

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

**Tuesday, September 9, 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; and Travis Hultin, Chief Engineer.

**GUESTS:** See Attached.

**2. CONSENT AGENDA:**

**2.1 MOTION:** A motion supporting the re-appointment of Mark Clark to the Portland International Airport Citizens Advisory Committee (PDX CNAC), representing the cities of Troutdale, Wood Village and Fairview, for a 3-year term beginning November 2014.

**MOTION:** Councilor White moved to approve the Consent Agenda. Seconded by Councilor Anderson. Motion Passed Unanimously.

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

None.

**4. PUBLIC HEARING / ORDINANCE (Introduction):** An ordinance relating to the Troutdale Riverfront Renewal Plan and establishing a procedure for transfer of the former Sewer Treatment Plant property.

Erich Mueller, Finance Director, stated this is the next step in the path as we move toward the redevelopment of the Urban Renewal Agency (URA) Area. This is the first step

towards transferring the real estate owned by the City, which is composed of two tax lots associated with the former sewer treatment plant property, from the City's ownership to the URA's ownership. The URA, under the state statutes, has a greater degree of flexibility in terms of being able to pursue redevelopment incentives. Adoption of this ordinance is just one step along a long path. This is an open, public, transparent process so that the public is aware of what is occurring. Once we get further down the path and get the remainder of the necessary paperwork there will be plenty of opportunity for the Council and the public to ask questions and be clear about the deliberate process that we are going through.

The transfer to the URA provides the ability for the URA to pursue redevelopment in accordance with the adopted Troutdale Riverfront Renewal Plan and be able to take advantage of those flexibilities in redevelopment that are provided to the Agency under state statutes.

Once we get further in the process of getting the remaining terms of the Purchase and Sale Agreement (PSA) negotiated with Eastwinds, then we will proceed through another process where there will be an ordinance and two public hearings before the real estate could be transferred from the URA to Eastwinds. That process will probably occur this fall.

We provided you with a copy of the draft Special Warranty Deed (Exhibit A to the Staff Report, copy included in the packet) to provide illustration and transparency about what is going on and to also illustrate clearly that the real estate is being transferred, but the City is able and is continuing to have assurances that the real estate, when it is ultimately acquired externally, will be developed in a manner that is in accordance with the adopted Troutdale Riverfront Renewal Plan. There is a revised Exhibit A (copy included in the packet) that was provided to you this evening. We are working through the process looking at the easements, working with the title company, trying to ensure that we are addressing all the aspects. It is still a draft. Ultimately the version that we will presumably execute will be yet further revised when we get the final title report and the final information on the easements, etc.

Councilor Allen stated the timing of this and the timing of the cleanup of the old sewer plant, a portion of which is being done based on an agreement that we have. Is this transfer going to affect that agreement?

Erich Mueller replied I believe the agreement that you are talking about is with the contractor that is currently using the area as a staging area for the I-84 Bridge construction.

Councilor Allen replied that is correct. The agreement is with the City and we are transferring the property to the URA. I just want to make sure there is not going to be a conflict.

Erich Mueller replied we don't expect there to be any conflict or difficulty in getting that accomplished. I believe they are currently scheduling to do their work in October. I don't expect the transfer of ownership to take place until at least then or the following month. We need to wait for the No Further Action (NFA) letter from DEQ on our property before we transfer the ownership.

Councilor Allen asked when it comes to development, it could happen fairly quickly or it can take years. If it should take years, is it going to be a problem that we don't have an easement for the trail?

Erich Mueller replied the trail process is something that we intend to address as part of the negotiation of the PSA. If for some reason that process got put on hold for an unexpected unknown reason, there isn't any reason why the City couldn't then pursue trail development independently.

Councilor Allen stated the reason I asked was because in Section 6 of the ordinance (page 3) where it says, "the City Official shall consult with the Public Works Director and determine the location and area of easements needed to accommodate sewer, water, stormwater and other utilities." I was just wondering why the trail was not included.

Erich Mueller replied the trail is viewed as a separate component versus the items that we were trying to address in that section related to the city's utilities infrastructure. There is survey work that needs to be done for the trail. There are still issues of exactly where the normal high water mark is and the riparian zone; all those pieces still have to be sorted through. In that section we were focused on infrastructure like water lines, storm sewer, etc.

Councilor Thomas stated in looking at the agreement transferring the property to the URA, this is something that we would have to do no matter who we sold the property to.

