

**MINUTES**  
**Troutdale City Council – Regular Meeting**  
**Troutdale City Hall – Council Chambers**  
**219 E. Historic Columbia River Hwy.**  
**Troutdale, OR 97060-2078**

**Tuesday, January 27, 2015**

**1. ROLL CALL, AGENDA UPDATE**

Mayor Daoust called the meeting to order at 7:00pm.

**PRESENT:** Mayor Daoust, Councilor Ripma, Councilor Morgan, Councilor White, Councilor Allen, and Councilor Wilson.

**ABSENT:** Councilor Anderson (excused).

**STAFF:** Craig Ward, City Manager; Sarah Skroch, Deputy City Recorder; Steve Gaschler, Public Works Director.

**GUESTS:** See Attached.

**2. CONSENT AGENDA:**

**2.1 ACCEPT MINUTES:** January 13, 2015 Regular Meeting.

**2.2 RESOLUTION:** A resolution accepting a permanent non-exclusive Water Line Easement and Maintenance Agreement across 2770 NW Rogers Circle from Swift Transportation Co.

~~**2.3 RESOLUTION:** A resolution approving a Multi-Phase Street Maintenance Public Engagement and Education Communications Plan. *Pulled from the Consent Agenda and moved to the Regular Agenda after Item #4.*~~

Councilor Wilson read the Consent Agenda.

Councilor White stated I would like to pull Item #2.3 and have it put on the Regular Agenda for discussion.

No objections were voiced.

**MOTION:** Councilor White moved to approve Consent Agenda Items #2.1 and #2.2. Seconded by Councilor Ripma. Motion Passed Unanimously.

**3. PUBLIC COMMENT:** Please restrict comments to non-agenda items at this time.

Diane McKeel, Multnomah County Commissioner, stated it is the beginning of a new year and I am looking forward to working with you this year on the issues that are important to Troutdale and the County.

Paul Wilcox, resident, stated my comment is actually regarding the instructions on public comments. I would like some clarification on exactly what subjects can be addressed during public comment and what can't be. The instructions state that public comment is limited to comments on non-agenda items. I was looking at the Municipal Code I ran across a reference to this and what is printed is not the full text. The full text reads, 2.08.100 – the citizen comment portion of the meeting is limited to comments on non-agenda and consent agenda items. The chapter directly preceding that on the order of business shows that the approval of minutes and consent agenda is item #2 followed by proclamations and then #4 is citizen comments on non-agenda and consent agenda items. My reading is citizen comment is allowed on consent agenda items and if that is the case it doesn't make a lot of sense that in the order of business that the citizen comments would follow the approval of the consent agenda. I would like some clarification on that.

Craig Ward stated I agree it doesn't make a lot of sense and we probably ought to fix that.

Mayor Daoust stated we may need to fix that. The way we have held our meetings for the last 22 years that I have been on the Council is that the public comment has always just been on non-agenda items. There may be a reason for that; maybe we had a discussion on that already. We can look into that and clarify the language that we have that conflicts with what our normal practice is.

Paul Wilcox asked since Councilor Wilson pulled Item #2.3 from the Consent Agenda would this allow comment on that item or not.

Mayor Daoust replied no, it would not.

#### **4. PRESENTATION: A presentation on preventing under-age smoking.**

Deborah Kafoury, Multnomah County Chair, stated we are here to talk about youth access and exposure to tobacco and e-cigarettes. Over the last several months the Multnomah County Board of Commissioners, acting as your Board of Public Health, has heard testimony from the Health Department and the Oregon Health Equity Alliance about the impacts of tobacco and the emergence of e-cigarettes on our community's health. We have also heard from high school students, the police who work in our schools and scientists who study this. The County is considering taking action on this issue and we want to make sure that you receive the information that we have received. Last week we spoke to Fairview City Council and next week we are headed to Wood Village. In a couple of weeks we will be at the City of Portland, and we have made contact with Gresham. We are holding some public hearings at the Multnomah Building; we had one today, and we have another one scheduled for February 5<sup>th</sup>.

I was really shocked when I recently learned that my 9 year old daughter can legally buy and use e-cigarette products. Many of these vaping liquids contain nicotine and other ingredients that may be harmful, are probably harmful, but we don't know what is in these ingredients because there are no labeling requirements. We do know that recently a child died from ingesting the e-cigarette liquid. E-cigarettes are extremely popular with our youth. Use has tripled among US middle and high school students in a one year period. New vaping shops are opening up across our county. Many state and local jurisdictions across the country have taken steps to address this growing health concern. Multnomah County Health Department is recommending several steps that the Board of Health and the Board of County Commissioners can take on e-cigarette and tobacco use among minors. We are asking the public to weigh in and we would like your support. We are asking people to make recommendations on expanding the Clean Indoor Air Act to include e-cigarettes, and to restrict sales to and consumption by youth of these vaping products. We are also looking into the potential of licensing tobacco retailers. We know that the state is also considering taking action and we support their efforts. As someone who has served in the Oregon Legislature, sometimes good intentions don't quite get there so we believe that it is imperative for us to do something locally.

Dr. Jennifer Vines stated I am actually a family doctor but I worked in public health for almost ten years. Part of the reason I moved into a policy and public health role is to work with people like you who are the policy makers because you have such a far reach in terms of the good that you can do for a lot of people. Dr. Jae Douglas and I are here to give you a sense of what is going on in the world of tobacco and in particular nicotine especially as it pertains to youth.

