the decision on the property at 1375 Rosemont Road, staff recommends that the Step 1 annexation be approved with a condition of approval to not allow any hook-ups on this site until the Rosemont Pressure Zone is fixed. This repair is expected to be made this year as part of another development project that has been approved.

The zoning recommended is a low-density designation between R-7 and R-40. The choice is between R-7 and R-10 on this site. Staff has identified reasons in the staff report why they are recommending the R-7 zone. The property is at the intersection of two arterial roadways in the City; therefore, development on this site will not have to go through other neighborhood streets to get to those arterial streets. That makes this a more logical place to have smaller lots and houses than somewhere that is away from the arterial roadway. It makes more sense to put more density where residents can walk or drive shorter distances to get to services, schools, Adult Community Center, etc.

A copy of the written comments has been made available to the Council. Correspondence includes two emails and a flyer from the Hidden Springs Neighborhood Association.

Terry Valiant stated that she is working with the applicant. She introduced Tony Weller, CES Northwest, civil engineer on the project. The site is surrounded by residential development to the north and civic and commercial uses to the south. The site is within the urban growth boundary; as such the City has determined that this is an area where future development needs to occur. The annexation would be consistent with Statewide land use planning goals included in the staff report and regional and local planning goals.

This proposal provides for efficient use of the land because it would reduce the impacts and reduce the need for bringing in additional lands elsewhere. This site is an island in that all the land around it on three sides is already annexed into the City. The zoning for the surrounding parcels is R-10; however, it is more consistent with what you would find in an R-7. The parcels on the west are zoned R-7.

A question came up earlier whether transit would ever serve parts of the City. The transportation plan did envision this to be served by transit; this should be considered during long-range planning. No specific development plan has been considered for this property.

Councilor Cummings asked how long the property owner has owned the subject site.

George Adams stated that they purchased the property in 1970 to raise their family; they have one left at home. They had the opportunity to sell the property when it was residential/commercial but decided not to.

Tony Weller stated that they are the survey engineers on the project. Currently there is no specific development plan. The roads that are there will dictate the development. You would want to be as far away from the intersection as possible. There is a logical connection to Furlong, but they would not make that a straight-through. Mr. Adams will have to get through the Step 1 and Step 2 annexations before any development could occur.

Councilor Cummings asked if there is a year-round creek on the property.

Mr. Weller stated that it has been piped since before the property was purchased by Mr. Adams. The pipe picks up the outfall from the Hidden Springs project and takes it to the corner of Rosemont and Santa Anita.

Testimony in Support

Dean Suhr stated that this is a 10-page application with 19 individual items. The planner has discussed some of the issues that have been raised in regards to water availability and limitations. This is a classic case of an island inside the City that is benefiting or would benefit if developed as County property. They are receiving West Linn services with the exception of water and sewer. They are driving on West Linn roads, using City parks and using the commercial buildings. This property is truly surrounded by West Linn. This property is two tax lots and the primary development is related to the five acres to the southeast. This is one of those island properties subject to meeting all the criteria defined in the code. He asked that the Council look at the practical pieces of what is going on. The City code requires that annexations of this type be within the urban growth boundary as defined in the fall of 2002. It is not subject to an Area 37 appeal.

Alice Richmond stated that it is too bad that those who were planning did not consider a code where there would be no services until the entire area is built out. This is a land use where there is 600 feet of frontage on two major roads. She is in favor of this annexation because it will increase revenues through property taxes. She would like to see R-10; however, the more houses that come into the City to share the tax burden decreases the current residents' tax burden.

Testimony in Opposition

Roberta Schwarz stated that several issues come up with this property. No annexations are subject to Measure 37. This one is a bad idea; the traffic is horrendous already. She is a teacher and she is at that intersection a lot. The possible 30 homes would cost the City \$450,000. No matter what information Mr. Howard is showing that there will be \$17/household in extra taxes. It truly ends up being \$15,000/home that the taxpayers of the City are going to be asked to pay.

Municipal Code Section 2.940 (3)(e) specifically states the way the information is supposed to be worded when discussing annexations. This will be costing more than a million and a half dollars. She asked that the Council be fiscally responsible.

