

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

**Tuesday, April 8, 2014**

**1. PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE.**

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

**PRESENT:** Mayor Daoust, Councilor Ripma, Councilor Anderson (via phone), Councilor Thomas, Councilor White, Councilor Allen, and Councilor Wilson.

**ABSENT:** None.

**STAFF:** Craig Ward, City Manager; Ed Trumpke, City Attorney; Travis Hultin, Chief Engineer; and Sarah Skroch, Deputy City Recorder.

**GUESTS:** See Attached List.

Mayor Daoust asked is there an agenda update?

Craig Ward replied there is. Item #7 as published was incomplete. The item is the same we just had to republish it with a complete topic. Then for Item #8 instead of Lieutenant Joel Wendland as the presenter, our attorney Ed Trumpke will be making the presentation.

**2. PROCLAMATION: Proclaiming April as Autism Awareness Month in Troutdale.**

Mayor Daoust read the Proclamation (copy included in the packet). Austin Hinden (?), a student from Sweetbriar Elementary School with Autism, came forward and sat with the Mayor while he read the Proclamation.

**3. PROCLAMATION: Proclaiming April 26<sup>th</sup> as Arbor Day in the City of Troutdale.**

Mayor Daoust read the Proclamation (copy included in the packet).

**4. CONSENT AGENDA:**

**4.1 ACCEPT MINUTES:** February 25, 2014, City Council Regular Meeting; March 11, 2014, City Council Regular Meeting; and March 18, 2014, City Council Work Session.

~~**4.2 RESOLUTION:** A resolution approving a transparent process plan for evaluating the needs and options for a potential new City Hall. (pulled from the consent agenda at the meeting)~~

**4.3 MOTION:** A motion approving Scott Leonard to serve as the contract City Prosecutor effective February 10, 2014.

Councilor Ripma stated I would like to pull Item #4.2 from the consent agenda onto the regular agenda.

Councilor White stated I have a question regarding the consent agenda. What is the term of the contract for Item #4.3?

Craig Ward replied I believe it's indefinite until the City Council selects a permanent attorney.

**MOTION:** Councilor Thomas moved to adopt the consent agenda (Items 4.1 and 4.3 only). Seconded by Councilor Wilson. The motion passed unanimously.

**5. PUBLIC COMMENT:** Public comment is limited to comments on non-agenda items.

None.

**4.2 RESOLUTION:** A resolution approving a transparent process plan for evaluating the needs and options for a potential new City Hall.

Councilor Ripma stated we had a work session on this and there are a couple of things that I would like to suggest changing. The staff report now includes the discussion of renovating old City Hall as one of the options. I just wanted to add a few words here and there to reflect that (suggested changes are in ***bold, italicized and underlined***).

**Staff Report, page 2; Background, paragraph 4:**

The various stakeholders have offered many and widely varying opinions and preferences for the potential new facility ***or renovation of the old City Hall***. However, to date there has not been a cohesive strategy, beginning with a clear definition and agreement on what is required "in" a new ***or refurbished*** City Hall facility.

**Staff Report, page 2; Approach Overview – Council Role, 1<sup>st</sup> bullet:**

Commitment to "explore" ***repair and renovation of old City Hall or*** a potential new building for City Hall

**Staff Report, page 5; Costs: "Construction" vs. "Project", paragraph 2:**

Construction Cost, or cost to build ***or repair*** the building, or what is paid to General Contractor, are all ways of referring to the largest component of the total project cost, which is generally 75% to 80%. But overall project costs include many additional items such as:

**Staff Report, page 5; Administrative Costs, paragraph 2:**

All the above potential cost items need to be established to more fully inform the Council as you consider the possible cost and funding requirements, before making any "***building***" ***or repair*** commitment.

**Staff Report, page 5; Summary:**

The resolution begins the process, but does not commit to “build” **or refurbish** anything, only to gather more information for future decisions, and authorizes the City Manager of Finance Director to begin implementation of the process plan.

**Resolution, Section 2:**

Designates the City Manager or Finance Director (each a “City Official”) or a designee of the City Official, to act on behalf of the City, and without further action by the City Council, the City Official is hereby authorized, empowered and directed to implement the necessary purchases, contracts, agreements, studies, proposals and any and all other required and necessary documents to implement this resolution and the adopted materials of Section 1, **up through Phase I Needs Analysis of the process outlined in the staff report.**

**Resolution, Sections 5 and 6:**

**Section 5. Following Completion of the Phase I Needs Analysis the Council will consider further steps in the process.**

Section **56.** This Resolution shall take effect upon adoption.

Councilor Allen asked is this from the Exhibit A timeline? This authorization is to go forward with the Needs Analysis Stage which is the first stage?

Councilor Ripma replied yes.

Mayor Daoust asked what about the Architectural Programming – space planning?

Councilor Ripma replied this is a change but I’m proposing that we authorize staff to pay for the Needs Analysis which is \$17,000, and then we would meet to discuss it in a work session to see where we’re at. We might decide not to go forward with architectural plans. I’m uncomfortable authorizing the whole \$150,000 worth. After the needs analysis we really should sit down and discuss it.

Councilor Thomas stated considering the last set of changes that have been suggested, I’d like to see this come back on the next agenda so we can see all the changes.

Mayor Daoust stated I was ok until you got to the last change of cutting off staff after the first item on the timeline. I think we need to discuss that because I’m not clear what affect that has on the overall timeline and the process.

Councilor Ripma replied the Council would consider the space needs analysis before we authorize expenditure on site selection. We might decide at that point to refurbish the old City Hall. I think our site options study, schematic design, design development of the building, is all pitched toward the building of a new building. I think it would be wiser and more prudent to do the space needs analysis first.

Councilor Wilson stated with the seismic study and things like that, you have to look at that building to see if it'll meet the standards. I don't think it's excluding it. You're going to have to look to see if the building is going to be capable of being refurbished.

Councilor Ripma replied we can do that at that point. That way with the revision of the resolution we're not authorizing the full expenditure. I added up all of these things that we were authorizing and it totaled \$142,000.

