

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

Tuesday, June 22, 2010

1. ROLL CALL, AGENDA UPDATE

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

PRESENT: Mayor Kight, Councilor Wand, Councilor Thomas, Councilor White, Councilor Kyle and Councilor Daoust.

ABSENT: None.

STAFF: Ron Garzini, Interim City Administrator; Debbie Stickney, City Recorder; David Ross, City Attorney; Rich Faith, Community Development Director; Scott Anderson, Chief of Police, Erich Mueller, Finance Director and Dick Bohlmann, Building Official.

GUESTS: See Attached.

2. CONSENT AGENDA:

2.1 RESOLUTION: A resolution declaring certain personal property surplus and authorizing the Mayor to enter into an agreement transferring the surplus property to the City of Gresham.

2.2 RESOLUTION: A resolution approving an Intergovernmental Agreement between Metro Regional Government and the City of Troutdale for funding of the Year Twenty Annual Waste Reduction Program.

2.3 RESOLUTION: A resolution providing current Fiscal Year 2009-10 Budget Transfers and Appropriation changes.

2.4 RESOLUTION: A resolution authorizing an Interfund Loan from the General Fund to Code Specialties Fund.

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

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

None.

4. REQUEST: A request from Multnomah County to support the Store to Door Program.

Kristina John Baptiste, Program Manager for YWCA Greater Portland East County Senior Services Program, stated East County Senior Services is one of nine non-profit senior district centers that contracts with Multnomah County Aging and Disability Services to serve primarily the frail and low income seniors. We serve the entire East County community. I was speaking to a group in Fairview a year ago about the challenges of serving the seniors in the East County area because not all services are available to our seniors that are available to the rest of Multnomah County. I gave an example of the Store to Door program which is a grocery delivery service. This service will also deliver prescriptions and return bottles. Since there are a lot of barriers to accessing groceries out in this area because of the lack of transportation serving East County, this would be a wonderful service that I would like to see expanded out to East County. Currently this service stops at 182nd.

Sean Files, Multnomah County, stated in terms of Commissioner McKeel's office, we met with a Councilor from the City of Gresham and the director of Store to Door and we observed their operations. We were very impressed and subsequently we presented this at the 4 Cities meeting last month. In order to start this program Commissioner McKeel's office has offered to put up 50% of the funds that would be required; we would be looking at about \$5,000 to run this program for the next year. We are asking for \$750 from each of the cities to help bring this program to the citizens of Troutdale. This is a one-time only request because we will be seeking grant funds to make this sustainable in the future.

Councilor Thomas stated I think that your presentation at the 4 Cities meeting was informative and helpful.

Mayor Kight asked how is this service currently being provided for those people that aren't plugged into this program?

Kristina John Baptiste replied it is a struggle to meet that need. We do have other services that we are able to access such as housekeeping, but it would actually be much more cost effective to utilize this service than a housekeeper. Through our in-home service program it is \$12 per trip for grocery delivery service, whereas through the home care agencies housekeepers are \$20 per hour with a 2 or 3 hour minimum.

Mayor Kight asked have the other cities already made this commitment?

Sean Files replied Fairview and Wood Village have.

Mayor Kight asked have you approached Gresham?

Sean Files replied no.

MOTION: Councilor Daoust moved that we honor the request of Multnomah County to support the Store to Door Program with a one-time donation of \$750. Seconded by Councilor Thomas. Motion Passed Unanimously.

