

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

Tuesday, October 9, 2012

1. ROLL CALL, AGENDA UPDATE

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

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

ABSENT: None.

STAFF: David Ross, City Attorney; Debbie Stickney, City Recorder; Erich Mueller, Finance Director; Rich Faith, Community Development Director; and Scott Anderson, Chief of Police.

GUESTS: See Attached.

MOTION: Councilor Thomas moved that we add to the agenda the release of the investigation report for 950 SE Jackson Park Road. Seconded by Councilor White.

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

Motion Passed 6 – 1.

2. CONSENT AGENDA:

2.1 ACCEPT OF MINUTES: September 11, 2012 Regular Meeting.

2.2 RESOLUTION: A resolution establishing the Ad Hoc City Hall Study Committee.

Councilor Thomas requested that Item #2.2 be pulled from the Consent Agenda and placed on tonight's Regular Agenda after Item #6.

Council voiced no objection.

MOTION: Councilor Anderson moved to adopt Item #2.1 of the consent agenda, accepting minutes of the September 11, 2012 Regular Meeting. Seconded by Councilor Allen and White. Motion Passed Unanimously.

3. PRESENTATION: Award for Heroism – Marcos Ugarte.

Battalion Chief Mark Maunder of the Gresham Fire Department stated on the evening of September 24th the Fire Department received a call regarding a house fire on the 2500 block of SW Hewitt. During the dispatch we had reports that there was an 8 year old child still in the house. This was a high priority call with our first priority being the rescue of the child. When we arrived there was heavy fire showing from the back of the house, but to our relief somebody informed us that the child was already out of the house. I was in the second unit that arrived so I really didn't know how he got out; I just figured that someone got him out. I didn't know what had occurred until a little later when someone told me that a 14 year old, using a ladder, went up to the second story window and assisted the child out of the house. That 14 year old is Marcos Ugarte. That was a great relief to us and allowed us to focus on the fire and saving what we could of the house.

I also had learned later that Marcos' father Ed had made numerous attempts to go up the stairs to try and rescue the child in what was a rapidly escalating incident with very heavy smoke and high heat in the second floor of this house, but he was pushed back by the thick black smoke and heat. Not being able to get to the child that way, I believe that it was the grandmother who was trying to get a ladder out of the back yard and Marcos saw that and he grabbed the ladder from her, put it up and then went up to the window and was able to rescue the child out of the second floor window.

I have been doing this a long time and I don't know that I have seen that kind of interaction from citizens in such a dramatic type of rescue situation. Both Marcos and his father Ed are great people to have in our community and we should be very proud of them.

Mayor Kight asked Marcos if he could share with us exactly what took place.

Marcos Ugarte recapped the events that occurred on the evening of September 24th.

Mayor Kight presented Marcos with an Award for Heroism that read:

"Our grateful city wants to acknowledge an act of Heroism by Marcos Ugarte, age 14, a resident of Troutdale, Oregon. While working on his homework on the evening of Monday, September 24, 2012, Marcos and his father heard two screams outside their home. At that time they couldn't identify where the screams were coming from. They looked outside and initially didn't see anything out of the ordinary. Then Marcos noticed an orange-red hue and saw flames coming out of a neighbor's home four houses away. Both Marcos and his father, Eduardo, rushed to the burning house from their home to help

the family whose house was on fire. When they arrived in front of the burning home they found Alex Ma, his wife Suzanne, his mother Yim and their 3-year-old son, Nathan, outside in front of the garage. However on the inside of the house, locked in his grandmother's room, was 8-year-old Cody. He had locked himself inside her room when he spotted the smoke and flames. The father, Alex, went inside and tried to rescue his son but was unsuccessful. Eduardo also rushed into the house but wasn't able to reach Cody either because of the thick smoke and intense flames. In the meantime, Marcos had retrieved a ladder from their garage and placed it near the second story window above the garage. While Eduardo steadied the ladder, Marcos climbed up and pulled the screen off the window. He then coaxed the boy to the window and helped him climb to the ground and away from the fire. Marcos Ugarte, you are an amazing young man as is your father Eduardo Ugarte. Your act of bravery is commendable. That is why the City of Troutdale is recognizing you this evening. The Mayor and City Council of Troutdale, hereby award you this certificate of heroism and bravery and we thank you."

Marcos was also presented with a gift certificate from Plaid Pantry, a gift certificate from Ristorante Di Pompello, and a hat, tee-shirt and gift certificate from McMenamins Edgefield.

Eduardo Ugarte thanked all of the members of the City Council, and the members from the Gresham Fire Department for attending this evening to honor my son. Our entire family is very proud of him.