There is no water source. Is this going to be the way Councilor Burgess will get the \$100,000 for a new water plan that is not needed? There is no water source now; that is a huge problem. There should be no annexations. They should be sent on their way. She does not feel that the Council is doing what is in the best interest of the City.

Eventually there will be enough people writing editorials and emails to let the Council know they need to change course quickly.

Alan Holzer stated that his property abuts the proposed annexation. They purchased their property two years ago. The field behind them was one of the reasons for purchasing the home. The value of the home is tied to the vacant land (privacy) behind them. With development they will lose their privacy. If the development goes forward, what kind of privacy fencing or greenery can be used to maintain their privacy? He noted that there are large trees that he would like to see remain.

There will be increased traffic along Furlong if it is used as an entryway into the proposed development. A lot of the children in the neighborhood play along the street. The entryway will increase traffic and the children will have nowhere to play.

The designation of R-7 brings concerns in terms of congestion, number of students in the school system, impact on services, and impact on the value of surrounding properties.

Nanette Boggess stated that her home is behind the subject site. She enjoys a tremendous amount of privacy based on six to seven large cedar trees immediately on the other side of the boundary line. There are other trees eight to ten feet inside the property line. Her back lot line is 130 feet, the largest single expanse of exposure as a single homeowner to this property. She is very concerned about her loss of privacy and the loss of value invested in the property. She was discouraged to learn that within the Hidden Springs Ranch Estates there has been a reclassification of some of the R-10 properties; many of her neighbors are R-7. She assumed to maintain the continuity of the neighborhood she would be enjoying maybe one neighbor, rather than the possibility of two neighbors behind her property. There are many others besides hers that are zoned R-10.

Councilor Eberle noted that the map she has shows all the properties in the area zoned R-10, except for apartment areas which are zoned R-2.1.

Ms. Boggess stated that last year she learned there was a change in the classification of the homes that were bordering on the Lake Oswego side of the proposed annexed property to R-7 that had originally been classified R-10.

Mr. Howard stated that the map provided in the staff report shows the area to the north of the subject site is zoned R-10; the area to the west is currently zoned R-7. It was zoned R-2.1, a multi-family zone before December 2004. Mr. Howard acknowledged that there were differences in the maps being discussed. He will review the maps for accuracy and get back to the Council.

Councilor Cummings asked if procedurally things that are written on the testimony sheets are put into the record.

Mayor King stated that written comments on the testimony sheet are not entered into the record; however, the person who verbally makes the comments are put on record as being in opposition, in favor, or neutral and would have standing at any appeals.

Tim Rand stated that he sees the amount of traffic that goes down Furlong right now because he lives at the corner of Furlong and Churchill Downs. If this property must be developed, he hopes that it has its own access independent of Furlong Drive. Kids play out there all the time. They play there because there are no parks in the Hidden Springs Ranch area. If this land is developed, part of the property should be a playground to give the kids an opportunity to play somewhere. He also suggested speed bumps.

Candace Pool stated that she doesn't disagree that this is a good spot for development; it doesn't have a large canopy. Things to be considered would be to retain all the trees along the edges adjacent to people's homes. There are no other trees on that site so there are plenty of spaces to put homes. The intersection with Rosemont is very awkward and cumbersome; it is unsafe for her children. She is concerned that there will be increased traffic along Santa Anita with cut through traffic. Traffic issues need to be addressed with this development if proposed.

It will be the neighborly thing to do to open Furlong. You don't want a small pocket of homes that are clearly excluded from the larger neighborhood.

Bob Thomas stated that the person who testified in favor of this annexation is giving the impression that this is called for annexation, etc. This does not have to be approved for annexation, nor put before the voters. The taxes that will be received do not cover the cost of serving new housing developments. Whatever escape these un-annexed properties are getting in the way of services is of little cost to the City compared to what the City will have to come up with between what it cost and the cost of serving the new development.

