

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

Tuesday, May 14, 2013

1. ROLL CALL, AGENDA UPDATE

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

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

ABSENT: None.

STAFF: Chief Anderson, Acting City Manager; Debbie Stickney, City Recorder; David Ross, City Attorney; and Travis Hultin, Acting Public Works Director.

GUESTS: See Attached.

Mayor Daoust asked are there any agenda updates?

Chief Anderson replied yes. Exhibit A of Item #5 has been provided to you this evening; it was inadvertently omitted from your packet.

Mayor Daoust stated it has been an exciting few days in Troutdale with the demolition of the old derelict buildings downtown.

2. CONSENT AGENDA:

2.1 ACCEPT MINUTES: April 2, 2013 Work Session and April 9, 2013 Regular Meeting.

2.2 RESOLUTION: A resolution granting a temporary easement to ODOT to allow construction staging for the I-84 Sandy River Bridge Replacement Project and rescinding Resolution No. 2049.

2.3 RESOLUTION: A resolution authorizing the City Manager to execute Amendment No. 1 to the Intergovernmental Agreement between Portland State University and City of Troutdale to conduct a study of fire services.

2.4 RESOLUTION: A resolution authorizing the City Manager to execute an Memorandum of Understanding with the City of Fairview to share the cost for Portland State University to conduct a study of fire services.

MOTION: Councilor Anderson moved to adopt the consent agenda. Seconded by Councilor Ripma. Motion Passed Unanimously.

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

Saul Pompeyo, business owner, stated I heard that you are going to be talking about the fees of the city, the system development charges and others. I started my business 9 years ago and I had 2 employees. Now I have 23 employees. I pay \$4,000 to \$5,000 every month in taxes. Before I did my expansion my water and sewer bill was \$150 per month, now I pay \$600 every month for water and sewer. If you continue to raise the fees for the small businesses only the big chains will be able to open up businesses. I want my daughter who is only 6 years old to have the same opportunity that I had to open up her own business. When you are making decisions about the fees think about the small businesses.

4. PUBLIC HEARING / RESOLUTION: A resolution creating an exemption from competitive bidding requirements imposed by ORS 279C to allow the City to sole source the demolition of the old sewer plant aeration basin.

Travis Hultin, Acting Public Works Director, reviewed the staff report (copy included in the packet) including: the requirements that have to be met in order to exempt a project from competitive bidding; the Local Contract Review Board's role (City Council serves as that Board); and the criteria that may be relevant to the Local Contract Review Board's ability to make the two findings required by ORS 279.335(2) which are listed on page 2 of the draft findings (attached as Exhibit A).

Councilor Allen asked who choose Hamilton Construction for the bridge project?

Travis Hultin replied ODOT, and that may have been in conjunction with the Oregon Bridge Delivery Partners.

Councilor Allen asked and that project was competitively bid?

Travis Hultin replied yes.

Councilor Allen asked they want to use our property in exchange for demolishing the aeration basin?

Travis Hultin replied that is correct.

Councilor Allen stated it sounds like a good deal. They have the equipment on-site already. Did we approach them?

Travis Hultin replied they originally approached us for the use of the property when they first started the project. In terms of this latest arrangement, we approached them.

Councilor Allen asked were they comfortable with that?

Travis Hultin replied they are. They have provided a letter of intent to us indicating they are willing to go forward.

Councilor Allen stated I am satisfied.

Councilor Anderson asked is legal okay with this?

David Ross replied yes.

Councilor Anderson asked is it your understanding that the ODOT bridge project will not be done within the next year anyway?

Travis Hultin replied the bridge itself will not be done within the next year. I believe that Hamilton has indicated that they will most likely do the demolition of the aeration basin within the next year.

Councilor Anderson asked so even if money weren't an object they would probably be staging their equipment there anyway for the bridge project?

Travis Hultin replied yes. In fact they have been staging their equipment there.

Councilor Anderson stated we have a partner in urban renewal. Have they been informed of this?

Travis Hultin replied I don't know the answer to that. This was actually put together by Charlie Warren so I don't have all of the background.

Councilor Ripma stated I couldn't tell how much money we are paying Hamilton.

Travis Hultin replied if this agreement were to go forward we wouldn't pay them anything.

Councilor Ripma stated the rental of the space for the time that they are going to be using it is worth the \$100,000 that we would have to pay for the removal of the aeration basin. Is that correct?

