

MINUTES OF COUNCIL MEETING
FOR THE CITY OF MAYWOOD PARK
04 February 2019 7:00-8:00 PM

- COUNCIL MEETING -

In Attendance: Mayor Matthew Castor, Council President Art Winslow, Councilor Jim Akers, Councilor Michelle Montross, Councilor Chris Williams.

Absent: None

Staff Present: City Recorder – Bonnie Davey; City Treasurer – Wendy Irwin; Transcriptionist – Lisa Higgins

Residents present: Nathan Montross, Jeff and Mary Jo Steffen, Mike and Faye Reynolds, Ben Harrison, Dustin Rotbart.

The City Council Meeting was called to order at approximately 7:15pm.

Approval of the January 07, 2019 City Council meeting and work session minutes. Approved as presented.

PUBLIC HEARING

Ben Harrison: A little history. For quite some time, Maywood zoning was under the auspices of City Council, whereby they adopted Multnomah County code. The ordinances, well they adopted a certain section of Multnomah County code, but it wasn't clear exactly what was adopted, so we made some assumptions for a long time, such as with Multnomah County's R7 zoning and some other facets. Recently we were required by Oregon statute to revise our zoning code to include accessory dwelling units, and that was the impetus for looking at our zoning code and updating it rather than just relying on the adoption of 30-year-old Multnomah County code. Some of the stuff wasn't applicable to our situation and some folks desired minor changes, so we decided to revise. What we have is single-family, multi-family residences and commercial, which is still a work in progress. What's been revised and out for public review is single family, multi-family residential.

The changes are pretty minor. There are a number of things that are no longer included that weren't applicable to our situation. Under old code there used to be no setback for auxiliary structures on the back lot line and now there is a five foot setback at the back, five on the side, which is the same, and 20 feet on the front yard. The rest is the same, on the height of the building, things of that nature.

Mike Reynolds: Does the multi-family have a limit on how many units per structure?

Harrison: Not specifically. You are already limited by having a lot of a certain size, only so many square feet of a lot can have a building put on it, and however many units you might want to put in the square footage you have and what is permissible. There is county code that already applies, you can't have 20 units in a building that can only accommodate 3 or 4 units. So, we have a couple duplexes a tri-plex and the apartments right now in the city.

Res: I ask because she had mentioned to me, the owner of the apartments, about adding a second story to one of the apartments. Turning it from a 4-plex to a 5-plex. I told her she should wait until the dust clears on the ordinance.

Harrison: And of course, now we have our ADU provisions as well, if someone wanted to have a living space in their garage that wasn't permissible and now it is.

Faye Reynolds: Even if the setbacks are currently not at the 5 foot?

Harrison: Well, it would depend on the situation, but I don't think, I can't think of anybody who has a building that will be problematic with the setbacks.

Castor: You would have to adhere to the setbacks if a new structure was built.

Faye Reynolds: What about parking?

Harrison: There are no provisions for parking.

F. Reynolds: There is no way she could increase above the four because of the sewage system.

Harrison/Castor. Yeah, that's true.

Harrison: Other questions or comments?

M. Reynolds: How long are they up for review?

Bonnie: We are keeping them up until the 8th, and we only had one comment from the Land Use Planner at Metro.

Harrison: We got a call from someone at Metro who was not clear whether our density capacity was being affected, and I said there was essentially no change, so he sent us an email stating they don't have issues with what we have proposed.

Bonnie: I had a brief call with Ann from the DLCDC asking if we were only changing our setbacks, and I said yes, so she was just confirming.

Castor: Ben, so there is no issue with us moving forward and addressing the residential zoning changes and then doing the commercial separate?

Harrison: Yeah, that's fine, one does not depend on the other. Basically, I took Multnomah County code and revised it to fit our situation. Commercial will be another beast entirely, it's more complex.

Davey: What are the next steps then?

Harrison: Record comments, respond to them and revise zoning provisions as necessary based on comments. Once we are satisfied we have a final product, city council adopts that and we notify our citizen as well as State and Metro of the new ordinance that's in place. Same as we did with the ADU ordinance.

