

MINUTES
Troutdale City Council – Regular Meeting
Troutdale City Hall – Council Chambers
104 SE Kibling Avenue
Troutdale, OR 97060-2099

Tuesday, February 8, 2011

1. ROLL CALL, AGENDA UPDATE

- **Presentation of Colors/Pledge of Allegiance by Troop 174**
- **Proclamation: Scout Month – February 2011**

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

Boy Scout Troop 174 Presented the Colors and led the Pledge of Allegiance.

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

ABSENT: None.

STAFF: Craig Ward, City Manager; Debbie Stickney, City Recorder; David Ross, City Attorney; and Erich Mueller Finance Director.

GUESTS: See Attached.

Mayor Kight asked are there any agenda updates?

Debbie Stickney replied yes, we have added the Proclamation for Scout Month.

Mayor Kight read the Proclamation for Scout Month – February 2011.

2. STATE OF THE CITY MESSAGE

Mayor Kight gave his State of the City Message (copy attached as Exhibit A)

3. CONSENT AGENDA:

3.1 ACCEPT MINUTES: December 14, 2010 Regular Meeting, January 6, 2011 Work Session, January 11, 2011 Regular Meeting, and January 25, 2011 Work Session.

3.2 RESOLUTION: A resolution authorizing the City Manager to sign an Intergovernmental Agreement with Metro for the East Metro Connections Plan.

3.3 RESOLUTION: A resolution granting a donation temporary easement to ODOT to allow placement of a flood barrier on city property during construction of the I-84 Sandy River bridges.

MOTION: Councilor Thomas moved to adopt the consent agenda. Seconded by Councilor Daoust. Motion Passed Unanimously.

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

None.

5. RESOLUTION: A resolution amending Section 2, Public Safety, of the City's fee schedule to provide for Alarm Permit and False Alarm Fees in conjunction with Troutdale Municipal Code Chapter 8.12.

Melody Thompson, Administrative Assistant, stated this resolution specifically provides for alarm permit and false alarm fees in conjunction with Troutdale Municipal Code (TMC) 8.12. At your January 25th meeting we discussed the proposed ordinance to amend TMC 8.12 (the second hearing on this ordinance will take place later this evening). One of the key changes being proposed is to remove the fees from the ordinance and adopt them by resolution, which would add them to the City's Fees and Charges Schedule.

This is one of three recommendations being brought forward by the Burglary Alarm Task Force for Council's consideration. The other two are the amendments to the TMC and a revised Intergovernmental Agreement (IGA). In the amended fee schedule we have separated the commercial fees from the residential fees and adjusted some of the other fees to offset increased administrative and police costs.

Councilor Daoust stated the second page of Exhibit C compares Troutdale's alarm fees to other jurisdictions. For the City of Newberg there is no fee charged for the first and second false alarm, and then \$50 for the 3rd, 4th and 5th false alarm. Troutdale's fee for false alarms range from \$75 to \$300. Is there an explanation of why our costs are so much higher than the City of Newberg which is similar in size?

Roberta Smiley, Multnomah County's Alarm Coordinator, replied I am not sure how the City of Newberg's alarm program is funded. At Multnomah County the permit fees are used to fund the actual program. Some cities have a budget for the program, others collect fees and that is the budget.

Councilor Daoust stated so their structure may be totally different than Multnomah County.

Councilor Thomas asked what is the percentage of the fines that the County keeps?

Roberta Smiley replied the false alarm fines are returned in full to the jurisdiction they are collected for.

Councilor Thomas stated we looked at this a year or so ago and I see a lot of the same numbers you proposed at that time. How do we justify increasing the rate three times for commercial alarm permits? Some of them are double; that is a big jump.

Sergeant Shrake replied part of the reason is that the last time these fees were updated was in 2004. Unfortunately we haven't been looking at these fees every couple of years to see what the comparables are and what it actually costs us. This is not a cost recovery model, but it helps address that concern. I have stats for FY 2009-10 on what we expended (officer resources and hours spent) on false alarms which I can share with you if you would like.

Councilor Thomas stated if you could do that for the commercial that would be great.