Travis Hultin replied they are of roughly equivalent in value. It probably won't cost Hamilton the full amount that we would end up paying to have someone else demolish it so it is kind of a win-win.

Councilor Ripma stated what this resolution does is it exempts this particular bid from the \$50,000 competitive bidding that is in the Troutdale code.

Travis Hultin replied it does that and it authorizes the city to make a direct award to Hamilton without having to go through a competitive process.

Councilor Ripma stated there is a \$50,000 limit where we would normally have to have competitive bidding, and the value being given of over \$50,000, in this case we are giving them value of approximately \$100,000.

Travis Hultin replied correct.

Councilor Ripma stated I am satisfied. That sounds like a good deal.

Mayor Daoust stated when we were going through a similar situation with the old police station, I understood the threshold to be \$5,000 rather than \$50,000.

Travis Hultin replied the \$5,000 is the threshold for a small procurement where you basically can award a contract to anyone directly if it is under \$5,000. Between \$5,000 and \$50,000 it is called an intermediate procurement and with that you are required to obtain three competitive quotes to award a contract. If it is over \$50,000 then you have to follow the formal bidding process.

Mayor Daoust stated so if the cost of tearing down the aeration basin was \$151,000 we would have to go out for competitive bids.

Travis Hultin replied without this resolution we would have to go out for a bid on it now because it is more than \$50,000.

Councilor White asked have we been approached by any other companies that do this type of work?

Travis Hultin replied not to my knowledge.

Councilor White asked will this delay the I-84 Bridge project at all?

Travis Hultin replied Hamilton has not indicated that it will in any way impact their overall schedule.

Councilor White asked given the fact that it is an opportunity to take advantage of Hamilton with their equipment and expertise, are there other items on the site that we could have done while we have this great opportunity available to us?

Travis Hultin replied we would have to identify funding. That is one of the advantages of this situation, it doesn't require us to actually appropriate any money to get the work done. We can do a trade.

Councilor White stated I understand that. I was just thinking that maybe it makes sense to look at some of that while we have this opportunity. I know money is tight, but it is also great when we can save money when the cost is inevitable for us down the road.

Mayor Daoust asked is the \$100,000 that we charged for them to occupy city land just for a year, or is that for the remainder of the project?

Travis Hultin replied that is for the remainder of the project.

David Ross stated I think that is for the entire bridge project. They have been there for two or almost three years, and they will be there for another 18 months at least.

Councilor Ripma stated this is going forward, they have already paid us for some.

Travis Hultin replied that is correct.

David Ross stated I believe that they have not paid us and this includes the value of what they have been utilizing since they have been there.

Councilor Ripma asked how much do they owe us, or would they owe us?

David Ross replied approximately \$98,000. They used the same appraisal methodology that ODOT has been using for their temporary easement.

Councilor Thomas stated I think we should move forward with this.

Councilor Allen stated this is a great idea. I can't see us doing this if it wasn't for the in-kind.

Mayor Daoust opened the public hearing at 7:26pm and asked is there anyone here that would like to speak to this issue?

No testimony received.

Mayor Daoust closed the public hearing at 7:26pm.

MOTION: Councilor Anderson moved to adopt a resolution creating an exemption from competitive bidding requirements imposed by ORS 279C to allow the City to sole source the demolition of the old sewer plant aeration basin. Seconded by Councilor Wilson.

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

Motion Passed 7 – 0.

5. RESOLUTION: A resolution suspending the 2013 automatic increase in Parks and Recreation System Development Charges.

Travis Hultin stated in 2008 Council passed Resolution No. 1941 establishing the current Parks Capital Improvement Plan (CIP), methodology and the current system development charge (SDC) rate for parks and recreation. It also provided for an automatic annual adjustment of the SDC rate for inflationary cost impacts on July 1 of each year. Recently the City Council expressed a desire to review the Parks CIP list at an upcoming work session. Adjustments to the Parks CIP may ultimately result in a modification of the parks SDC methodology and potentially the rate. Given that, until such time as that process is concluded, Council has indicated a desire to suspend the automatic increase that would occur this July 1st.

Council did not have any questions.

MOTION: Councilor Ripma moved to adopt a resolution suspending the 2013 automatic increase in Parks and Recreation System Development Charges. Seconded by Councilor Anderson.

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

Motion Passed 7 – 0.

6. STAFF COMMUNICATIONS

Chief Anderson stated this week is National Law Enforcement Memorial Appreciation Week. I would like for us to take a moment to recognize those who have given their lives in the line of duty for our nation, and worldwide.

