

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

Tuesday, May 13, 2014

1. ROLL CALL, AGENDA UPDATE

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

PRESENT: Mayor Daoust, Councilor Ripma, Councilor Anderson, Councilor Thomas, Councilor White, Councilor Allen, and Councilor Wilson.

ABSENT: None.

STAFF: Craig Ward, City Manager; Debbie Stickney, City Recorder; Ed Trompke, City Attorney; Erich Mueller, Finance Director; Steve Gaschler, Public Works Director; Travis Hultin, Chief Engineer; Amy Pepper, Civil Engineer; Scott Anderson, Chief of Police; and Joel Wendland, Lieutenant.

GUESTS: See Attached.

Mayor Daoust asked are there any agenda updates?

Craig Ward, City Manager, replied there are none.

Councilor Anderson asked Mayor, would you consider pulling Items 9, 10 and 11 from tonight's agenda and reschedule them for our meeting in two weeks. There are a lot of topics on the agenda tonight and as it relates to the storm water fee the resolution has us removing the cap and I don't think we formally gave that direction. We did discuss it but there are a lot of unanswered questions and I am not prepared to decide on that tonight.

Mayor Daoust stated I will consider that, but rather than pulling them right now I would like to see how the agenda goes tonight and make that decision later.

2. CONSENT AGENDA:

2.1 ACCEPT MINUTES: April 1, 2014 Work Session, April 8, 2014 Regular Meeting and April 22, 2014 Regular Meeting.

MOTION: Councilor White moved to accept the consent agenda. Seconded by Councilor Wilson. Motion Passed Unanimously.

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

Taney Staffenson, Planning Commission (PC) Chair, stated the PC was tasked with reviewing the Troutdale Development Code (TDC) to reduce development barriers and to make it consistent with the Building Code. We are working on that. There are a number of things that have been accomplished but we are at a point now where we need some legal assistance. I contacted someone, who happens to be here, and offered to pay for this personally but I was told that I cannot do that. I am here to ask if the PC can have the services of the staff attorney, if needed, to review our work.

Ed Trompke, City Attorney, stated the reason I gave to Mr. Staffenson for not being paid personally was that I wanted to make sure that I have one client here, and that is the City of Troutdale, and not individuals who may serve the City of Troutdale in other capacities.

Mayor Daoust stated the City Attorney is available to the PC just as much as he is to the City Council.

4. PROCLAMATIONS:

→ National Public Works Week – May 19-23

→ Multnomah County Library Sesquicentennial Month in Troutdale

Mayor Daoust read the Proclamation for National Public Works Week, and introduced Steve Gaschler the Public Works Director for the City.

Steve Gaschler introduced Travis Hultin the Chief Engineer for the City, and Amy Pepper one of the City's Civil Engineers. These are just two of the twenty-seven folks in our department that are happy to serve the citizens of Troutdale every day.

Mayor Daoust read the Proclamation for Multnomah County Library Sesquicentennial Month.

Shawn Cunningham, Communications Director for Multnomah County Library, stated Friends of the Library, a critical partner in helping our libraries thrive through fundraising and advocacy, brought this proclamation to you for consideration tonight. Unfortunately none of their Board Members were able to be here tonight. We are honoring the 150th Anniversary of the founding of what is now Multnomah County Library, the oldest public library west of the Mississippi River. Since its inception in 1864 our library has evolved and responded to the changing needs of its residents. In 2014 our buildings and our collection looked very different, but our ethic of service remains unchanged. Multnomah County Library has been part of the Troutdale community since 1908 and in that year they circulated 3,000 items. Today the Troutdale Library circulates over 200,000 items. At our library children discover new worlds and begin a journey of lifelong learning. Adults find new skills to reenter the workforce, or prepare for retirement. Our community celebrates its rich tapestry through arts, language and culture. Whether you are a longtime book lover, or someone who isn't quite sure what the library has to offer, we invite you to come

in. Thank you for honoring our library tonight. We are proud to serve the residents of Troutdale and we look forward to an exciting, vibrant future together.

5. PUBLIC HEARING / ORDINANCE (Introduced April 22, 2014): An ordinance adopting a new Public Facilities Plan as an implementing element of Comprehensive Land Use Plan Goal 11 Public Facilities and Services in partial fulfillment of Periodic Review Task 3.

Mayor Daoust read the ordinance title.

Craig Ward, City Manager, stated we gave a brief introduction at the last meeting. Matt Hastie of Angelo Planning Group, who helped us prepare this document, is here tonight. This was presented to the Citizen Advisory Committee (CAC) and then to the Planning Commission (PC) who reviewed and approved it.

Matt Hastie, Angelo Planning Group, stated this is an element of your Periodic Review Work Program to update your Comprehensive Plan. The Public Facilities Plan (PFP) has been prepared in accordance with Statewide Planning Goal 11 and the Oregon Administrative Rules. The CAC reviewed the findings and made recommendations in 2012 and 2013. Earlier this year the PC also recommended adoption. The PFP describes existing conditions. It includes policies to guide provision of public services. It also identifies needed and planned improvements to meet future needs for water, sewer and stormwater services in Troutdale. It includes future projects that are needed and identifies how those projects would be paid for. It briefly summarizes some of the other public facilities and services provided in the City, but the focus is really on water, sanitary sewer and stormwater facilities. The PFP is based primarily on existing adopted master plans for those same types of services. Those master plans provide more information. This document just rolls up and summarizes the key elements of those master plans. It references the recently adopted Transportation System Plan as the guiding document for transportation facilities and services within Troutdale. In terms of the needed improvements in the City, these are improvements that are needed over the next 20 years. They are split out by short, medium and long-term improvements. Again, these projects come from other planning documents. There is language in the Plan that says even though the Plan identifies a specific list of improvements it doesn't guarantee or obligate the City to make those improvements at any given point and time. It will really depend on how much growth occurs and how quickly it occurs as to when those improvements are actually needed. It gives you a fair amount of flexibility in terms of how you actually implement the PFP.

Councilor White stated this is like an all-inclusive wish list; that is how it was presented to the PC.

Matt Hastie replied it is based on the facility master plans for water, stormwater and sanitary sewer. Those plans identify improvements that are needed over the next 20 years to meet the City's needs. This plan essentially rolls up and reiterates the same projects that are in those master plans. It also identifies the approximate timeframe for when those projects would be needed. It is to some degree a wish list in that growth may

not occur as quickly as identified in those master plans so you may not need to do all of these projects in the next 20 years. But it is consistent with future population and employment forecasts in terms of identifying the potential needs over that period.

Councilor White asked how did the cost of all of those accumulated projects affect our rate?

Matt Hastie replied the capital improvement costs affect the system development charge rates that are charged. Most of these projects are to serve future growth so most of the projects will be paid for through system development charges. The ongoing maintenance is paid for through fees.

Councilor White stated Steve, you are fairly new to Troutdale. Have you had adequate time to review all of this and do you feel comfortable moving forward with this plan?

Steve Gaschler, Public Works Director, replied as Matt said this is just the roll-up of all of the master plan work that has been adopted to date. I have reviewed the information. I don't see any big problems with any of it. As Matt said it is mostly predicated on what happens when the growth comes in the next 20 years, and what we need to do to service that growth. Whether that happens in 20 years or 40 years, that remains to be seen. If you are going to serve that growth it is pretty much a given that we will have to build those projects at some point and time.

Mayor Daoust opened the Public Hearing at 7:22pm.

Ray Wall, resident, asked where is this land going to come from? This is a small city that is already built.

Matt Hastie replied for the most part the development will occur within your existing city limits in areas that have not yet been developed. Some of that will be residential growth and some of it will be employment growth in areas where there is the potential for additional development or redevelopment.

Ray Wall stated we moved out of Portland to get away from all of the congestion. Are we talking about a lot of new apartment complexes, or what are we talking about?

Craig Ward replied we are required, as part of the metropolitan area, to accept our fair share of growth. That growth is allocated to us. We have to go through a process to define how much of that we are required to serve. This Plan simply applies those expectations in the form of capital facility improvements.

Mayor Daoust closed the Public Hearing at 7:25pm.

MOTION: Councilor Thomas moved to adopt an ordinance adopting a new Public Facilities Plan as an implementing element of Comprehensive

Land Use Plan Goal 11 Public Facilities and Services in partial fulfillment of Periodic Review Task 3. Seconded by Mayor Daoust.

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

Motion Failed 3-4.