Dr. Jennifer Vines and Dr. Jae Douglas showed a PowerPoint Presentation (attached as Exhibit A)

Dr. Jennifer Vines stated when people think of tobacco they think the nicotine gets you addicted and it is all of the bad things in the cigarettes that causes stroke and heart disease; all of that is true. What we are seeing now is a distilled form of nicotine. Nicotine itself is dangerous. The reason that it is dangerous for young people is because of the effect on their brain. The image on slide #3 (see Exhibit A) shows how quickly nicotine can saturate the receptors in the brain. During adolescence the brain is not yet mature so nicotine can actually effect the parts of the brain that play into intellectual function and the brains pathways. We have models from the Surgeon General's report suggesting long-term structural changes in the brains of young people who use nicotine. We also have seen several studies that associate youth nicotine use and behavioral problems later in life like depression, anxiety and substance abuse. Nicotine itself is a hazardous substance in addition to being highly addictive.

The vast majority of current smokers began before the age of 18, and almost all of them began before age 26. We have seen e-cigarette use triple nationally and we are seeing a similar trend in Oregon. People are surprised to find that there is absolutely nothing restricting the sales of these products to minors.

Dr. Jennifer Vines showed the Council a sample of what the e-cigarette product flavoring looks like. These are not in child-proof containers and young children are getting their hands on these. They are brightly colored and have names like blackberry cobbler and they smell like candy and fruit. The number of calls to poison control centers related to ingestion of these products has skyrocketed in the last several years, and sadly the death of a 1-year old in New York confirmed our worst fears, that this nicotine is clearly making its way into the wrong hands.

These products came onto the market in 2007. We know that in 2012 about 1 in 25 young people in Multnomah County reported using an e-cigarette, compared to about 1 in 15 who were daily users of cigarettes. I bring up old fashioned cigarettes for another reason and that is because in theory people under the age of 18 should not be allowed to purchase tobacco. We know that Multnomah County leads the nation in illegal sales of cigarettes and tobacco products to minors. If we are having a conversation about restricting access to these products, we have to talk about enforcement of those laws because clearly the laws that we have on the books, at least for our county, are not being obeyed. Hopefully I have created a sense of urgency.

Dr. Jae Douglas, Environmental Health Director for Multnomah County, stated as Dr. Vines said Multnomah County leads the nation in illegal sales to minors. The laws that we have on the books are not being obeyed. We have about a 31% rate of illegal sales to minors in Multnomah County, which is driving the statewide average up over 25% and nearing the danger zone for us in terms of some important federal funding that we receive for addictions and mental health treatment. Those dollars that we receive from the federal government to our State Department of Addictions and Mental Health are very much tied to those rates. We know that we have some work to do in the retail environment. There are a number of strategies that other jurisdictions have considered and some have used. You have heard the term retail licensing; eight communities in Oregon have already implemented retail licensing. Also location is an important strategy that some have used, specifically around locations near schools. Santa Clara County is a leader on the west coast. They have taken some pretty progressive steps toward prohibiting or restraining the retail environment. We also know that the companies that are producing both tobacco and e-cigarettes products are pouring many millions of dollars into advertising that is designed to entice younger purchasers of these products. Many jurisdictions have taken a step to increase the minimum legal sales age both for e-cigarettes and tobacco. Having these products on the front side of the counter has been something that many jurisdictions have taken action on and are considering. Price discounting - we know that youth are sensitive to price impacts and the tobacco companies know that as well so they use strategies to create smaller packages or single serving options. We also know that flavored tobacco with e-cigarettes or with menthol in traditional combustible tobacco are disproportionately used by youth.

There are a number of strategies that we know have been used and we will be considering for Multnomah County. We want to make it simple. We believe that given all of what we know, and much of what we don't know about the risks from these products, that we really must take some action. We have recommended to our Board of Health that we take three

actions. The first is to establish a minimum legal sales age for e-cigarettes to keep from producing another generation of people who are addicted to nicotine and will struggle with life-long addiction to nicotine. We want to keep these out of the hands of our youth, especially our very small children. We are recommending that age to be 18. The second item is we want to recommend support for modification of the Oregon Indoor Clean Air Act. We don't have jurisdiction over that but we want to include our support for State action on that. We do have authority to modify the Smoke Free Work Place regulations in Multnomah County, so we are recommending that e-cigarettes be included in Multnomah County in the Smoke Free Work Place Law. Finally, we know that we have a great deal of work to do with retailers and we are recommending that we embark on a series of conversations, discussions and actions to bring the retail environment into compliance with existing laws.

Mayor Daoust asked and that would be done by licensing?

Dr. Jae Douglas replied licensing is one mechanism that we can use. One of the things that we struggle with is that we don't even know where tobacco products are sold currently. Licensing would give us a way to know where the products are being sold, and to communicate with retailers to ensure that they understand what the laws require of them on a number of levels and to enforce these rules if they are being violated.

Councilor White stated I am just as surprised as you are on how they are able to buy these at such a young age and how that was overlooked. I would like to know more about the product itself and what the dangers are.

Dr. Jennifer Vines replied that is the question that everyone wants a simple answer to and unfortunately there are no simple answers for a few reasons. Part of it is there is just a lot we don't know yet. The science will emerge as it did with regular tobacco over years and potentially decades.