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

Dan Clausen, resident, stated I am here tonight representing AFSCME Local 3132 City of Troutdale employees. We have been bargaining with the City for the last six months on our contract. We are headed to mediation and for the life of me I can't understand why. We have agreed to every concession the City has asked for. We have met your financial needs and exceeded them by over \$7,000 a year. We have agreed to a higher share percentage of our health insurance and a lower COLA. When we first started bargaining the AFSCME members made it clear that affordable health insurance was the most important thing to them. That is what we have strived to do. Again, we have met your financial needs and exceeded them. Our proposal will save the City money. Please accept it. The only thing that we haven't agreed on so far with the City is Appendix C which is wage reviews. What we are asking for is that two of our positions be looked at with our comparative cities in the Metro area. We have selected six cities, three slightly above in population and three slightly below in population. If the position of a secretary is evaluated in order for a wage increase to take place it would have to be a minimum of 5% below the comparatives of the other six cities. The City has consistently told us that the Human Resources Department is a one person department and this would be a real hardship on the department to do this. However, Human Resources did find the time to evaluate and compare the Human Resources Coordinator position and found her position to be five steps below and was given an increase from Grade 12 to 17, a \$12,000 increase. That leaves us to believe that we probably have some positions ourselves that may be well underpaid. I think it is

something that we should be able to look at. This makes no sense. Going to mediation costs the City money and it costs us money. We have met your needs and exceeded them. Lets settle.

John Bushard, Engineer for the City of Troutdale, stated I reside in Portland and I am also on the bargaining team for AFSCME Local 3132. I recently sent a letter to everyone trying to brief them on our view of the bargaining. Dan laid it out pretty well tonight, but I just wanted to express my opinion. I have not done this (bargaining) before, but it really seems like this has gone on too long. Six months is a long time to go through this process. We knew from the beginning that health insurance was a sticking point. We started doing our research early, but from the beginning it was this high deductible plan. There is this thing called an HRA which is supposed to help provide the employee with some money back. We had a presentation not too long ago from a CIS representative who told us that some of that may be reimbursable, but you may not be reimbursed for all of the expenses that you incur. In my view that is not a solid commitment of reimbursement. That is saying we might be able to get some back but you are going to have to incur all of these expenses upfront. In a situation of an employee with a spouse and a child, upfront expense has a maximum deductible of about \$7,000 with a possibility of bringing it down if the HRA comes through and if it is a qualifying reimbursable expense. I just don't see it penciling out. It is another layer of complexity that we don't really need to manage. As Dan mentioned, we have heard across the table that it is difficult for HR to manage certain programs with their current workload. Why introduce another one? Why have another layer of complexity? In my letter I also mentioned something about an HRA VEBA, which is also another layer of complexity that they are trying to add to the pile. It is just a convoluted process. We need to make this simple. Lets just resort back to something that makes sense. We finally got the numbers and we looked at it from our prospective and we are able to make that lower deductible plan work with the Blue Cross/Blue Shield. It meets the financials, it meets the employee's health insurance requirement to some extent, but it is tolerable. We are trying to get a fair contract.

Paula Goldie, employee, stated managers are coming to the table with a bottom line that they say is directed by City Council. City Councilors on the other hand are only hearing one side, which is why we are here at each council meeting and will continue to come to every meeting until the contract is ratified. We have already had filings of unfair labor practices. We have never had that. In all of the years that I have worked here and all of the years that the union has been here, we have always managed to come to terms and have a decent contract. The bottom line is that the Union's proposal is saving the City money and is one that the entire body of the Union agrees upon, but we are still being stonewalled by the Management Team even though it meets all of the criteria. We have no clue what your criteria was or what direction you were sending the Management Team in when they came to the bargaining table. All I can tell you is that it is not working. We just need to settle it. The city workers, sure we get a paycheck and it is really nice. We all love our jobs, but we are the heroes of the city too. We are the ones who come out and sweep your streets and get rid of the snow, and clean your

storm drains and your pipes in the middle of winter and in the heat of the summer. I think we deserve as much respect as Marcos does.

Noel Deal, employee at the Water Pollution Control Facility, stated we would like an end brought to this regardless of where it comes from. For those of us who are single parents, some of us are married, we want to know where are money is going. Is it going for food, clothes, can we give our kids what it takes to play sports, and medical. Give us a break. Bring an end to this and let us get on with our lives.

Mayor Kight stated I don't want to circumvent the process that the City is going through with the negotiations, but would now be an appropriate time to schedule another executive session on this subject.

David Ross, City Attorney, stated I think it would be inappropriate to do it now during the public comment period. You can have a discussion with the City Manager and the Finance Director at a later date.

Larry McWilliams, resident, read a letter regarding CP Park (attached as Exhibit A).

Mayor Kight asked Mr. McWilliams to give a copy of his letter to the City Recorder. We will expect a response from our City Manager and maybe we will take this up at a future meeting as an agenda item.

Councilor Thomas stated you and I walked through the park about two or three years ago, and at that point it was looking nice.

Larry McWilliams stated three years ago it was looking good. This has come about in 2011 and 2012. It is not because they aren't there mowing. They are mowing, there is just no time. I don't blame them. They are good workers, but they have so much grass to mow there isn't time for anything else.

5. PUBLIC HEARING / ORDINANCE (Introduction): An ordinance repealing Chapter 5.08 Amusement, of Title 5 Business Licenses and Regulations, of the Troutdale Municipal Code.