6. PUBLIC HEARING / ORDINANCE (Introduced April 22, 2014): An ordinance adopting text amendments to Comprehensive Land Use Plan Goal 11 Public Facilities and Services in partial fulfillment of Periodic Review Task 3.

Mayor Daoust read the ordinance title.

Craig Ward asked Mr. Hastie is there was a purpose in moving forward with this ordinance since the Public Facilities Plan (PFP) was not adopted?

Matt Hastie replied each of these items are part of your Periodic Review Work Program, which is to update your Comprehensive Plan. As it relates to public facilities, there are two components that the City is essentially required to do by the State as part of your Periodic Review Work Program. One is to adopt a PFP, and the second is to update the public facilities planning element of your Comprehensive Plan, which is what this ordinance is about. The public facilities element of your Comprehensive Plan essentially includes a small number of components from the PFP and then references the PFP for more information. If you don't have an adopted PFP to reference, that is probably problematic in adopting the amendments to your Comprehensive Plan. Again, the amendments to your Comprehensive Plan are pretty basic. Both of these are part of your work program, but if you are not doing one of them it is probably problematic to do the other one. I am not a land use attorney so I am not going to give you legal advice.

Councilor Ripma stated there must have been something about the PFP that the majority of the Council didn't like and wanted changed and we really didn't have that discussion. I wasn't expecting it to fail. I favored it because I know we have to do it. It would be worth a few minutes to have the Councilors who voted no to illuminate us on what it was they didn't like.

Councilor Allen stated I am use to a better explanation of what is going on. Maybe even a work session.

Councilor Thomas asked would you be willing to consider a motion to reconsider this? Otherwise it is a dead issue.

Councilor Allen stated I would be willing to have a work session so we can get down to what is bothering us.

Councilor Ripma stated just to get some idea I think we should direct staff to schedule a work session to discuss this. We have to do this. You didn't like something about it.

Councilor White stated for me it was a matter of consistency. I voted no on the Transportation System Plan because there were aspects of that plan that I didn't care for. This is tied into that plan. Also the sheer dollar amount, I think we need to take another look and pull out the projects that aren't going to see the light of day because they do affect the other costs. I think planning was a little confused on that issue. I heard comments from the PC that they felt had they known this information they would not have passed what they passed. That is my reason for voting no.

Mayor Daoust stated this complicates the issue because this is a rollup of all of the master plans that we have already approved as a Council. Is that not right?

Travis Hultin, Chief Engineer, replied all of the master plans that were used in the creation of the PFP were adopted by the Council.

Councilor Allen stated on the master plans we have been told the projects are just there as placeholders, we don't have to do them. Then they get put in the next plan, and they are just there but we don't have to do them. But we set our rates from these projects and the rates are considerable for a resident. I am curious as to what these projects are that we want to do and why do we want to do them.

Councilor Wilson stated if we could have a work session I would vote to reconsider.

Mayor Daoust stated it is obvious that we need to discuss the ramifications of going back through each of these master plans and spending time to do it again.

Councilor Ripma asked would the work session be on the PFP only?

Councilor Allen stated that would be sufficient.

MOTION: Councilor Wilson moved to reconsider. Seconded by Councilor Allen.

Mayor Daoust stated it has been moved and seconded to reconsider the previous motion on the ordinance. Is there any further direction on how we should proceed with this?

Ed Trompke stated it has been moved and seconded to reconsider the existing motion which failed. Now you would vote to reconsider, and at that point someone could move, if they wanted to, to amend the original motion to take this topic to a work session to reconsider the various pieces of it in more depth. That would require a second and another vote.

VOTE on Motion to Reconsider:

Councilor White - Yes; Councilor Allen – Yes; Councilor Wilson - Yes; Councilor Ripma - Yes; Councilor Anderson - Yes; Councilor Thomas – Yes; Mayor Daoust – Yes.

Motion Passed 7-0.

MOTION: Councilor Thomas moved withdrew his original motion to replace it with a motion to hold a work session to further discuss Agenda Item #5. Seconded by Councilor Wilson.

Craig Ward stated since Item #6 is linked to Item #5 I would suggest that the Council consider amending the motion to include Items #5 and #6 for the work session.

AMENDED MOTION: Councilor Thomas moved to amend the motion to include both Items #5 and #6 at the work session. Seconded by Councilor Anderson.

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

Motion Passed 7-0.

Ed Trompke stated if there are people in the audience that came to testify to this ordinance, you might give them the opportunity so that they don't have to come back a second time, and so that their concerns can be considered at the work session.

Mayor Daoust opened the Public Hearing at 7:38pm and asked is there anyone here to speak to Agenda Item #6?

Ray Wall stated my main reason for bringing up the points that I did is because this is a great city. There is something special about Troutdale. I don't want to see it become Portland cesspool where we have a bunch of additional dwelling units in people's back yards and see the city grow into another Portland. I want to see Troutdale stay Troutdale.

Mayor Daoust closed the Public Hearing at 7:40pm.

7. DISCUSSION: A discussion of Metro's Solid Waste Community Enhancement Program by Roy W. Brower, Manager, Metro Solid Waste Compliance & Cleanup.

Amy Pepper, Civil Engineer, stated state law authorizes local governments to collect and spend fees, up to \$1 per ton, at certain disposal sites including transfer stations. According to state law the funds must be used for rehabilitation and enhancement in the area around the disposal site. The implementing jurisdiction must establish an advisory committee to oversee how that money is spent. This program is implemented currently through Metro at four facilities. In Troutdale, the Troutdale Transfer Station, operated by

Waste Management is eligible for the coverage under this program, but it is not presently part of the program. In 2002 the City enacted a Solid Waste Tax of \$0.65 per ton of material at the Troutdale Station. Metro is working on updating its Solid Waste Enhancement Program and amending Metro Code. Tonight Councilor Craddick and Roy Brower from Metro are here to discuss their plans. Also here tonight is Dean Kampfer of Waste Management.

Shirley Craddick, Metro Councilor, stated I think this is an opportunity for the City of Troutdale. We are very appreciative that the City is willing to host a transfer station. When garbage leaves your driveway each week Metro takes responsibility for it. Most of the garbage that is collected in the east part of the Metro Region comes through the Troutdale Transfer Station. We recognize that it is challenging to place these facilities with the extra trucks driving through the city. There is a program that is available to the City called Community Enhancement Program that I think will bring some opportunities to you and it is a way for us to say thank you for your willingness to do this.

Roy Brower, Metro, stated this is a program that has been implemented at certain solid waste facilities around the region, primarily at Metro South, Metro Central and Forest Grove. There are three other transfer stations (including the Troutdale Transfer Station) in operation that are currently eligible for the program. We are in the process of trying to make this program available uniformly across the region. We have talked with the elected officials and city managers in those jurisdictions and this is fairly well supported. We started out with the idea that this would be more of a local option, but one of the things that we have heard from the other cities is it should be made uniformly across the entire region so that there are no incentives or disincentives for where waste goes based on implementation of the Community Enhancement Program. This program was an initiative in state law back in the late 1980s. Metro adopted the program in the early 90s. Since then the solid waste system has changed and is changing. Initially facilities that were only material recovery facilities, those that recovered construction and demolition debris for instance, were ineligible for this program. A number of the transfer stations today started out as material recovery facilities but they have now evolved into transfer stations. We wanted to make sure that local governments had the opportunity to have this fee collected. Metro would be the entity that collects the money and then remits it to the City. The City would be responsible for coming up with a way to determine what projects are eligible for this funding. That is the basics of the issue.

Councilor Wilson stated I am opposed to this fee because it will be passed on to the Waste Management customers. I have reviewed your meeting notes from April 15th. One of the things you talk about is you would like to see this fee tied to inflation, but it is up to the state to pass that or increase the fee. Is that something that you are actively seeking?

Roy Brower replied no, we are not pursuing an increase at the state level at this point. The fee at the state level has been capped at \$1 per ton. Metro has collected the fee at \$0.50 per ton where it is collected. With this program we are recommending to our Council that the fee be increased to \$1 per ton, which would be the state maximum.

Councilor Wilson stated your meeting notes also said that some of the solid waste industry representatives are supportive of the program but indicated that it should be applied uniformly to help foster a more level playing field between all eligible facilities. Others were not supportive of the program and prefer that the local government decide whether or not to implement the program. Could you expand on what their reasons were for not supporting it and why we are moving forward with it?