Sergeant Shrake stated commercial businesses have the largest number of false alarms at about a 2 to 1 ratio. In FY 2009-10 we responded to 246 alarm calls and of that 230 of them were false alarms. Of the 230 false alarms 163 of those were commercial businesses. Commercial businesses are larger in size than residences, and there is a minimum of two cars that respond. For every alarm call we conduct a premise check to make sure it is secure and if we find an open door or something of that nature then we search the interior as well, which requires us to bring in additional resources. We estimated that we spend anywhere between 30 to 60 minutes at a location. Commercial calls can take considerably longer. For commercial false alarms we spent roughly 81½ to 163 hours per officer responding to commercial false alarms. That number needs to be at a minimum doubled because there are at least two officers responding to the commercial alarm calls; sometimes there can be three officers. The cost is anywhere from \$7,700 to \$15,000 to respond to false alarms for commercial businesses.

Councilor Thomas asked what is the cost for responding to one false alarm.

Sergeant Shrake replied it is anywhere between \$47 to \$95 per call.

Mayor Kight asked among those false alarms that you respond to, how many of them are repeat calls?

Sergeant Shrake replied unfortunately I don't have that statistic.

Roberta Smiley stated the first false alarm will be free. The majority of residents and businesses have one or two false alarms per year. There are usually a few businesses that have more than that, and there are a couple that will have as many as ten to twelve false alarms.

Melody Thompson stated the emphasis for our police department is to work with those businesses that have repeat false alarms. I receive emails from Roberta from time to time where she informs me that the false alarm fee for a repeat customer has been

waived because the officers continue to try and work with them. Although the mechanisms are in the ordinance to be used for some of the most egregious and non-conforming folks, the culture of the Troutdale Police Department is to forgive far more than they charge. In the ten years that I have been here we have not yet suspended anyone for failure to pay, or any other issue, and instead we work with folks on ways to resolve the problem. Even though it looks like it could be affecting a large group of people, the reality is that maybe 15% to 20% of the permit holders are in that constant group of folks that we try to work with and in the event that we cannot we have the ability to recoup our costs.

Mayor Kight asked do you have particular folks who are egregious and are repeat calls and for whatever they are just not taking care of the problem?

Sergeant Shrake replied there are a few that I have been in contact with and we meet with them to try and address that. We have taken the position where we don't cut off response to certain businesses because we want to be there for them. Other organizations probably have done that. We want to try to educate folks. We work real hard with the select few that have continuing problems.

Mayor Kight asked does the council have any further questions.

None asked.

Mayor Kight asked is there anyone here that would like to speak to us on this issue?

No public testimony received.

Councilor Thomas asked does it cost more to process a commercial permit than a residential permit?

Roberta Smiley replied the actual process is the same, but the difference is in the customer service for the commercial permits. Commercial permits can have multiple alarms which require us to send out multiple notices. A customer at the Outlet Mall has had three different permits in the last year because they kept getting their permit cancelled because they were not paying their bill in a timely manner. We are issuing additional permits, reprinting invoices, talking on the phone to their billing departments, changing billing addresses, etc. There is just more customer service involved with the commercial permits.

Councilor Thomas stated the second false alarm at \$150 makes sense if you have two officers show up. Based on your information it seems to average out at about \$75 per officer. When you get to the 3rd and 4th false alarms, I am not sure that it justifies the same price. I think it would make more sense to charge the same fee for residential and commercial false alarms. When I look at the schedule it appears like we are really going after the businesses to pay the bulk of the fees. I can see your point regarding the customer service, but we have the same customer service requirement whether it is

residential or commercial. I am sure there are a number of residents that don't pay their fees and you have to deal with them and send them multiple letters. I think by setting the fee schedule the way we have it set up we have made it look like businesses are taking the brunt of the costs. This should be a cost recovery system not a money making system. I understand when you get to the 3rd, 4th and 5th false alarms, then it is a penalty phase and that makes sense. I would propose that instead of using the fee schedule you have currently defined, that we just use the same fee schedule for the residents and the businesses.

Melody Thompson asked are you talking about the false alarm fees?

Councilor Thomas replied yes.

Sergeant Shrake replied responding to false alarms at commercial businesses takes more time. I have just given you a real quick review of the approximate costs. We have a lot of other costs associated with commercial businesses such as liability and outside resources used. The Task Force has tried to come up with a fair fee to charge for the cost recovery method.

Mayor Kight stated you mentioned other agencies are involved when there is a call for an alarm. Gresham and the State have K-9 units; do you engage their services if there is an alarm call?