Chair Kafoury stated we do know that the Oregon Legislature was considering taking action on this in a prior session but it got tied up with the issue of taxation. Instead of making it illegal for a minor to purchase it they just kind of punted to this session, which unfortunately has given hundreds if not thousands of minors all across our state the opportunity to try out this new product. Our School Resource Officers think it is a huge problem at our schools and that kids are smoking marijuana in these devices in the classrooms at school.

Councilor Morgan asked is it true that PSU just concluded a study on e-cigarettes, or was it discussing the formaldehyde in the e-cigarettes?

Dr. Jennifer Vines replied that study has received a lot of attention in the last several days. They did find high levels of formaldehyde, but it was at very high temperatures so there is debate about what that actually means for your typical e-cigarette user. What it does speak to though is how much we don't know about these products. I would caution even adults who are using these products that they are completely unregulated so whatever it

says is in the bottle you have to take that on faith. We are going to slowly find out exactly what is going into these.

Councilor Morgan asked what are you suggesting that cities do, a resolution in support, or piggyback on what the County is suggesting to do?

Chair Kafoury replied there are several different things you can do. One of them is to support statewide changes. I do believe that this is an issue that should be handled statewide and having a uniform system would be the best. But until they actually do that you can pass your own ordinance or you can write a letter in support of what Multnomah County is doing. I know that the Fairview City Council is going to take action through an ordinance at their meeting next week. They are looking at three areas: prohibiting vaping in city owned facilities and parks; limiting the sales to minors; and mandating that these products are placed behind the counter.

Councilor Ripma stated the reason that smoking indoors is prohibited is because of second-hand smoke, I believe that was the driver. Is there evidence that second-hand breathing of the output of the e-cigarettes is harmful? Is that the reason you are thinking of prohibiting it indoors, or what?

Dr. Jae Douglas replied we want to make sure that people who choose not to use these products have their wishes honored. We don't know all of what is in the vapor that people are breathing into their lungs. We also don't know what is being expelled in the emission when they breathe it out. If someone is vaping next to me than I am vaping and that is taking my choice away.

Councilor Ripma stated you also mentioned they are used in schools by students and that is probably a reason in itself. I agree it should be encouraged that the State adopt it because it is very easy to go across county lines but a little harder to go across state lines. If the County adopts this would it automatically apply in the cities?

Chair Kafoury replied when Multnomah County passed the Smoke Free Workplace ordinance several years ago cities didn't have to pass it as well, but there are some city attorneys that disagreed and said that the cities have to affirm it. I am here to ask for your support in whatever way makes you most comfortable. We do believe that the only way that these rules are going to be enforced is if everyone agrees that this is the right direction to head.

Councilor Ripma stated certainly you have alarmed me. Please keep us informed about what you are planning to do. I for one would be supportive.

Councilor Allen stated I would like to see the ordinances you are considering. Is there any difference in the nicotine levels in the various products, and what are your thoughts on those different levels?

Dr. Jennifer Vines replied these products will claim to have different levels of nicotine so you will hear people who have stopped using cigarettes who say I have tapered down and I am using lower and lower concentrations of nicotine. Some also will claim no nicotine. Again, because this is unregulated we can only guess as to what is actually in the bottles.

Chair Kafoury stated Multnomah County is looking at banning use by minors and sales to minors. We are looking at making vaping the same as smoking tobacco products under the Smoke Free Work Place. We have draft language around those areas that I would be happy to share with you when it is finalized. We are also looking at licensing. I think the licensing piece could take longer.

Councilor Wilson asked is the fact that we don't have an age limit unique to Oregon, or is this a problem in other states?

Dr. Jae Douglas replied we are one of eleven states that does not have a tobacco retail licensing program that would then limit access to minors. We are certainly the minority.

Liz Smith Currie, Policy Advisor to Chair Kafoury, stated many states have enacted legislation regulating the sale to or possession by minors. I can email that list to you. California and Washington both regulate the sale of e-cigarettes to minors.

Councilor Wilson asked at the school level, would it be up to the school district to make a policy to restrict them from the schools? Right now are they legal in the schools?

Chair Kafoury replied I have not researched all of the school districts in Multnomah County. I do know that some have banned them.

Claudia Black, Government Relations Director for Multnomah County, stated one of the Gresham School Resource Officers that attended a meeting earlier mentioned that kids are using these devices to vapor hash oil at school. That is another ball game. This has moved so quickly and we are behind the curve on this.

Mayor Daoust stated I strongly support what Multnomah County is doing. When it comes to Troutdale, we will have to decide to accept the Multnomah County ordinance to be consistent with how we have dealt with other Multnomah County ordinances, or develop our own ordinance. I would suggest that we do one of the two.

Councilor Ripma asked why does Multnomah County lead the nation in tobacco sales to minors?

Dr. Jae Douglas replied I have not heard a good explanation for that. It has been a long-standing trend.

Chair Kafoury stated we do know that part of the reason is because we don't know who is selling it. It is not all about the regulation side, it is also about the education and training of employees.

**2.3 RESOLUTION:** A resolution approving a Multi-Phase Street Maintenance Public Engagement and Education Communications Plan.

Mayor Daoust stated this item was pulled off of the Consent Agenda by Councilor White so I will ask Councilor White to start the discussion.