Roy Brower replied for purposes of the industry, I would say that at least two of the industry players didn't see a need for it because the facility had been in place for a number of years and they didn't see any necessary community enhancement or rehabilitation that needed to take place in or around the facility. I would counter that, and have countered that, with the notion that the solid waste system is changing. Waste is going to flow to different facilities in different quantities and in different proportions than it has in the past. We at Metro are in the process of discussing the future of the solid waste system. Where is our waste going to be disposed? How is it going to be recycled? Are we going to send more waste to be incinerated, recovered for energy, converted to gas, fuel? There are a lot of these discussions taking place. Part of our effort is to just modernize the system for collecting this. The typical household generates about a ton and a half of garbage that goes to a landfill in a year. This is going to account for an increase of probably \$0.75 to \$0.80 per household per year.

Councilor Wilson stated I understand that. We discuss these fees and how all of these little fees end up being a lot of money. Not only are we going to get charged the \$1, we are also going to get 10% upcharge from Waste Management because of their profits. It is more than just \$1 per household. I am just opposed to this program. I know it has to be implemented because of the state law, and you have the right to do that.

Councilor Anderson asked Dean, is that true? Are we going to be charged for this in the end because of the profit margin in the franchise agreement?

Dean Kampfer, Waste Management, replied yes. We submit our costs every year to the City and these costs are included in our rate setting process and they are indirectly passed on to the customer.

Councilor Anderson stated in essence this is going to be a grant that is funded by the ratepayers of the City of Troutdale.

Dean Kampfer stated disposal fees get passed on to the ratepayers, yes.

Mayor Daoust asked what area does the Troutdale Transfer Station serve?

Dean Kampfer replied the Troutdale Transfer Station receives waste from the east end of Portland, Gresham, Troutdale, Wood Village and some of Clackamas County as well as the City of Milwaukie.

Councilor Anderson asked how long has the Transfer Station been in Troutdale?

Dean Kampfer replied about 1979; the Ege family owns the property. Waste Management leases the property from the Ege family. Waste Management is proud of the Transfer Station. We think it is a great service to the community. We think we have done a great job of operating it and controlling odors, litter and noise. We don't really think that the Troutdale Transfer Station looks much different than a lot of other businesses in your community. The facility is regulated by both DEQ and Metro. We receive source separated recycling, although most of that material goes directly to a material processing facility. We also receive dry waste. That dry waste is reloaded and delivered to a material recovery facility, Tualatin Valley Waste Recovery in Hillsboro. We also receive 70,000 tons annually of wet waste which is what we are talking about. That wet waste is capped under our Metro franchise at 70,000 tons. With regard to the Metro Community Enhancement fee, Waste Management supports a playing field. We have been paying the City of Troutdale a City tax of \$0.65 per ton. We really don't differentiate between city tax and this community enhancement fee, although we really don't talk about the tax. Waste Management's Troutdale Transfer Station is the only facility in the Metro region that pays a city tax. We own the Forest Grove Transfer Station that pays the \$0.50 enhancement fee. Back in 2002 when the City wanted to adopt the tax Metro opposed that tax and wanted the City to adopt the enhancement fee but the City went forward with the tax. Looking back we think the City made a great decision because of the ease of managing the flow of money. What we collect goes directly to the City and goes into your general fund. We believe the Troutdale Council spends the City's funds appropriately and to the benefit of the community, so there is very little difference between the tax and the enhancement fee. We are fine with paying whatever total amount is appropriate that other facilities are paying, but we think the total amount, the tax and the enhancement fee, should be equal or at par. If we are going to start paying the \$1 enhancement fee, to keep the playing field level we think the tax should go away. We do recommend that the City manage the distribution of the community enhancement funds.

Mayor Daoust stated the \$0.65 per ton tax comes directly back to Troutdale. It is about \$65,000 a year.

Dean Kampfer replied it is \$0.65 on 70,000 tons.

Mayor Daoust stated so this \$1 fee is a Metro decision not a Troutdale decision.

Shirley Craddick stated you will decide how those funds get distributed. They can go to community events or community programs. If you decide to accept the funds, how they are distributed will be decided by you; we will work with you on that.

Mayor Daoust stated I am not quite clear how the \$1 fits in with the \$0.65 tax that we are already collecting.

Shirley Craddick replied you are the only city in the region that has a transfer station that collects a tax. This is an enhancement fee; a thank you back to those communities that have transfer stations to allow you to return some of those funds back to your city.

Mayor Daoust stated if we don't do anything and we still keep the \$0.65 tax, Metro is going to tack on another \$1 on top of that and what Waste Management is saying is that they would like us to drop the \$0.65 and go with the \$1 and maybe get that money back in grants. Is that what I am hearing Dean?

Dean Kampfer replied we were indifferent about which method you go with, but if it is the \$1 we would like to only pay \$1 not \$1.65.

Roy Brower stated the \$0.65 is a general government tax that goes to support general government activities. I don't think there is any stipulation on how or what you spend that on since you impose that independently under your own authority as a city. The community enhancement fee is different and distinct because it is imbedded in state law, ORS 459.280 and it is intended to be used specifically for community enhancement and rehabilitation around the defined target area of the facility that you are hosting.

Councilor White stated I met with Shirley and Roy prior to tonight along with other Councilors. This town has been talking about an art fund; that is one use for that money. A solution that I thought of was to take the \$0.65 that comes into the general fund and use that to subsidize Waste Management to reduce their rate from increasing and then we would still be able to access the \$1 per ton fee for incentives for our town. We put up with truck traffic, garbage and the potential for pollution, etc. I understand why the program is there. The only thing I don't like about the \$1 fee is that we have to ask for it in the form of a grant rather than just having it come directly to the City where we could use it in areas that we see fit. It is also a hammer for Metro; if we don't do other regulatory things they could withhold that funding. We have been threatened with that in the past in other situations.

Roy Brower stated the money wouldn't come directly to the City but it would come to the committee that the City sets up. There are different ways to set up that committee. In Forest Grove that committee is the City Council. In Oregon City it is the City Council plus a couple of citizen representatives and the Councilor from that district. The committee makes the decisions. What Metro would do is simply collect the money and remit it to the City to manage it through the committee process. We estimate about 10% or 11% of the garbage comes from the City of Troutdale and the rest of the garbage that comes through the Troutdale Transfer Station comes from other places.

Councilor Anderson asked is that true, if we have another scenario similar to the Title 13 situation Metro could withhold this money?

Shirley Craddick replied I have not heard of that.

Roy Brower replied we are looking at whether that is feasible. We are actually putting our proposal together that will go before the Metro Council in October. You will have another chance to look at a more detailed proposal, or your staff will. The only sort of spigot turn-off if you will might be if that money gets diverted to the general fund. We want to see the

money go into enhancement rehabilitation broadly defined under state law and not go towards paying for general government services in your community.

Shirley Craddick stated what you are asking Councilor Anderson, is would we use it as a threat to you to make you do something else that you don't want to do. Is that what you were asking?

Councilor Anderson replied in essence, yes.

Shirley Craddick replied I would not want to do that. I can't see that we would do that.

Councilor Ripma asked will the \$0.65 that we currently collect have to go away if we started this Community Enhancement Program?

Roy Brower replied Metro's imposition of the community enhancement fee would not force the \$0.65 to go away. That would be your independent decision.

Councilor Ripma stated I am a little concerned that the restrictions on the use of the enhancement funds really wouldn't be very effective at supporting our community events and so on because we really don't hold community events in the vicinity of the transfer station, they tend to be downtown or somewhere else. Do the funds that come by grant back to the City have to be expended near or around the transfer station?

Roy Brower replied it would be up to the committee to set the boundary. In the case of Forest Grove, Troutdale, and Oregon City the city limits could be the target area. That really wouldn't work for the City of Portland because it is so big.

Dean Kampfer stated the original intent of the program was to soften the impact to the directly impacted community around the facility. Having a facility in the City of Forest Grove or Troutdale, you could say everybody is impacted by a transfer station by noise, emissions, etc. You could stretch it as far as you want I guess.

Councilor Ripma stated our transfer facility is pretty benign, but there is truck traffic. I guess I agree with Councilor Wilson. I think it is better that the money goes into our general fund where we can spend it as we like and it doesn't have the necessity to set up a separate committee. I think we are doing well having the tax and collecting it. If we took on this program there is no question that it would affect the rates; they would go up for our residents even if we got rid of our \$0.65 tax.