5. REPORT: A progress report on the proposed Police Facility Bond Measure.

Chief Anderson stated John Ralston is here with me tonight to help you make an informed decision about the next steps to take towards the construction of a much needed police facility here in Troutdale, but first I want to summarize the steps we have taken to get to where we are tonight. Prior to 2008 my predecessor, Dave Nelson, had discussions with law enforcement professionals as well as the Public Safety Advisory Committee (PSAC) regarding the need for a police facility in Troutdale. The assessment confirmed the need and that the current facility was inefficient and not functional. The City Council agreed and a construction bond levy was placed on the November 2008 ballot; the measure did not pass. The current police station was built in 1956 at a time when the Town Marshall served as the local law enforcement officer. The population of Troutdale was 516. It became the Oregon Bank and was built for a staff of four employees. In 1991, the 14 member police department moved to the current facility coming from the donated railroad depot. It has been renovated twice, once in 1999 and again in 2003. According to professional architects and engineers, the 54 year old building is not suited for expansion or upgrades and it would not be cost effective to do so. Today there are 34 members of the Troutdale Police Department serving a population in Troutdale of over 15,000. The police station has structural, electrical, heating, ventilation, air and plumbing problems and does not accommodate people with disabilities. A new building will provide and allow for increased use of technology and would result in more efficient and improved service delivery. Crime analysis, a program that allows the police to track crime trends and also address livability issues needs it own work station to be fully operational and efficient. The server for the police vehicles audio-video camera software currently sits in a hallway because of lack of space. The citizens of Troutdale deserve professional police services that can only be delivered out of a modern building. The new building would also provide the necessities to properly manage an emergency situation in which command mobilization is required. The citizens of Troutdale also deserve a dedicated and competent staff that brings forward initiatives to you that are complete, accurate and financially responsible. In the planning process I established three basic fundamental goals that I am committed to achieving with this project. First, we need to listen to the citizens of Troutdale and do our best to meet their public safety needs. Second, we need to acquire a functional police station in Troutdale. We are not out to win an architectural award winning building for its looks or aesthetics. We are only asking for a functional police facility that will meet the needs of the people of Troutdale. Third, we will be diligent to insure that we are financially prudent and responsible. In April of this year Intercept Research Corporation conducted a survey of 400 Troutdale residents. The result was encouraging and is available on our website. Two primary reasons for supporting a bond measure to fund construction of a police facility were identified by respondents. First, 71% acknowledged that the current building is over 50 years old, outdated and far too small to meet the current or the future needs of the police officers and police operations. Secondly, 64% acknowledged that the existing police station has structural, electrical, heating, ventilation and air quality problems

and does not accommodate people with disabilities. We have been open to any option that would meet the above goals. That's why, in addition to the option of building a new police station on city owned property at SW 2nd and Kendall, we have considered the possibility of purchasing a building that could be retrofitted into a functional police facility if the purchase price and renovation costs justified the acquisition. We exhausted a search within the city limits of Troutdale and have come up with two options for your consideration. The old Thriftway store on Troutdale Road was considered, but we learned very quickly that it was not an option due to the age of the building and the physical layout of the site. Option 1 is to build a new police station on city owned property located at 2nd and Kendall. Option 2 is to purchase the former Saturn Auto Dealership located at SE Stark Street and Sundial and retrofit the building into a functional police facility. During the May 11, 2010 City Council meeting I reported the results of that survey to you and you voted unanimously to move this project forward and asked me to bring back a resolution for your consideration at a future meeting. Subsequent to the May 11th meeting information from Troutdale residents came forward acknowledging the need for a new police facility and urged the City to be very diligent in its approach to funding this project. Mr. Garzini directed me to conduct a preliminary construction cost analysis for the two options and bring back the results for review and discussion tonight. If you direct me to pursue one of the options, additional analysis will be conducted on the preferred option to identify the total project cost and I will prepare a resolution for Council consideration at your July 13, 2010 meeting. We have conducted a preliminary independent cost analysis for the two options so that we can assure our residents that we have been diligent to provide accurate information so as to avoid cost over-runs for this project and be financially responsible. The following are some of the discussion points for the two options. **OPTION 1** – New police station at SW 2nd and Kendall: 1) would be on city owned property; 2) it is a new building with a life of 50 years; 3) the building would be 17,740 square feet; 4) close proximity to downtown; and 5) construction cost estimate is \$4.2 million. **OPTION 2** – Purchase the Saturn Dealership located on SE Stark and Sundial and retrofit the existing building into a functional police facility: 1) 1.34 acres of unused property allowing room for expansion and/or potential investment for lease or sale; 2) places the city facility at the southern portion of Troutdale; 3) the building is 15,600 square feet; 4) interior of the building lacks adequate space to expand storage in the future; 5) removes Saturn property from taxation (in 2009 it was over \$31,000); 6) property purchase price is estimated at \$3 million; and 7) the construction cost is estimated at \$2.35 million. John Ralston of HSR, an architectural firm conducted the design and cost analysis. HSR came highly recommended by cities in Oregon who utilized their services to build new police facilities and/or had retrofitted existing structures into police stations. In addition we have retained Mr. Jim Jerde of Architectural Cost Consultants, LLC to conduct additional preliminary cost analysis to ensure that the options have similar cost analysis and are buildable within the budget that we present. Dick Bohlmann, our Building Official, is also here this evening to give you a report on the condition of the current police station.