Councilor White stated I think something got lost in translation from the work session we had. I was expecting to see a much lower cost for the initial first step to see if there was any support from our residents prior to going forward. I also thought it was noteworthy to mention Portland's recent change by pulling their street funding mechanism in lieu of waiting for the State Legislature to impose a gas tax. I think that has merit. I got the feeling I wasn't alone on that. Spending \$30,000 for Phase 1 seems high to me. I really think it is something that the City could do itself. I think we have really educated voters. I am not against a fuel tax or gas tax, but I am against spending the \$70,000 to educate the public.

Councilor Wilson stated Portland pulled their utility fee off the floor temporarily because they were put under pressure from the Governor's office and from the Speaker of the House to pull it off. In the article I was reading, even if they raise the gas tax \$0.08/gallon it is only going to take care of a quarter of what they need. I asked Steve what it would take to make us whole for the \$400,000 that we need, and it will take an increase of \$0.14/gallon to get it to that point. I know you are not against the tax. My point is whatever the State is going to do is not going to be sufficient and everything is going to be back on the table. Looking at the other two cities that tried to pass a fuel tax this last year and failed, we can't just take the assumption that we are going to be able to get it done. Steve said he doesn't have the manpower or the ability to do it out of his office which means that we are going to have to hire somebody to help us.

Councilor Morgan stated I was for it initially and I am still for it. This morning the Senate Committee on Transportation met and the Senate President said he is less than optimistic, in fact pessimistic, that they are going to take on any transportation bill. I know that this might be a little bit more than what everybody is wanting but I think we also want roads that are going to be solvent for the future. I think not only are they credible, but they have a track record of doing what we need.

Councilor Ripma stated at the work session I favored waiting to see if the legislature would do something and I still feel that way. I feel even more that way because of what Portland did. If any city in the state is going to have enough influence to urge the legislature to do something it will be Portland. I am in favor of us having a gas tax that benefits Troutdale's streets. The professionals (Barney and Worth) mentioned \$0.05/gallon which I didn't favor. I do think we should give the legislature a chance. It would be better to have it done by the legislature then to spend this money and try to do it locally. If Portland thinks they need \$0.14/gallon, we don't need that much. I think \$0.14/gallon is needed statewide. I am saying lets give the legislature a few months. We will know in three months whether



they are going to do anything or not, rather than spending this money, which I think looks a little excessive to me. I do want to do it; I am in favor of doing it but I think we are jumping the gun. I spoke up at the work session that I wanted to wait. Portland, the biggest city and the one who is having the most trouble over this issue decided to wait, I think Troutdale would be wise to wait also.

Mayor Daoust stated that is, in my mind, the only decision we have. As a Council we agreed at the work session to have this firm do what they said they would do.

Councilor Ripma stated but we were going to bring it back to...

Mayor Daoust interrupted and stated the only thing we wanted brought back on the consent agenda was a breakdown of the cost for the phases; break it into components so we can make a decision at the end of each phase. That is what we wanted and that is what we got. There may be a little sticker shock with phase one, but that wasn't part of the decision.

Councilor Ripma stated Mayor, we also have new information. New information that came since we met. Had Portland acted before that work session meeting, I am hoping that some of you would have joined me in wanting to wait. That is new information that we didn't have then. I think Portland made their decision a day or two afterwards.

Mayor Daoust stated I am agreeing with you. I think your point is the only decision of where we are at right now.

Councilor Morgan stated we have even newer information this morning that the Senate President said they are not going to take it up. He is from Portland, he is the Senate President, and he said he is pessimistic that they are going to take any transportation bill up. And Portland's wasn't on the sole merits of a gas tax, so it is apples and oranges. Having a user fee for roads is completely different than a gas tax for fuel. One is a lot more palatable and has historically been passed, the other one is a new concept.

Councilor Allen stated I feel quite confident that at some point a gas tax is going to be passed by the state, maybe not this session. Could we go for a fuel tax up to so many cents per gallon so that we can adjust it down if it turns out that we are receiving too much money in the fund? If that is possible than I would like to see sooner rather than later myself just because once streets deteriorate you are not getting that back. Prevention is so much cheaper than repair.

Mayor Daoust stated I think we are struggling with what we do compared to what the state does. Whether to proceed with polling the public right now, or waiting until we get a better indication from the state. I don't know that I would want to wait two or three months. Maybe we will get an indication in one month. Although I would agree if Peter Courtney says they are not going to deal with it, I tend to agree with Peter Courtney.

Councilor Ripma stated he said he wasn't optimistic.

Councilor Morgan stated he said he was pessimistic.

Mayor Daoust stated I tend to agree with the person who spoke with us at the work session who said the same thing as Peter Courtney did. I think our struggle is timing. We can wait a month and bring it up again, or we can move forward with the public polling. The advantage of moving forward before the state does is we would have a local gas tax that is only \$0.05/gallon before the state ever moves on a \$0.18/gallon gas tax; we would be first out of the gate.

Councilor Wilson stated I asked how far \$70,000 would go on our streets and the answer was we would be able to have slurry seal put on two streets. \$70,000 does not go very far on our streets. The other thing I would worry about with the state passing another gas tax is them imposing the same restriction that we would have to wait so many years before we were able enact our own gas tax, and then they would probably come back and say they were going to do it again at that point.