Sergeant Shrake replied usually not for residential alarms, but when we get to commercial structures that are larger it becomes more of an officer safety issue and if there is a dog available we will usually request them on commercial calls.

Mayor Kight asked in the scenario where you have a very large structure how much time does it take to clear just the perimeter area? How many officers are involved?

Sergeant Shrake replied at a minimum there are usually four officers and there is almost always a dog if one is available. We have a minimum of two cars on the street, so it is Troutdale plus whoever we can pull in, whether that is Fairview, Multnomah County or Gresham. If there is a dog available that is our first call. We secure the perimeter and then someone runs with the dog. So it is a minimum of four and a maximum of six.

Mayor Kight asked how long are they there?

Sergeant Shrake replied it takes us a little under an hour.

Mayor Kight asked do you stay just on the outside?

Sergeant Shrake replied the responding officer(s) will set up and check the exterior and see if there is any opening into the building. If we find an opening then at that point we bring in the additional resources and do the search on the interior of the building, which takes considerably more time than the exterior.

Mayor Kight stated so if you get a false alarm and you have called in a K-9 Unit, how many Troutdale officers would be there?

Sergeant Shrake replied if they are free every Troutdale officer would be there.

Mayor Kight stated so now we have most of our officers concentrated on that specific property. What happens to the rest of the city for officer coverage if there are other calls?

Sergeant Shrake replied all non priority calls hold and any priority calls are dispatched to outside agencies.

Mayor Kight stated in the worst case scenario the calls start to stack up as a result of responding to a false alarm in a commercial building. Is that accurate?

Sergeant Shrake replied yes.

Councilor White stated in that scenario you wouldn't actually call other officers unless you see a window or door that is open or unlocked.

Sergeant Shrake replied we will start with 2 or 3 officers just to cover the perimeter so we can have a visual on all sides, if an opening is found that is when additional resources would be called in.

Councilor White stated if you did find an opening than I am assuming that it wouldn't be a false alarm?

Sergeant Shrake replied not necessarily. We look for forced entry that would be indicative of a burglary. If there are no signs of forced entry it could just be that the door was left open but we would still do the search. With large buildings there are a lot of doors and windows and sometimes they just get left open or unlocked.

Councilor White stated I am glad to hear that you work with the community. It sounds like you need a hammer for someone who is not interested in helping out. I think the average person feels terrible to have police respond to a false alarm. It is a problem that I think most residents want to correct. My worry is that if we get the cost up too high we will have a situation where the most vulnerable people are afraid to get into the alarm business and I would hate to see that happen.

Councilor Allen stated when we look at the Troutdale alarms it is nearly a 5 to 1 ratio of business alarms that go off compared to residential. Is that indicative of the number of alarms that are out there for businesses versus residential? I am curious as to what percent of the alarms are residential versus what percent are business. We already have the information as to which ones are going off.

Roberta Smiley replied I don't have the information about what is installed. I only have the number that is in compliance with Troutdale's ordinance and has a permit. At the end of FY 09-10 there were 638 permits in Troutdale. 70% of those permits were residential permits.

Councilor Allen stated it is interesting that residential is 70% but only one-fifth of the number of the alarms that we are responding to. What makes that disparity?

Sergeant Shrake replied I think the biggest thing is education. In a residence you usually have more control of your family members and you make sure that there is a process in place when you leave. In a business there is a lot of turn over with employees, and multiple employees with that responsibility.

Councilor Daoust stated so you have this Alarm Program Task Force and they did a study this last year where they looked at the fees and the administration of the program at the County level, and they must have looked at the cost to respond to all of these alarms. Did these new fees arise as a response to the study? Who originated these new fees?

Melody Thompson stated each member on the Task Force took the information back to their jurisdiction and explained the recommendations and suggestions from the Task Force. Not all of the fees came forward as a basis for study and recommendation, but several of them did for specific reasons. Not all of them were a cost recovery study; it was more an analysis of other jurisdictions and a general discussion about the budget and the cost to operate the program.

Councilor Daoust asked so the Task Force and the County supports these fee increases that the City is proposing?

Roberta Smiley replied yes.

Melody Thompson stated they did. Multnomah County, Maywood Park and Wood Village have already passed this. Gresham has had several turnovers in the Task Force membership; they will be bringing this forward soon. Some of Gresham's current fees are already larger than our fees.