Erich Mueller replied certainly that is the expectation. The adopted Plan had always envisioned that the URA was to be the agent of the City to facilitate and conduct the redevelopment. In theory we could have done this back in January of 2006.

Councilor Thomas stated once the property is transferred to the URA, the URA could go ahead and do some development stuff on the property because at that point they own it.

Erich Mueller replied correct. The URA will then be the property owner and it has those flexibilities as a normal property owner and potentially some others given the state statutes.

Mayor Daoust opened the Public Hearing at 7:15pm and asked is there anyone in the audience that would like to speak to us on this issue?

Robert Strebin stated I keep wondering why when there is money involved and in Troutdale, Yoshida keeps appearing. I want to make sure that this is not a miracle deal

for Yoshida and a screw over of the City. I am not the only one that is worried about this. Suddenly out pops that we are going to transfer everything to Eastwinds, which is Yoshida. I want to know what is going on. The whole process seems like a scam. Maybe the Attorney General needs to look into it to see if things have not been done properly. There have been a couple of private meetings of the Council and then all of a sudden Yoshida is going to get the property with no other bidders so to speak. There is a lot of concern out there. How much money is Yoshida putting in this next election? Who is accepting money from Yoshida?

Councilor Wilson stated I would like to say that all of our meetings have been public.

Robert Strebin stated but somehow or other this sneaks under. There were a couple of executive sessions that nobody knows what happened. I would like to know if Yoshida was part of those executive sessions.

Councilor Wilson replied no. Only the City Council or people who work for the City attended.

Robert Strebin asked was Yoshida discussed?

Councilor Wilson replied we discussed the topic.

Robert Strebin replied then you discussed Yoshida.

Mayor Daoust called for order. This isn't a question and answer period between the Council and the audience. We accepted your comments, and thank you. Is there anyone else who wishes to speak to us?

Mr. Brown stated you let Junki Yoshida come up here and pretty much chew out the whole City of Troutdale and you let him ramble on for 10-15 minutes. If this guy wants to speak let him speak.

There was no additional testimony.

Mayor Daoust closed the Public Hearing at 7:20pm. A second hearing will be held on this ordinance at our next meeting.

**5. PUBLIC HEARING / ORDINANCE (Introduction):** An ordinance of the City Council of the City of Troutdale, Oregon, relating to Nuisances and amending Chapter 8.28 of the Troutdale Municipal Code.

Mayor Daoust read the ordinance title.

Councilor White stated in reading this ordinance it was very familiar and I remembered that I first read this document when I was on the Citizens Advisory Committee (CAC). They have been asking us for some work to do. They are the original authors of a lot of this body of work. I think it may have been an oversight on our part not to have them

review this document prior to us considering it. I am suggesting that we send this to the CAC. I think it is the right thing to do. We have staff now that can staff those meetings.

Councilor Allen stated I would agree. This is important code. We haven't discussed this much in a work session, we certainly haven't gone through it line by line so it would be good to have extra eyes on this ordinance.

Mayor Daoust asked does staff have any comments?

Craig Ward replied if Council chooses to refer it to the CAC that is your call and staff will do everything we can to support that CAC bringing forward a recommendation.

Councilor Ripma stated it is a modest enough change, but it never hurts to have more public comment.

Councilor Thomas stated I am not opposed to sending it to the CAC to have them look at it. I would like to get it done soon though.

Councilor Anderson stated it is fine with me.

Councilor White stated maybe we can give them some direction on specifics.

Councilor Anderson stated if we are going to have them look at it, let's have them look at it unbiased.

Councilor Thomas stated we have been trying to do something about chronic nuisances for about a year. Part of the delay was because of change in city attorneys, but in the meantime we have property owners dealing with these kinds of issues and they have no recourse. For us to keep spinning isn't moving the process and isn't helping out the property owners who really need the help. That is why I would like to see this move quickly.

**MOTION: Councilor Thomas moved to table this discussion and forward it to the Citizens Advisory Committee for their evaluation. Seconded by Councilor White. Motion Passed Unanimously.**

**6. RESOLUTION:** A resolution granting a non-exclusive franchise to Portland General Electric.

Steve Gaschler, Public Works Director, stated here with me tonight is Deane Funk who is the government relations person with Portland General Electric (PGE). We are not asking for any significant changes from the previous agreement. The only changes were to the wording in the indemnity and insurance clauses and increasing the insurance.

