

A. CALL TO ORDER BY PRESIDING OFFICER

Council President Stegmann called the meeting of the Gresham City Council meeting to order on Tuesday, August 19, 2014 at 3:00 p.m. in Council Chambers located in the Gresham Public Safety and Schools Building, 1331, NW Eastman Parkway, Gresham, Oregon.

COUNCIL PRESENT: Council President Lori Stegmann
Councilor Jerry Hinton
Councilor Kirk French
Councilor Mario Palmero
Councilor Mike McCormick

COUNCIL ABSENT: Mayor Shane T. Bemis and Councilor Karylinn Echols

STAFF PRESENT: Erik Kvarsten, City Manager
Robin Franzen-Parker, Director Public Affairs
Eric Chambers, Senior Manager
David Ris, City Attorney
David Berniker, Director Urban Design and Planning
Brian Martin, Associate Planner
Mary Phillips, Associate Planner
Bernard Seeger, Director Finance and Management Services
Sharron Monohon, Director Budget and Financial Planning
Craig Junginger, Police Chief
Steve Fancher, Director Environmental Services
Susanjoy Baskoro, City Recorder

1. PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

Council President Stegmann led the Pledge of Allegiance followed by a moment of silence.

2. INSTRUCTIONS TO CITIZENS ON SIGNING UP FOR PUBLIC TESTIMONY REGARDING AGENDA AND NON-AGENDA ITEMS

Councilor French read instructions to citizens wishing to testify before Council.

B. CITIZEN COMMENTS FOR AGENDA (EXCEPT PUBLIC HEARING) AND NON-AGENDA ITEMS

1. CITIZEN COMMENTS

Teresa Parker who lives in the Chase Landing subdivision located off 282nd and 18th Court in Gresham discussed the storm water pond maintenance needs. Her situation is unique in that in 2007 during the initial development of the subdivision a Homeowners Association (HOA) was formed. In 2009 the HOA became inactive with the Secretary of State. In 2011 she purchased her home at which time she was told about the inactive HOA. She never received any documentation regarding the maintenance of the storm water pond when she purchased the home. She assumed the pond was maintained by the City as did the other neighboring individuals. In June of 2012 a renter contacted the City of Gresham to ask for the debris to be removed from the pond and repair a fence that had broken due to a tree that had fallen. At that time she was told the pond was a City easement located on her property to which she pays taxes and the maintenance costs falls upon the owner of the forty-four lots. There are only seven homeowners in the subdivision with the majority owning thirty-seven of those units. Primarily due to the safety concerns with the fence being broken and the neighborhood kids playing around the pond she contacted the homeowners and educated them on the situation. The City of Gresham has expressed the best option to ensure the collection of fees would be to activate the HOA. That would require a majority of the homeowner's approval. The owners are not willing to do so. She has sought guidance and suggestions from the City, contacted the Mayor's office, the Coalition of Homeowners Association, her realtor, anyone who will assist to provide some suggestions for a resolution. Everyone continues to refer to the activation of an HOA. Last month due to medical needs of her family it became necessary to put her house up for sale. In less than 48 hours she had an offer. Within a week after researching the pond issue, the buyer backed out because there was no mechanism in place to insure the fair collection of fees and maintenance for this pond. A second potential buyer offered advice that they would not be submitting a formal offer on the home based on the pond issue. She received another formal offer on the home. If she cannot resolve this issue, she will lose this offer also. When she spoke with Steve Fancher she was told there would be a proposal made to City Council to ask the City to take over the maintenance of these ponds at the Sept 2 meeting. She was advised that the proposal was set over to the November Council meeting. She is pleading for consideration to have this dealt with sooner than later as she is losing the \$250,000 of her home sale. She is taking time away from work to help resolve this issue. She feels like there is no possible resolution unless the majority of the homeowners agree to reactivate this HOA. The other option is for the City to take over the maintenance of these ponds. She understands the maintenance of the ponds is not something that would happen quickly but at least it would be a resolution to the problem. She appreciates the opportunity to bring this before Council.

Council President Stegmann thanked Ms. Parker for coming before Council. She asked Mr. Fancher to get together with Council to find a solution. The Council does not want this issue to prevent her from being able to sell her home.

Sue Ruonala said she is testifying in support of Ms. Parker and the private pond issues. These private stormwater ponds have several different ownership variations and she has never been

able to determine how they were implemented. The forty-four parcel subdivision where Ms. Parker lives has one person who owns thirty-seven of the parcels. He is not willing to activate an HOA. Ms. Parker is at the bottom of the subdivision and the water runs downhill. She asked the Council to assist in resolving Ms. Parker's issue.

Council President Stegmann asked the City Attorney if there is some type of letter of support to provide showing the City's intention that might help to sell the property.

Lynn Walker said the complexities of federal government are difficult to understand. She is asking for help from the City in educating the community with a brochure that she received from the Oregon Department of Agriculture (Exhibit A) regarding shopping with a service animal. In Gresham, every licensed business is expected to follow the civil rights laws, but if they don't know what the laws are, how can they follow them. She is hoping that every business that applies for a license or renews their license will receive a copy of the civil rights laws.

Council President Stegmann asked if this issue has been discussed with Eric Schmidt, Director of Community Development. She asked that the brochure be given to Mr. Schmidt in an effort to do more research on the issue.

Ms. Walker said Mr. Ris told her this is not just a community development issue, it is also a disabled issue.

Council President Stegmann said she would ask Mr. Schmidt to contact the right people and then contact Ms. Walker.

Ms. Walker said she is a user of pawn shops and noted that pawn shops are not looking for gold and gems any longer but are looking for gaming systems and guns.

Council President Stegmann noted that guns and video games were already addressed in the code and what is on the consent agenda today were items not specifically addressed in the code. Other items are not being ignored, but it is necessary to address these items today. She asked Chief Junginger to provide clarification to Ms. Walker.