Erich Mueller, Finance Director, stated the Council has addressed this particular topic on several occasions over the past two years. The ordinance is being brought to you tonight at the direction of the Economic Development Subcommittee who passed a motion directing staff to do so.

Councilor Thomas stated as Chair of the Economic Development Subcommittee, this is coming forward as a recommendation from the Subcommittee with a unanimous vote.

Mayor Kight stated in your staff report it mentions a replacement for the \$4,500.

Erich Mueller stated the Subcommittee discussed raising the business license fee. That is a separate action and is not covered in this ordinance. Staff is preparing that fee increase along with a number of others for council consideration in early November.

Mayor Kight asked so there will be a plethora of options that you will make available, there isn't just one?

Erich Mueller replied there will be a number of fees that staff will recommend that the Council raise since they haven't been addressed since 2008.

Mayor Kight opened the public hearing at 7:42pm and asked, is there anyone present that would like to speak to this issue?

No public testimony received.

Mayor Kight closed the public hearing at 7:42pm.

6. PUBLIC HEARING / ORDINANCE (Introduction): An ordinance amending the Troutdale Comprehensive Land Use Plan, Goal 8 Recreational Needs and Goal 13 Energy Conservation.

Rich Faith, Community Development Director, reviewed his staff report (attached as Exhibit B).

Councilor Anderson stated I read Goal 8, Recreational Needs. Does this take into account that the City Council has a goal to review the Parks Master Plan?

Rich Faith replied no this doesn't address that or take that into account. I am aware of that goal and that is certainly something that will need to occur at some time in the future. Our overriding challenge right now is to complete the required work under periodic review. The Parks Master Plan and Goal 8 is not one of those goals that are required to be addressed under periodic review. We are under an order of the State in terms of what our work program is, and the timeline to meet those requirements. These goals that are being addressed outside of periodic review such as Goal 8 are simply to do them to the extent that we can concurrently with periodic review work. We are currently working on the Transportation System Plan update and the preparation of a Public Facilities Plan, both of which are requirements of our periodic review work. We simply don't have the resources to also tackle an update to the Parks Master Plan at this time. That is something that I can see occurring once we get the periodic review work out of the way.

Councilor Anderson stated this seems to me like it is putting the cart before the horse because if we are doing all of this on Goal 8 under the existing Parks Master Plan then we review the Parks Master Plan and make changes, doesn't that necessitate doing Goal 8 all over again?

Rich Faith replied it would be wise for us to take another look at Goal 8 at that time. Nothing in this Goal 8 is setting new regulation or new requirements. That is already built into the Parks Master Plan. The reality is when we did the Parks Master Plan in 2006 we should have gone in and amended this goal of the Comprehensive Plan to be consistent with that, but we didn't do that. So the current language under Goal 8 is really outdated and out of sync with our Parks Master Plan. What this language is now doing is simply updating all of this information and it recognizes the Parks Master Plan as the official policy document, but it is not changing anything in that Plan. When we reach the point where we can do an update to the Parks Master Plan it would be appropriate to take a look at this language again and make sure that everything complements each other. This is not driving or leading the Parks Master Plan; the Parks Master Plan was done in 2006 and this should have been done at that time so that they mesh, and it wasn't.

Councilor Anderson stated so this isn't required under periodic review and what I am hearing you say is that if we wanted to take a look at the Parks Master Plan prior to implementing the language here in Goal 8 we could do that when there is time after we get through the mandated periodic review process, correct?

Rich Faith replied correct.

Councilor Thomas stated you made a couple of statements that kind of cause me to be a little leery. You mentioned that Goal 8 is not the driving force, or limited driving force, when you review the Parks Master Plan. What I have heard in the past, not necessarily from you, is you get into another plan and what happens is it refers to Goal 8 or Goal 15, whatever the case is, and drives it backwards so you are really stuck in a situation where one is driving the other so it is almost circular. That is what concerns me about this thing. If we are going to review the Parks Master Plan later, then it seems to make the most sense to not do anything with this until they can both be done at the same time.

Rich Faith asked is there anything that you are reading in these amendments that are causing you concern that it is going to dictate or determine anything different than what we do now? Is there any language in here that makes you feel that it will create additional regulation, add additional burden, or in any way shape or form it is going to result in us having to manage and maintain our parks differently than we do now?

Councilor Thomas stated on page 2 the first thing that you have added is the standard of 5.2 acres per 1,000.

Rich Faith replied that is new language, but that is the language in the current Parks Master Plan.