Mayor Daoust stated that's over a multi-year timeframe where we would get involved at each step of the way. This wouldn't be writing a check up front.

Councilor Ripma stated this won't deprive us of being able to do the rest of it.

Councilor Allen stated what you're talking about here is that Phase I is pretty encompassing and not a short task at all. I'm all for having checks and balances before we spend peoples hard earned money.

Craig Ward stated the purpose is to be transparent and to conduct this process as openly and with as much input as possible. Whatever the Council adopts tonight can be changed. If you're uncomfortable moving forward beyond Phase I you could stop it and revise the process. This provides a clear pathway to see how we plan to get from Phase I, all the way to the end. We want your support and direction at every stage.

Councilor Thomas stated when I look at this from a project management perspective, the changes make sense because you always want to evaluate after every phase to see if it's worth going forward. My issue with trying to vote on it tonight is that there were a lot of things added that I would like to see in the full contexts and have a chance to read it before we vote on it.

Mayor Daoust asked is the Council ok with this coming back on the consent agenda next time?

The Council was ok with this coming back on the consent agenda.

Councilor Anderson asked on Exhibit B, who is Ankrom Moisan?

Councilor Ripma replied they refurbished Wood Village City Hall. They work for McMenamins so they work on historic buildings. Their offices are located in Wood Village.

Councilor Anderson asked how did they come to contact us?

Craig Ward replied they called me up one day and said that they'd like to look at the old City Hall and reviewed the documents that we already prepared on the cost to repair the building and make it functional.

Councilor Anderson asked did a member of the Council reach out to them?

Councilor Ripma replied I did. They say it can be refurbished for a reasonable price like they do for buildings all over the place. We don't have to use this company it's just new information.

Councilor Anderson stated you're missing the point, in December we were accused of doing a back room deal. These folks were reached out to on behalf of the City Council from a Councilor at large. That's concerning to me.

Councilor Allen stated it's one of the options. We're not limiting options.

Councilor Ripma stated I've spoken since we've moved out of the old City Hall that we should consider refurbishing it. We seem to be heading down a track to building a new one but that doesn't mean that I don't have the right to see if it's feasible. It's just information.

Mayor Daoust stated we'll bring this back on the April 22<sup>nd</sup> Consent Agenda. That'll give us an opportunity to read it.

**MOTION: Councilor Thomas moved that we forward this agenda item to the Consent Agenda for the April 22<sup>nd</sup> Meeting with the changes proposed by Councilor Ripma. Seconded by Councilor Allen. The motion passed 6 – 1 (Anderson).**

**6.1 REQUEST: Kiwanis Club of Troutdale's 11<sup>th</sup> Annual Troutdale Cruise-In – potential City financial partnering.**

Councilor Wilson stated I'd like to acknowledge a potential conflict since I am a member of the Kiwanis Club.

Councilor Allen stated that would be the same for me.

Ed Trumpke, City Attorney, stated by declaring the potential conflict it is now on the record and complies with the ethics rules and you may continue and vote.

John Leamy, Troutdale Kiwanis Club, read the letter submitted by the Troutdale Kiwanis club. A copy of the letter is included in the meeting packet.

John Leamy stated last year we brought in \$300 from our pancake breakfast. Because there are several restaurants in town that are serving breakfast we decided not to compete with them but we are asking them to donate part of their breakfast proceeds. Last year the City reduced the services that they provided. In years past they've provided police services for the road blocks. Last year they provided the barricades and we set them up and handled the traffic flow. The City also provided garbage and recycling bins and we provided the disposal of the garbage and recycling. The reason that we're asking for \$1,500 this year is because it's looking like our sponsorships will be significantly less.

Councilor White asked what was our contribution last year?

John Leamy replied \$1,000.

Councilor Ripma asked when is the Buick event?

John Leamy replied it's the weekend before ours. It will be at Portland International Raceway for the big Cruise In that takes place there.

**MOTION: Councilor Thomas moved that the City become a sponsor with the Kiwanis Club of Troutdale in the Presenting Sponsor role at \$1,500 for this year, 2014. Seconded by Councilor Wilson.**

**VOTE: Councilor Thomas – Yes; Mayor Daoust – Yes; Councilor White - Yes; Councilor Allen – Yes; Councilor Wilson - Yes; Councilor Ripma - Yes; and Councilor Anderson - Yes.**

**Motion Passed 7 – 0.**

**6.2 REQUEST: A presentation regarding Bicycle Tourism in Troutdale, the Gorge Hub Project, and Travel Oregon's Bike Friendly Business Program.**

Claude Cruz, President of the West Columbia Gorge Chamber of Commerce (WCGCC), stated this is in part a report on work that has been going on for quite a while and our Chamber has been pushing as part of our Charter to drive tourism promotion in the area. It is also going to end with some tasks. If we are to be successful in our role during this tourism promotion, we need a tight partnership between what we're trying to do as a Chamber and what we need to do as a City as well. You'll find that this arrangement is exactly what's playing out down The Gorge in several other Cities.

Claude gave a presentation to the Council titled "Local Bicycle Tourism Planning" (a copy is attached as Exhibit A to the minutes).

Councilor Wilson asked is there a list of the 25 different items that the businesses can choose from to participate in the Bike-Friendly Biz Program?

Claude Cruz replied I didn't include it but I will drop a copy by City Hall.

Karen Schaaf, Past President of the WCGCC, stated examples are water, food, or a place to recharge your iPhone.

Councilor Wilson asked would these be free services or can they charge for them?

Claude Cruz replied maybe for water but a place that offers food wouldn't be free just that they offer it.

Councilor Allen stated in the Spring of 2013 I was talking with the Governor's Office regarding locations along The Gorge for something very similar. Would you be willing to do some follow-up to see if what we're planning to do is compatible with what they want to do.

Mayor Daoust stated I don't understand what the Governor has in mind compared to what they're asking for which are some pretty discreet things that the City can do and what you're asking for I'm not clear.

