

A. CALL TO ORDER BY PRESIDING OFFICER

Mayor Bemis called the meeting of the Gresham City Council to order on Tuesday, July 1, 2014 at 6:00 p.m. in Council Chambers located in the Gresham Public Safety and Schools Building, 1331 NW Eastman Parkway, Gresham, Oregon.

COUNCIL PRESENT: Mayor Shane T. Bemis
Councilor Jerry Hinton
Councilor Kirk French
Councilor Karylinn Echols
Councilor Mike McCormick

COUNCIL ABSENT: Council President Lori Stegmann and Councilor Mario Palmero

STAFF PRESENT: Erik Kvarsten, City Manager
David Ris, City Attorney
Eric Schmidt, Community Development Director
Craig Junginger, Police Chief
Larry Foulke, Detective
Scott Lewis, Administrative Fire Chief
Steve Fancher, Director Environmental Services
Susanjoy Baskoro, City Recorder
Eric Chambers, Senior Manager
Ann Travers, Finance Manager
Bernard Seeger, Director Finance and Management Services

1. PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

Mayor Bemis 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 Echols read instructions to citizen wishing to testify before Council.

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

1. CITIZEN COMMENTS

Dean Hurford, communicated information regarding the implementation of the Bite of East County by the Fairview and Troutdale Business Associations. This event has no government financial assistance. The intent is to expand the event into Gresham. The event will take place at Columbia Park by Reynolds High School. The funds raised will go to Zarapheth Kitchen. The funds raised at last year's event provided 180,000 meals through Zarapheth's Kitchen. Last year, 1200 people attended the event and \$5000 was presented to Zarapheth's Kitchen. He invited the Council and provided two complimentary tickets for them to invite others.

Councilor Echols asked what the date of the event is.

Mr. Hurford replied July 26th from 11:00 to 8:00 p.m.

Councilor Hinton commented that having a business in Wood Village, he participates in this event. It is a great event with a wonderful purpose.

Mr. Hurford stated that the goal is to grow the event to a 5,000 to 10,000 person event and be able to move the location to Blue Lake Park.

Matt Field asked Council to review article 7.17 in the City Code concerning livestock and chickens. He received a courtesy letter in April concerning the state of his backyard and chicken situation. He resides in Rockwood, at 179th and Stark Street. Over the winter his bird's container was in disrepair so he had chickens out in his yards. This is the reason behind the courtesy letter. From his perspective, one of the problems is that he thought he was a Portland resident since his address was in Portland. The courtesy letter came from Gresham. This caused some jurisdictional confusion. He had always complied by Multnomah County rules regarding the safety of his animals and that they were caged appropriately. He also communicated well with his neighbors. He noted he did fail to get a permit but had made steps to be certain they were participating in the community in an appropriate manner. He has worked with Inspector Wheeler and also Rita Humphrey, whom have been very gracious and recommended he approach the Council to request that they look at the City's existing laws for livestock to make it more consistent with the County. He committed time and money into building a farm that is appropriate for the amount of space they have but also bigger than what the City currently allows. His extension for the courtesy letter is July 7th. He asked for consideration from the Council.

Councilor Hinton asked how many chickens he has.

Mr. Field stated seven chickens and three ducks.

Councilor Hinton stated he is not too far out of compliance.

Mr. Field stated compliance would be three chickens only.

Mr. Wheeler stated there was no room to wiggle. If we could find that room here it would be fantastic.

Councilor Hinton asked if he has any roosters.

Mr. Field said no.

Mayor Bemis asked how long he has lived at his current address.

Mr. Field responded since September 2009. They have had chickens since February 2010 without incident.

Mayor Bemis asked if this is the first time he has known that he lives in the City of Gresham.

Mr. Field said yes.

Mayor Bemis said he understands, this is not the first time this type of confusion has been brought to our attention. It is a Portland address but you actually reside in the City of Gresham.

Mr. Field stated it is an embarrassing mistake, but it was an honest mistake. He pays Gresham sewer and understands that works that way. He understands that lines cross sometimes with local government. He thought he was on the more chicken side of the line.