Mr. Thomas stated that Councilor Burgess stated that he agrees that the present water system capabilities provide adequate safety for the citizens of West Linn. Assuming that the Rosemont problem is solved this fall by pumping more water to make up for the undersized storage of the water tower, he asked Councilor Burgess to affirm that he believes the water system with that addition is adequately safe. There is no rush to place a Step 2 annexation on the August 8, 2005, Council meeting. If Furlong is punched through, it will create many problems; and R-10 is much more desirable than R-7. The unfunded cost of not having SDC's to cover R-7 would be \$438,000 and \$329,000 for R-10. He asked that Council take these figures into consideration before slam-dunking any more annexations. He asked when the 120-day time limit is up for this Step 1 application.

Councilor Gates asked when the 120-day rule runs out. Mr. Howard stated that the 120-day rule runs out in September.

Neutral Testimony

Lynn Fox stated that she took a neutral position this evening because she didn't receive notification in a timely way so that she could present the information to the neighborhood association for consideration. When she received the information, she walked through the town and found that most of the residents who came this evening had not received notification also. She noted that many of the residents on several issues that have come up before Council have not received appropriate notification. The method of notification is inadequate because people are not receiving it. She asked that Council consider exploring a more appropriate notification for people so they can be informed participants in the process. She submitted letters into the record of two residents that want to be parties of standing: Terry and Cindy Sullivan, and Mark and Frances Ward. She provided their addresses.

Ms. Fox stated that she created a flyer and took it out into the neighborhood trying to inform the people who hadn't been advised that this was happening. She cited Ordinance 1512. She indicated she has a map showing an area that was originally zoned R-10. There is a discrepancy and these properties were noted as multi-family developments; in reality they are R-10 properties. There was a change last December that placed them as R-7 properties. These are R-10 or better properties. This is perceived by the neighborhood as an invitation to annex. She asked that the Council look at this and consider what happened.

Ms. Fox stated that she is concerned about the cost to current residents over and above the system development charges paid by the developer/owner. She figured them in an R-10 designation, instead of R-7, which would calculate out to \$369,389. Since residents are already paying over \$500,000 just for the recent Olson annexation, why would they want to burden themselves with this additional cost? She will be submitting written information on her testimony into the record.

Ms. Fox stated that she will be filing a formal protest because she feels that she should be allowed 10 minutes of testimony due to the fact that she is speaking for the neighborhood association.

Mr. Howard stated that the cost to City taxpayers is a Step 2 issue in terms of schools and other infrastructure costs that are not covered by SDC's. It will be discussed if there is a Step 2 hearing on this annexation.

The City circulation plan does not require Furlong Drive to go to any particular location. If this property is annexed, this will be an issue of a future subdivision plan which will be noticed to property owners in the vicinity for input.

There is a Transportation System Plan that identifies the need for a full signal light at the corner of Rosemont, Salamo and Santa Anita and is collecting impact fees from nearby properties as they develop towards that traffic system.

The lot sizes to the north and west of the subject site in the Hidden Springs Neighborhood range from 7,000 to 12,000 square feet. The 26 lots in the area immediately north are zoned R-10. A strong majority of those lots are actually less than 10,000 square feet through the planned unit development process. A similar pattern affects the area to the west currently zoned R-7; formerly zoned R-2.1 for apartments incorrectly.

The issue of a park or playground on the site is a subject that would be discussed if and when the property is annexed. It would depend on if the City wished to purchase or whether the owner wished to provide a park site within the proposal.

This site is relatively treeless. There are some trees on the site and, if this were in the City, those trees would be protected from cutting by the municipal code and subject to discussion if any were proposed to be removed during the subdivision process. This property is in the County, and the City has no control over the trees at this time. They could be cut and removed at this time.

There is a scheduled fix for the Rosemont Zone by another developer as a condition of approval for his project. The fix should be in place within the next few months.

Mr. Garzini stated that under County rules this site is subject to any County rules in effect today. By annexing this property, it would fall under City regulations. It is possible that the property could be developed as a commercial facility under County rules. The private property owner has the right to develop; it is purely a question under whose rules.

Councilor Cummings asked Mr. Pinkstaff how this property would be able to develop commercially when they do not have water or sewer.

Mr. Pinkstaff stated that there is an intergovernmental agreement with the County that regulates the way property that is within the urban growth boundary can or will be developed.