Councilor Allen stated I was talking about having stations along The Gorge. But also along The Gorge we plan on having sites for camping and so forth. I'm thinking that there should be some coordination.

Karen Schaaf replied we're doing that. We're working with the Oregon Department of Transportation and Parks and Recreation, all of the agencies are working on this together.

Claude Cruz stated one of the aspects of serving as a Hub is what sort of trail system is in the proximity to that Hub. That is intended to be an integrated offering.

Councilor Allen stated that's exactly what I want to hear.

Mayor Daoust stated this is something that we need to step up and capture. If you're downtown and watch the stream of bicycles go by then there's no doubt that this is a growing tourism business. Gresham has their bicycle initiative, Metro has their active transportation plan where they're talking about bicycle infrastructure and pedestrian trail infrastructure, there's a lot of people talking about this. We have that connecting niche of the Columbia River Gorge. I think we need to take advantage of that. If we could do what Hood River and The Dalles are doing where they're starting to look at what they can provide the bicyclists when they come through town. Whether it be facilities, kiosks, or information. We need to start talking about that.

Claude Cruz replied this is potentially the tip of the iceberg on our becoming more attractive to tourism. I was in Hood River this past weekend watching droves of cyclists coming into Full Sail for some food. When we're entertaining the Discovery Block maybe we can help figure out how to bring in the right sorts of tenants to where we'll start to implement that vision that we did awhile back and make it real. To me I see this as a brass ring going by. There's some urgency to it. In terms of our role versus others, like the Gresham Chamber who has a very active biking program, we've been coordinating with although autonomous from that program. I see that as 1 piece of the puzzle that should dovetail with what Gresham is doing.

Karen Schaaf stated Wood Village City Council, Cascade Locks City Council, Port of Cascade Locks, Cascade Locks Business Association, and Cascade Locks Tourism Committee have all signed the Partnership Proclamation. Hood River was presented the Proclamation last week and I haven't heard the results from that. The Dalles is being presented this next Monday.

Councilor Wilson asked is part of the money that Gresham got as a grant for this available to re-grant to our cities for bike racks or any other items that may be needed?

Karen Schaaf replied I'd hope so. We are partners in that Visitor Development Fund and I would expect that we could use that money. I've also gone to our regional manager with Travel Oregon which has a grant program and she's vetted that it would be reasonable for every city with a project to request from Travel Oregon a \$20,000 matching grant and they also have another \$20,000 overlying grant for the whole program so matching it means they would grant us \$20,000 and \$10,000 we would match with in-kind and another \$10,000 put in by the City, Chamber or we have other grant programs that we'd be working on that maybe could be used as matching grant. We have quite a network trying to collect money. Then the next process would be once everyone agrees to the program would be to decide what it would look like, what are the needs of each city, how much is it going to cost and we'd go into asking for the grants.

Claude Cruz stated my understanding is that the agreement at the regional level was that they would be administrators and join with us as equal partners but that's not the way that it's played out and that it's important for our activities that we have control over our own destiny including funding. I would not like to emulate the model that has held thus far.

Councilor Thomas asked have you talked with the Columbia Corridor Association or East Metro Economic Alliance (EMEA)?

Karen Schaaf replied I don't know that we have. The Historic Columbia River Highway is what connects us all and that is the focus group of this project.

Councilor Thomas asked is the only thing that you are asking us to vote on the Partnership Proclamation?

Claude Cruz replied yes for tonight it's really the Proclamation that indeed this is a good idea, you buy into the vision, and that we're willing to appoint someone to play through the process and report back here so as things develop you'll have some concrete decisions to entertain.

Mayor Daoust stated I'd like the Council to consider signing the Partnership Proclamation so we can have a specific thing that we're working on.

Councilor Ripma stated I read the Proclamation and I would support it. If the Cities up and down the Gorge are signing it, I have no problem with us as well. I think it would be good.

Councilor Allen stated I think this is a great idea. I would feel more comfortable knowing our Mayor and EMCTC (East Multnomah County Transportation Committee) is monitoring things.

Mayor Daoust stated at the last EMCTC meeting we talked about active transportation plan which is part of what the Portland Metro area has as far as bicycle infrastructure so this fits nicely with that. This is something specific that we can hang our hat on and say we're part of the Hub Program. Troutdale is a logical Hub location.



Councilor Anderson stated Claude and Karen this is exactly what we should be working on. This is great. It's tourist related, it ties the region together and it focuses on the Gorge. I agree that we should get behind this and now.

**MOTION: Councilor Wilson moved that the Mayor signs the Partnership Proclamation. Seconded by Councilor Anderson. The motion passed unanimously.**

**Mayor Daoust stated the next phase will be working together on what it means to be Bicycle Friendly.**

**Claude Cruz replied I will deliver the list of 25 options which is complimentary to the packet that you've already received.**

**Mayor Daoust stated if there ever comes an opportunity for grant applications, let us know.**

**Claude Cruz replied we're working to get some grant writer help if we can identify someone with that skill set that's affordable so we may have some horse power that we could put to the task.**

**7. PUBLIC HEARING / ORDINANCE (Introduced 3/11/2014): An ordinance adopting the Troutdale Transportation System Plan and amending the Comprehensive Land Use Plan Goal 12 in partial fulfillment of Periodic Review Task 4.**

Mayor Daoust read the ordinance title.

Craig Ward stated our consultant from Kittelson & Associates is here to present this item. I have directed him to simply summarize the amendments that the Council directed be prepared, which have been incorporated into the packet tonight, and to answer any questions.

Matt Hughart, Project Manager, stated as Craig pointed out, per the Council's request we incorporated a trail that wasn't shown on the maps before, and we removed one of the street connections. Those corrections were made on Figures 1-1, 1-4, 4-1 and 4-5. If you look at Figures 1-1 and 4-1 the trail system adjacent to Sturges Lane has been modified to connect the trail over to Wood Village.