Akers: Thank you Ben.

OLD BUSINESS

Castor: Resolution 264 updated bank signers?

Irwin: Yes, that resolution takes Mark off as signer and adds Michelle Montross to the OnPoint checking and savings accounts.

Resolution 264 – Updated Bank Signers - was approved unanimously as presented.

Castor: Update on the PBOT/102nd Project. Chris and I have been communicating with Clay Vika and team regarding their draft franchise agreement. We are trying to make sure with developing the IGA that we have recourse in the case of increased traffic within the City. Things we are trying to make sure are included in that are, the initial data they gathered. We weren't entirely happy with the data they gathered on their own, they came in will-nilly without notifying us and kind of placed road counters where they saw fit, so we requested they to another data count as the baseline before they do their project. But this time Chris and I were going to be involved in selecting where the counters were placed, how they were going to be placed, and when they were going to be placed. Last time they were measuring speed and traffic count but, in their notes, they showed us they were measuring peak volume during the day, but that might have been what was going out of the City and we want to measure what's coming in. So, we said no, no, no, we want the numbers for everything, but we really want the numbers coming in. Another thing is that when they were measuring speed, they didn't have their normal tech placing the bands and they placed some just before or after a speed bump. We had feedback for them on that. The other thing we had talked to them about was the contingency fund for mitigation devices. We wanted some funds dedicated in their budget to us specifically, earmarked only for City of Maywood Park, if we needed to add speedbumps or signage, to make sure there were funds dedicated to that. They had only allocated 5% of the budget, capped at \$37,000, which doesn't go very far, and we understood there was a 20% contingency for the entire project, so 5% of that 20% was earmarked for us, but we wanted to ensure we had access to that additional 15% if we needed it. So, I had taken that draft and pushed it over to Warren Allen for review and George is in the process of updating that language to add in accessibility to those funds, and to change some of the wording of our data

collection and evaluation and another thing he had pointed out was that in their evaluation criteria there were a number of trigger points where if they implemented the project we came back and measured traffic counts and say an increase in these different areas that that would trigger action and fix our problem. Their language was implying that we had to hit multiple of these points in order to trigger an action. George is going through and rewriting to make sure it's not many of these points, but just one of these points will have the option to trigger it. So, we're trying to go through and get that language updated in a timely manner, so when I get it back from him, probably midweek, so as soon as I get that we'll give it to the rest of the council for review. Once we're comfortable with the language, we'll push it back to City of Portland to review as well. We might wind up putting it up for comment or vote at the next or following meeting. That's where the status is right now.

Akers: This might be late in asking, but supposedly this is a study to see how to slow this traffic down and typically a study goes for a specific period of time. Is there language saying how long this study will be?

Castor: Yes, 6 months. We did try to change the language to firm that up as well, the original language was more vague on a start and stop time. We aren't under any illusion that this is a pilot, and I think there is an evaluation period to their project, but it would take pretty serious traffic issues or incidents for City of Portland to come in and remove it all. The likelihood that that is going to happen is incredibly low. So, I think in working through details of the IGA, we are trying to cover ourselves to make sure we have some money earmarked to us and make sure if we see any issues

Akers: So, it's 6 months after they implement it and then they have 6 months to see if anything has changed.

Castor: Yes, so after that 6 months we'll come back in with the traffic counters and measure speed and traffic volumes in Maywood Park and see if anything changes. Honestly, that's their timeline for evaluation, once that project starts, we won't wait and see for Maywood Park, we're going to keep a close eye on it. If we see things going south before then we'll get the counters back in and do our own evaluation and try to speed up their process.

Akers: The other safety aspect I'd like to ask about is, I know the statistics about crashes from law enforcement, City of Portland isn't keeping our statistics, only Multnomah County.

Castor: Multnomah County is tied into the Portland database as well, so Kevin can pull whatever statistics we need for that and we can specify what corridor.

Nathan Montross: Our position as a city is that we believe they are going to do this no matter what and we are trying to protect ourselves as best we can for the unknown.