Councilor Ripma stated if they are going to do that we wouldn't be able to put one in place anyways. Our gas tax will be easier to sell frankly. As soon as we know that the legislature isn't going to act to help us, we know that there is a crisis here and we can probably sell that to the voters. Why don't we at least make sure that the legislature isn't going to act? I think it is premature. I favor waiting, even if it is a month. We should know fairly quickly whether they are going to act on this or not.

Councilor Allen stated I know that without some kind of education process people may not understand how much cheaper it is to maintain roads than it is to replace them. I know that I am not personally prepared to take that on myself, which means we need some vehicle to educate the public. It was my understanding that this would come up to us on the consent agenda for our approval, I didn't realize it was approved at the work session.

Councilor White stated when we first talked about the gas tax it was \$0.01 to \$0.02 and now I am hearing \$0.14. I worry about the \$70,000 because I actually think it will be counter-productive. I think the message should come from leadership, us, like we have always done. I don't like to see a new trend in Troutdale of hiring lobbyists to educate our highly educated voters. I have a lot of faith in our voters. I think it would be counter-productive to spend the money. We are facing this potential police merger, our fire contract and there is a lot going on with urban renewal. Again, I am not against this tax, I think it is probably a good mechanism and is the fairest way to fund it out of all of the options we have explored. If we could buy ourselves a little time to focus on these more pressing issues and get a few of those checked off, I think it would make a lot of sense.

Councilor Wilson stated the \$0.14 was not the City. The \$0.14 was what the state would have to raise it to in order for us to receive the \$400,000.

Councilor Morgan stated the state hasn't done anything since the 90's for an infrastructure tax, fuel tax, or gas tax and I never thought I would hear anybody say lets just wait to see what Salem does. They haven't done anything in over 20 years.

Councilor Ripma stated this is a different legislature than they have had. They have been very split for the last 20 years. The chance is as good as it is going to get.

Councilor Morgan stated the whole reason for moving forward with step one with the outreach was so that if we needed to move forward in a special election in May we could. If we wait a month and it takes two months to do that, then there is no time.

Councilor Ripma stated this is outlined for November.

Councilor Morgan stated in their presentation they said depending on what your targeting and what the information says you might be going for a special election or a different demographic in the November election. It all depends on what the data we receive says, which will indicate what election we would target.

Mayor Daoust stated there is a May election timeline and a November election timeline included. We are not voting on May or November right now. What Councilor Morgan is saying is if we put this off too long you can toss out the May election.

Councilor Morgan stated we don't know what we don't know. Maybe the citizens love it, or maybe they hate it. We are spending \$30,000 to find out what the citizens want using professionals who have a record of doing this. Knowledge in this case is very powerful. I don't feel comfortable operating in the dark in this situation without knowing what we don't know currently.

Mayor Daoust stated I think Councilor Anderson would agree with you. I tend to agree with you. I think what we have in front of us now is to vote on whether we want to move ahead right now and adopt the consent agenda item. I don't know if waiting a month would tell us how the legislature is going to roll. I don't want to wait too long before we address this again if we do put it off right now.

Councilor Ripma stated if the legislature is not going to act I would go along with doing this. I just think it looks like we are not taking advantage of the chance of having the legislature act.

Councilor Morgan stated it has been 20 years so what is another year.

Councilor Ripma stated I don't agree with that. This is the first time that it is realistically even an option. It has got some publicity and support from Portland and that counts for something. Peter Courtney said he is not optimistic, but that doesn't mean he is not going to fight for it.

Councilor Morgan stated he is just one vote in the transportation...

Councilor Allen interrupted and stated I was hoping there was going to be some discussion on whether this was the vehicle to use.

Councilor Ripma stated I favor the gas tax.

Councilor Wilson stated I think he means the company, right?

Councilor Allen stated the approach, yes.

Mayor Daoust stated we were just given this tonight. I wasn't prepared to put a stamp of approval on how this company operates. I think they worked into the process check-in times with the Council. They want to know what questions we want asked. They want to know certain things before they start putting things out to the public. I am not prepared to put a stamp of approval or not on their product they are creating. I think we agreed to hire this firm and let them do their thing; they are the professionals.

Councilor White stated I would like to do this vote with a full Council. Can we postpone this vote until the next meeting? That would give us time to look at this as well.

Councilor Morgan asked on the consent agenda?

Councilor White replied yes, just item 2.3.

Councilor Wilson stated what Councilor Morgan is asking is that it not get pulled off of the consent agenda again for further discussion.

Mayor Daoust stated no, we would put it on the regular agenda.

Craig Ward stated the ground rule is that non-controversial items can go on the consent agenda. I think we have proven that this doesn't qualify as a non-controversial item.

Councilor Morgan stated I was under the understanding that we all agreed to step one if you read the meeting minutes.

Councilor Allen stated it is a pretty tight time schedule if we are going to go for the May election. Does anybody have an idea if Councilor Anderson has any strong objections?

Councilor Morgan stated I talked to him yesterday. He was concerned about the legislature.

Mayor Daoust stated I talked to Councilor Anderson today. He is okay either way; proceeding tonight or waiting one month.

Steve Gaschler, Public Works Director, stated we tried to get this issue back in front of you in November but because of issues we didn't make it. We tried to come back again

in December and didn't make it. We are already pushing this. I know two weeks doesn't sound like a lot of time but to be honest with you to get the work done so that you can make a decision on whether or not to put this on the ballot in May, we are going to have a hard time turning that around in a short timeframe. If we lose another two weeks I don't know that we can get it done. If we delay this I think it takes May off of the table and puts us into November or even the following year.