2. PUBLIC SAFETY COMMITTEE ANNUAL REPORT

Greg Moen, Chair Public Safety Committee, presented the public safety report including their disappointment that the safety levy did not pass in the May election. He noted the issue around Gresham residents having a Portland address and how the committee is trying to make a change in that area.

Councilor Echols thanked the committee for all their work and support on all projects but especially the public safety levy. She appreciates the comments about the unsuccessful passing of the levy. She shares those feelings as well. The levy went through a very good public process and it will be important to see how things move forward. The work that the committee put in on the levy is a very important part of the community.

Councilor Hinton echoed the comments of Councilor Echols. He applauded all the folks in the area of essential services, they do an amazing job.

Mr. Moen stated sometimes the citizens take the services of the first responders for granted, especially based on the budget level. We are very fortunate for the men and women who cover our backs.

Mayor Bemis expressed his sincere thanks to all the committee members. In the wake of where the public safety levy was, there are probably some things that the public safety committee can

take a look at in terms of revenue or red light cameras. It will be important to think about some different ways to provide services to the community and the Council will look forward to getting the committees input.

C. CONSENT AGENDA

Mayor Bemis read the Consent Agenda.

- 1. AWARD TO PRIVATE BUSINESS: CARPET REMOVAL AND REPLACEMENT**
- 2. AWARD TO PRIVATE BUSINESS: PURCHASE OF A REPLACEMENT COMBINATION CLEANER FOR WATERSHED OPERATIONS**
- 3. (ADD-ON) APPOINTMENT: CITY ATTORNEY STAFF**

A motion was made by Councilor Jerry Hinton, second by Councilor Kirk French, **TO APPROVE CONSENT AGENDA ITEMS C-1 THROUGH C-3.** The motion passed as follows:

Mayor Shane T. Bemis	YES
Councilor Jerry Hinton	YES
Councilor Kirk French	YES
Councilor Karylinn Echols	YES
Councilor Mike McCormick	YES

ABSENT: Council President Lori Stegmann and Councilor Mario Palmero

D. PUBLIC HEARING

- 1. GRESHAM COMPETITIVENESS**

Mayor Bemis read the Order of Procedure (Exhibit A).

David Berniker, Director Urban Design and Planning, introduced the agenda item.

Stacy Humphrey, Senior Planner, presented the staff report (PowerPoint presentation Exhibit B).

Lise Glancy, Government Relations Manager for the Port of Portland, provided testimony in support of the Competitiveness Project. Her testimony is attached as Exhibit C.

Carolyn Meece, Business Development Officer for the State of Oregon, the Oregon Business Development Department, said her role is to work with existing companies in the area, helping them to grow and also to recruit companies to the area. She applauds the work that Gresham is

doing relating to industrial sites. Her goal is to work closely with communities to bring industrial jobs to the area. Gresham is held up as an example of how to take steps to move forward, look at changes, and research ways to strengthen existing industrial projects. She noted her support of the Competitiveness project.

Carol Rulla spoke on behalf of herself but also bringing forth the message from the Coalition of Gresham Neighborhood Associations that were involved with changes in the Competitiveness project, noted her appreciation of staffs willingness to listen to concerns and suggestions of these changes. She encouraged the City to be proactive in talking with industrial partners to make sure they understand what changes are being considered and attend meetings regarding any industrial development.

Councilor Echols asked Ms. Rulla for clarification on whether the Neighborhood Association is in support of the proposed notification.

Ms. Rulla stated yes. The Neighborhood Association would prefer to keep the meeting, but understand the reason it is tailored to attract the industries we are trying to attract. The additional notification is at the time of pre-application which provides more neighborhoods with the actual plans so it makes it easier on the Neighborhood Associations to review the plans and respond with questions or concerns about the development.

Consensus of Council was to close the hearing.