Councilor Thomas stated there are a couple of other things in here where you talked about the flood plains and riparian buffers. We went through this whole round with Title 13 and I don't want to circumvent what we did there and adopt it here, which seems to be kind of what is happening. It may not be true, but it is what I am thinking. There is another part here on Page 3 where it use to say, "The Columbia River is an underutilized recreational resource in the Troutdale area." Now it says, "The Columbia River is a significant recreational resource in the Troutdale area." I know there was a concept at one time to have some sort of boat landing or whatever along the river. By changing that language does that give us that option? Whether it happens or not I don't know, but those are the types of things that I would want to think about before I adopt this. In the Goal 13 language you talk about wind power. Some of my concerns are that you mentioned that there are currently no standards in the Development Code, but I know that there are two types of wind turbines. One is a tower with blades that go down that are like fins and it spins verses having the big blades. As these become more and more affordable, is that something that needs to be addressed here or in the Development Code?

Rich Faith replied this isn't intended to go into that level of detail. Nor is this dictating any kind of standard, it merely recognizes that these things are out there and that people may eventually want to put them up and it says that the policy is that there should be minimal standards to address issues such as aesthetics, height, noise and safety. We don't have them here (in the Comprehensive Plan); those will only occur if we come back with specific amendments to the Development Code.

Councilor Thomas stated it is something that you want to be in front of the process on. That is basically a thumbnail sketch of what I am looking at.

Councilor White stated I met with Rich earlier this afternoon and he answered a few questions. On page 1 under City Parks it says, "The City has made a concerted effort to ensure that open space, greenways, and parks are available within walking distance for all citizens of Troutdale." You are removing the language, "or driving distance" after the word walking. Just to get out of some of the neighborhoods it is quite a long walk. I know that it is a Metro goal to have a park within walking distance of every neighborhood. I don't know if that is possible without having more parks.

Councilor Allen asked is there a definition of walking distance?

Councilor White replied I don't know, that is a good question.

Councilor Allen asked is it 200', is it 2 miles?

Councilor White asked what was the reason for taking that language out?

Rich Faith replied what we are trying to emphasize here is that it is desirable to have parks that are easily accessible to people without having to drive there. It doesn't say

that you can't drive to parks. We understand that people will drive to parks; there is nothing prohibiting you from driving. But if you are someone who doesn't have access to a vehicle it would be desirable to have a park close enough that you could ride your bike or walk there. That is what this is merely saying. I guess it is assumed that a person could drive to a park if it is a distance from them and they have the means to drive there, but if not wouldn't it be beneficial or improve livability to a community if you had parks within proximity to where people live so they could walk if they wanted to. That is all it is trying to say.

Councilor White stated I see. I prefer the old language being left in there because I think that one simple deletion actually changes the goals that we would have to prepare for the Parks Master Plan, which this Council has a goal to review. On the second page, fourth paragraph where it reads, "*Areas not suitable for development will be preserved as open space. ~~and~~ **This** will include floodplains, riparian buffer areas and steep slopes associated with the Sandy River and Beaver Creek Canyons.*" We can currently build in a floodplain if we do the proper foundation vents and raise the foundation in height. Again, this is another example to me where it appears that by rewriting this goal to say that these areas are unsuitable, it then forces our hand when we go to work on the Parks Master Plan. I think that is what Councilor Thomas was alluding to as well. A recent example would be the Beaver Creek Cottages project where they did a balanced cut and fill in the floodplain. It actually was suitable for development and it was a successful project in my opinion. I have some grave concerns with that language.

On page 3 where it reads, "*The Sandy and Columbia Rivers provide water-related recreational opportunities for residents of Troutdale. The Sandy River supports annual salmon and steelhead, ~~and smelt~~ runs.*" I want to know why we are taking out smelt runs.

Rich Faith replied this is being written to reflect the current conditions. I believe it has been quite a number of years since we have had smelt runs and therefore I thought that it was no longer an accurate statement.

Councilor White stated that is a big piece of the history of our town. I would definitely like to see that language left alone. I am very hopeful that these fish will come back because they are a big boost to the economy in this area. The studies being done by the Cowlitz Tribe have shown embryo and larva in the river every year, we just don't see the numbers to the level that we actually notice them being in the river and to the level where we can actually go and dip for smelt.

On page 4 under Policy 7, the old language said, "located adjacent or close to a major collector or arterial streets" – it is talking about location of parks. We have cut it down to state, "easily accessible to pedestrians and bicyclists". It removes the car yet again. I think you already answered that question.

I am not familiar with the Intertwine Alliance. Policy 10 reads, "Become a partner of the Intertwine Alliance to ensure the region's network of parks, trails and natural areas are completed and cared for; and to help the residents of the Portland-Vancouver metropolitan region, including those in Troutdale, connect with nature and live active, healthy lives."

Rich Faith replied Intertwine is a fairly new concept. It originated with Metro. It was Metro President David Bragdon that created this notion of the Intertwine Alliance. What he was trying to do was put a brand or a label on the wealth of parks, trails and recreational opportunities that we have here in the Portland region. Even though the jurisdictions own and manage their city parks or greenspace next to a creek or whatever, many of these things travel throughout the region. This was an attempt to try and recognize that we have a wealth of recreational opportunities with our parks and trails and lets celebrate that as oppose to having each community doing their own thing. The Intertwine Alliance was created and was originally housed with Metro but is now completely separate and is a non-profit organization. There is a lot of information about this organization on the web. Just to let you know, the signage that will be put up at the new College Nature Park located on Stark Street and Troutdale Road will include the Intertwine logo as well as Troutdale's logo. This is Metro property and the improvements are being paid for largely out of Metro bond measure money. This policy is just recognizing what is emerging and growing here in the Portland region as far as parks, trails and greenway areas.