Mayor Daoust stated it is my assumption that it is going to happen. The \$1 will get charged at the transfer site if Metro Council decides to do this, which I assume they will. The money will be collected and it will be sitting at Metro and Troutdale will be sitting here not asking for any of it. What position does that put Metro in? If you collect that \$1 fee and Troutdale doesn't do anything, what do you do with the money?

Roy Brower replied it would still be reserved for Troutdale. I think it would put Metro in the position of having to do like we have done with the City of Portland, which is set up a local Metro committee that would make the decisions on how to distribute the money. That is not our preference. I don't know how it would work because we haven't done it in a long time. I am assuming we would establish a committee of local citizens and maybe invite a few members of your council to participate. Councilor Craddick would probably chair or steer that committee in some way.

Mayor Daoust stated but chances are you could give it to Gresham or Portland since they are part of the collection area that comes into the Troutdale Transfer Station.

Roy Brower replied no, it has to do with where the facility is located.

Councilor Allen stated when I boil this down basically what I get is we have \$0.65 that is going into our general fund that typically pays for police, parks and enhancement and we are talking about possibly giving that up to have \$1.

Councilor Wilson stated we can have both.

Councilor Anderson stated but we will all end up paying for both.

Councilor Allen asked is there any chance that Metro would only do the difference?

Shirley Craddick stated this is a discussion that is occurring for the region to be a benefit for all of the cities that host transfer stations. The decision we make is a regional decision. If I were in your position I would take advantage of that. I understand Mr. Kampfer's position on this. Obviously as a business he doesn't want to have two different fees, or taxes, placed on his business. You are the only city that has that additional \$0.65 in the region that you levy.

Councilor Allen stated if there is a choice between us administering it or not administering it, I would prefer to administer it.

Councilor Wilson stated I would prefer to administer it also. I have done some studying in Oregon City and Forest Grove on the two different programs. There is a combination of the both of them that I like. Some of the things that Forest Grove has funded through this program is the healthy meals for homebound seniors, sidewalk chalk art festival, housing rehab and repair modifications, automated irrigation systems for the Forest Grove Senior and Community Center, and graffiti abatement. Oregon City uses their City Councilors and their Metro Councilor and I believe four other people for their committee. They require either a cash match or labor to get the grant from Oregon City.

Mayor Daoust asked is there a match requirement for the grant?

Shirley Craddick replied I am not familiar with that. The criteria for how the funds are distributed will be made by the committee.

Councilor White stated I think Metro is probably surprised by this conversation because I really think it is a good thing for Troutdale citizens. The fee increase, as explained to me, was like \$0.08 per month.

Shirley Craddick replied it is less than \$1 per year.

Councilor White stated yet we can bring in as much as \$85,000 to this community. If we are worried about the rate I think out of the \$0.65 tax that comes into the general fund we could write a check to Waste Management for the difference and subsidize Troutdale ratepayers. A lot of the \$85,000 will be coming from other communities that use our transfer station. My only concern is, are there any plans to expand that facility or increase its size and add more uses?

Dean Kampfer replied the Troutdale Transfer Station has probably double or three times the capacity. We are only restricted by the franchise agreement that we have with Metro that restricts the tonnage at 70,000. We have looked at expanding it to self-haul the small loads, but before we could do that there are some issues with the traffic study and possibly a turning lane on the road.

Councilor Allen stated as a resident of Troutdale you are not required to use Waste Management. Can you do city funds to Waste Management? Is that legal?

Ed Trompke, City Attorney, replied generally speaking if there is a public purpose that is furthered by the expenditure we could make findings that it would be fairer to the citizens of Troutdale to refund the extra fee that they are being charged. I think you could make findings that would support it as a public policy.

Mayor Daoust stated or it could be done a different way, we don't necessarily need to write a check to Waste Management. We could reengage with Waste Management when they come to the Council to talk about rates.

Dean Kampfer stated there are many ways to handle it. The biggest challenge for the Council would be that you will have a certain amount of funds and you will have applications for two to three times the amount of the funds you have available to distribute. That is the experience in Forest Grove.

Councilor Thomas asked do we currently pay the \$.50 now?

Roy Brower replied no.

Councilor Thomas stated the part about the \$1 that I don't like is it is a grant system that distributes the money, which may or may not have any direct benefit to the taxpayers of Troutdale other than the ratepayer gets to fund it. It doesn't sound like we have any choice because Metro is going to implement the tax. Our choice is whether or not we set up a committee to accept the funds and redistribute them.

Shirley Craddick stated it depends on what you consider a benefit. You have a lot of great organizations in your city that I think would benefit greatly from this.

Councilor Thomas stated the ratepayer may not see anything. The question is whether or not Troutdale wants to set up a committee to administer the funds.

Shirley Craddick stated Councilor Thomas it sounds like you don't think that is much of a benefit for your community. Are you saying that you think it would be more of a benefit if it went into the general fund?

Councilor Thomas replied it could.

Shirley Craddick asked how is that more of a benefit for the City than money that would go directly back to organizations and your community?

Councilor Thomas stated the difference is when it comes into the general fund it primarily gets spent on public safety; that is where most of our money goes. The public sees a direct benefit from it in one way or another. With this fee going into a fund that we grant out, then specific organizations see it but not necessarily every individual ratepayer will see the advantage. What they will see is the increased \$1. It is the same as franchise fees. The difference is that franchise fees come back to help operate the government which provides for their protection, safety and all the other things.

Mayor Daoust stated this sounds like a work session topic.

Councilor Ripma stated I am trying to understand the math. If we give up the \$65,000 which we collect broadly from jurisdictions all around us which goes into our general fund, then we collect \$1 instead broadly from everyone and we get \$85,000 with the 20% overhead allowed. Then we have all of the bureaucracy of trying to administer it, people applying for grants in excess of the amount we have to give. I would encourage us to encouraging Metro not to do this; give Troutdale an exemption.

Shirley Craddick stated the \$0.65 is not part of this program. That is a tax that you have already levied many years ago. We are not asking you to take that away.

Councilor Ripma stated no but we would. Our citizens would ask us to do that. While in theory we could add the \$1 on, it won't happen. My feeling is that the general fund dollars are very useful to our community; we need them for police, fire, etc. While the program you are describing for grants to deserving organizations sounds good, I for one favor leaving it as general fund money, but that is not allowed.

Councilor Wilson stated the \$0.65 per ton tax is a separate issue than this. Forest Grove is not charging any administration fees so 100% is going back to their community. I would favor that. Forest Grove City Manager said the process only takes a couple of days and isn't that difficult.

Councilor Thomas asked if the money gets charged and it comes back to us, does it have to go to public entities?

Roy Brower replied it goes towards community enhancement. It depends how broadly you want to draw that.

Councilor Thomas asked what is your definition of community enhancement?

Roy Brower replied we are working on that. There is some criteria under state law. Some of it could come back to the city directly to fund some specific projects that are eligible for general funding.

Councilor Thomas stated what I am driving at is could it go to private individuals for projects that are not publically owned.

Roy Brower replied I don't know.

Shirley Craddick replied I think non-profit would be eligible.

Mayor Daoust stated there is no decision needed tonight. We will need to schedule a work session later to discuss the \$0.65 tax and the \$1 community enhancement fee, and the committee.

Roy Brower stated we will have a more detailed proposal that we will share with all of the jurisdictions.

Mayor Daoust called for a break at 8:30pm and reconvened at 8:43pm.

Mayor Daoust stated we will not be discussing Agenda Items #9, 10 and 11 tonight. We will reschedule those for the May 27th meeting.

8. RESOLUTION: A resolution approving the proposed concept for Contracted Law Enforcement Services from the Multnomah County Sheriff, and authorizing negotiation of an Intergovernmental Agreement.

Chief Anderson stated Sheriff Staton and I are here to answer any of your questions about the consolidation effort that we have put before you. I want to stress that this is not a takeover by the Sheriff for police services in the City of Troutdale. We are partners 50/50 in this proposal. We have been working on this proposal for a long time. There have been a lot of good questions asked. We had two excellent work sessions. We continue to get questions and we want to answer each and every question. Tonight we would like for you to afford us the opportunity to be able to get all of the questions answered that you have that can only be answered by actually entering into contract negotiations on this proposal.

Erich Mueller, Finance Director, stated we held work sessions on April 1 and May 6 which I have recapped in my staff report. At the May 6th work session there were a number of

appropriate and valid questions raised. I have attempted to address those in my staff report for tonight. One of the questions I have addressed in my staff report is how the services compare with Wood Village. I have provided calculations regarding the per capita costs. The two cities have chosen a different combination/configuration of services which makes it difficult to compare them directly.