Craig Ward stated this is a small amendment. You will see this trail segment just north of the label that says NE 242<sup>nd</sup> Avenue. You will see a brown line that connects from Safeway down to a trail that follows the south side of Edgefield. The only component that was added was that leg that goes just south of the longer trail that goes to Edgefield. That was simply an oversight in the previous version.

Mayor Daoust stated so basically we are adding in the trail that connects to Wood Village going down the hill east of 238<sup>th</sup>.

Craig Ward replied that is correct.

Matt Hughart stated the change in Figures 1-4 and 4-5 is the removal of one arrow that was adding a new street connection to Cherry Park Road.

Mayor Daoust stated that was the connection that Ryan McNaughton brought up. So that has been removed from the Plan.

Councilor White stated I have a question about changing the definition of East Historic Columbia River Highway east of the Troutdale Bridge from a city street to an arterial. It currently has a lower level designation, and now they are talking about converting that to an arterial. The way I understand it, the main problem that represents is if someone is trying to gain access on that road. Is there anything else that complicates that road for people who live or own property along that road?

Matt Hughart replied I think the previous TSP had shown it as a local street in error. The actual classification, from ODOT's perspective, is that it's an arterial. The change we are attempting to make in this draft is to make all of the plans consistent with one another. As far as the impact to the streets themselves, access spacing is certainly one of the impacts.

Councilor White stated there really isn't another way for access. When we looked at doing a sewer system to service that road, a rough calculation was that there could be up to 35 additional homes. I am just concerned that having the designation of an arterial will create a conflict for those property owners. It is really a high pedestrian area; there is a lot of congestion. I am worried that we will have less control of the speed limit and the pedestrian and bicycle friendly amenities that occur in that section of the road. In the summertime it is heavily lined with cars, pedestrians and bicyclists. There is also a lot of distraction in that area. I would like to see that stay as a lighter designation if at all possible.

Craig Ward stated I believe that may have come up in the Planning Commission (PC) meetings. What we show in our current TSP is not the correct classification. My understanding is that it is a state highway and we are bound to classify it in the manner that ODOT classifies it. Regardless of what our preference would be for the state highway classification, we really have no choice otherwise our plan would be inconsistent with the state plan, at least in that regard.

Travis Hultin, Chief Engineer, stated the highway is an ODOT highway and they determine the classification, the access rules, and all of the rules for how it operates. We can show it however we want on our map but that doesn't change anything in terms of how the road would actually be administered and managed by ODOT. What this map is trying to do is reflect what it actually is, which is an arterial. The previous version of our TSP erroneously showed it as a local road, but we don't determine the classification for that road. We are reflecting the classification that is determined by someone else who has jurisdictional authority over that road.

Councilor White stated my other question has to do with some of the costs. I am not sure if I was reading this one-hundred percent correctly. Do you have an actual dollar amount that Troutdale is looking to spend for improvements on County roads within Troutdale?

Matt Hughart stated the amount that Troutdale is going to be contributing towards these projects is reflected in the individual tables. The dollar amounts that are shown in the grey are the dollar amounts that Troutdale has agreed to commit to those individual projects. As far as a tally of just that amount, I don't believe that is shown.

Mayor Daoust stated most of the projects are cost-shared, right?

Travis Hultin replied I don't know if I would say most. A number of them have a City contribution.

Mayor Daoust stated to make sure that the project gets done we might put in some money even if it is a county road.

Travis Hultin stated there could be different reasons. Those contributions are seen in previous capital improvement plans that have been adopted by the Council, or are in other agreements with the County.

Craig Ward stated we had quite a bit of discussion on this point in particular with the PC. I believe that their recommendation addressed this. If you go to Table 4-12 on page 4-31, the Motor Vehicle Master Plan, Project M11, Historic Columbia River Highway/Buxton Avenue. This project in particular was troubling to the PC. It is a project to signalize the intersection of Historic Columbia River Highway and Buxton Avenue and the City would contribute \$200,000 towards it in coordination with a broader project that we anticipate that the County would manage.

Travis Hultin stated that has been in the Transportation Capital Improvement Plan for many years, as long as I have been here. It is an arrangement that was worked out long ago. Since Troutdale residents would obviously contribute a lot of the impact on that intersection the City would pitch in some of the money for that project. It is a relatively small fraction of what the overall project would cost and the County would be making up the difference.

Councilor Allen stated I was talking with Rip Caswell and one of the things that they are looking at is a trail that goes between Beaver Creek and Columbia River Highway. I walked that area and it sounds like what they want to do is a good idea. It could be a showcase provided we take care of the erosion problems on the lower Beaver Creek. (Councilor Allen passed around a photo, copy included in the packet). You can see that we already have a pedestrian bridge that ends at the street, and I have added a dashed line on the map in the direction of the trail. To me this seems like a good idea for us to support. My understanding is that we need it in our TSP in order to get potential funding.

Mayor Daoust stated I guess that is the question. Do we need to show every possible trail in our plan if it is a good idea for the City to do?

Travis Hultin replied I don't think it is absolutely necessary. This is a Plan but as time goes by the City Council can add other projects to the capital improvement program if they want to fund it. I think having it in the TSP often makes a big difference if you are going for grant funding. It doesn't have to be in the TSP for the Council to identify it as an additional desired project down the road.

Councilor Allen asked only if we want funding?

Travis Hultin replied a lot of the transportation related grants have a prerequisite that it be in your TSP, based on what I have seen.

Matt Hughart replied that is correct.

Councilor Allen asked are we saying it is too much of a change to add it tonight?

Mayor Daoust stated I would like to be able to approve the TSP tonight if we can add this trail some other way without holding up the approval of the TSP.

Travis Hultin stated I would think that the Council could adopt it with an amendment.

Mayor Daoust asked just amend the TSP and say we want to add it?

Travis Hultin stated yes, then staff would go in and add that amendment to the Plan as adopted.

Councilor Thomas stated the challenge I have with trying to add it tonight is you are going across private property. I know the property owner and I spoke to them on Sunday and he would not be a happy camper unless he had plenty of advance notice. I would not be in favor of adding anything to the TSP with regards to that piece of property.