John Ralston, HSR Architecture, stated we were asked by Chief Anderson to take a look at the feasibility of remodeling the Saturn Dealership into a functional police station. You have also hired Jim Jerde with Architectural Consultants who are very capable. We have reviewed the estimate that was previously done by Group Mackenzie for the police station for 2nd and

Kendall. We met with the Chief and went through the programming for the new facility and we tried to see how that would fit into the existing Saturn facility and it actually fit fairly well. It is short on storage and some of the spaces are not as big.

John Ralston reviewed the maps that are included in the packet.

John Ralston stated the map showing the existing site plan for the Saturn Building has a lot of extra space (1.34 acres), it has a very good setup for secured staff parking, sally port and ample public parking. We also looked at a couple of different options for this site. Then we prepared for Mr. Jerde some overlays where we took these plans and laid them over the existing building floor plans so he could see where we were removing walls, keeping walls, etc. We have also provided you with a copy of the plans that were prepared by Group Mackenzie in 2008.

John Ralston stated police stations are classified as essential facilities and as such they require more than normal seismic strength, emergency power backup, sprinkler system for holding cells, extensive security and data systems are required, and some areas require bullet-proofing. These types of things drive the costs up on a police station above and beyond a normal office building. The estimates that we have been looking at are really at the 5,000' level. The estimates do not include architectural, engineering, permitting, SDC's, furniture, fixtures, equipment, moving, contingency and all of the other costs that you really need to thoroughly consider if you are going to put a bond measure out.

John Ralston stated the Kendall site is currently a 17,000 square foot building. The Saturn site is only a 15,000 square foot building and is a concrete tilt up building with an extensive amount of glass so we would have to do some things to make it more secure. The Kendall facility would allow larger spaces for offices and storage. The Saturn option is a remodel and therefore construction duration would be a lot shorter. The site work on the Kendall site is very extensive because of the existing banks. We do not have a soils report on the Kendall site so we would recommend that be done if that is the selected site. There could be some drainage issues at the Saturn facility that we would need to take a look at. The City already owns the Kendall site; the Saturn owner is asking for \$3 million at this point. Joe Jerde concluded that the \$4 million price for the Kendall site is acceptable, however if you want to continue to look at that site we would want to look at that on a line item basis and get a more accurate estimate on that site. Mr. Jerde was asked to review the existing estimate. The Saturn estimate is at \$2.34 million for construction plus the \$3 million to purchase the property. Another advantage is that 2nd and Kendall is closer to downtown Troutdale. Another issue to consider is that voters are sometimes more inclined to approve a measure that recycles an existing building. We are just now finishing a police station in Klamath Falls where we took an old armory building and converted that into a police station and it came in less than estimated. If you want to move forward with the Saturn site we would want to take a more careful look at the structural, electrical, mechanical, civil engineering, condition of the roof, and determine if any existing mechanical or electrical systems can be reused. The estimate currently assumes that all of that would need to be new. The estimator feels that we could maybe save up to 20% if we do this due diligence and additional studies, but that could

go either way. Even if we do reduce the Saturn estimate by 20% it is still considerably over and above the 2nd and Kendall site. Rather than going ahead and recommending taking a further look at the Saturn site, your money may be better spent looking at the 2nd and Kendall site. If you toured a modern facility and then walked through your current police station, you would realize that you really need a new police facility.

Ron Garzini stated very recently the Building Official came to me and was talking to me about some urgent needs for the existing police facility and they weren't small. I thought that it would make sense for Mr. Bohlmann to put together some information to show you. Even if a bond for a new building were approved by the voters we have some serious short-term problems. I think it is important for Mr. Bohlmann to show you how serious the problems are with this over 50 year old building that we call a police headquarters.