Chief Anderson stated typically the Council will have a lighter meeting schedule for the summer months and will not hold the second meeting in July or the first meeting in August. This year those dates are July 23 and August 13. Staff would like direction from the Council on the meeting schedule for the summer.

Council discussed and agreed to continue to follow the summer schedule as they have done in the past and cancel the July 23 and August 13 meetings as long as there are no urgent items that need to be addressed by the Council. If something urgent comes up staff can schedule a meeting. Council acknowledged that due to the amount of work before them they may be required to have some longer meetings prior to July 23 and after August 13 to accomplish the work.

David Ross informed the Council that he will be out of town and will not be at the June 25th Council meeting.

7. COUNCIL COMMUNICATIONS

Councilor Ripma invited anyone who is interested to join the Annual Troutdale Historical Society's Cemetery Tour on Saturday, May 18th. We will be leaving from the Harlow House Barn at 9am. This year we will be going to Salem. If you are interested you can call the Historical Society.

Clarence Mershon was a very important local historian, a citizen of Troutdale and a author of many books including books about living in East County, the history of the area, and the women from this area who fought in the war. Unfortunately Clarence passed away last Thursday. He was a wonderful man and a true native of Troutdale.

Councilor White thanked and congratulated the Troutdale Lions Club for another successful Troutdale Trot that was held last Saturday. I also want to thank the Troutdale Police for their effort in controlling the traffic.

Councilor Wilson stated the Troutdale Clean-up Day was a big success. I understand that we had 100 more people who participated this year than last year. It is becoming a bigger event. I want to thank the city staff that participated.

Mayor Daoust stated we took a tour of 5 different city hall buildings last Tuesday. We saw some things that we liked and didn't like at the different city hall buildings. Debbie was taking some notes and will provide them to the Council.

On May 7th we held a Town Hall meeting on tourism which was, in my mind, hugely successful. I have shared with the Council the discussion points and suggestions that were received from the attendees. At the meeting I asked people who were interested in serving on a tourism committee to indicate so on their note card and turn that in. There were several people who volunteered to be on the tourism committee. Councilor Anderson expressed an interest in being the liaison to that committee and I agree with that since his line of work is marketing. It was a really good town hall meeting and maybe it would be a good idea to have these meetings every once in awhile on certain topics.

I attended a Mayor's meeting last week. The small cities Mayors got together with the Greater Portland, Inc, which is a community development organization that sells the Portland Metro area to developers to bring jobs and economic growth into the area. I found out that the cities of Troutdale and Fairview were the only non-members in the room. All of the other cities in the Metro area are members. It costs \$2,500 a year to become a member. There are some benefits that I provided to you (copy included in the packet). Since we don't have an economic development position in the city we are short on economic development expertise. EMEA does some of that for us but I see Greater Portland, Inc. as filling a gap that we don't have coverage for. I would like the Council to consider becoming a member for \$2,500 a year.

Councilor Anderson suggested adding this to the next meeting agenda.

Council briefly discussed and agreed that the Mayor would contact the Executive Director and invite him to the next meeting where this item will be put on the agenda for discussion.

Mayor Daoust stated we have been members of the Gresham Chamber of Commerce (GACC) up until December 2012. Our membership has lapsed. The cost is \$299 a year. I would recommend, with the consensus of the Council, that we continue our membership at the GACC.

Council agreed.

Mayor Daoust stated one more item that came up at the Town Hall meeting was the idea of maintaining the signs on I-84 that attract people to the antique stores. As I understand it you have to pay yearly to have these signs. There is a bill for \$1,380 to maintain the five Troutdale Antique Mall signs on I-84 that was sent to Cindy Bertelsen at the Troutdale Antique Mall from Oregon Travel Experience. I think in the past the businesses have paid for this.

Councilor Anderson stated there are two types of signs - galleries and antiques. My understanding is that the business community pays for half and in the past the West Columbia Gorge Chamber of Commerce has paid for half. Given the tenuousness of the chamber with all of the changes that are going on there, I am not sure if they are able to pay, I am not sure if they have been contacted but I believe that they have been. It is something that our business community values and they are concerned about losing, but to come up with \$1,380 on basically 10 days notice is tough.

Mayor Daoust stated I am just putting it on the table for discussion. Is there any thoughts from the Council about either contributing one time, or helping out at all? Now would be the time to discuss it.

Councilor Thomas stated I think that is billed on a quarterly basis.