Councilor Allen stated the thought would be is that we would connect Glenn Otto Park with the 40-Mile Loop and Troutdale and the Gorge. It just seems like a natural thing to do.

Mayor Daoust stated we don't have to solve this tonight. With many of these projects we have to work through the details. We can approve the TSP tonight and amend it to maybe add that trail in. We can add it in without taking action as to actually doing the project until we get all of the green lights we need, I am assuming.

Councilor Thomas stated I would be real uncomfortable with that knowing the property owner.

Craig Ward stated you can amend the TSP subsequently. We will have to notify the affected parties and we will have to conduct a public hearing. That is really not a huge burden but it is a procedure. This being the first time I have seen this trail, I am wondering where the rest of the trail goes as it goes through this property. As far as I know there is

no northern connection to that trail. There may be a footpath and it may be conventionally used, but that doesn't rise to the level of being an official city adopted trail. My recommendation would be if we are going to consider this down the road, we need to consider it in totality; where that trail will go and how it affects not just that property but other property owners. Obviously the trail is intended to connect along the left side of Beaver Creek, which would affect quite a few property owners if we do that. I think the process needs to be more deliberate than simply adding a small trail segment that really doesn't fit in to the overall trail plan that has been considered by the City to my knowledge.

Councilor White stated I am familiar with that property. The City owns quite a wide strip along the west side of Beaver Creek. There currently is a trail but it diverts onto the street which is less than ideal to have folks walking along Historic Columbia River Highway when that is just a beautiful area behind there along Beaver Creek. Where it comes up would be ideal because you are in perfect alignment with the footbridge in Glenn Otto Park and you have a much better connection for all of those trails. I think it is something worth looking at. We don't have to do it tonight.

Councilor Allen stated it would need to be studied. If we had it in there tonight at least it has the potential of being funded.

Councilor Thomas stated if you look at it from the perspective that we have always sat here and talked about the value of property rights, and what you are doing in this particular case is you are stepping on somebody's property rights and I can't do that.

Councilor Allen stated if I thought they were concerned I would be worried...

Councilor Thomas interrupted and stated they are concerned. When I talked to them on Sunday, it had nothing to do with this, but it was not very favorable towards the City. Let's leave it at that and move on.

Councilor Allen stated your understanding is different than mine.

Councilor White stated and mine.

Mayor Daoust stated all I am concerned about is the ability to approve the TSP tonight and make sure we have the vehicle to add this later if we so choose.

Councilor Thomas stated I am fine as long it goes through the normal process.

Mayor Daoust asked if we approve the TSP tonight, when we get more green lights on this trail that Councilor Allen is talking about, can we amend the TSP a year from now or whenever, to include that one trail? I assume that is a possibility.

Ed Trompke, City Attorney, stated a TSP is required to be amended from time to time by state regulations and statutes, but it can be amended at the option of the City at any time. There is no prohibition.

Matt Hughart stated for a trail, particularly one of this length, it wouldn't be necessary to modify the TSP. The only time I have seen a TSP being updated is when there is a new street connection or a street vacation; something that is going to disrupt the traffic flow through the city. Pedestrian, bicycle and trail connections typically don't have that much of an impact and therefore don't necessitate a full update to the TSP.

Mayor Daoust stated so we can go ahead and do this trail later without updating our TSP is what you are saying.

Councilor Allen asked is still available for outside funding?

Matt Hughart replied I don't know.

Councilor Allen stated we'd have to it on our own.

Matt Hughart stated there are trail master plans. I believe that the City has had a variety of trail plans and other planning related documents that were incorporated into this document. If this plays out the way that you envision it to play out, it could be a pretty significant connection. Looking at both the older maps and the newer maps, and Metro's interpretation of the maps, it looks like this particular connection was envisioned. Both the older and newer version of the map show the trail coming up from Beaver Creek, terminating at Columbia River Hwy. and continuing along Columbia River Hwy. and picking up again. This would essentially shift that trail further to the east.

Councilor Allen stated it would make a more pleasant experience.

Mayor Daoust opened the Public Hearing at 8:28pm, and asked is there anyone here that would like to speak to us about the TSP?

Claude Cruz asked based on the fact that the Eastwind situation is heating up, is there some sort of a provision or proposal in the TSP for connecting the development down below the downtown area with the downtown area?

Mayor Daoust replied yes I think there is. Craig, what is the connection between the urban renewal area and downtown in the TSP?

Craig Ward replied in the Pedestrian Master Plan, Figure 4-1, it shows a pedestrian pathway along the east side of the urban renewal area.

Claude Cruz stated yes for pedestrians, but nothing for vehicular traffic.

Councilor White stated I remember seeing something about an access road off of 257<sup>th</sup>.

Craig Ward stated on Figure 4-9 it shows a blue line that is essentially the existing access to the urban renewal area. We have had an ongoing series of steps that has transferred the ownership of one leg of that from ODOT to the City; we are still working through some issues on that. It is certainly not the ideal connection to the urban renewal area. Eastwind

is well aware of that and is trying to work with the Simon Property Group who owns the Outlet Mall to provide better access. Also the Council is well aware that the preliminary concept plan for the urban renewal area that Eastwind has proposed has an alternative access, which would be the extension of Kibling Street with a bridge across the railroad into the urban renewal area. That is a very expensive solution. Having better access through the Outlet Mall is clearly preferable, but that requires the cooperation of Simon Property Group.

Mayor Daoust stated the TSP shows access; it may not show the exact preferred access.

Claude Cruz stated to show an access path that basically is in some way routed through the existing mall serves the needs of the urban renewal area, but it could well result in starvation of the current downtown area with traffic stagnating down in the Mall and the urban renewal area.

Councilor Thomas stated there is a master plan for the urban renewal area and if you look at that it incorporates some pedestrian bridges and other things.

Claude Cruz stated I will just leave you with the concern that whatever solution we have in the TSP that it address the need to make sure that there is good ready flow between the downtown area and the urban renewal area, or downtown could really suffer.