Councilor Hinton said this is one of the most progressive and positives things we can do for our City. He is very excited about this. He asked for an idea of what some of the neighboring cities are doing to compare to Gresham relative to timing.

Ms. Humphrey said the cities she reviewed are Salem, Vancouver, Hillsboro and Wilsonville and all of these cities require a pre-application conference with the exception of Salem. All cities have in their code the state mandated 120 days to get to a decision. No other cities have codified something faster than 120 days. Codifying these faster timelines for our traded sector strategy allows us to market ourselves in a very positive and distinguished way.

Councilor Echols asked for more clarification on the context of Commissioner Anderson's concerns.

Ms. Humphrey stated the Commission vote was six to one. Commissioner Anderson was concerned about the modification of allowing civic uses still for the special use review regardless of street classification in industrial and commercial areas. His primary concern in industrial areas was potential conflicts between the normal traffic that would be occurring with truck movement and other vehicles that may be coming to a library or a police station or the like. His concern was greater in industrial areas than in commercial areas. He also had some concern that the wear and tear from vehicles going to a civic use may be more wear in tear than industrial use.

Councilor Echols asked for examples of the uses of concern.

Ms. Humphrey replied City Hall. For the most part all those uses would do their own analysis of where they would like to locate. Police and Fire stations are almost always want to locate on an arterial because of quick access. The Gresham library in downtown is not actually located on a minor arterial; it is located on a local street. The Rockwood library is on an arterial.

Councilor French said after all the hard work staff has brought a great plan to the City. He thanked staff.

Councilor McCormick reiterated what Councilor French stated and noted the positive and progressive attitude that Gresham has toward businesses. This is a plus for Gresham.

A motion was made by Councilor Karylinn Echols, second by Councilor Kirk French, **TO APPROVE CITY APPLICATION NO. CPA 13-232 BASED ON THE FINDINGS, CONCLUSIONS AND RECOMMENDATIONS OF THE PLANNING COMMISSION RECOMMENDATION ORDER, STAFF REPORT, AND THE CHANGES RECOMMENDED BY STAFF IN ATTACHMENT C; AND TO APPROVE THE FIRST READING OF COUNCIL BILL NO. 07-14.**The motion passed as follows:

Mayor Shane T. Bemis	YES
Councilor Jerry Hinton	YES
Councilor Kirk French	YES
Councilor Karylinn Echols	YES
Councilor Mike McCormick	YES

ABSENT: Council President Lori Stegmann and Councilor Mario Palmero

E. COUNCIL BUSINESS

1. GRESHAM REVISED CODE (GRC) AMENDMENT RELATING TO PRECIOUS METAL AND GEM DEALERS AND SECONDHAND DEALERS

Chief Craig Junginger presented the staff report (PowerPoint Presentation Exhibit D).

Mayor Bemis asked if the metal being referred to is only metal from commercial accounts.

Detective Foulke said it deals mostly with individuals coming into businesses to sell jewelry and old coins. A different set of rules apply if you have a business of selling precious metals to another business. For example, included in the ordinance is if you are one shop selling to another shop and the first shop has already gone through the hold period for 30 days they can come in to sell to a pawn shop and the pawn shop would still have to have a record of who sold it to them, but would not have to hold it for the 30 day period because that has already been met in the previous shop.

Mayor Bemis referred to metal signs that are being stolen and then traded for cash. He said it was suggested that if a check was issued instead of cash it might curb some of the theft of signs.

Detective Foulke said the precious metals mentioned within the ordinance are gold, silver and precious gems.

Councilor French asked what Best Buy purchases from the public.

Detective Foulke stated they have a buyback program for the cell phones they sell.

Councilor French clarified that it would only refer to one manager having a background check.

Detective Foulke stated background checks would be completed on the store manager and the department manager. Best Buy completes background checks on their own employees.

Councilor Echols asked for clarification on whether as part of a conviction the sentence would include restitution.

Chief Junginger said that is correct, it could be part of the court's decision.

Councilor Echols asked if the District Attorneys are in agreement with this decision.