Councilor Daoust stated so it is not just the City of Troutdale raising our fees.

Melody Thompson replied no.

MOTION: Councilor Daoust moved to adopt a resolution amending Section 2, Public Safety, of the City's fee schedule to provide for Alarm Permit and False Alarm Fees in conjunction with Troutdale Municipal Code Chapter 8.12. Seconded by Councilor Ripma.

Councilor Thomas asked would you accept a friendly amendment?

Councilor Daoust stated I would like to vote on this motion.

Councilor Thomas stated then I would like to make an amendment to the motion.

MOTION TO AMEND: Councilor Thomas moved to amend to change the commercial alarm fees reducing the Annual Alarm Fee from \$75 to \$50, the Three Quarters Pro-Rate Fee from \$56 to \$40, and the Half Year Pro-Rate Fee from \$38 to \$26. Seconded by Councilor Anderson.

Councilor Ripma asked so you are not proposing to change the false alarm fees?

Councilor Thomas replied no. When I used the numbers that Sergeant Shrake gave us they seemed to add up, so I was okay with those.

Councilor Ripma stated I believe there was sufficient justification given for charging commercial more. If we reduce these fees I am concerned we might not fully recover the costs and might end up having to adjust the residential fees at some point. I think your proposal is modest. While I am sympathetic to wanting to reduce them somewhat I personally favor the original motion.

Councilor Daoust asked Councilor Thomas what is the reason for lowering the permit fees?

Councilor Thomas replied what I am proposing is just doubling the fee and not tripling it. My concern is the impact on the businesses. Responding to the false alarms is where our costs come in, so I did not propose a change to those.

VOTE ON MOTION TO AMEND:

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

Motion Passed – 4 – 3.

VOTE ON MAIN MOTION AS AMENDED:

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

Motion Passed – 7 – 0.

Mayor Kight called for a break at 8:10pm and reconvened at 8:26pm.

6. PUBLIC HEARING / ORDINANCE (Introduced Jan. 25, 2011): An Ordinance amending TMC Chapter 8.12, Burglary and Robbery Alarms, defining Commercial and Residential Alarm Systems, adding alarm monitoring to the definition of Alarm Business, adding a provision to require that an Alarm Business provide a list of alarm locations to law enforcement agencies upon request, removing the fee schedule from the Chapter, and making other changes.

Mayor Kight read the ordinance title.

Roberta Smiley, Multnomah County's Alarm Coordinator, stated the Task Force members identified the need to review the ordinances for consistency among the jurisdictions that the Sheriff's Office administers the program for. There was a need to add language in the ordinance to make sure that everyone who is operating an alarm system is in compliance with the ordinance. One of the biggest additions was the inclusion of the alarm monitoring companies to the definition of Alarm Businesses and requiring them to provide their customer list to us.

Council had no questions.

Mayor Kight opened the public hearing at 8:25pm and asked is there anyone here to speak to this issue?

No testimony received.

Mayor Kight closed the public hearing at 8:25pm

MOTION: Councilor Thomas moved to adopt an Ordinance amending TMC Chapter 8.12, Burglary and Robbery Alarms, defining Commercial and Residential Alarm Systems, adding alarm monitoring to the definition of Alarm Business, adding a provision to require that an Alarm Business provide a list of alarm locations to law enforcement agencies upon request, removing the fee schedule from the Chapter, and making other changes. Seconded by Councilor Daoust. Motion Passed Unanimously.

7. RESOLUTION: A resolution approving a revised Intergovernmental Agreement between the Multnomah County Sheriff's Office (MCSO) jointly with and on behalf of Multnomah County and the City of Troutdale relating to the administration of Troutdale Municipal Code 8.12 Burglary and Robbery Alarms, and rescinding Resolution No. 1847.

Mayor Kight read the resolution title.

Melody Thompson stated an IGA has existed between the County and the City of Troutdale for the administration of the burglary and robbery alarm program for over a decade. The changes proposed include: the addition of an alarm industry

representative on the Alarm Task Force; clarification of the nature of the MCSO's administrative support for the Task Force meeting; clarification of the role and responsibility of the Task Force pertaining to review of the operating costs, budget, materials and publications; adds timely notifications to the Police Department for unusual and excessive false alarm occurrences; and adds an arbitration section. We see this as a positive revision and recommend approval.

Council had no questions.