Craig Ward stated we will undoubtedly have to come back to the Urban Renewal Agency as well as the City Council for amendments to the Urban Renewal Plan. Eastwind is working diligently on those amendments. That may require an amendment to the TSP. Right now it would be premature for us to start putting lines on the map that Simon Property Group does not concur with, and Eastwind Development isn't committed to.

Mayor Daoust stated we can amend it later if we find \$20 million to build that bridge from downtown over the railroad tracks to the urban renewal area.

Ryan McNaughton, resident, stated I have looked at the TSP and the arrow is gone. I just want to clarify that by just removing the arrow that removed the plan.

Mayor Daoust stated but that carries a lot of weight; the fact that it is not in there. It is gone; you don't have to worry.

Mayor Daoust closed the Public Hearing at 8:34pm

Councilor White stated I am not going to be able to support this TSP tonight. By not requiring 238<sup>th</sup> to be four lanes I feel it is a significant safety concern for our citizens. Our first responders respond on that road. I feel it is an unnecessary bottleneck and it should have been addressed in this plan. This is about people's safety and it is also an economic limiter. It is about fairness; each area taking on its fair share of the truck traffic and commerce traffic.

Mayor Daoust stated 238<sup>th</sup> is not part of our TSP; it is outside of our planning boundaries.

Councilor White stated yes, but vacating that corridor tonight is our last shot at ever having any influence on that road.

**MOTION:** Councilor Thomas moved to adopt an ordinance adopting the Troutdale Transportation System Plan and amending the Comprehensive Land Use Plan Goal 12 in partial fulfillment of Periodic Review Task 4. Seconded by Councilor Wilson.

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

**Motion Passed 5-2.**

**Mayor Daoust called for a break at 8:36pm and reconvened at 8:49pm.**

**8. PUBLIC HEARING / ORDINANCE (Introduction):** An ordinance of the City Council of the City of Troutdale, Oregon, relating to medical marijuana facilities; establishing new code of ordinances Chapter 5.12 and declaring an emergency.

Mayor Daoust read the ordinance title.

Ed Trompke, City Attorney, stated this is a medical marijuana dispensary moratorium ordinance which has an emergency clause attached to it. The need for this arose beginning in the 2013 Legislative Assembly. They legalized marijuana dispensaries for the first time effective at the beginning of March of this year. Many cities have responded either with questions or moratoria or other actions to delay the rush towards a number of dispensaries locating within their cities. The law requires dispensaries to be 1,000 feet from schools and each other, and they are only allowed in three particular zones: industrial, commercial and agricultural zones. There has been a big question since that bill was adopted whether further regulation by cities is allowed or whether it is preempted by the statute. As a result the legislature considered SB1531 in their 2014 Legislative Session. That bill went through a number of iterations. Many of the changes would have allowed preemption or prohibitive preemption by cities meaning cities could or couldn't regulate further. The final version doesn't say anything about preemption, but it does allow cities some reasonable regulation. As you might expect with a committee writing a bill, the reasonable regulation is defined to include reasonable hours, reasonable places within a zone, and reasonable manner or regulation of the dispensing of marijuana. The way courts read statutes is that they look at those three things and say, what is the thread that binds them together to apply to other reasonable regulations; *expressio unius* – the expression of one precludes others. So they have to be similar kinds of regulation. Nobody knows what ties those together. It would be really hard to predict. As a result most of the cities that my firm represents are adopting this ordinance that you have in front of you, or something very similar to it. It is not clear what kind of regulation is and isn't allowed. The current business license ordinance that the City has says that a business has to be in compliance with federal and state law or else it is not allowed to



operate. It is really not clear whether that broad of an ordinance is allowed or whether it is preempted. Every city that has similar language is putting the moratorium in place in order to figure out what to do. SB1531 does allow the cities to adopt a moratorium but they have to be enacted prior to May 1 of this year. That is why there is an emergency clause in the ordinance. I am told that you don't adopt very many ordinances by emergency, but your charter does allow it.

The ordinance, written by my firm, is a new city code section, Title 5. Your Chief has reviewed this ordinance. He has looked at an ordinance that was written by the Police Chief's Association and the League of Oregon Cities and this one is smoother and easier to use than the others. The Chief agreed that this would be a proper ordinance to adopt. Section 1 describes that the City needs time to consider property regulations for medical marijuana dispensaries. Section 2 defines the term. Section 3 prohibits a medical marijuana facility in the City through April 30, 2015, which is the date that the statute says the moratorium must end. Section 4, says that no City employee may authorize a medical marijuana facility. The reason that this is in the ordinance is because there are people in some cities who come in and say we are going to sell herbal products and they want a business license to sell herbal products and then they claim that would allow marijuana dispensing. This doesn't allow the city employees to make that interpretation of the code. The license would be valid for herbal products but the prohibition of medical marijuana sales would be in place, so we just simply eliminate that argument this way. Section 5, makes it a violation with a fine for the operator. Each day is a separate violation so the fines can stack fairly substantially. Section 6, severability. It says if any piece of this ordinance is not constitutional or is preempted than the remainder of it stays in place. Section 7 sets the expiration time as 11:59pm on April 30, 2015. Section 8 is the emergency clause saying that it is effective upon adoption. There is no good reason to wait to make it effective later. It would be problematic if you did. The problem being that somebody could come in and get a medical marijuana dispensary business license and then the city would be in the position of having to rebate the fees charged and somebody could make the claim of atrocious interference, saying the city is taking a bad act by allowing the business to start and then stop. Somebody who enters into a lease might complain that they are being made to pay a lease that they can no longer operate. This way before a business starts everybody is on notice that they can't get a license in the City to operate a medical marijuana facility. It just puts everybody on notice. It is real clear, real direct and it gives the City roughly a year to figure out what kind of regulations you want to put in place and what kind of regulations will be upheld. By that time we should have some clarification from the state, either the legislature or someone in the courts. There are unlucky cities who will be litigating this.

Mayor Daoust asked has there been any signs of litigation against cities so far?