Castor: Realistically, yes. If we dig in our heels and say no, we don't support this at all and we're not going to engage you guys at all and not work through an IGA with you, they will come

through and do the project anyway, but from Fremont to Prescott they will not change any of the striping on the Western side of 102nd, but they would change it down to one lane on the eastern half of 102nd, they would change the lanes north and south of us on 102nd, so what will happen then is they change all the traffic flows and we start to see the issues from congestion flow into Maywood Park. But because we have no agreement for evaluation and no commitment from them in terms of money, they look at us and say "Hey, you caused the problem." And we've got no recourse with them. We're trying to develop the IGA to put ourselves in the best position to mitigate any problems that might pop up because of it. We are all for public safety and we want our kids to be able to cross the street safely. The reality is we know there is going to be congestion and traffic issues, and we want to make sure we have the ability to make them deal with them.

N. Montross: I went to the PBOT meeting at the church and asked people through PBOT about funds to fix problems, and most of them didn't know about funds for that. And I asked about emergency vehicles, and what's going to happen when there is just one lane and their response was, most people will pull over into the bike lane. I don't know if that's true.

Castor: The way PBOT has engaged people out in the public has not worked in their best interest. We've gotten a lot of letters and emails from people who are unhappy.

N. Montross: People in Parkrose aren't happy.

Castor: My neighbor went to the meeting and was just infuriated as well. We got an email from a business owner down the street, but not in Maywood, who is frustrated, asking us what we could do to help. There is definitely a lot of skepticism about this.

Williams: One of the things that came out of the meeting we had with Clay and her team last week was that we weren't entirely approving about how the bands were originally put down. So we'll be there tomorrow when they put them down again, I'll help him locate where they put bands so when they do traffic counts we can get actual speeds, weather permitting.

Mike Reynolds: Well I appreciate Maywood Park doing your best and being proactive, and not letting it get to the point where it's too late.

Castor: I feel bad for the folks in City of Portland and Parkrose, at least we have the ability to negotiate to help ourselves if any of these problems pop up. The folks in adjacent neighborhoods are just stuck with it.

M. Reynolds: I have a friend who has a business on Halsey who is dealing with that with the construction, the City tells her nothing, and she just shows up to work and there are barricades in front.

Castor: It's interesting because if you look at MLK from Lombard to Broadway, people would probably think it would be inconceivable to narrow it down to one lane in each direction, but PBOT doesn't look at 102nd and 122nd as the same kind of thoroughfare.

M. Montross: Have they given a start date?

Castor: This summer. They are still in a final engineering and design phase, but the majority is road striping and they need to wait for it to warm up.

COMCAST FRANCHISE AGREEMENT

Castor: Has everyone on the Council had a chance to review these? (No)

Ok. Well let's not vote on something you haven't reviewed. Take some time and look them over, not much has changed, there are notes in here about what has changed. It's mostly new definitions, and how they define revenue in terms of time length and percentage things are remaining consistent, So, realistically this is business as usual. We won't see any increase or decrease in revenue. The Franchise was expired since Mark Ferrar hadn't gotten back to us, and when a franchise expires, they honor the existing one until a new one is put in place. So, this will just supersede the one that's expired. You all take time and read it and we can vote on it at the next meeting.

WASTEWATER SYSTEM AND FRANCHISES

Castor: Pace Engineering is finishing up combining their wastewater plan with the FCC document that Gordon had presented to us, and once that comes back from DEQ we can make language adjustments as necessary and plan for public hearings. In talking to Bill about what the timeline looks like he said with DEQ it could be anywhere from a month to a year. He's hopeful it will be closer to a month or two.

ZONING AND PLANNING

Winslow: We've already discussed zoning with Ben, he's been working on the commercial zoning side.

Harrison: Those are in draft, I have two for commercial, one for residential commercial, like the former daycare, and regular commercial, like the college. I sent those out toward the end of December, I'll let City Council look at them and decide on the approach. Basically, what I tried to do this time is to define the types of activities that were appropriate for those properties and set some provision in terms of height, footprint, parking, and landscaping, just general stuff rather than getting super specific. And then there are a few spots if we want to delve into some grey areas. One everyone has reviews it and has questions we will need to sit down and have a work session to discuss.