Councilor White asked College Nature Park isn't actually categorized as a park is it?

Rich Faith replied it is a nature park. It is not a park in the conventional sense of having ball fields, restrooms, etc.

Councilor White asked but we don't inventory it as a park in our Parks Master Plan?

Rich Faith replied it is so new that we haven't got there yet. I don't know where it will fall; we are calling it a park in terms of the actual signage.

Councilor White asked what was the vote of the Planning Commission on Goal 8?

Rich Faith replied I don't have the minutes with me; I believe it was 6 - 1 but I am not certain of that.

Councilor White asked was the Planning Commission and the Citizens Advisory Committee notified of the Council's goal to revisit the Parks Master Plan when they were working on Goal 8?

Rich Faith replied I can't recall that they were.

Councilor Allen stated the business side of me gets concerned when I hear that Goal 8 needs to mesh with the 2006 Parks Master Plan, but that it is independent of revisiting the Parks Master Plan. The logic doesn't work for me. Other concerns that I have are Definitions. When I read the Troutdale Code I come across sections of the code that I wonder what the definition is so I look at the definition section and I don't find it there so I look at the county, state, federal and other cities and I find different definitions. Those kinds of things always concern me. In this case it would be what is walk to a park versus drive to a park. I would kind of like to know what we are shooting for there because 2 miles is probably not going to satisfy me and 200' might concern me, so that becomes an important number for me. I would also like to know what it means to be a partner of the Intertwine Alliance.

Rich Faith replied nothing more than maybe including their logo when we create a new park on Metro owned property. In that respect we are partnering because we are acknowledging their existence. It is not a dues paying organization.

Councilor Allen stated I like the idea of coordinating with other areas but I would be concerned if it gets to where we are being told what we will do.

Mayor Kight stated I think we already talked about this before (page 2 of Exhibit B) - Areas not suitable for development will be preserved as open space. Will that particular paragraph impede development on our urban renewal site on the Sandy River?

Rich Faith stated that statement is not new; it is a statement out of the current Comprehensive Plan.

Mayor Kight stated I get that. But the second sentence brings up a cautionary, "this will include floodplains, riparian buffer areas and steep slopes associated with the Sandy River..." which is new language.

Rich Faith stated let me explain what I was thinking when this was written and vetted and accepted by the Citizens Advisory Committee and the Planning Commission. The current sentence in the Comprehensive Plan says, "Areas not suitable for development will be preserved as open space and will include the Sandy River and Beaver Creek Canyons." As I reflected on that I thought that really doesn't define what is meant or help us envision what is meant by areas not suitable for development. However, our Development Code already does that for us by virtue of different sections or provisions of our Code that speak to restrictions for development in a floodplain recognizing that you can develop in a floodplain but there are restrictions. Under the Vegetation Corridor standards we have riparian buffer areas that are protected and we have steep slope areas, those that are in excess of 25% that are also protected. Maybe that helps frame what this sentence means in our current Comprehensive Plan. In trying to be more precise I thought we should define that by inserting this additional language to recognize what in fact our Code already does. That is why this language was added. It

seemed logical, factual and made sense. It doesn't change anything from our current Code. The Code is what rules; this merely acknowledges what our Code has.

Mayor Kight stated so what I am hearing you say is that this could not be an impediment for development along the Sandy River.

Rich Faith stated I would be hard pressed to see how it could be if it acknowledges what we do now under our Code.

Councilor Anderson stated you asked a question of Councilor Thomas about specific language and I will give you some. Paragraph 2 on page 2 reads, "Although the City anticipates purchasing needed parkland as it becomes available..." As far as I am concerned I don't want to purchase anything until we can figure out how we can take care of what we have. I have a big problem with that. I know we have money in the Parks SDC fund to purchase parks, but as we heard earlier tonight we can't take care of what we have so I would like to address that. That was the reason I wanted to take a look at the Parks Master Plan.

Councilor Thomas asked is the Intertwine Alliance the group that is trying to preserve the wildlife migration paths from Mexico to Canada?

Rich Faith replied I have not heard that. I thought their whole purpose was the Portland Metropolitan area. I can't say that I remember every initiative or every element of the Intertwine Alliance, but that doesn't seem consistent with what I understand their purpose to be.

Mayor Kight opened the public hearing at 8:19pm and asked is there anyone here that would like to speak to this issue?

No testimony received.

Mayor Kight closed the public hearing at 8:19pm.

Mayor Kight called for a break at 8:19pm and reconvened the meeting at 8:30pm.