Craig Ward stated we had a brief discussion about this today. On February 24<sup>th</sup> we have scheduled a vehicle fuel tax measure. It is my understanding that the Council in a month would have to approve the wording of the ballot measure in order to have it on the May election. I don't think we have a chance of getting it on the May ballot. The notion that the Council would weigh in on the questions for the survey, and then the survey would be conducted, then it would be presented to you, and have a ballot measure ready in what is less than a month is extremely ambitious.

Councilor Morgan asked Craig, so you are saying if we did something tonight there would be time for the May election, but if we do it next month there won't?

Craig Ward replied actually I don't think it is feasible to hire the firm, go through the process they have, come to a conclusion based on the polling results in less than a month to then approve a ballot measure title in order to get it on the May election. I don't think that is possible.

Mayor Daoust stated I am afraid we may kick ourselves for not taking advantage of the May ballot.

Councilor Morgan stated urban renewal passed in a special election. Most big things in Troutdale have passed in special elections in May, historically.

Councilor Wilson stated even if we passed this tonight, knowing how we operate sometimes, I don't think we can come to a consensus by February 24<sup>th</sup> on the questions and all of that. I would hope we would be able to, but I don't think we can get it done.

Councilor Allen stated I have talked to quite a few people about this and I actually haven't come across anybody that is in favor of a gas tax until you explain to them what the problem is. I am pretty cheap and I would much prefer maintaining these streets than replacing them. It bothers me that on some of the streets I am seeing them go to a level that isn't up to what I prefer them to be. I know that I am not prepared to take this on myself so I want to hire somebody to do it. I guess what I am asking is, we have part of this which is asking the interview questions, are they going to learn anything from that other than people don't want it. It is really an education problem.

Mayor Daoust stated you are right. I think that is part of phase one isn't it?

Steve Gaschler replied that is correct.

Mayor Daoust stated it is not just asking the questions, there is also some educational components to phase one.

Steve Gaschler replied there is some information that will go out in that survey to get those questions answered. It isn't just a one-way conversation. The bulk of the education would come later if the Council chooses to proceed.

Councilor Morgan stated it sounds like everybody is in support of the education so we have to educate the public, and everybody is in support of the fuel tax but for some reason we are waiting for Salem.

Councilor Ripma stated for a very good reason. I think it would look ridiculous for us to spend this money right now when we don't even know if Salem is going to do it. You are very confident that Salem won't. That would be the first question I would ask if someone came to me and asked me if I would support Troutdale imposing a gas tax. I would say that the legislature hasn't even met yet. By the way we are spending \$70,000 to find out if you are interested. I would say why don't you just wait; that is what I would say.

Councilor Morgan stated I thought we were spending \$30,000.

Mayor Daoust stated we are spending \$30,000 for phase one.

Councilor White stated Craig just said he doesn't think we have time to get it done. You have to look at our workload right now. Urban renewal, the fire contract, the police merger. I would hate to be distracted from any of those three.

Councilor Morgan stated that is why we are hiring them.

Councilor White stated that will start a whole batch of conversation, articles, and people calling. It will definitely be a lot of work.

Councilor Ripma stated we would look silly trying to impose this gas tax if the legislature actually did act.

Councilor Morgan stated we look really silly saying we are going to do something two meetings ago which we said we were going to do and now we are not going to do.

Councilor Ripma stated no, we said we would bring it back for a vote.

Councilor Morgan stated look at the meeting minutes.

Councilor Ripma stated we said we would bring it back for a vote; this is when we decide.

Mayor Daoust stated we approved it at the work session.

Steve Gaschler stated the amount of phase one is \$30,840.

Councilor Allen stated it looks like we had a gas tax raise in 2011, but it wasn't enough to meet our needs. I feel very strongly that the state will have a gas tax increase sometime if not this session soon, but it probably still won't be enough. I am still in favor of going forward with hearing research.

**MOTION: Councilor Morgan moved to approve Agenda Item #2.3 (a resolution approving a Multi-Phase Street Maintenance Public Engagement and Education Communications Plan). Seconded by Councilor Wilson.**

**VOTE: Councilor Wilson - Yes; Councilor Ripma - No; Councilor Morgan – Yes; Mayor Daoust – Yes; Councilor White – No; Councilor Allen – Yes.**

**Motion Passed 4-2.**

## **5. STAFF COMMUNICATIONS**

Craig Ward reminded the Council that there is an executive session scheduled for next Tuesday night on labor negotiations.

Craig Ward stated we have received a draft IGA from Metro for the Community Enhancement Fee. We will need to schedule that for a future meeting. It is my understanding that there is support for the IGA, but there are still questions pertaining to how we will organize a committee to review projects that are eligible under Metro's grant guidelines.

## **6. COUNCIL COMMUNICATIONS**

Councilor Wilson stated on February 12<sup>th</sup> Eastwinds is coming to the West Columbia Gorge Chamber of Commerce (WCGCC) to make a presentation on the urban renewal area. The Director of WCGCC has reservations on whether or not they ought to support Eastwinds and the urban renewal area which concerns me since they stand to benefit a lot from that. If possible I would like to have a couple of the Councilors or the Mayor and a Councilor come to that meeting to hear Eastwinds presentation so that we can show our support of the urban renewal area and Eastwinds.