N. Montross: So, this is pertaining to existing business here, not opening the door for new ones?

Harrison: Right now, we have 2 commercial properties, but we don't have a definition of what a commercial property can encompass. So, for instance, if the college decided to sell their building, there is nothing to preclude all manner of commercial activities being there, maybe some we wouldn't particularly care for, and we couldn't say no. Now we are trying to define what is and isn't acceptable for that spot. It could be something different than the college, maybe

a building that has a commercial store and residential, but it's not going to be a car wash, or a gas station. We want make sure it's something City Council approves of for that location, and to preclude things we don't think are appropriate. Things that would be appropriate for the Skidmore commercial property may be different, the vision for that is quite limited.

Winslow: To add, I believe we are on the right path with the residential designation, and well on our way with the commercial, so I'm thinking of looking at other areas for ordinances that might need adjusting.

Harrison: We still need to work on variances, if people want to request a change, it applies to any of the properties.

Castor: So, it sounds like that's next on the list. I don't think we've resolved the tree ordinance yet either. Councilor Akers, catch basins and public safety?

CATCH BASINS AND PUBLIC SAFETY

Akers: I haven't had a chance to get out but I think when they resurfaced the ADA curb cut, I think they may have collapsed the line.

Harrison: I noticed a number of the corner drains they put some sort of fabric, to catch debris?

Akers: They are a sock. The ones on the outer parts of Prescott and 102nd, the County while they were maintaining them, they knew we had a problem at 99th and Prescott so they wanted us to try the catch basin socks in there. I believe those socks are still in there, but the last time we had it backed out something didn't go right and I think the drain is collapsed. If they aren't emptied, they just build up and get packed. We don't have equipment to lift the socks out, that would be the County.

Castor: They have removed most of the ones on Maywood place. They put those in to collect construction debris while they were doing work on the bike path. The Abney's had run into issues where it changed the water flow and was diverting water down 96th, crossing over 96th into their property, causing flooding in their garage. Mark communicated to the contractor and had the socks removed. It hasn't looked like they were having the same issue since then.

Akers: Those catch basins on the west side of Maywood place are 24 feet deep and have a drain in the bottom, so all the debris had filled them and was washing over the top.

Castor: Since Lt. Bevins is no longer our representative with the Sheriff, so now Brent Laizure is our liaison, and he is using the role here as a training opportunity for some newer deputies. Deputy Joe Frasier will be our representative at meetings, if any of you have noticed a city of Fairview rig in the city, that's Joe. He'll be at our next meeting.

CITY EVENTS

M. Montross: We are already registered for the national night out, which is the 1st Tuesday of August, so we don't have to spend the money getting a public toilet, we'll have the night out in

our front yard so we don't have to rent the toilet. Councilor Akers did an awesome job, he shut Maywood place off right there at Maywood Place and we didn't have any problems.

Castor: I don't have any reservation with holding it there, it's really up to you and Nathan, if you want to open up your property, we appreciate it.

Montoss: I made an executive decision, Nathan's fine with it. (laughter)

Castor: Great, give the receipt for payment to Wendy for reimbursement. Anything to report on LRC or League of Oregon Cities?

Montross: I haven't attended anything recently from Levee Ready Columbia, but League of Oregon Cities; the meeting basically told us our role as council members. I found it informative, having never been on a council before, I wished it was a little less rushed at the end. March 21st will be the League of Oregon Cities meeting in room 305 at Mt Hood Community College.

Winslow: Michelle, do you still have the contact info for Tri-met?

Montross: Yes, I know they really wanted to be there. It's on a Tuesday this year so hopefully they will be there.

Faye Reynolds: I emailed Tri-met recently because I have heard from several people who won't take the bike path to get to the transit center or Gateway anymore because of the safety issue with the homeless on the bike path and under the bridge being aggressive and violent. They'd rather take their chances crossing Prescott and Sandy than take the bike path. So, I emailed Tri-met to ask them to use their clout to pressure the City to clean it up and make it safe again. I have not heard back from them.