Mayor Daoust stated the invoice does not say whether it is yearly or quarterly. The only proposal that we could make is to do a one-time donation, or not do anything at all.

Councilor Ripma stated the question as to whether it is quarterly or not is rather pertinent.

Mayor Daoust replied it is.

Councilor Wilson asked can we contact them and find out what it is and see if they will give us some leeway until our next meeting where we could decide?

Mayor Daoust stated sure.

Councilor Allen stated I am willing to defer to your judgment Mayor.

Councilor Ripma asked are the businesses unable to come up with anything?

Councilor Anderson replied they had someone who was handling it for them before and it just didn't happen; it fell through. It was brought up that there is a value but their backs are against the wall on timing.

Councilor Allen stated it is past due and there is a considerable amount of time between council meetings. The Mayor can look into it to see if it is quarterly or yearly and use his best judgment.

Councilor Anderson stated I would be fine with that also. The mood in the room at the Town Hall meeting was really something and it was really something to be a part of. I think it would be a nice gesture of us to show our business community that we do care and we want to help. I think a one-time gesture is the right thing to do. With all of the progress we have going on downtown right now with the Marino block, we have a lot of momentum going.

Councilor Ripma asked do we have some budget that we can take this out of?

Councilor Wilson asked wouldn't it be taken out of the same funds that we use for SummerFest and the Cruise-In?

Councilor Anderson stated I don't want to start making financial decisions under council communications. If we have to delegate it to staff with our direction to go forward, and if we can do it lets do and if we can't we can't. Is that fair David?

David Ross replied I would like to think about it. You are talking about making a public contribution to a private business. That is not something that I was prepared to discuss.

Councilor Anderson stated we could give direction that we are willing to do this based upon your review.

Mayor Daoust stated I could do a little more research to see if it is quarterly or yearly and talk to the Troutdale Antique Mall because they know quite a bit about this bill, and then check with Craig when he returns next week to see if we have money in the budget to cover it. I would need a general sense from the Council that if I did that research that I don't need to bring this back to the Council and ask again.

Councilor Allen stated I am fine with the Mayor doing the work.

Councilor Anderson stated and the City Attorney.

Councilor Ripma stated I am okay for the same reasons that Councilor Anderson mentioned; the meeting was very upbeat and this would be a nice gesture and it would

only be a one-time thing. They dropped the ball on it and it would be a shame to lose the signs. I would be glad to authorize you to do it on that basis.

Mayor Daoust stated I will do a little research.

Councilor Allen asked is everyone okay with Mayor Daoust working through this and not having to wait for the next council meeting?

Councilor Ripma stated if it can't be authorized on the basis of this then maybe you could contact them and say that it would be addressed at our next council meeting.

Mayor Daoust stated I would like the Chief to comment on the Troutdale Police Community Education and Resource Day.

Chief Anderson stated the Community Education and Resource Day took place on Saturday, May 4th from 9am to 1pm. Chief Anderson provided a brief update of the event.

Mayor Daoust stated at the last council meeting we gave the Planning Commission an assignment of looking at the Troutdale Development Code (TDC) for development roadblocks or barriers. They spend a lot of time working with the code so they would have a good idea of what codes get in the way, or which codes don't make sense that could be easily fixed without creating any legal issues. I think the PC members probably have an idea of which codes those are. I just want to make sure that the PC received this assignment and that they have a green light to just go ahead with it. This requires minimal staff work. It would be the PC doing their own thing. The PC members themselves are willing to take that on.

David Ross stated the PC can only function in the context of a public meeting. There will be staff involvement in anything they do.

Mayor Daoust asked Tanney Staffenson to come forward and share his ideas about how he would go about this. The only thing we weren't sure about was whether it would be special meetings or informal meetings. Do you have any thoughts on that?

Tanney Staffenson, PC Chair, stated there are some potential items that could be gone through to possibly improve the code. That would be something that we would take on. That may mean some additional meetings for us but it wouldn't mean staff would be tasked with doing this work, we would be doing it ourselves.

Councilor Anderson stated just to be clear the meetings would be noticed, they would be regularly scheduled meetings.

Tanney Staffenson replied yes.

Councilor Ripma stated if you are going to streamline or improve the code, which I am all for, I don't see how you would be able to do that without staff. We think of things but the staff works with the code all of the time and they are the ones that know whether that idea is going to work or if there are fifteen other things you didn't think of that are impacted. I don't mind that you use staff, but I think it is optimistic to think that you wouldn't. You might start without staff.