Another issue I addressed is what would be required related to the conclusion of the IGA and obligations to rehire any employees that had been Troutdale employees. There are a number of state statutes as well as collective bargaining agreement requirements that would come into play. It is entirely driven on the timing.

There was a question about our obligation to solicit other law enforcement services. I addressed the provisions that are related to IGAs in the ORS as well as in the public contracting code. There was also a specific question regarding considering contracting for services from Gresham. While it is possible, given their current budgetary challenges that they are pursuing related to their own public safety and parks levy, I think it is probably unlikely to be economically feasible for them to consider it. That is just a judgment based on the information I provided in the staff report.

The final area I addressed is regarding the existing building, lease payments and possible bond payments made from lease proceeds. While it was clear that the audience and several councilors would like to see those potential lease revenues applied toward the bond, some of the statements or positions made about doing that require a little bit of adjustment in terms of how we would accomplish it. There was mention about the police facility costing \$200 to \$300 on a property owners taxes. A house assessed at \$200,000 in the coming fiscal year will pay about \$82 towards the police facility bond. The other bond levy cost that they may see on their tax bill would be related to the treatment plant bond. Through the budgetary process we could eventually get to where we could apply those net proceeds towards the cost of the levy and affectively lower the levy in any particular year for the police facility bonds.

The IGA that the resolution would authorize us to go forward and negotiate does not approve any agreement, it simply authorizes us to negotiate an agreement. That agreement would address the first phase. There would be a number of subsequent phases that would need to get worked out over the course of the coming year, and couple of years, as the Sheriff's office looks at how they will approach patrol consolidation, how they will look at records and how they will look at evidence custody. Many of those things are the items that will affect usage of the building and timing that we have to address on a go-forward basis. The IGA is intended simply to address the transfer of the employees, equipment and the police fleet fee. That would be the initial phase that the IGA would address.

We believe that there are significant cost savings that would benefit the City. We are estimating a savings of \$800,000 of costs for the general fund for the coming fiscal year if this is implemented based on our modeled assumptions. The City Council and the Budget Committee are well aware of the ongoing decline of our general fund and this

would be something that could help change the direction of those graphs. Additionally there is a significant value and additional benefit that we would be receiving from all of the expanded capabilities that we would have access to at the MCSO.

The resolution tonight is not approving any IGA or any kind of final agreement; it is approving the concept that you do want to go forward with this and you are directing us to come back with something that you could potentially approve. That is the decision that we are asking you to make this evening.

Councilor Anderson stated it is understandable but rather unfortunate about not applying the lease payments, should we do this, directly to the building until June 2021. However, you did say that in the interim the lease revenues could be transferred annually to the debt service fund which would result in lowering the required annual bond levy upon the citizens. Could you expand on that?

Erich Mueller replied there were comments made regarding the lease revenues and paying off the bonds early. Even if we had a huge influx of revenue from any source, we can't go out and pay the bonds off. They are fixed security instruments. The first callable date is June 2021. What we could do in the interim with the revenue that is received is similar to what we do with the water pollution control facility bonds. Those bonds are authorized to be levied for a 100% property tax levy. However, when they were originally designed the intent was to have 1/3 paid from property taxes, approximately 1/3 from the SDC fund and approximately 1/3 from the sewer user fees. As part of our budget process each year we budget what those numbers would be, transfer those resources into the debt service fund and the remaining gap to make that years payment is what we actually levy rather than the full amount of what is required for that year. We could set up a similar process for the police facility bond. We could determine the operating costs and maintenance costs, and then determine what the lease revenues will be. As part of the budget process we could transfer that money into the debt service fund. That would then get applied towards the debt service payment for the police facility bond and we would only levy the difference, which would lower what the taxpayers would see on their tax bill for the year.

Councilor Allen stated, Sherriff Staton, our current Troutdale facility is not large enough to house all of the operations. Would you be willing to build an administration building nearby?

Sheriff Staton stated that is what has been suggested. The planning group is working on that currently.

Councilor Allen stated when I take a look at having increased operations out of the current Troutdale facility I think about line of sight and our emergency vehicles being able to egress quickly. I can't help but think that it would be a good idea to move the parking off of the public streets nearby and into a parking lot and reduce the chances of people appearing from between cars.

Craig Ward stated so your concern is that people now, unrelated to the police department, are parking on public streets and because emergency vehicles may be moving quickly by there that it is unsafe to have people parking on those streets where those emergency vehicles are coming in and out.

Councilor Allen stated yes, the two streets that are immediately adjacent.

Chief Anderson stated currently we have to be very careful. On Kendall Court at any given time there can be cars parked on both sides of the street. If we have to go out of the building and down Kendall to Columbia River Hwy. we have to be very careful. Most of the time when we leave we will turn on 2nd to go to Buxton, or we have the east gate where we can exit onto Buxton directly. So yes, right now it is an issue for us but we travel very safely through that area. It may be in our best interest to look at having parking on one side of the street only instead of both.

Councilor Allen stated so providing public parking nearby would benefit you.

Chief Anderson replied yes.

Councilor Allen asked what would be your opinion on community involvement? The community passed the bond measure in the depths of the recession. That is very strong community support. How do we continue that? Would you be in favor of continuing the annual appreciation dinner and can we do that?

Chief Anderson replied I would like to respond on behalf of the department and also the MCSO because our philosophies are very similar. We both have a community policing oriented service delivery. We share in the fact that community events are very important. Certainly the annual awards ceremony is very important. I don't see why we couldn't do something like that.

Councilor White stated I agree with comments Councilor Allen made especially about the continued support and the interaction with the community. We will want to keep that going. To me the only reason to do this is the financial incentives and the added service. I would like to see some safeguards assuring that the money continues to come in. The resolution, as written, really doesn't have anything stating that. I would like to see some improvement on this resolution if we can make that change tonight.

Erich Mueller stated the draft IGA points included in Exhibit B are intended to be only some of what would be included in an IGA. The type of issue that you are concerned about is exactly the kind of thing that we are going to put into the IGA and we will bring you back some text that you will be able to see. Does that provide a sufficient or clear enough safeguard of what you are looking for? Until we can sit down and do that I don't have anything to work with to show you.

Councilor White stated I would like to see a subcommittee formed of this Council and have that subcommittee be included in the negotiations; physically in the room. We also

need to set aside funding to recreate the police department if needed. I don't foresee that happening, but just to add to my comfort level that is something I would like to see in the IGA.

Erich Mueller stated allocation of resources is something that is controlled by the local budget law. That is something that the budget committee would be able to do by creating a future police department reserve fund, and they could choose to put a certain amount of money in it every year.

Councilor Wilson stated someone commented to me that they felt that the ratio of the number of officers to sergeants that are on at any given time, 2 officers and 1 sergeant, seemed to be excessive for the City of Troutdale.

Chief Anderson stated that wouldn't be the ratio. That would be the ratio inside the city limits of Troutdale. The reason I want a sergeant inside the city limits of Troutdale is because there are times now that we don't have a supervisor on duty at all.

Councilor Wilson asked and not having a supervisor on duty creates what for the police department?

Chief Anderson replied it creates indecision. In a crisis situation you then have an officer that has to perform the duties of his or her own responsibilities plus that of a supervisor. We would need to call someone at home to respond. In a critical situation seconds can mean a life. The ratio will be 1 to 6 or 7, not 1 to 2.

Councilor Wilson asked doesn't it also creates a liability issue for you?

Chief Anderson replied it is huge. The liability issue is something that we are sitting on right now that keeps me up at night. That is something that we have to fix.

Councilor Wilson stated another item that they talked to me about was the number of police cars that we have and how they get used. I think I did a very poor job of trying to explain that they are not all used at once and you put 50,000 miles on each one of the cars each year and that you have to keep switching the cars out to keep the miles lower. Is that the same practice within the MCSO?

Chief Anderson stated we have a subcommittee looking at all of those issues that we still need to work out. Basically yes, we will try as best we can to keep the low mileage cars on the street so that we don't have high mileage cars that are a danger to the public or to the deputies. There is a turnover ratio that is independent of any standard for the US and each department has their own determination for that. I think that what Lt. Wendland showed you at the budget meeting is the practical way of looking at it. If you are looking at cars over 80,000 miles you have to compare that to the maintenance record and the risk of someone driving that car. We have had some incidents in the last couple of years with high mileage cars; fortunately no one has been injured but certainly could have been. We are trying to make the best decision from a financial standpoint, maintenance

standpoint, but by all means a public safety standpoint. There has to be a line there somewhere and it is around 80,000.