Mr. Howard stated that it is unclear in the record if the County ever actually zoned this property for commercial use, as opposed to a long-range plan. When the City did the Tanner Basin Master Plan in 1981, it rejected the idea of commercial development at the corner of Salamo and Rosemont and instead proposed it further south to where it is today. The main issue is one of the impacts that commercial development would have on the Hidden Springs Neighborhood. The Measure 37 issue is purely conjectural and a little nebulous as to what point the County did have a plan. The applicant is not interested in pursuing a commercial use on the site.

Mr. Pinkstaff stated that this is not the forum to decide what Measure 37 would allow. There is a lot of potential and speculation. It is difficult for the City to make a decision based on what a potential Measure 37 claim might allow.

Council President Burgess asked if this is in the Tanner Basin Master Plan.

Mr. Howard stated yes; that it is in the former Tanner Basin Master Plan. Under that agreement this property has to develop under City code if it is developed with an urban development. If it is a rural development (single-family, farm), it is not required to be brought into the City at that point.

Mark Ward stated that his property is within 500 feet of the proposed annexation. His lot size is 8,250 square feet. He received information from the Hidden Springs Neighborhood Association and has received very little information from the City regarding this annexation. He has received more information tonight than he has received publicly. He is not opposed to the annexation. If he owned this much land he would probably want to build on it, too. He asked Council to take into account the homeowners that live adjacent to this property. He would like to see equal or greater standards for homes on the subject site. He asked what percentage of affordable housing is required and whether West Linn has reached that percentage.

Mr. Ward stated that his property is only accessible through Furlong Road. This is a short stub street and there are a lot of pre-teenage children playing adjacent to the stubbed area. Traffic is very heavy through Churchill Downs and Rosemont. The speed limit is 25 mph, but cars do not go 25 mph down these roads. He would prefer an access on Rosemont with the zoning of R-10. He feels this is an ideal area in which to build houses.

Council President Burgess moved to extend the meeting to 11:30 p.m. Councilor Cummings seconded the motion.

Ayes: Eberle, Burgess, Cummings, King

Nays: Gates

The motion carried 4-1.

Barbara Eden stated that a lot of things that she wanted to speak to have already been covered. She is concerned about the traffic issue. That corner right now is very busy, particularly during school months. She asked where these additional people will get in and out without jamming up the traffic situation. No matter how the traffic flows, it will impact some road severely.

Ms. Eden asked that the Council consider an area for a park. It would be a wonderful addition and it would make the development much more acceptable to the whole neighborhood. She strongly suggests that the Council approve this for R-10 zoning, not R-7.

Mayor King asked Mr. Brown to call Mr. Ward tomorrow and talk with him and answer his questions about the percentage of affordable housing.

Ms. Terry Valiant acknowledged that traffic, trees and open space are a big issue for the neighbors. If annexed, the applicant will come back and have neighborhood meetings where concerns can be expressed and solutions achieved. They are willing to work with the neighbors on some of the concerns.

They would like to work with staff to try to solve the issues the neighbors have over connections. They may pursue the idea of emergency-only access with break-away gates to Furlong, if a connection is not needed between the developments. This would still meet the Transportation Planning Rule for trail connections. It could be that the primary access could be taken off Rosemont.

The applicant is required to do a transportation impact study that would take into consideration existing traffic counts, review the level of service at the intersections, and mitigate any problems. Speeds on the roads are determined by the State. The City has no jurisdiction unless they go to the State and make a case for reducing the speed limits.

The lot sizes through the R-7 are close to what exists in the surrounding development. They would still like to request the R-7 zoning for this site.

Council President Burgess asked if there is a need to condition this annexation to wait until the Rosemont improvements are made. Mr. Howard stated that the improvements are being made now to the water system. Development wouldn't happen in this situation until water is available, whether it is annexed or not. Property is not allowed to develop until adequate resources are there to support it. A condition on this annexation could be imposed; however, development cannot happen until the infrastructure is there to adequately support it. The improvements are being funded entirely by the developer.

Councilor Cummings noted that today there is no water pressure to serve this particular application. There is every reason to believe that there will be service in the near future with improvements that are currently being made. She would like some understanding from the property owner that they cannot plat their property until the water pressure is in place.