Ed Trompke replied there have been people coming in and asking about getting the licenses. Somebody is going to challenge it and it doesn't need to be this city.

Mayor Daoust stated that is a discussion that a lot of the mayors have gotten into in the Portland Metro area. We meet every month and we have discussed this at length. We tried to talk to our state legislators about SB 1531 to give cities the authority to regulate

medical marijuana dispensaries a little more clearly than what the currently bill's language is. Chris Gorsek was going to go along with us and agree to that, but the democratic leadership saw differently. Let it be known that we have had our share of inquiries. Back in October of 2013 we had an inquiry to open a dispensary in Troutdale and they threatened litigation if our response was no. Luckily they didn't do that; it was an empty threat. This really doesn't have to do with those people that hold medical marijuana cards; that is a completely different situation. We know that there are people in Troutdale that have medical marijuana cards and that are growing in their homes or apartments to meet their needs for medical marijuana. From what I understand we have about 19 of those medical marijuana card growers in Troutdale already. But this is different.

Ed Trompke stated this would not affect them.

Mayor Daoust stated it would not. So this would be setting up an actual business to distribute medical marijuana. It is a pretty complex and divisive topic, but I think we need this moratorium just to give us time to figure out what we need to do. It gives us a year.

Councilor Allen stated I think I would prefer time just to see how the data goes out and what the decisions are. What I don't know is if there are any statistics on increased or decreased traffic accidents, increased or decreased crime, or increased or decreased social problems in areas that are doing this. I don't know what the future legislation is going to be. I would prefer time as well.

Mayor Daoust opened the Public Hearing at 9:02pm.

Kari Hachmann, Gresham Outlook, stated this moratorium you said puts everybody on notice that they cannot operate a medical marijuana dispensary in the City.

Ed Trompke replied the technical statutory term is a medical marijuana facility, but everyone calls them a dispensaries. That is the kind of business that would be disallowed by this. A person who has a medical marijuana card can possess up to the limits of the card. A person who has the ability to grow pursuant to a medical marijuana card, or an agreement with a person with a card, still can do that. It is simply the aggregation into a larger scale business for a dispensary that is prohibited.

Mayor Daoust stated if we decide to adopt this it would put a 1-year moratorium in place. It gives us time within that year to decide if and how we want to restrict the dispensaries either by zoning or any other way.

Mayor Daoust closed the Public Hearing at 9:04pm. We will have a second hearing on this ordinance at our next meeting.

## **9. STAFF COMMUNICATIONS**

Craig Ward stated we have confirmed the availability of the Sheriff on May 6<sup>th</sup> at 6:30pm for a second work session regarding the Sheriff's proposal. Does this date work for the Council? ***Council agreed to the proposed date and time for a work session.***

Craig Ward stated we get requests from time to time by outside agencies, non-profits and others who ask to have articles included in the Troutdale Champion for their fundraising events. Keep in mind that we use the copy space that we have. If we were to amend our procedure and begin allowing advertising in the Champion for these events, which are events that are done for good purposes, I am not sure where we will ever end with that. We had a solid presentation tonight where the Council directed that we contribute \$1,500 towards, so we are clearly a co-sponsor of their event. Where this most recently came up was with the Bite of East County. They are asking us to put an article in the Champion for their event, which I am loosely calling an advertisement or announcement of an event. It is a fundraiser, and they are great fundraisers. Our procedure has been to decline those requests and I am planning on doing so again in the case of whatever groups come to me, but most importantly at the moment it is the Bite of East County. Absent direction to the contrary to prepare a new proposal to deal with this, than that is the position that I recommend, and that we have taken in the past.

Councilor White stated I support that position.

Councilor Allen stated it is hard to know where to draw the line. I don't want to compete with the commercial papers.

## **10. COUNCIL COMMUNICATIONS**

Councilor Thomas stated I would like the City to entertain moving the municipal court to the City Conference Building (CCB). I think it has a serious impact, especially during the summer, on the economic viability of downtown Troutdale. I would also like to keep the chronic nuisance ordinance on the forefront. I am still receiving a fair amount of pressure on that.

Councilor Allen asked do we have any conflicts with using the CCB during that time?

Mayor Daoust replied what we can do, if the Council agrees, is have staff look into that option.

Councilor Allen stated I would like to support what Councilor Thomas is saying as long as we are not competing with some other function in the CCB.

Mayor Daoust stated if the Council agrees we can have staff look into the option of moving the municipal court to the CCB. Currently court is being held in this room and there have been a few desires to not have it held here.

Councilor Wilson stated I am in support of that.

Craig Ward asked if there are no conflicts, is our direction to move court to the CCB?

Councilor Thomas replied please do.

Mayor Daoust stated yes.

Councilor Allen stated I believe that last time what it was is that we had an intermixture of activities going on in the building and that is what we want to avoid. If we can avoid where we have kids walking by during a trial, and that sort of thing, then yes lets move it.

Mayor Daoust stated it is only one day a week.

Craig Ward stated I am not aware of any conflicts on Mondays. There could be something in the afternoon. I will let you know if there is, otherwise I will take our direction that absent a conflict we will move municipal court to the CCB.

Councilor Ripma stated if it is feasible. You are going to look into whether it is feasible to do?

Craig Ward stated the feasibility is my primary concern, and whether or not there is a scheduling conflict. A recreation class would be the most likely conflict. If there are other conflicts I will inform you of them.

Councilor White stated we had a successful smelt run on the Sandy River on March 22<sup>nd</sup>. I think everyone in town knew the smelt were in the river based on the crowd of people that it generated. It was a lot of fun and I am glad that we were able to allow people to harvest some smelt. The run lasted until Tuesday. It was one of the biggest runs I have ever seen on the Sandy River.

Councilor Allen stated one thing I noticed when I was looking at Beaver Creek was the effort that is going on by various groups such as SOLV and the Steelheaders to help future fish populations within our river. I appreciate that.