Councilor Wilson stated I think their concern was that there are too many cars.

Chief Anderson replied if you reduce the number of cars in your fleet you put more miles on the low mileage cars.

Sheriff Staton replied we have developed a very extensive replacement plan. There is money that is automatically carved out year by year to replace vehicles.

Councilor Wilson asked do you keep a large fleet?

Sheriff Staton replied yes. We have the largest fleet in the county.

Councilor Wilson asked are they all used at the same time?

Sheriff Staton replied no.

Councilor Allen stated during the recession we weren't buying enough cars to stay even so we would have to buy extra vehicles in order to catch our fleet back up. Is that under consideration during this process?

Chief Anderson replied absolutely.

Mayor Daoust asked would anyone in the audience like to speak to the Council on this issue?

Joe Carlson, resident and member of the Public Safety Advisory Committee (PSAC), stated I support this plan. I think it has been well presented to us on PSAC. I think that it represents a very good option for the City from a financial standpoint and from a public safety standpoint.

Jay Ellis, resident of Gresham, stated I do a lot of business in Troutdale. I think it is great that the Council is looking for ways to lessen the burden on the citizens. I personally feel safe in Troutdale. I think it is proactive to look for ways to save money. We already contract for fire service with Gresham. I love the identity that we have as Troutdale, I love the independence and beauty of Troutdale. I just want to keep Troutdale's identity. If we join all of the services will we just become a neighborhood of Portland, or are we Troutdale as a City?

Ray Walls, resident, stated regarding the number of vehicles, it is just an impression. Why are there so many cars in the parking lot at the police station? It just doesn't seem like it is necessary. It would make more sense to have fewer cars and just use them up and replace them; just for the image so it doesn't look like there is all of that waste. To me it was embarrassing when someone who came to visit that had never been here before

mentioned it right off the bat. Regarding the issue of people parking on the street. People park on every street. I don't know what you solve when you start restricting where people park. Also the fence on the outside of the police station, I really didn't understand why there was a fence put there. Is it possible to combine funds, resources and maybe move city hall into the police station into an unused area? Or use the property to put an annex on? I agree with the last gentleman, it is important to keep our identity as the City of Troutdale and our individuality.

Bruce Wasson, resident, stated I believe that we as a city should consider more than just the money that might be saved by making the decision to have MCSO serve as our local police force. I have confidence that the Sheriff will do a professional job and live up to any agreement that the City would enter into. However, I believe there is a deeper issue with Multnomah County itself that needs to be considered. What if the County Commission, independent of the MCSO, and no matter what agreement they may have with Troutdale, decides not to provide the services that are currently provided such as river patrols, search and rescue and other functions of services that they provide because they are short money? Could a contract be so written as to make any future taxes, fees or other forms of revenue raising impossible to impose on Troutdale.

Let's examine the history of the Multnomah County itself, and of the County Commissioners of the last few years. A few years ago the County wanted to hire a translator to work in the hospitals to help those who spoke no or little English. A very good idea except they wanted someone who spoke Klingon, from the Star Trek movies; need I say more. Recently four of the five Commissioners met in secret and voted to allow homosexuals and lesbians to get marriage licenses in violation of Oregon law. My point here is not about homosexual marriage, it is with the backdoor and sneaky way this was handled. One of the Commissioners was not present because they knew he would object. It seems that the Multnomah County Commissioners believe they can do whatever they want. The most egregious act happened last year when they voted harsh restrictions on personal gun ownership and how we are allowed to carry that weapon. That was again done in violation of Oregon law and the State Constitution. Even though Multnomah County Sheriff supported this when it was passed their office has seen fit not to enforce it, and rightly so.

I ask the City Council of Troutdale these questions. If the Multnomah County Commissioners decide to do any of the following how is Troutdale going to respond? Add fees, taxes, rate changes, higher costs for fuel and supplies. What about services that are currently being offered that the City is not charged for such as river patrol and search and rescue? Can these items be addressed in a contract that cannot be overridden by the County Commissioners? What about ordering the Sheriff to enforce laws that are clearly unlawful? What will the Sheriff do in that case and where will that leave Troutdale? Without local control the City of Troutdale would be subject to the whims of the County Commissioners in matters of police enforcement. The Sheriff is under the control of the County Commissioners and could be ordered to enforce things that are not lawful, or violate a contract. Due to budget shortfalls they could order the Sheriff to cut patrols in Troutdale to cover other parts of Multnomah County. Could this happen? Possibly. Even

though the comparison to Wilsonville is noteworthy, they do not have to deal with Multnomah County Commissioners. The Clackamas County Commissioners haven't voted for things that are unlawful or unconstitutional that I know of. These examples show how the leadership of Multnomah County thinks. The County seems to have no qualms about passing laws that are either unlawful or unconstitutional thereby imposing on others their will and not upholding what is written in our laws or State Constitution. What is to stop them from passing a resolution or law that voids the contract? They have a record of doing just that? How many years will it take to resolve that issue in the courts if it comes to that? I have absolutely no worries about how MCSO will act, it is the County Commissioners that concern me. I do not and cannot trust an elected body, the Multnomah County Commission, who pass laws that are clearly in conflict with state law and do it behind closed doors. Or pass a restrictive gun law that is in violation of the State Constitution and the Bill of Rights of the US Constitution. The arrogance of the Commissioners towards the people of this County is apparent by their actions. They have no regards for the rule of law which we all live under, or the Constitution which they swore to uphold, and it shows. I do not believe that the City of Troutdale should get into bed with this kind of leadership.

Mayor Daoust stated some of the questions you raised were answered at the work sessions we held. Sheriff could you address the contract question?

Sheriff Staton replied once a contract is developed the MCSO has to abide by that contract. The Board of County Commissioners cannot enact or intercede on operational issues that are developed in the contract. The only thing that they can actually look at and partake in is the fact that once the contract is signed and revenues are exchanged, that is the extent of their involvement. The general fund cannot be used to support the City of Troutdale, nor can any contract dollars be used in any capacity by the County. Those funds are locked into place. The contract dollars are passed through the County and come directly to the MCSO to provide the services that we have agreed upon in that contract. I share your concerns. I wouldn't, and I don't believe the Chief or this Council would, consider any negotiation or look at a contract where it would damage the relationship that the MCSO and the Troutdale Police Department have in the community that we serve. We have spent 4 years now working to bring both the Troutdale Police Department and the MCSO in lockstep so that we view, see and treat the citizens the way they expect to be treated both in the unincorporated areas and within the city limits. I think we have done a very affective job. I think that also applies to the policies that we have adopted. I understand the concerns with the Board of County Commissioners. With regard to the Commissioners, they receive the funds for a contract that was developed between myself and the City of Troutdale and those funds have to go directly through the general fund and back to the MCSO to provide those services without interruption. The river patrol and search and rescue are services that are guarded by state statute; the County Commissioners realize that the funding source for those services cannot be cut. Yes they can cut other elements of the MCSO but those are guarded by state statute. We have eliminated things that could potentially be cut or harmed financially by the Board of County Commissioners. We are now restricted to core service operations and the bulk of those core service operations are protected by statute.

Mr. Wilcox, resident, stated what has received the most attention is the \$800,000 savings. What the negotiators need to look at is the \$2.5 million contract price which is basically what you are paying for the 15 positions retained. A couple things came to my attention in the May 6th handout. Regarding the building, I think we can all agree that if Troutdale didn't have the building this offer wouldn't be on the table because it basically provides a Sheriff's substation. There was a statement regarding the lease payments saying that the fee or rate of the lease payment will be determined as the use utilization is determined. That is like having someone move into your rental and then mutually agreeing two months down the road how much they will pay in rent. That seems strange to me. There was a reference to a contract cost escalator. It says what will be approved automatically is a cost of living increase. What I read in the paper was the Troutdale Police have a 3 year contract and they have no cost of living in their contract. So I thought it was strange that the City would automatically offer that.

Ray Walls asked how many Sheriffs are we talking about having on at any given time?

Sheriff Staton replied 7.

Ray Walls stated I have read in the newspaper that there have been times where in the State of Oregon there have only been 2 on patrol. What about the overtime? It was in the paper that the budget has consistently run over double.