C. CONSENT AGENDA

Susanjoy Baskoro, City Recorder, read the Consent Agenda.

1. APPOINTMENT: CITIZEN INVOLVEMENT COMMITTEE

2. GRESHAM REVISED CODE AMENDMENT RELATING TO PRECIOUS METAL AND GEM DEALERS AND SECOND HAND DEALERS CODE

3. RESOLUTION NO. 3171: ACCEPTING AND APPROPRIATING A GRANT FROM METRO TO SUPPORT THE CITY OF GRESHAM'S COMMERCIAL FOOD SCRAP COLLECTION PROGRAM AND RATIFY THE GRANT AGREEMENT

4. REAPPOINTMENT: PLANNING COMMISSION

5. COUNCIL MEETING MINUTES: APRIL 8, MAY 6, MAY 13, JUNE 10, JUNE 24 AND JULY 15, 2014 MEETINGS

A motion was made by Councilor Mario Palmero, second by Councilor Kirk French, **TO APPROVE THE CONSENT AGENDA ITEMS C-1 THROUGH C-5.** The motion passed as follows:

Council President Lori Stegmann	YES
Councilor Jerry Hinton	YES
Councilor Kirk French	YES
Councilor Mario Palmero	YES
Councilor Mike McCormick	YES

ABSENT: Mayor Shane T. Bemis and Councilor Karylenn Echols

D. PUBLIC HEARING

E. COUNCIL BUSINESS

1. DESIGN DISTRICTS

David Berniker, Director Urban Design and Planning introduced Design Commissioners Rob Cook, Chair, Tom Orth, Vice Chair, and Mike McKeel, and Mary Phillips, Associate Urban Planner and Brian Martin, Senior Comprehensive Planner.

Mary Phillips and David Berniker presented the staff report (PowerPoint Presentation B).

Commissioner McKeel said he has been a developer since 1973 and back then development began by figuring the lowest bar that could be attained. Many developers were working out of their garages and permits could be ascertained by hook or by crook. Back then he felt a certain sense of developer's guilt that these practices were taking place. With some of the multifamily development, especially in Rockwood, back then, it was clear there needed to be a better way to develop properties. Ultimately the Design Commission was established, however, without any teeth in it. Applicants would listen to the Design Commissioners, nod their heads in agreement and then go out and do whatever they wanted to do because all they needed to do was meet the code. In 2008 Council and the Urban Design and Planning Director gave the Commission more authority. Because of that, the level of good architecture, planning and development began to

occur. Every year since then development has gotten better. The Boys and Girls Club is an example of top of line developers. He stated he is very hopeful that the design standards can be applied to more areas. The City deserves good architecture, good planning and the flexibility to try different design ideas that still meet code.

Commissioner Cook was appointed to the Design Commissioner in 2000. There have been many changes over the years. The 2008 changes allowed the City to be able to enforce the Design Commission's recommendations. This was the turning point for development. As a Commission, a checks and balances approach was established. Many projects that were reviewed by the Design Commission were looked at recently. Some shortcomings in the process were found in what was actually built that the Commission was not aware of. Improving the process will ensure that these shortcomings will not come up again. They determined through this review process that one set of guidelines does not fit all the developments. The majority of the Commissioners have been on the Commission for at least three years. It is an enjoyable meeting to attend and a great group of people. They look forward to more projects and to improving the built environment.

Councilor Hinton referred to existing buildings in the western or far parameter of Gresham which has some development that looks like slum and blight, and asked if there was any way to restructure some of those developments.

Ms. Phillips said there are different levels of review as part of the design standards being applied when there is a development project. When there is an existing building going through a remodel, what is being changed must meet standards. If the applicant does not plan to change something in the design then it is grandfathered in, if they are planning to change something then it must meet the standards.

Tom Orth said the Design Commission does not have any teeth until a developer comes to the Commission with an application.

Councilor Hinton asked if this is something the Commission would like to propose.

Commissioner Orth said the Commission takes its orders from the Council.

Commissioner McKeel said if we concentrate on the new development it will have an effect on the old over time. Sometimes you see the good stuff and you blur the other. The City had a project regarding storefront improvements in downtown Gresham. He noted more of this needs to be done in more places.

Councilor French thanked the Commission for what they do. He appreciates the way the Commission is diligent to do the right thing for the applicant and this is a win-win for all involved.

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Councilor Palmero said this work is of extreme importance, he appreciates the flexibility and creativity and the stamp on improvement that is placed on the City by these developments. He feels the changes established by the Commission will push people to rebuild and the western part of the City will change as a whole.

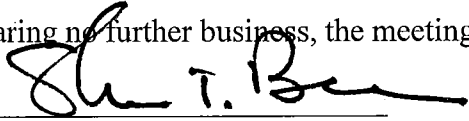
Councilor McCormick said the Design Commission has made drastic improvements to the City. He has had people from the west comment and ask questions about the improvements in the design of our developments.

Council President Stegmann thanked the entire Commission for serving the City. She noted that she loves to look at architecture. The work is somewhat foreign to her but to see the end result is remarkable. It is great to see the Commission circle back to older development and upgrade their work.

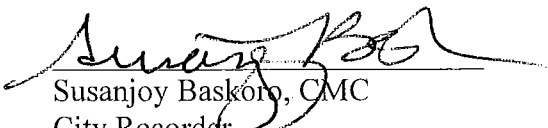
F. COUNCIL MEASURES AND PROPOSALS

G. ADJOURNMENT OF MEETING

Hearing no further business, the meeting was adjourned at 3:49 p.m.


Shane T. Bemis,
Mayor

Respectfully Submitted,


Susanjoy Baskoro, CMC
City Recorder