I had made a comment that Lt. Wendland had some good ideas which helped me understand our last public meeting better. I did not go into the details of what those were; I am just bringing that up in case the rest of the Council might be interested in also hearing those ideas at a future date. That is why I didn't share the details because it could be a future council meeting. There are some things that I believe our police weren't happy about that I did not know prior. I have not shared those details with anybody as well because of future council meeting. You may want to look into that a little bit more. We need to make sure that we take care of our people.

Councilor Thomas stated I am wondering if you should share those with the City Manager since the police are under his direct control.

Mayor Daoust stated there is a lot of due diligence that will be done between now and our next work session regarding the Multnomah County Sheriff's Office proposal.

Councilor Allen stated it would be related to that; you can check into whether or not that should be scheduled and on the agenda in the future or not.

Mayor Daoust stated if there is anything that any councilor wants looked at before the work session, feel free to bring it up to staff. If it is homework, an assignment, or questions

that can be done prior to the work session than go ahead and do that. That is an efficient use of staff's time rather than raising the question at the work session and hitting everybody cold.

Councilor Allen stated I am purely just working on making informed decisions and not violating the public meeting laws by saying anything.

Councilor Wilson stated as you go into downtown Troutdale there are really no bike racks there. I am just wondering if we could have the City investigate putting in a bike rack in Mayors Square. Maybe just look into what one would cost out of the box, or having Rip Caswell look into making a real nice one to put in there. Then maybe after that we could look into seeing if there was grant money available to help pay for Rip's.

Craig Ward replied of course.

Councilor Ripma stated I noticed in an email from Zach Hudson that the Citizens Advisory Committee (CAC) had met and they have kind of wrapped up their agenda and were looking for other ways they could be helpful. I was thinking that they could be a public advisory to the Council on the city hall replacement or refurbishment issue. I think that would provide public input and I think they would be good. I am not certain just how they would contribute, but perhaps after we receive the needs analysis we could ask them to look at the possibilities and make a recommendation to us.

Mayor Daoust stated that is one of the questions built into the timeline; deciding whether we want a committee or not. We had, in the past, designated a committee that was not the CAC and we held them at bay saying that they didn't need to meet now, and that we will call on them later if we need them. We will have to decide what to do with that committee that is on hold right now verses the CAC being the committee. We can discuss that at the work session coming up.

Councilor Ripma stated I just thought since they were already constituted it would work; I don't know if that city hall committee is really still alive. We didn't talk about it when we interviewed for committees. I am just throwing that out as an idea to discuss.

Councilor Wilson stated there was a decision to have that committee. We didn't do the interviewing at Doug's request because we knew most of the people on it; we bypassed that part of it. There was an official committee made, it just wasn't activated.

Mayor Daoust stated Councilor Ripma makes a good point about the CAC. We probably need to invigorate that committee, or give them assignments that they could be working on to help us out. They can do a lot of research. They can deliberate topics and bring back a recommendation to the Council, which is really what we should be using the CAC to do. Right now their cup is empty.

Councilor White stated I think this bike hub idea would be right up their alley. I would like to see a bike shop come to Troutdale. Maybe look into some incentives to get a bike shop here.

Councilor Allen stated I have also been mentioning that we did a lot of work to ratchet down during the downturn of the economy and we reduced services. I would be interested in knowing if the public is perceiving a need out there that some services come back sooner than others. Are we meeting the needs of our people is basically my question. The CAC could answer that.

Councilor Anderson stated I agree with the Council consensus of moving municipal court up to the CCB if feasible. Secondly, with the budget coming out next week I want to remind the Council of the State of the City Address where Mayor Daoust made a suggestion that we fund public art in the City of Troutdale, I thought that was a great idea when he made it. In the budget meetings coming up next week the Budget Committee can have a discussion on that and hopefully make that vision a reality in the upcoming fiscal year.

Mayor Daoust stated I did bring that up in my State of the City Message and the intent was to have a multi-prong approach to elevate the City as more of an arts destination. Part of that was to talk about and decide how much we wanted to incorporate art into the city. In addition to that there was the formation of an Art Committee, or whatever kind of committee would be involved in that decision. Councilor Anderson is just watering the seed that I planted. If we are going to spend any money on public art, be it Rip Caswell's or whoever, it may have to be in the budget. We can leave it at that and discuss it at the budget meetings.

Mayor Daoust stated as a Council we need to decide who is going to be appointed to the Mt. Hood Cable Regulatory Commission (MHCRC). Councilor Thomas has agreed to continue to serve on the MHCRC. It is a 3-year term.

**MOTION: Councilor White nominated Councilor Thomas to continue serving as Troutdale's representative on the MHCRC. Seconded by Councilor Wilson. Motion Passed Unanimously.**

Mayor Daoust reminded the Council about the following:

- The Oregon Government Ethics Commission requires us to mail in our SEI by April 15<sup>th</sup>.
- Sunday, April 20<sup>th</sup> there is an Easter Sunrise Service at Mayors Square at 7am.
- Budget Committee meetings are next week.

Mayor Daoust updated the Council on the following:

- We wrote a letter of support for the Troutdale Historical Society (THS) that they can submit with their grant applications. The Council agreed to donate \$10,000 to the THS for their King of the Byways Exhibit celebrating the 100<sup>th</sup> Anniversary of the Historic Columbia River Hwy. Those funds can be used as the required matching funds for grants.
- Rip Caswell is working on his property where the Historic Columbia River Hwy. meets Jackson Park Road. His statue that he is proposing of Sam Hill and Samuel Lancaster on that property is in the Multnomah County right-of-way. Multnomah County Commissioner Diane McKeel and her staff assistant come out to the

property and they are going to look at options on how they can work with us to have that statue, the stonework and the gardens that surround the statue right there on the roadway with them pointing towards Broughton Bluff. Rip wants to make it bike friendly with bike racks and a drinking fountain.

## **11. ADJOURNMENT**

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

Meeting adjourned at 9:27pm.

**Doug Daoust, Mayor**

**Approved May 13, 2014**

**ATTEST:**

**Sarah Skroch, Deputy City Recorder**