Sheriff Staton replied we have only run over our budget one time in my 25 year career with the Sheriff's office. Secondly, an agreement was made with the MCSO and the Board of County Commissioners. There were three programs that were developed that were part of the MCSO budget but there were no funds allocated for those three programs. What we did to close the budget was we carved those dollars out of our overtime budget and when we closed the budget we started off the year at a \$500,000 deficit. The agreement was that we would try to create some unique ways to create savings within the MCSO. What ended up happening was for the first time in nearly a decade we saw a spike in our mentally ill that were coming into custody and going into a jail environment. That in turn created individuals coming into a jail setting that required supervision and we were never budgeted for that and any savings that we had created were immediately absorbed by overtime. Sheriff Staton explained what is involved in the handling of the mentally ill population.

Ray Walls stated with all due respect, I don't know if that is something we want to take on as a city.

Sheriff Staton replied the City does not take on that. That is taken on by the Board of County Commissioners and the general fund and the Sheriff. It would have nothing to do with any contract that is developed with the City of Troutdale, nor the funds that would be put towards that contract.

Ray Walls stated but I think we would somehow absorb the cost.

Sheriff Staton replied I believe that everyone in this room pays county taxes and city taxes. In one way shape or form we are paying for it through the county taxes you are paying, but it will not impact any of the city taxes.

Councilor Allen stated the comments we heard were good. I was hoping to get a legal opinion. My understanding is that while patrolling within the City of Troutdale there is an obligation to follow the laws of federal, state and the city.

Ed Trompke replied that will be built into the terms of the contract. The city ordinances will be part of what the deputies will enforce just the way the officers do now.

Councilor Allen stated it seems like Mr. Wasson's concerns were addressable.

Ed Trompke replied yes.

Councilor White asked Ed, did you have a chance to look at the analysis of the early payoff? Was there any problems with that?

Ed Trompke replied what is described in the staff report says that the second ten years of the bonds are callable and can be paid early starting June 2021. It is pretty common for the first ten years of the twenty year bond to not be redeemable or callable in advance. The Finance Director said he checked on the bonding requirement. I didn't have the opportunity to look but it is entirely consistent with common practice.

Councilor Thomas stated I think one of the key factors is we need to make sure that there are performance standards. The other thing that keeps getting mentioned is the \$800,000 savings, but it is only a savings if you don't spend the money. That is a budget issue that we will have to look at. I share some of the concerns of the County Commission, but I also understand what Sheriff Staton is saying that once we have the contract they have to abide by it. I am not exactly sure if this is a good idea or a bad idea yet, but we will see what happens.

Councilor Allen stated the subcommittee is not a bad idea. On a topic of this importance it seems like our Council could fight it out meeting after meeting and it might be better to have a subcommittee come to agreement during the process in order to speed it up.

Councilor Ripma stated I think the idea of having a couple of Councilors on the negotiating team is a good idea. I appreciate the staff answering the questions that I asked at the work sessions. What it comes down to for me is the concern that our public safety is going to be as good as it has been with somewhat fewer staff. We are going to save money and that is a good thing. I could entertain supporting this resolution because I have been convinced that it is necessary to get something in writing that spells out all of the issues that concern me about the level of service and whether we will really see the savings. I would like the resolution to include as a finding the charts that were displayed at both work session showing the savings of \$800,000 the first year and \$1.1 million on through

the remaining years of the contract. I think that should be included in the findings. That would be the reason for the citizens of Troutdale to support this. The officers are going to get expanded career opportunities; no question about that. That is a plus. The services levels, while I think the staff report reflects they will be similar, it refers to somewhat lower service levels for the County and the City combined but the City is going to be held to the same standard. All of the deputies and officers make more money; that is true. But the benefit for the citizens is the savings of \$800,000 the first year and the \$1.1 million through the contract. I think that should be a finding in the resolution because that would be the reason I would vote for it. I also think we ought to mention that the negotiating team will include a subcommittee of the Council.

Councilor White stated for my comfort level I agree with the statement of Councilor Ripma. That is what I have been saying. At both work session and again tonight it is about the savings. We need some written assurances that those will always be there for the City. I would also like to make the appointment tonight on who will be on that committee.

Councilor Ripma stated to me Councilor Allen and Councilor Anderson would be great.

Councilor White stated I agree with that.

Mayor Daoust appointed Councilor Allen and Councilor Anderson to be involved with the negotiation process.

Mayor Daoust stated regarding the savings reassurance, I agree with Councilor Ripma that we should say something regarding that. Do you have any recommendations on some language for the savings reassurances such that it doesn't tie the hand of the negotiation team?

Ed Trompke suggested adding a new Finding #9 that could read, "The estimated savings to Troutdale taxpayers will be approximately \$1 million per year."

Councilor Anderson suggested adding it to Finding #7 where it says substantial cost savings, add "estimated to be on average \$1 million per year" to the City.

Mayor Daoust asked is it okay to add it to Finding #7?

Ed Trompke replied yes.

Councilor Anderson stated I want to thank everyone for taking the time come here. This is big deal; the single biggest issue I have faced on this Council. It is a tough decision. It is not a decision that I take lightly and it is not a decision that I have made yet. The decision that I have made is I love what the proposal says, now lets put it in a contract and see what the level of service promises are and what those dollar savings are. We just have estimates right now. I want to get to the point where we have actuals and then we will see where we go from there. I hope that we can come to an agreement. I have heard a lot of concerns from our citizens specifically as it relates to our city's identity. I think that

there is a way that we can maintain our identity satisfactorily in the confines of an agreement. I look forward to trying to do that. That is the one thing I have heard that is a big deal for our citizens second to the building, which I think we have addressed. I think the Budget Committee and the Council will do the right thing there. I think we are in-line with where we want those lease proceeds to go, but that is a budget action.

Mayor Daoust stated I have thought about this a lot. I have heard from citizens on both sides and I take that into account when I make decisions. My position as a leader is to provide the right arguments for the citizens and this Council. Facts should eliminate the emotional arguments, but they don't always. I have heard the emotional arguments, the identity issue, the territorial response, lack of trust in the County Commission. The agreement can and will specify maintaining Troutdale identity and significant local control. I agree that this is a win for the City, a win for the County and a win for the employees. I think that has been solidly displayed. I don't think of this as what we can each get out of the deal. I think of it in terms of what we need to do to work together and to provide the best police coverage for everyone and for every purpose. Troutdale does not operationally stand-alone with our police department; we don't know. We don't just work within our city limits. We never have and never will operate as a single city silo where we just keep our police within our city limits. The influences of increased drug use and increased gang activity in Troutdale are evident. Gresham is saying the same thing which is why they have a police levy out. I look at the pros and cons of this as do my fellow Councilors. We need to stabilize public safety. Public safety is our number one priority. This meets some of our Council goals. Our job is to implement things that meet our goals and objectives that we establish. We have all heard the additional service enhancements and additional secured services; they have been laid out pretty good. The significant financial benefit of that \$1 million per year after the first year is big. We could apply the budget savings to offset the police building bond debt that the citizens pay on their property taxes. We could put money aside for a new city hall and probably not have to put forward a bond to pay for it, saving our citizens additional property taxes. The savings could offset the probable increased costs to the city for our fire services contract with Gresham. We could underground more utilities. We could negotiate additional cost savings in the lease of the police building to MCSO. Savings could be put into a rainy day fund to accommodate termination of this agreement which some folks are concerned about. I am not concerned about that. Existing employees will keep their jobs. We will still have 15 police staff just as we do now. When I talked to the Mayor of Wilsonville he reports a similar agreement to be "very stable" after 20 years in Wilsonville. Nothing but a positive experience were his words. Officers look and behave like city police even though they are county sheriffs. All four mayors that I talked to that have similar agreements had nothing but positive statements; no cons. It opens the door to have a civic center next to our police station. If we don't move forward with this I feel guilty of not doing my job when we underfund municipal services. That is one of our prime responsibilities. To maintain the standard staffing of police we would need a future police levy which would be an addition to our residents' property tax bill. The reason I say that is that we have a similar tax rate to Gresham who has a police levy on the May ballot. If we wanted to fund the additional 2 sergeants, 1 officer, records staffing to cover 24/7, plus all of the vehicles that are needed, that adds up to around \$700,000 to \$1 million per

year. That is the opposite of what we are talking about gaining with this agreement with the MCSO. There would be a cost to us of nearly the same amount if we wanted to fund the police department the way they say they should be funded and to take care of the vehicles that they need. I don't think we will be able to do that. If we don't adopt this resolution we won't have any rainy day fund, there will be no relief to our taxpayers, no city hall down payment, no relief for the fire services contract, and no additional funds to contribute to the Discovery Block Development. This Council has always said we trust our Police Chief. I hope that the vote tonight continues that trust in our Police Chief and the Department. As far as the negotiation process, it is always a good thing to think about how the process will start and continue. I agree that we will need performance standards, level of service discussion. There may be points along the way that become deal breakers. If we get to that point we will stop negotiations. I don't think we will end up there. I think we need to translate our anxiety into negotiating positions. I am glad that a couple of Councilors are willing to help staff with that. I think the agreement can and will specify maintaining Troutdale's identity.