2.2 RESOLUTION: A resolution establishing the Ad Hoc City Hall Study Committee.

Mayor Kight stated Councilor Thomas you asked that this item be pulled from the Consent Agenda so I will let you speak to it.

Councilor Thomas stated the reason I pulled this item from the Consent Agenda is because during our discussion at the last meeting I thought we had mentioned that we would like to have two city council members on the committee and I didn't see that in the resolution so I would like to discuss that. I have since talked to some of the other councilors that agree with me, but that there should be no more than two members from the council on the committee.

Mayor Kight asked where is this language located in the resolution?

Councilor Thomas replied it is the forth item in Attachment A.

Councilor Ripma stated we could add that no more than two shall be city councilors. That would clarify it.

Councilor Allen asked do you specifically want two councilors on the committee?

Councilor Thomas stated I don't want it restricted. But I don't want more than two from the City Council.

Councilor Ripma stated it would just limit it to two; there wouldn't have to be any.

Councilor Thomas stated I wouldn't say city councilors, I would say from the city council.

Councilor Anderson stated I hope that it will be all residents.

Councilor Ripma stated it would allow that. What I was proposing was that no more than two members be from the city council.

Mayor Kight asked Mr. Ross, do you have any comment on this?

David Ross replied no, I am just waiting for someone to come up with language - made up of 7 Troutdale residents -

Councilor Anderson stated with no more than 2 being Troutdale City Councilors.

Councilor Thomas suggested, from the Troutdale City Council.

David Ross asked does that direct that there be 2 people from the City Council?

Councilor Ripma replied no, that is not the intent.

Councilor Thomas stated that is not the intent. The intent is that it will be restricted to no more than two from the City Council. It could be that all seven members are residents and none of them from the council.

Councilor Allen stated I have my own concerns for agreeing to take this off of the consent agenda. There is a section that the staff will develop and manage a contract with an architect to create a City Hall Space Needs Study and provide professional estimates of costs of up to three alternatives for committee consideration. My preference would be, since that can get rather expensive, is that the committee make that decision. I would not want to spend the majority of the cost to fix City Hall on these

proposals if that is not where the citizens are leaning. I would prefer that they make this recommendation.

Mayor Kight asked so you want it committee driven and not staff driven?

Councilor Allen replied right. I at least want the committee to ask for it.

Councilor Anderson stated I am in tune with Councilor Allen's concern and I can respect the concern. I don't see anything in the resolution that says if we adopt the resolution that they are going to get the architect reports going, I think that is Craig's vision of what this committee will do but it is not in the resolution itself.

Councilor Allen stated as it stands now once we approve this then city staff can go out and do this contract and spend a lot of money that may impact what we end up doing in the long run without any committee involvement.

Councilor Anderson stated I agree. I am just looking at the resolution establishing the committee and its membership and I didn't see that as part of the resolution that we are going to go out and get bids for architects, etc.

Councilor Allen stated can we just add to the end of this, upon committee review.

Councilor Thomas stated I think that Councilor Allen is right on. The committee really needs to determine whether they need to go get an architect. I think initially the committee will be looking at what they want to do and how to approach it. You don't necessarily need someone walking in with a \$2 million and \$5 million architectural drawing.

Councilor Anderson stated I agree.

Councilor Allen stated I don't want to spend the money if that is not the direction that we want to go.

Councilor Thomas stated the first part is figuring out what your options are and then if you decide to pursue an option then you go down that path.

Councilor Allen asked so how would we do that? Would we just add to the resolution?

Councilor Anderson stated how about we just kick it back to Craig and let him come up with the language.

Councilor Allen asked don't we want the committee to get started sooner rather than later?

Councilor Thomas stated they are already soliciting for volunteers.

Councilor White stated we could remove this language and Craig could work on drafting better language.

Councilor Allen stated just remove that statement all together.

Councilor Thomas stated do we want to have an amendment come back later. Debbie, does that work to have an amendment come back?

Debbie Stickney, City Recorder, stated you could ask Craig to amend this and bring it back. However, the language being discussed is not in the resolution. If you want to go forward with the resolution establishing the committee tonight you could make a second motion directing the City Manager to not pursue hiring a contractor or architect until after meeting with the committee.

Councilor Ripma stated that sounds good.

MOTION: Councilor Anderson moved that we adopt Consent Agenda Item #2.2, a resolution establishing the Ad Hoc City Hall Study Committee, with the amendment adding the following language (to Attachment A - Committee Membership section): with no more than 2 members being from the Troutdale City Council. Seconded by Councilor Ripma.

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

Motion Passed 7 – 0.

MOTION: Councilor Ripma moved that we direct the City Manager not to proceed with hiring an architect until first having met with the committee, and then directed to do so by the committee. Seconded by Councilor Anderson.

FRIENDLY AMENDMENT: Councilor Thomas requested a friendly amendment to add, "and or other professional services".

Councilor Ripma agreed to the friendly amendment.

The amended motion reads: Direct the City Manager not to proceed with hiring an architect *and/or other professional services* until first having met with the committee, and then directed to do so by the committee.