Mr. Garzini stated that staff is content that the water will be in place. There was brief discussion regarding moratorium and infrastructure that is not yet ready. It is purely a matter of the infrastructure not being complete and activated. It is common for developers to come forward and ask for something before the development would actually be allowed to occur. These things are developed in the platting process.

Councilor Gates asked when the Rosemont Pressure Zone Project would be completed.

Mr. Howard stated that construction should start the latter part of August and be completed sometime in October/November. The City is working with the developer's engineer. They have contracted to do the work.

Mayor King closed the public testimony portion of the hearing and opened the meeting to discussion among the Council.

Councilor Cummings stated that, considering the fact that there is a drainage way on the property that would need to be restored when development takes place, she feels that it would be appropriate to make this site an R-10. She hopes that the applicant works with the neighborhood association very closely to provide surrounding properties with buffering so their sense of separation is honored and the traffic flow issues can be worked out.

Council President Burgess noted that the 2004 Water Master Plan is the City's master plan at this point until changes are made. He questions issues of the 1999 to 2004 update in terms of storage, zoning, and pumping versus gravity and allocations to growth. Many of the storage issues relate to existing development more so than future development. Staff has confirmed that West Linn has one of the lowest standards in the industry. Water master plans should be updated every five years and the last update did not include the appropriate data to do a whole master plan. He does not see this as an issue for holding up annexations.

Councilor Eberle stated that this annexation request is a good example for why the City needs to look at annexations as a whole and come up with a process for dealing with parcels within the confines of the border of the City. She does not feel the City has control over whether or not this water supply is going to come forward for this property. She is reluctant to go forward with this annexation until the water supply issue is solved and a master plan developed on how to address development of these un-annexed areas.

Councilor Cummings stated that the annexation process does give the Council an opportunity to review these applications and make changes, if need be. She suggested extending the 120-day rule and continuing the hearing until there is certainty about the water supply. Approving Step 1 doesn't necessarily mean that Step 2 will be approved. She does not feel this application has met the criteria; there is no water pressure right now.

Councilor Gates stated that he concurs with Councilor Cummings that the language should be as tight as possible if approved relative to the water situation. The issue for him is the R-7/R-10. He will be requesting R-10 to continue the consistency along Rosemont Road.

Mayor King stated that he agrees that consideration should be given to whether the resources are there. According to staff, the resources are there. He does not think there will be development on this property before this October. He would prefer R-7 zoning, but it is not a big issue to him. Bigger lots will result in bigger houses.

Councilor Cummings suggested a condition that the property owner shall be prohibited from platting until the City's public water system is in place.

Councilor Gates moved to approve Step 1 Annexation 05-06, 6.2 acres at 1165 Rosemont Road, per Agenda Bill 05-07-04 with the following modifications:

- **No. 5: Changed to read, "The City Council found that the proposed change will promote or not interfere with the timely, orderly and economic provisions of public facilities and services, except for water."**
- **Next sentence amended as follows, "The Council finds that development cannot occur until existing deficiencies in the Water System's Rosemont Pressure Zone are resolved, thus allowing this property owner, if annexed, to connect to the City's water system."**
- **No. 6: Change from R-7 to R-10 and 10,000 square foot minimum lot size.**

Council President Burgess seconded the motion.

Councilor Burgess moved to extend the meeting to 11:45 p.m. Mayor King seconded the motion.

Ayes: Cummings, Gates, Burgess, King

Nays: Eberle

The motion carried 4-1.

Council President Burgess moved to amend the motion to leave the current language in No. 6 as it is (R-7). Mayor King seconded the motion.

Councilor Cummings stated that she is concerned that, if the zoning is changed to R-7, there will be more houses.

Council President Burgess noted that this property is bounded on two sides by major arterials. Staff is not going to be interested in seeing driveway cuts all along Rosemont Road and Santa Anita. Whether it is a PUD or an outright subdivision, he feels R-7 is appropriate; this gives more flexibility in terms of access, buffering, etc.

Ayes: Burgess, King

Nays: Gates, Eberle, Cummings

The motion to amend the pending motion failed 2-3.

The main motion was voted on as follows:

Ayes: Cummings, Gates, King

Nays: Eberle, Burgess

The motion carried 3-2.