Chief Junginger stated it is a habit to talk with the District Attorney about restitution back to the victims.

Councilor Echols asked what kind of training or notification is in place for the implementation of this ordinance.

Detective Foulke said he is working on a plan for training. All stores will receive notification before this is enacted. The stores have already received documentation on the plan while staff was seeking their input. On a regular basis he works with the shops and keeps the line of communication open.

Councilor Hinton asked if a store owner has a theft or fraud felony conviction are they allowed to have a business license.

Detective Foulke responded no. However, even if the past history has been taken care of, the Chief has the option to override and authorize the issuance of a license.

Councilor Hinton asked what if the owner has had a more egregious felony.

Detective Foulke said the proposed ordinance prohibits any convicted felon from obtaining a second-hand dealer or pawn shop license. They can have a business license for something else but cannot actually run a second-hand dealer or pawn shop in the City of Gresham.

Councilor Hinton asked if there is anything currently established to investigate eBay or Craig list areas for stolen property.

Detective Foulke said not in an organized fashion it is a huge area. As an investigator, he often checks Craig's list and other investigators that have had luck finding stolen items on Amazon, for example. These items are recovered. Most often when an item is recovered it is because the victim did the searching and then contacted the Police Department with the information. There are many stolen items being sold on Craig's list and it is a huge problem. The Police Department does not have the manpower to deal with this.

Councilor Hinton wondered if there is a third party software that might be developed to deal with this issue.

A motion was made by Councilor Karylinn Echols, second by Councilor Mike McCormick, **TO APPROVE THE FIRST READING OF COUNCIL BILL NO. 04-14 THE PRECIOUS METAL AND GEM AND SECONDHAND DEALERS ORDINANCE.** The motion passed as follows:

Mayor Shane T. Bemis	YES
Councilor Jerry Hinton	YES
Councilor Kirk French	YES
Councilor Karylinn Echols	YES
Councilor Mike McCormick	YES

ABSENT: Council President Lori Stegmann and Councilor Mario Palmero

2. GRESHAM REVISED CODE (GRC) AMENDMENT RELATING TO UTILITY BILLING

Bernard Seeger, Director Finance and Management Services, presented the staff report.

Mayor Bemis asked if everything is covered under the utility bill, including the temporary fee.

Mr. Seeger stated all the charges that are on any particular bill will be included.

Councilor Echols referred to single family dwellings that are rentals and asked if the owner or the renter is being billed.

Ms. Travers said it doesn't change that element. However, as a property owner you are able to put the water bill in your name and then choose whether to pass the charges on to the tenant. Most often the utility bill is in the name of the tenant. This change allows us to work with the owner to continue to be able to offer service to the new tenant if a tenant walks away without paying the bill.

Councilor Echols stated Clackamas County will no longer bill the tenants only the property owner. It may be less work for staff if not always dealing with tenancies issues.

A motion was made by Councilor Karylenn Echols, second by Councilor Kirk French, **TO APPROVE THE FIRST READING OF COUNCIL BILL 06-14 AND ORDINANCE AMENDING LANGUAGE TO THE GRESHAM REVISED CODE TO REFLECT CURRENT PRACTICES IN THE DELIVERY OF UTILITY BILLING SERVICES.** The motion passed as follows:

Mayor Shane T. Bemis	YES
Councilor Jerry Hinton	YES
Councilor Kirk French	YES
Councilor Karylenn Echols	YES
Councilor Mike McCormick	YES

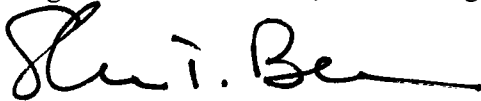
ABSENT: Council President Lori Stegmann and Councilor Mario Palmero

F. COUNCIL MEASURES AND PROPOSALS

None

G. ADJOURNMENT OF MEETING

Hearing no further business, the meeting was adjourned at 7:02 p.m.



Shane T. Bemis,
Mayor

Respectfully Submitted,



Susanjoy Baskoro, CMC
City Recorder