Councilor Morgan stated yesterday the Mayor and I met with Creative Media Enterprises in Vancouver to discuss outreach. The Council had been discussing the 10-year extension, where we were going, what was going to be transpiring, and the Mayor has written some articles in the Champion. As the Council is trying to move forward on projects, especially urban renewal and getting things rapidly out to the public whether it be through social media or the web site, we thought it was important to at least take the first step and look at what we can do and what is out there for outreach. I think it was a successful meeting. The web site got brought up in our long-term plan and what we can do to make it more useful and less cumbersome. I think it is very important that this be a conversation piece as a Council - what we are going to do, what our outreach is going to

be on-going in our plan. I don't think we have had a lot of discussion about that. Not only are they great at what they do, but they could help us with social media and our website moving forward. The second part of that is council goals for this year, I wasn't sure what the plan was, but I think that media, outreach and our website should be a priority in that conversation.

Mayor Daoust stated that was a fact finding trip. They are going to submit a proposal about what they could offer us regarding public outreach for the urban renewal area.

Councilor Allen asked is this for improving communication to the Troutdale citizens?

Mayor Daoust replied yes.

Councilor Allen stated that sounds good.

Councilor White stated I think we are overdue for a goal setting meeting.

Mayor Daoust replied yes we are. Do we have any work session planned for that?

Craig Ward replied we are forming one as we speak. When would the Council like to meet?

Councilor Morgan asked can we do that next week before the executive session?

Craig Ward replied I would not recommend that. We have two labor negotiations that we will be discussing next week that could be fairly lengthy.

Mayor Daoust stated I would like to pull the State of The City Message from the February 10 meeting and host it as a special event somewhere else later in February similar to what Gresham and Tualatin does. If that frees up time on February 10<sup>th</sup> could we add a work session on council goals to that night?

Craig Ward stated we have two items currently planned for February 10<sup>th</sup>. One of them is the First Amendment to the Urban Renewal Plan to extend its duration, and we have a briefing on our Development Code regarding urban agriculture. I think it is a nominal and simple proposal that probably does not warrant a stand-alone briefing. So in that case right now we would only have one item on that agenda so doubling up with a work session at the end of that could work.

Mayor Daoust stated so February 10<sup>th</sup> we will have council goals.

Councilor White stated I would prefer to not have another meeting, so my preference would be to have the State of the City at the meeting. That is the way we have always done it.

Mayor Daoust stated I know. I am tired of the way we have always done it.



Councilor Wilson stated I would like to see it done like they do in Oregon City where the Chamber sponsors a lunch or dinner and listens to the Mayor give the State of the City Address.

Councilor Allen stated it makes sense to have the State of the City after we have our goal setting, otherwise it is going to be contentious.

Mayor Daoust stated that was part of my rationale in recommending February 10 for the council goals and pushing back the State of the City until after that.

Councilor White stated I was going to ask for a work session to be held prior to February 10 regarding urban renewal. I think it would be good to get the Council updated. We could keep the discussion broad. Basically the purpose is for an update. If there are questions about the extension prior to the February 10<sup>th</sup> meeting February 3<sup>rd</sup> is open.

Craig Ward replied we just scheduled an executive session for that evening.

Mayor Daoust stated we don't have to hold it on a Tuesday night.

Councilor Wilson asked can we have it on Monday the 9<sup>th</sup>?

***Council agreed to hold a work session on urban renewal on Monday, February 9<sup>th</sup> at 7:00pm.***

Councilor White asked is the public invited to the Volunteer Recognition Ceremony?

Craig Ward replied it is always a public meeting when a majority of the City Council is present, so of course they are invited. We do not normally reach out to the public. It is really about having the Council and Department Directors who work with the volunteers recognize those members who are leaving to thank them for their efforts.

Mayor Daoust stated Mollie King called me today asking me if we wanted to change the format, or keep the format the same.

Councilor Wilson stated the one change that I would like to see made is if there are citizens who serve on multiple committees and they step down off of one committee but continue serving on another committee, they ought to be recognized for the committee that they are stepping down from even if they are still serving on another committee.

Councilor White stated what we had talked about is in past years some of our volunteers were serving on up to three committees and I thought the idea was to recognize those few individuals that were actually functioning on three committees at once. But this recognition was initially your idea Councilor Wilson.

Mayor Daoust asked do you agree with Councilor Wilson's idea?

Councilor White replied sure.

Mayor Daoust stated I will call Mollie and talk to her about this.

Councilor White stated I have heard about some possible public outreach on the Sheriff's proposal.

Craig Ward stated I haven't heard about that. There is no plan to have any particular public outreach. At this point we are just trying to boil down the proposal and have something we can bring to the City Council. There is no current plan to have any outreach beyond scheduling it at city council meetings and obviously the public is always welcome to attend.

Councilor Allen stated I think it would be premature before we finish negotiations.

Councilor Morgan stated there is going to be a forum with Representative Gorsek and Senator Monnes-Anderson and the Sheriff. I think that has been talked about. I don't know if there is an official date.