3. Agenda Bill 05-07-05 RESOLUTION No. 05-21 Proclaiming that the Annexation of an Eight-acre property on Parker Road Received a Majority Vote as a Result of the May 17, 2005, Election and Will Thus be Annexed into the City of West Linn, Added to the Tri-City Sewer Service District, and Removed from the County Enhanced Law Enforcement District

Mr. Howard stated that this proclamation confirms that this annexation was passed by election and will be forwarded to Metro.

Council President Burgess moved to adopt Resolution No. 05-21 proclaiming that the annexation of an eight-acre property on Parker Road received a majority vote as a result of the May 17, 2005, election and will thus be annexed into the City of West Linn, added to the Tri-City Sewer Service District, and removed from the County Enhanced Law Enforcement District per Agenda Bill 05-07-05. Councilor Gates seconded the motion.

Ayes: Burgess, Cummings, Gates, Eberle, King

Nays: None

The motion carried 5-0.

4. Agenda Bill 05-07-08 Motion to Continue Public Hearing (MIS 05-01) Community Development Code Amendments for Willamette River Greenway, Docks

Councilor Gates moved to continue public hearing (MIS 05-01) Community Development Code Amendments for Willamette River Greenway, Docks, per Agenda Bill 05-07-08. Council President Burgess seconded the motion.

Ayes: Cummings, Gates, Eberle, Burgess, King

Nays: None

The motion to continue MIS 05-01 carried 5-0.

[Note: Continued to a "To be Determined" date that will be published in the *West Linn Tidings* when established.]

Council President Burgess moved to extend the meeting to 11:50 p.m. Councilor Gates seconded the motion.

Ayes: Gates, Eberle, Burgess, Cummings, King

Nays: None

The motion carried 5-0.

5. Agenda Bill 05-07-06 Acting as the Contract Review Board, Motion To Authorize the City Manager to Enter into Negotiations with Paul Brothers, Inc., regarding a Contract for the Phase 1 Development of Fields Bridge Park

Mr. Garzini stated that staff is asking for authorization to enter into negotiations with Paul Brothers, Inc. If this is approved, staff can present a product to Paul Brothers for consideration. He asked that the Council view the property and prepare questions and comments for the next meeting. Mr. Worcester stated that the project goal is to break ground and get grass planted by the end of October.

Acting as the Contract Review Board, Council President Burgess moved to authorize the City Manager to enter into negotiations with Paul Brothers, Inc., regarding a contract for Phase 1 Development of Fields Bridge Park per Agenda Bill 05-07-06. Councilor Gates seconded the motion.

Council President Burgess noted that this went out for bid. Two bids were received and Paul Brothers, Inc., was the lowest bidder by \$230,000. This is for the Fields Bridge Park to move forward with development of that property.

Councilor Gates called for the question:

Ayes: Eberle, Burgess, Cummings, Gates

Nays: King

The motion to enter into negotiations with Paul Brothers, Inc., carried 4-1.

6. Agenda Bill 05-07-07 Acting as the Contract Review Board, Motion to 1) Authorize the Allocation of \$90,000 from the State Revenue Sharing Account; and 2) Authorize the Award of a Contract in the Amount of \$89,947 to Halton Tractor for a new Roadside Mower

Acting as the Contract Review Board, Councilor Eberle moved to 1) authorize the allocation of \$90,000 from the State Revenue Sharing Account; and 2) authorize the award of a contract in the amount of \$89,947 to Halton Tractor for a new Roadside Mower per Agenda Bill 05-07-07. Councilor Gates seconded the motion.

Council President Burgess stated that this issue was discussed and presented by the staff as an item, but it was not funded. Due to beautification and safety issues, the mower needs to be fixed; otherwise, money is being wasted.

Mr. Garzini stated that there was dialog between staff and Finance and the equipment is way past any salvage value. It should have been turned over several years ago.

Ayes: Burgess, Cummings, Gates, Eberle, King

Nays: None

The motion carried 5-0.

Adjournment

The meeting adjourned into Executive Session pursuant to ORS 192.660 (2) (h) for consultation with counsel concerning legal rights and duties regarding current litigation or litigation likely to be filed. The Executive Session began at 11:53 p.m. Mayor King announced that the Council would not be returning into session tonight.