MOTION: Councilor Daoust moved to adopt the resolution approving a revised Intergovernmental Agreement between the Multnomah County Sheriff's Office (MCSO) jointly with and on behalf of Multnomah County and the City of Troutdale relating to the administration of Troutdale Municipal Code 8.12, Burglary and Robbery Alarms, and rescinding Resolution No. 1847. Seconded by Councilor White. Motion Passed Unanimously.

8. STAFF COMMUNICATIONS

Craig Ward, City Manager, updated the Council on the following:

- I will be attending training at the Emergency Management Institute (leaving on the 11th and returning on the 18th). David Ross will be the Acting City Manager in my absence.
- February 21st is President's Day so City Facilities will be closed.
- We are working with, and have actually already approved, an auction of construction equipment on the Interstate Trucking site on April 5th – 6th. This will be a fairly major event bringing in people from around the country to look at this equipment and possibly purchase it.
- I am planning on signing a letter this week to Business Oregon which will request additional federal capitalization of the Oregon Coalition Brownfields Clean-up Fund Program, which is largely a revolving loan fund. Our urban renewal site will be listed in that and therefore presumably the federal government will help capitalize that. While a project would be eligible for funding under that program in any case, it will raise its visibility and hopefully lead to either a revolving loan fund or a grant from the State of Oregon for clean-up of the site.
- On January 31st Moody's Investment Service completed their review of our potential bond offering and they assigned an Aa2 rating for the bonds for the police facility. This is noteworthy and something we should be proud of. They noted the fact that we had strong reserve levels and low debt and therefore the Aa2 bond rating is good news and unusual for a jurisdiction of our size.
- On February 3 Mr. Mueller and I attended a session at Seattle NW Securities Corporation where they actually put our \$7,540,000 bond on the market. It is a series of maturities and different amounts being offered at different times and rates. They have all been sold at a slightly better interest rate than we had projected, so that is also good news. We expect the closing to occur (where we will actually receive the check) on February 17th.

9. COUNCIL COMMUNICATIONS

Councilor Thomas stated I thought the plan was to take the lights off of the Arch.

Craig Ward stated actually I think the conversation we had was that we were going to put the lights up and then we would see what the reaction was to having them up. This is the first time since the lights were installed that anybody has mentioned taking them down. If it is the Council's preference that we remove the lights, we can certainly do that. They were never intended to be permanent lights. They don't meet code requirements for permanent lights, so I am perfectly prepared to direct staff to remove them if that is the Council's preference. I was waiting to hear some feedback to see if anyone had thought that they had been up too long or not long enough.

Councilor Thomas stated I thought they were great for the holiday season, but I would rather just leave them for the holiday season and then take them down.

Craig Ward stated it is one thing to turn them off and it is something else to take them down. Are you asking that they be removed?

Councilor Thomas stated I would like to see them removed, but we could turn them off initially.

Mayor Kight asked do we want to have this discussion at the next meeting, or is this something that the Council feels comfortable addressing now?

Councilor Ripma stated some of the businesses downtown might have an opinion. It seems like it should be put on an agenda.

Craig Ward stated I would be happy to do that.

Mayor Kight stated if you are going to do that you might notify some of the downtown businesses because they may have thought that we were going to keep them up there on a permanent basis, or at least until tourist season in the spring when we go to daylight savings time when it would be less necessary. Let's add this topic to an agenda.

Councilor Thomas stated I have a question for Mr. Mueller in regards to the left over funds from the lighting donation that we received from the electrical union, it was like \$4,000.

Erich Mueller stated leftover funds...

Councilor Thomas stated we received some funds that were used to redo the electrical on the light poles to allow for the Christmas lights.

Erich Mueller stated the \$4,000 check that we received from the IBEW was related to putting the receptacles in the bases of each of the decorative light poles in downtown. The cost of that was about five times what the donation was.

Councilor Allen stated there are a couple of new businesses that I came across in Troutdale. I thoroughly enjoyed Antonios Pizza by Albertsons, and Shot in the Dark has taken over Coffees On near Safeway.

Councilor Ripma stated we did thank IBEW for their donation at a previous council meeting. The fact that they have donated back some of the cost is to be greatly commended.

10. ADJOURNMENT:

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

Meeting adjourned at 8:40pm.

Mayor Jim Kight

Dated:

ATTEST:

Debbie Stickney, City Recorder