Steve Gaschler reviewed some of the major provisions included in the franchise agreement.

The current franchise agreement expired on December 31, 2013. There were provisions in the agreement that if a new agreement isn't in place the existing agreement continues on until a new agreement is entered into.

Deane Funk, PGE, stated this is pretty straight forward. One thing that is distinct about Troutdale is that we always hold Troutdale up as the model for the 1½% privilege tax as the only city in Oregon that dedicates that tax and actually has a nexus between the tax and the use of it.

Councilor Thomas asked was the previous agreement for 10 years?

Steve Gaschler replied yes.

Councilor Thomas stated I seem to recall something in our ordinances that we have an 8-year limit for franchises.

I want to thank PGE for their assistance in getting the undergrounding done. In the past PGE has helped us fund some of our undergrounding projects and we have paid you back with the privilege tax revenues. That has been really helpful for us to get more reliability of power service in the City.

**MOTION: Councilor Wilson moved to adopt the resolution granting a non-exclusive franchise to Portland General Electric. Seconded by Mayor Daoust.**

**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 I didn't find anything in the code limiting the franchise to only 8 years. If there is such a limitation on franchises, the agreement does provide that it would continue until a new agreement is entered into so it would run the 10 years anyway.

## **7. STAFF COMMUNICATIONS**

Craig Ward reminded the Council that next week is the Mayor's Town Hall meeting on the future city hall.

Reynolds High School has had a practice of putting out American Flags along their property lines on Cherry Park Road and 257<sup>th</sup>. They will be doing that again this week for the anniversary of 9-11. This year they will be left up at night and they will be lit.

Craig Ward provided the Council with a copy of a Fact Sheet (copy included in the packet) on the animal material removal action that Eastwinds is planning. This will be distributed

to the downtown businesses, adjacent property owners and it will be available for the public at City facilities.

Doug MacCourt stated this is still subject to final ratification by DEQ. DEQ has graciously offered to be the receiver of complaints.

## **8. COUNCIL COMMUNICATIONS**

Councilor White thanked the organization that conducted the half marathon in Troutdale. The event went smoothly. I appreciate staff and police for all their support.

I want to invite fellow gardeners who may have an abundance of extra vegetables and fruit to donate it to the CROPS program at Edgefield North right off of Halsey. The CROPS program is ran by Multnomah County. The food is distributed by SnoCap to families in need. I want to give a special shout-out to Jerry Hunter. I have seen the garden and I have seen him working with the people and the volunteers. They are doing more than just feeding people with that project, they are actually changing the lives of the people that are working in the garden. It is an impressive program. I also want to recognize Councilor Allen for donating his equipment for them to use in the garden.

There was an article in the Champion, and because of where I live I received a letter, inviting people to come in and check their flood certificates and flood mapping. There is confusion that we are trying to sort out on those maps. It was probably just an annual notice because we are heading into the rain season. FEMA has gone on record saying that there is either a mathematical error or an oversight with the maps. Hopefully we are conveying that to our residents.

Councilor Allen stated I would like to confer with our attorney about a charter question. I just wanted to see if there was any objection.

Mayor Daoust stated you can confer with our attorney just like the rest of us can.

Councilor Wilson stated Boy Scout Troop 174 will be putting up special 9-11 Flags throughout the City.

Councilor Ripma stated I would like to say a couple of words about the public comment that was made concerning the sale of our Urban Renewal Area property. There is no way to reassure everyone. Property deals can go array. We on the Council, and I in particular and our City Attorney, went over everything very carefully to make sure that this was a good deal for Troutdale. It is very important. You can hardly say that we've rushed into it; we have been at it for about 8 years. While it might look like it is rolling fast with Yoshida - Eastwinds is particularly situated to want to do the deal and there isn't anybody else. Anybody that redevelops that area has to follow the City adopted Plan for that property including the public right-of-way along the river and public access along the river. It is a beautiful plan and a good plan. I for one was very worried about it to. The Plan calls for Eastwinds to clean-up the site, including their own significant problem on their property. There is no way to reassure you that everything is going to work out fine because I don't

know that either, but we did check and we were trying to look out for the public interest in this. It is not a sweetheart deal; I think we all made sure of that. I appreciate and understand the concerns. We are going to make sure that it is going to happen the way that we are planning it to happen, or this deed will revert back to the City. It is as fair as it is going to be on something like this. Troutdale doesn't sale land very often. I am usually pretty much against us getting rid of public land because we might need it in the future, but we have always planned on selling this property. It was the old sewer plant and we built a new one. We are going through the state rules on how we have to do this and we are following them all. I think it is going to be a good thing for Troutdale.