Winslow: This has been an ongoing issue, we have had this come up before. I don't know what they are doing, I see the quads with officers on them running back and forth, but I don't see them doing anything. Maybe the only way we can get them to do anything is to make a joint push with Parkrose.

F. Reynolds: I'm afraid there is going to have to be an incident for them to do something. Like the stabbing. Tri-met wants people to commute by train or bus but people don't feel safe getting back and forth.

Akers: I believe there was a thing recently in the news by ODOT where ODOT can go in and clean up the sites. From Sunnyside to gateway was supposed to be one of the sections to be cleaned up.

Castor: I can speak to Lt. Laizure to see if they can do anything, although it's outside their jurisdiction.

Akers: August Ardent with State, she's responsible for tagging and site cleanup. She says her hands have been tied up until now, I can reach out to her.

Castor: I know Tri-met pulls their public safety from the different jurisdictions, but I don't know if Tri-met can pressure city of Portland to change their policies on camping.

Winslow: I'll tackle Tri-Met on that. Mayor Castor will talk to the Sheriff.

M. Montross: I stopped the other day because there was a vehicle that look identical to our and he was parked across from Art's for 45mins to an hour, and I asked what he was doing and he said his daughter was down there ministering. I told him we were watching, and he left shortly but we couldn't tell if there was a woman with him in the car.

Castor: I think we need another push to reinvigorate Park Watch, since it's fallen off. I'd like to dedicate some time in an upcoming meeting to that so we can get as many people there as possible and try to break into smaller groups.

Montross: I was thinking that once a quarter we could have a park watch meeting and I was thinking once a quarter on the Monday in-between the city council meetings we could meet to try to keep the fire lit.

Castor: I hate that it seems to take vehicle break-ins to get people interested again. The next meeting will be pretty full but maybe the following meeting we can dedicate some time on the agenda to speak about park watch. I'd like to do some promotion before the meeting to get people there. Chris, anything new on IT?

I.T. AND WEBSITE

Williams: Yes, I've upgraded our G-Suite account, we've needed to do that for a while to support more email addresses and accounts and gets us into compliance for electronic records and email and helps with fulfilling public records requests. I've been talking with Bonnie and Matthew for a while about the website, and basically the content has grown and changed, so we want to make updates, like the navigation, so it's a bit easier for people to use. As far as codification efforts, I met with Former Mayor Mark Hardie to a knowledge transfer on this, and to get an idea of what our goals are for this process. I have a clearer idea now of what the goals are and am waiting to hear back from a vendor about coming up with another solution to organize our ordinances from a hierarchal system to put things into categories, to make things more organized. Part of that is working on archiving old ordinances that are no longer applicable.

Faye Reynolds: Can there be a City Council tab, so Council info isn't under events? I think of events like the garage sale.

Williams: Yes, we're working on that better organization. It also does not have a great mobile experience, so I'm working on that as well. I'll present the new sitemap to the council and get some feedback and go from there, get the changes up pretty quickly.

CITY RECORDER UPDATES AND COMMONS LIGHTING

Castor: Bonnie?

Davey: November and December reconciliations are done. I'm working on January. I took information on the new commons lighting and made a notice and I distributed that to 9 houses around the commons, so that task is done. I have a commons lighting update from Brian. January 14th the adapter came in, January 22nd the light was installed and it is set to come on with motion. It has a 240-degree motion sensor which is providing great coverage for the area, although a fir tree along the NW side of the commons blocks the sensor. It provides great coverage.

Castor: Jeff is it too bright?

Steffen: I like a lot of light, I have no problems with it. It is motion activated?

Davey: Yes. And so far, I haven't heard a response from anyone else about it. I did electronically distribute the Comcast draft to the Council, and I assigned myself the task of scheduling work sessions, and we've got Representative Barbara Smith Warner who wants to talk to the council, to give an update on her work and hear what's going on in Maywood Park. March 4th and March 18th there is no topic scheduled, but we so still need to address tree ordinance and commercial zoning.