Motion Passed Unanimously.

6A. Release of the investigation report for 950 SE Jackson Park Road

Mayor Kight declared a conflict of interest and stepped down for this item.

Council President Doug Daoust took over running the meeting.

Councilor Daoust declared a potential conflict of interest. I am running for the position of mayor and that has a paid stipend.

Councilor Daoust stated given the agenda topic at hand, the release of the full investigation report into the Mayor's structure at 950 SE Jackson Park Road, are there any comments from the Council.

Councilor Allen read a statement into the record (attached as Exhibit C).

Councilor White stated I thought it was worth pointing out that tonight again Jim voted to not release the report. Keep in mind our Mayor went to the press and called the report a well-crafted document. I am yet again confused as to why he wouldn't want it released.

Councilor Thomas stated my concern all along has been that we have had a report and I have had several citizens ask, since I paid for it why can't I see it? I think it is important that we release the report so that everybody can see what really transpired behind the scenes verses the executive summary. I really feel that it is necessary, and in the form of open government they should be able to see what they paid for.

Councilor Daoust stated from my perspective the citizens of Troutdale can now be told what happened as uncovered by the investigation. The citizens paid over \$48,000 for this investigation to occur. Everybody voted on it including the mayor...

Jim Kight (Mayor) interrupted from the audience and stated I abstained.

Councilor Daoust continued, to do the investigation. The citizens' right to know is consistently coming to the forefront. When compared to other concerns expressed by attorneys, the citizens right to know consistently comes to the forefront. Over 40 people were interviewed and those that read the report will see that there are documented examples of undue influence by an elected official.

Councilor Thomas stated just to clarify, the Mayor's interruption is true. When the actual vote came up he voted no, but during the work session he agreed to have the investigation go forward.

Councilor Anderson stated this is a tough issue and I appreciate all of your words. I think back to the editorial in the Oregonian and in the Outlook that screamed in print that the public has a right to know. The cost of this investigation, as Council President

Daoust alluded to, is now \$48,000. That is a big number, but put into perspective as a homeowner in Troutdale it is going to cost me roughly \$0.75 a month for a year. From the many citizens that I have talked to I get asked the question of what are you hiding? Why are you hiding this from me? What can't I see? What is behind the curtain? I don't like it. I feel very uncomfortable. I am aware of all of the issues surrounding this, but at the end of the day I don't want to be accused of hiding something from the people that I represent.

Councilor Ripma stated the reason we hired an outside party to do the report was to remove the implication that it was somehow biased by the City Council. It seemed like the correct way to have an unbiased investigation that was going to be accurate, and I think it is that. I am not comfortable with releasing it for various reasons that we have discussed, but I also can count and I can see why people feel so strongly about it and I agree that the public will benefit from it.

Councilor Allen stated my biggest concern on this is that any agency that can help us figure out the extent of the problem is currently not allowed to see the final report and that bothers me. It has to be released so we can deal with what the actual issues are.

MOTION: Councilor Thomas moved that we release the entire investigation report in regards to 950 Jackson Park Way. Seconded by Councilor White.

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

Motion Passed 6 – 0.

Councilor Ripma asked procedurally will that be posted on the web site?

Councilor Daoust replied I do not believe that we have any prepared copies tonight to hand out. We haven't discussed the process for making it public. Will hard copies be provided to those who request it?

Debbie Stickney stated we would like to have a public records request from anyone who would like to have a copy of the report. The form is available on our web page.

Councilor Daoust asked when they are made available will it be a paper copy or electronic?

Debbie Stickney stated if we have everything electronically then we can provide it that way. I believe there may be some large maps; I haven't seen the entire report at this point.

Councilor Daoust stated I think we are just talking about the 95 page report. Is there a cost for obtaining a copy of the report?

Debbie Stickney replied if we can make it available electronically, no. If we provide it in paper copy than it is \$0.25 per page.

Councilor Daoust asked Mr. Ross, do we have the document in electronic form?

David Ross replied we would have to scan the document and create an electronic copy.

Debbie Stickney stated if folks would like a copy of the report the best way to obtain it is to submit the records request form and we will respond. If we can post something on the web we will do so.

7. STAFF COMMUNICATIONS

David Ross updated the Council on the following:

- We have tentatively scheduled a Budget Committee Work Session for December 4th.
- The second Council meeting in November is on November 27th, that is the Tuesday after Thanksgiving so I don't anticipate that it will create a problem for anyone, but in the event that it does please let us know.
- The second Council meeting in December is scheduled for December 25th. I anticipate that might create a problem for many of you. I anticipate that we will only have one meeting in December.

8. COUNCIL COMMUNICATIONS

Councilor Anderson stated I have been many places and talked to many people this week but the one thing that comes to mind and the one thing that I am most proud of is IBEW stepping up to the plate yet again for the City and lighting the word Troutdale in the Arch. It looks absolutely beautiful and I want to thank IBEW and I would encourage everybody else to do the same.