Tanney Staffenson stated I didn't say staff wouldn't be involved. What you have now is if there is a revision to be done staff is doing all of the research and writing it up and bringing it to us.

Councilor Anderson stated the way I envisioned this is that the PC would come up with recommendations through a series of public meetings with staff involvement, and then that report would be submitted to the council in a work session where the PC comes in and says we are recommending the following and this is the reason. Staff would have a chance to weigh in and then Council would give direction.

Councilor Allen stated it would be PC driven not staff driven.

Councilor Anderson replied right.

Councilor Allen stated there is code out there that must have been well-intentioned when it was created but when you put it into practice we ask people to do some really stupid things. It is not just the Troutdale code, some of it is the county, state and Metro. It would be nice to know those things that are outside of our immediate control. I know that I would be willing, and probably others, to go before the other jurisdictions and see if we can get some of those fixed.

Several Councilors stated lets just start with our code.

Councilor Allen stated I just wouldn't rule it out if you come across something just because it is not our code.

Councilor White stated I remember when we struggled with the packet that we received for Title 13 and we brought in some outside help so it wasn't such a burden on staff. I don't know if that is something that you want to look at. If you get started and find out that you need help I think that is something that at least I would be willing to consider so that we don't bog staff down. We are extremely short-staffed right now and you may very well need some expert opinion as you go through this exercise. I think that might make it a more efficient exercise.

Councilor Allen stated things that I run into in day-to-day conversations are things like us not allowing the gas station to expand their food mart without moving their pumps to the rear of the facility. Nobody is going to do that. We tell people that they have to put their entry doors facing the east wind. We do ask people to do a lot of not too bright things.

Mayor Daoust stated we may need to do some work on downtown business signs, maybe a short work session. Saul Pompeyo keeps bringing up the business sign ordinance that we have in the Development Code Chapter 10.030 - Prohibited Business Signs. I am not trying to deal with just one business here, but in Chapter 10.030 we have language in there that prohibits roof signs. It is just one of the many prohibited signs. Saul would like to put a sign up in a logical spot for his restaurant but it would entail some support beams on a portion of the roof. There may be some other signage issues that other businesses may have.

Councilor Wilson stated I have had businesses mention to me that they would like it if the people walking down the street could see their signs hanging.

Mayor Daoust stated I have also heard that. I have heard from Saul and other business owners that when you walk down the sidewalk in downtown it is hard to tell what the business is immediately to your side because the signs are not obvious. They are up on the wall above the roofline where you can't see them. I only noticed one business that had a sign hanging down over the sidewalk, which I think is very attractive. You see those in other cities. If the Council is willing we could have a work session to talk about roof signs and any other signage in the downtown area. I will only schedule this work session if there is a consensus of the Council.

Councilor Ripma stated you realize that if Saul has a sign on his roof he could advertise beer or something. It becomes a billboard. This was a very long thought out ordinance. Sign ordinances are always a mess. Remember how attractive the photographs of 19th Century cities are with sensible signage; it just doesn't seem to work anymore. They had no rules back then and they looked good. Nowadays if you don't have sign ordinances it quickly deteriorates into a mess. It is not a quick short discussion. It is complicated. It is not perfect, there is no question. I am all for tackling it at some point.

Mayor Daoust stated the roof sign is just a location type of thing, it is not what you put on the sign.

Councilor Ripma stated you can't control what is put on a sign. Every building would then become a billboard. That is one of the issues that you are not thinking about. You can't limit the sign to just the business that is there, it can be anything. It is not simple.

Councilor Allen asked how do we handle exception cases that are logical?

Mayor Daoust replied taking Saul as an example he could pay \$600 to apply for a variance to the sign ordinance which would go to the PC. The other option is for us to deal with it.

Councilor Anderson stated I think this is right in the wheelhouse of what the PC volunteered to do.

Councilor Ripma stated why don't we see if they take it up.

Mayor Daoust reminded the Council that there is a work session next Tuesday on the Parks Capital Improvement Plan.

Mayor Daoust announced that the Troutdale Airport Traffic Control Tower will remain open at least until September 30th.

8. ADJOURNMENT:

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

Meeting adjourned at 8:22pm.

Doug Daoust, Mayor

Approved June 11, 2013

ATTEST:

Debbie Stickney, City Recorder

Copies of the attached exhibit can be found in the May 14, 2013 Meeting Packet in the microfilm.