MOTION: Councilor Thomas moved to adopt a resolution approving the proposed concept for Contracted Law Enforcement Services from the Multnomah County Sheriff, and authorizing negotiation of an Intergovernmental Agreement with the changes discussed. Seconded by Councilor Wilson.

Councilor Ripma stated for the record could we hear the wording of the changes made to Finding #7 and to Section 2.

Ed Trompke stated Finding #7 would read, "Time is of the essence for both MCSO potential budget efficiency opportunities, and for the potential substantial cost savings of approximately \$1 million per year of the City to begin." Section 2 would read, "Two City Councilors, the City Manager, Financer Director, or as needed the City Attorney (each a "City Official") are designated to negotiate on behalf of the City, and are directed to present a proposed Intergovernmental Agreement to the Council for final approval."

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

Motion Passed 7-0.

9. RESOLUTION: A resolution adjusting the storm sewer utility fee, and rescinding Resolution No. 2216.

This item was pulled from the agenda and was rescheduled for May 27, 2014.

10. RESOLUTION: A resolution adjusting the sanitary sewer utility fee, confirming the average flow rate for an equivalent residential unit, and rescinding Resolution No. 2217.

This item was pulled from the agenda and was rescheduled for May 27, 2014.

11. RESOLUTION: A resolution adjusting the water commodity fee, confirming other water related fees, and rescinding Resolution No. 2218.

This item was pulled from the agenda and was rescheduled for May 27, 2014.

12. STAFF COMMUNICATIONS

Craig Ward stated there is an Urban Renewal Agency Meeting scheduled for May 20th at 6:30pm. I recommend that you excuse Mr. Trompke from attending this meeting. **Council Agreed.**

Typically the Council has an adjusted meeting schedule for the summer where you meet for the first regular meeting in July and the second regular meeting in August. Does Council want to follow the summer schedule? **Council agreed to leave it as a tentative summer schedule, unless a meeting is needed.**

13. COUNCIL COMMUNICATIONS

Councilor White thanked the Public Works Department for their effort on the Annual Spring Clean-up. I want to compliment the Lions Club on another successful Troutdale Trot.

Councilor White reminded folks that the Life Guards stationed at Glenn Otto Park do not start until Memorial Day and stressed that the river temperature is extremely cold this time of the year.

Councilor Allen stated part of the reason I voted no this evening is not understanding what the projects are well enough to decide to spend other people's money on them. I would like to ask for permission to talk with our Public Works staff to become more educated.

Craig Ward stated all of the Council is free to do that.

Councilor Allen asked is our web page working? Would my cell phone number be on there? If we are going to negotiate a contract a good contract considers the concerns of various people.

Craig Ward stated so you would like your phone number to be posted on the web site. Debbie, do you know the answer to that?

Debbie Stickney replied your phone number is not on the web site. Your city email is on the web site. If we receive a call asking for your contact information we give out the number that you have authorized us to give out. If you want your phone number added to the web I'm sure we can do that.

Ed Trompke stated that raises the problem of texting being a public record. If you receive texts you may be required to forward them to the city.

Councilor Wilson stated I also want to thank you for the great job you did. I think you picked up 15 bicycles for the Bike Rodeo that the Kiwanis Club put on. I want to thank you for seeking those bikes out for the underprivileged kids.

Councilor Ripma stated I may have a conflict on May 20th. I am on the Hanford Clean-up Board and they have a meeting that day in Boardman so I may not make it back for the Urban Renewal Agency meeting.

The Historical Society's Annual Cemetery Tour is this Saturday, May 17th. If you are interested bring a lunch and meet at Red Barn next to the Harlow House at 9:00am.

Councilor Anderson stated we need to schedule reviews for the Judge and Craig. I would strongly endorse Councilor Thomas to be involved in the fire contract negotiation.

Councilor Allen stated I would agree with that.

Councilor Anderson stated as the Chamber liaison I was approached by the Chamber regarding a sponsorship request for SummerFest. I would like to discuss that at our next meeting.

Councilor Thomas thanked Comcast for sponsoring the Comcast Cares Day. They did some fantastic work at Imagination Station. Mt. Hood Cable Regulatory Commission will be bringing to you in the near future their annual budget for approval. One of the notes will be that we have granted over \$1 million in community access grants. We are working on some things that will help on the education side of things.

I still haven't seen anything on the chronic nuisance ordinance.

Ed Trompke stated we have talked about the chronic nuisance ordinance and using the City of Sandy ordinance as the basis for it. We have a copy of it but we haven't tried to integrate it into the Troutdale code yet. Is that still where you would like to start?

Councilor Thomas replied the only one I have seen and read was the City of Portland which was fairly straight forward. But Sandy's is okay.

Councilor White stated Washing County has arranged what they are calling a petite deal for urban growth expansion. It sounds like that port hole is open again. I think it would be a good opportunity for Troutdale to submit a plan. The previous Council was unanimous

on expanding 800 acres to the south. I feel it would be a good effort to try and help that Thriftway area out, and it completes our town. I know we have a lot on our plate, but it could be a long time before that opportunity to look at that ever arises. We are also short on a particular type of housing in Troutdale which is the high-end houses; single acre lots with high-end homes. I would like to see us be a part of that if it could be arranged.

Ed Trompke stated there are two things going on with that in the legal sense. One is that Metro adopted Title 11 for preplanning before it wants to bring lands into the Urban Growth Boundary (UGB). I have read that and have condensed it down to two pages of English that you can understand. I can provide that to the Council if you would like to see what has to be done. It is not insubstantial and will take some staff time to plan that. I am told that there was this grand bargain put together that primarily benefited Washington County which I was somewhat involved in because I am on the Board of Directors of the West Side Economic Alliance. That was a very organized group and they got a lot done for the future of Washington County. Clackamas County got left out because they weren't as well organized and came down in a divided group. They are talking about something they are calling the petite bargain for the next legislative session to bring in legislatively some land in Clackamas County. If you wanted to get on it and start talking to the Committee Chair, we could start to get Multnomah County as part of that process. Multnomah County was sort of left out because it is just assumed that no one in Multnomah County wants to move Multnomah County UGB. If the City wants to do that, that would be a logical place to start. That avoids having to go through this Title 11 process.

Mayor Daoust stated I am concerned about staff's time. The urban renewal area is our highest priority. I am interested in this but I need to know a little more about how much time it will take.

Councilor White stated a lot of the cities that are organized on this subject have hired it out. Is there a way to look at that?

Mayor Daoust stated we will start looking into that.

Mayor Daoust stated the Regional Solutions Team meeting that Craig and I went to was worthwhile. I have never seen a team of state agency people sit around a table and say we really want to help you with your urban renewal area and what can we do.

We need to schedule a work session to discuss moving the council chambers and municipal court into the Police Community Room.

I would like to schedule an executive session on real property transactions talking about selling city property. We had an appraisal on the old city hall building but we haven't see that. What are we going to do with the old police station lot? Are we going to sell it? If so we need an appraisal. If we are going to consider buying the Windust property we need to talk about that. Does that all qualify for an executive session?

Ed Trompke replied if you are talking about specific properties and negotiation, yes. But if you are simply talking about appraisals to sell property I don't believe that those are exempt. But those things should be discussed in an executive session. You may have to limit the discussion. We can frame that properly.

Mayor Daoust stated I tried calling the owner of the old Caswell Gallery building three times but they don't answer. The discussion regarding the contract city attorney that was originally scheduled for May 27th has been postponed. I postponed that to allow more time to evaluate the current contract and what we want to do.

14. ADJOURNMENT:

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

Meeting adjourned at 10:40pm.

Doug Daoust, Mayor

Approved June 10, 2014

ATTEST:

Debbie Stickney, City Recorder