Mayor Daoust stated I was going to volunteer Doug MacCourt to speak with the two gentleman in the rear of the room during the break to answer questions they may have about the urban renewal area.

Councilor Anderson stated I want to thank our staff and members of the community for the outpouring of support for Reynolds High School (RHS) on the kid's first day back. They received over 7,000 post cards from all over the world.

Councilor Thomas stated we have had several accidents at Buxton and Cherry Park Road. Is there anything that we can do at that intersection to let folks know that corner is coming?

Steve Gaschler replied we are working with Multnomah County on that area. We have talked with the Sheriff's Office and the Police Officers regarding those accidents and the last three accidents involved intoxicated drivers. We are looking to do some kind of mitigation at that curve. The County is looking to try the least expensive fix first and see what happens and if that doesn't seem to improve the situation then they will spend a little more money.

Mayor Daoust stated I was at RHS on their first day of school, Friday, September 5<sup>th</sup>. There were a lot of senior citizens from Cherry Park Plaza out there waving to the students and welcoming them back. You could see the smiles on the kid's faces as they passed the people on the sidewalk that were waiving to them. It was a very positive thing. It was a good school, community connection. The post cards really caught fire with over 7,000 cards from across the country. The RHS Student Council will be determining how to distribute the cards.

Metro's Community Enhancement Program. There has been some discussion on what to do next with that. Metro is going to have a public hearing on that program. We had a presentation from Metro on May 13<sup>th</sup>. It looks like Metro is going to go ahead with the program. Basically what that leaves us is either adopting an IGA with Metro committing to accept the funds and administer the program, or we can have Metro independently administer the program. We could discuss the two options at a regular meeting, I think that is the most efficient way to handle that subject. That program results in grant money coming back to the City and there is some flexibility in what enhancement projects can



be funded with that money from Metro. We can discuss how to distribute grant money at a council meeting.

Craig Ward stated we will need to work out the administration of that grant money if we sign an IGA with Metro. There will be subsequent steps should we chose to go ahead and administer it ourselves. An advisory committee needs to be formed and that committee has to include the Mayor and a Metro Councilor. There is only a certain portion of the funds that can go towards administrative overhead. The grant money has to go to non-profit organizations. We will appraise you of all of those details in later work sessions. The initial choice is whether or not we chose to administer it through an IGA with Metro, or we just let Metro administer it.

Councilor White stated I appreciate the work that Councilor Wilson has done; he has done a lot of research on this. I want to make sure that Councilor Wilson is comfortable not having a work session.

Councilor Wilson stated we don't have a choice. We either give it to Metro to administer or we do it. I just feel like we are being forced into something that is not a tax to take care of our roads, it is not a tax to take care of our parking issues, it is a tax just to have another fee. Anyone who is against this fee that Metro is imposing on us should contact Metro and let them know they are not happy about having to pay another fee for the sake of Metro wanting a fee.

Mayor Daoust stated they should attend the October 30<sup>th</sup> public hearing. We can put this on an agenda after October 30<sup>th</sup>.

Regarding the Bike Hub/Artist Hub workshop, Claude Cruz, Rip Caswell, myself and city staff are trying to organize that meeting. That work session will probably take place in late October or November.

There is the "If I Were Mayor" contest put on by the Oregon Mayors Association (OMA). We skipped last year but I would like to put that on this year. I have some literature from the OMA. We can have a local contest and submit our winners to the statewide contest. The winner of the statewide contest gets an Apple I-Pad. They are looking for one elementary poster winner, one middle school essay winner and one high school digital media presentation winner. The theme is "If I Were Mayor, I would..."

Finally, the Mayor's Town Hall on a future city hall is Tuesday, September 16<sup>th</sup> at 7pm in the Police Community Room. We will take public input on the future of our city hall – what would go into a city hall, where we might locate it within the City, etc. This is a good opportunity for the public to provide us with input on our future city hall.

**9. ADJOURNMENT:**

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

Meeting adjourned at 7:54pm.

**Doug Daoust, Mayor**

**Approved October 14, 2014**

**ATTEST:**

**Debbie Stickney, City Recorder**