Craig Ward stated that is true. The Sheriff shared with us the County's plan to have a meeting. My reaction was not particularly positive to that. It would seem to me that before the Sheriff starts reaching out, or the County starts reaching out, telling about a deal that they hope to have with the City, that the City should be a partner in that. I was not encouraging in my reaction to that notion. I don't dispute the notion that we should have public outreach, it is a question of timing that is really my problem and also it is a relationship and I don't think either party should go out and start talking about the proposed deal when the other party isn't sitting in that room at the table prepared to also comment on it.

Mayor Daoust stated it may behoove us to be at that meeting.

Craig Ward replied it would be nice to be invited.

Councilor Allen stated it is premature before we have agreed to the deal or finished negotiating.

Mayor Daoust stated it depends on what the public meeting is going to be on. It could just be a frequently asked questions type of thing. We will find out more about that. I do remember the Sheriff bringing that up at one point that there needs to be some level of public knowledge or input, and he did mention Mt. Hood Community College. This may have been going on behind the scenes even before we started serious negotiations just to get information out there; I am guessing.

Councilor White stated tomorrow morning at 7:30 I am going to be at the Sheraton Hotel at the Airport for the floodplain levies discussion.

Councilor White asked were you asking for our consensus on changing the Mayor's State of the City Address; were you looking for direction?

Mayor Daoust stated no not really. I will always take direction, but I think this is the Mayor's call. It is how I want to give the State of the City Address. That is the way I see it.

Councilor White stated I prefer to have it here because then it is televised and it gets out to more people.

Mayor Daoust stated let me consider that; the television aspect is a good point.

Craig Ward stated they do have portable cameras as I understand it.

Councilor Allen stated one of the things that I can't help but notice is that we are getting a bit bogged down and so I start taking a look at what is the most urgent and important. I am thinking out of urgency and importance that finishing up the Sheriff's negotiations, and the fire contract because there is a timeline with a drop dead date that we have to meet and there is still quite a bit of work to be done. We don't have infinite staff, we don't have infinite resources. We have the urban renewal that we need to make progress on. I would like to not pursue the city hall until we get these other issues resolved. Not because I don't want to do anything with it, but purely because there is not enough time and resources to do these other things that need to be done within a matter of months. I would like to postpone it and not have any staff time or our time working on it until after June and then we can reconvene and see where we are at and continue forward after that. Then we will have a clearer idea on these other things.

Mayor Daoust stated that is a perfect discussion for the council goals work session. That is where we will lay out our council priorities and goals and decide what we want to do with each one.

Councilor Allen stated well I am running into crunches now where I am asking for information and not necessarily getting it. I don't fault our staff for that, we have just asked too much of them. I'd prefer that we continue with negotiations, fire contract and urban renewal first.

Mayor Daoust stated I think the goal setting work session would be a good time to lay out a schedule.

Councilor Allen stated that is another week delay.

Mayor Daoust replied I don't know what you were expecting tonight.

Councilor Allen stated do we have a consensus on that or not.

Councilor White asked can you summarize what you would like to see happen?

Councilor Allen stated I just want to see us concentrate on the immediate problems first. I want to put city hall on hold. We have a longer timeframe on that; we have plenty of time to meet our goals and we don't need to do that right now.

Mayor Daoust asked Craig, were you doing anything in the next two weeks on the city hall issue?

Craig Ward replied no. I appreciate you recognizing that we have a lot of work to do on the things that are immediately challenging for us, and it would be helpful to prioritize. I think the goal setting is a perfect opportunity for that.

Mayor Daoust stated I met with Shane Bemis, Mayor of Gresham, and we went over a list of things that we needed to touch base on between Gresham and Troutdale. I met with the Mayors of Fairview and Wood Village last Friday and had pretty much the same discussion.

Related to the ***Metro Community Enhance Fee I would like to assign Councilor Wilson and Councilor Ripma to work with staff on the fee guidelines.*** I am not necessarily creating a committee, but I would like Councilor Wilson and Councilor Ripma to assist staff in determining what the best guidelines for that fee should be.

The alternate position on the Joint Policy Advisory Committee on Transportation (JPACT) is open. Typically Gresham takes the lead on the process but the train kind of got out of the station before we had a chance to talk about it. Shane Bemis is the Representative for JPACT. Gresham recommended that I be the Alternate. Fairview already passed a resolution naming me as the Alternate and Wood Village is going to do the same thing. Lisa Barton-Mullins was the Alternate but she is no longer on the Council. It is Troutdale's turn to have the Alternate for JPACT. It looks like Gresham, Wood Village, Fairview and Metro Councilor Shirley Craddick would like me to be the Alternate.

Councilor Allen stated I have seen your work on East Multnomah County Transportation Committee (EMCTC) first hand, so JPACT being very similar I would agree that you would do a good job.

Councilor Morgan stated it is hard to say no to four cities and our Metro Councilor.

***Mayor Daoust stated I think we are okay with me being the JPACT Alternate.***

***There was no objection voiced by the Council.***

Mayor Daoust stated Metro East Community Media is having their 30-year celebration this Thursday from 6-9pm and we are all invited. Next Thursday Troutdale Elementary School is holding public meetings at 4pm and 6pm to discuss replacing Troutdale Elementary School.

**7. ADJOURNMENT:**

**MOTION:** Councilor Ripma moved to adjourn. Seconded by Councilor Morgan.  
Motion passed unanimously.

Meeting adjourned at 8:42pm.

**Doug Daoust, Mayor**

**Approved February 24, 2015**

**ATTEST:**

**Debbie Stickney, City Recorder**