Castor: Can we combine those?

Harrison: I think we'll want a separate session for the commercial zoning.

Castor: Let's plan on doing zoning first.

Davey: Commercial zoning March 4th and tree ordinance March 18th.

BUDGET AND BUDGET PLANNING COMMITTEE

Castor: Wendy?

Irwin: Still working on Internal Controls for Accounting. I hope to have a draft to the Council by the next meeting. We have completed our audit for June 30, 2018, they finished that last week on the 31st, so by the next meeting I will distribute a statement on the audit for comment. As far as the budget for 2019-2020, we are entering into the budget season, so I need two things related to that. A motion by the council to appoint me as the budget officer for the budget preparation process and a motion for approval of the budget calendar. The calendar sets out the statutory requirements for hearings and notices on the budget, the committee dates and hearing dates which are scheduled for normal council meeting Mondays. The budget process has to be done by the end of June, including filing the resolution for adoption.

Castor: You need to push out notice in the bulletin, correct?

Irwin: Yes, the first notice is the notice for the Budget committee meeting on April 8th 2019, it has to be between 30 and 10 days of the meeting. I need volunteers for the budget committee and we'll finalize that on March 18th. I'd also like to do a little training before. The committee consists of 5 council members and 5 residents. So, in the process I'll be putting together a budget

draft to hear what the priorities are of the Council for the budget year, so I can make sure those considerations are put in the budget. The process is, I do the proposed budget, the committee meets to make changes or add suggestions and to submit for final approval by the Council. I do have another question, last year the budget included \$30,000 for speed bumps on Failing and Maywood Place. Is that still happening? Do we need to roll it into next year?

Castor: Jim, what contractor are we working with on those?

Akers: I was kind of waiting because of the stuff with 102nd and that was taking priority.

Castor: I think It might be good to roll it over to next year so we can see how the changes on 102nd affect things, we wouldn't want to put them in until mid to late spring anyway.

Motion to Appoint Wendy Irwin as Budget Officer for the 2019-2020 year approved unanimously.

Motion to approve the budget calendar for 2019-2020 approved unanimously.

NEW BUSINESS

Nathan Montross: I'd like to put in the next bulletin that the Maywood Park 32nd Annual Garage Sale is on July 19th, 20th and 21st. Registrations will be in June. I'm interested in having more garage sale committee members, I'd like to put a note in the bulletin about that.

Davey: If you want to write up a volunteer blurb we can put it in the bulletin.

Williams: I'm curious about the dates, last year a lot of people had concerns about it being just after 4th of July and a lot of people were on vacation. I was curious about attendance.

N. Montross: I'm not going to change the dates this year, but I'm willing to discuss it for the future.

M. Montross: The last four years it's been the 3rd weekend in July. Last year we had over 60 houses participate which is the highest we've had since we started being involved.

N. Montross: I did feel like we had fewer people COME to the garage sale. Advertising was a part of it, I'm not sure how to make that better. That's why I'd like more committee members involved.

Dustin Rotbart: I'm here as a representative of Maywood Park Citizens in favor of a motion to ban Smart Meters in Maywood Park. I'm not sure if you read the Facebook discussion, but the reasoning is that there are in my view, some potential health hazards, like disruption of sleep, disruption of endocrine cycles, there is a lot of controversy around these things. I thought it was awful presumptuous of the electric company to just mail us postcards saying hey, we're going to put these meters on to have a more efficient data collection scheme, I thought that was

presumptuous, and I came to express that on behalf of several citizens and see if we could get that in motion.

Castor: I think Tara raised the initial concern and I think we want to give her the opportunity to educate us more on the topic, so we invited her and someone from the utility to come and talk to us at the next meeting. We've allocated the presentation portion of the meeting to allow Tara to come in and educate us. From what I read so far, I don't feel like I have enough information to make a decision, I Can see the arguments on both sides. I think a discussion would eb good, to learn from one another. So that's the plan so far.

Meeting was adjourned at 8:41pm.

Respectfully submitted by Lisa Higgins