Councilor Thomas stated I also want to thank IBEW for lighting the Arch; it looks great. I had an opportunity to attend a PGE meeting about what happens when the power goes out. There is a couple of places that you can receive tweets when we have outages - PortlandGeneral.com/Outage or @ Portland General on Twitter.

The Economic Development Subcommittee met today and reviewed an option to rent the City Conference Building (CCB) to the West Columbia Gorge Chamber of Commerce (WCGCC). You should be receiving a recommendation from the Committee with a unanimous vote to pursue that.

The WCGCC will be holding a Candidates Forum for the City of Troutdale candidates on Monday, October 15th at the Fairview City Hall. On Tuesday, October 16th they will have a Wood Village and Fairview Candidates Forum. On Wednesday we are hoping to have a Candidates Forum for the local State Representative candidates.

Mayor Kight stated the City received an award from the Governor's Council on Physical Fitness & Sports for our Camp Kaleidoscope program. That award was presented to me at the League of Oregon Cities Conference. Councilor White, Councilor Thomas and Councilor Allen also attended the conference. I will be presenting that award to our Recreation Manager, Mollie King. Only two cities in the State of Oregon received this award.

I attended the Oregon Business Plan at the World Trade Center on October 3rd. They were looking at improving the industrial land sites to get them ready for developers that are looking to relocate in Oregon or to expand their existing business. In this report they found that there is a real shortage of developable sites. Out of 56 sites there were only 9 sites that are ready to have a business up and running within 6 months. They are competing with other states for businesses to come to their communities so the sites have to be shovel ready and if the site is not ready they will not come to Oregon. I think that is one of the reasons we are behind the curve and have such a high unemployment rate. Councilor Daoust was also in attendance.

East Multnomah County Transportation Committee - there is \$37.78 million that they are looking to redirect towards freight initiatives. One of the projects that Troutdale is proffering is the improvements to Graham Road, which is immediately south of the Troutdale Reynolds Industrial Park. There are several lots there that will not be able to be sold unless those transportation issues are taken care of first. We have applied for several Tiger Grants and have not met all of the criteria. I am going to be sending a letter of support with the Port of Portland and other agencies in order to have a portion of that money redirected to the Graham Road project. As many of you know ODOT announced that they are going to be spending \$22 million and they have already started the design process for the two-way on Marine Drive as you exit off I-84 on Exit. This construction will start in 2014.

As Councilor Thomas pointed out, I attended a breakfast meeting, along with Councilor White, hosted by PGE. They are going out to the communities to try to find better ways to communicate with the public and government officials should there be a power outage. In particular what they are looking for is if there is a major earthquake how are we going to talk to one another.

Cliff Davis with IBEW is the man of the hour. I got up at 3am in the morning to photograph the Arch because I didn't want any car headlights distracting from the Arch and the before and after picture was published in the Oregonian. I noticed when I was taking the photo that the word Troutdale was not lit up. Cliff called and said that they will pay for it if we pay for the flagging. I think their cost was \$3,680 and our cost for the

flagging was around \$1,300. We are really happy that IBEW stepped up for a second time and now the Arch is completely lit.

Councilor White stated I was also at the PGE Outreach breakfast meeting this morning. I want to thank Chief Anderson for attending that and also Charlie Warren, our Public Works Director. They reminded us of an accident that happened recently where there was a downed power line due to a truck accident. Several people went to aid the driver who hit the pole and the power line was in water and those folks got electrocuted and the person in the truck survived. If there is a downed power line don't go near it. Be prepared - winter is coming. I think we are going to pay for all of this nice weather that we have been experiencing so get your emergency kits together.

Councilor Allen thanked IBEW, and Mayor Kight for the EMCTC update.

Councilor Daoust stated in addition to the Oregon Business Plan Regional Leaders Forum that Mayor Kight and I attended in downtown Portland last week, I also went to the Economic Summit sponsored by the Gresham Area Chamber of Commerce on October 4th. Councilor Anderson also attended. Governor John Kitzhaber was there and he talked about economic development on a state level. Mayor Shane Bemis also spoke. Keith Levitt from the Port of Portland and others also spoke. The focus was on economic activity in East County; it was worth attending.

Councilor Ripma stated on Saturday, October 20, 2012 the Troutdale Historical Society is putting on a Saturday evening event at the Barn Museum on Historic Columbia River Hwy. next to the Harlow House. We are trying something new. It will start at 6pm and we will be having interviews with the Quade sisters who use to live at Sundial Ranch which is at the mouth of the Sandy River. Len Otto, one of our Board Members, is interviewing them. It should be very interesting.

9. ADJOURNMENT:

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

Meeting adjourned at 9:11pm.

Mayor Jim Kight

Approved November 13, 2012

ATTEST:

Debbie Stickney, City Recorder

TROUTDALE CITY COUNCIL MINUTES
October 9, 2012

20 of 20
Exhibit A – Letter from Larry McWilliams, resident
Exhibit B – Staff Report for Agenda Item #6
Exhibit C - Statement from Councilor Allen - Item 6A