Dick Bohlmann, Building Official, stated my staff and I recently took a look at the police facility and some of the needed maintenance that this facility is faced with. We have prepared a brief evaluation of the building condition including photos (copies of the photos are included in the packet). Our police department is housed in a derelict building that requires a tremendous amount of maintenance and repair work to keep it operational. The majority of our facilities repair requests for the year are for the police building. There is always something breaking down, circuits are tripping, ongoing electrical problems, water leaks, HVAC ceases to function, and the list just goes on. It is a dysfunctional, undersized, overcrowded building. The building has poor access and is not ADA accessible. There are also security issues relating to the outside storage that seems unusual for a police department. There is lead paint, asbestos and other health threatening materials inside. The HVAC unit on the second floor is worn out, antiquated and does not comply with minimum current or past code requirements. The coil enclosure has rusted through and is leaking water on the floor. The ductwork was installed incorrectly causing negative pressure on the system. Low hanging ductwork installed in make-shift locker rooms is a hazard to the officers as it is less than six feet off of the floor. The HVAC unit on the main floor is at the end of its useful life and does not meet the minimum code requirements. As you can see in some of the photos the ducting is installed incorrectly. It also has negative pressure issues and it is undersized. The electrical system failures are commonplace and all too frequent due to the maxed out electrical system. Selective use of outlets is often necessary to prevent overloading and tripping circuits. The plumbing system is nearing the end of its life and comprised of deteriorating galvanized steel pipe revealing numerous past failures and makeshift repairs. The parking lot pavement is deteriorated and needs to be resurfaced. The roof is old but it looks like it might last a year or two longer. The floor covering is in need of replacement. The building needs to be painted inside and out. There is a substantial amount of dry rot that is evidenced in some of the photos. My best estimate to address these items is \$300,000 to \$350,000. If we were looking at constructing a new facility we could probably live with this old building and keep the heating system going and maybe patch up the electrical system and see if we could limp through until the new building is constructed.

Councilor Wand asked what is the level of certainty in our construction estimates that we are working with here?

John Ralston replied this is a 5,000 foot level one review based on square foot numbers, and a review of the previous estimate for the 2nd and Kendall site. Moving forward I would want to have a complete line item estimate done for the construction and look at the soils to determine what effect that will have on the extensive site work and retaining walls that are going to be required for the parking. I will also want to have a civil engineer look at the infrastructure to the site to make sure that it is all adequate. I will need to research what the permit fees and SDC fees are, and all of the hidden costs such as furniture. We will want to have a decent contingency included, and we need to include costs for the demolition of the existing facility and paving that. We need to have a complete thorough study done to determine what the cost will be.

Chief Anderson stated it would be cost prohibitive to do that kind of cost analysis on both sites. We are at the point where we hope that you have enough information to make a decision on which option you would like to pursue and then we would do the in-depth analysis for the costs.

Councilor Wand asked on the Saturn estimate did you include any kind of a contingency?

John Ralston replied 10%.

Councilor Thomas stated the estimated cost to repair the existing building is more than what the building is worth. Basically the building is only worth the land that it is sitting on from what I heard. On the Saturn site did you consider the amount of lost revenue from the property taxes by taking this from a prime retail property to publicly owned property?

Chief Anderson replied it is \$31,000 per year.

Councilor White asked if we go forward with building a new police building on 2nd and Kendall would we still have to spend up to \$350,000 on the existing facility?

Dick Bohlmann replied no. We can do some minor remedies on some of the systems.

Councilor White stated I think it is important to mention that we purposely deferred maintenance on that site.

Ron Garzini stated one of the things that needs to be tightened up and figured out is we are going to try to come up with an estimate for demolition of the old building and we would assume, unless we hear otherwise that the plan would be to demolish the old building, grade the site and build a parking facility and integrate it with the surrounding property. Keep in mind that is not a small amount of money, roughly that could be \$250,000 for the demolition, parking and landscaping. If the Council has a different plan someone needs to tell us.

Councilor Kyle stated I am concerned about our timeframe. Are you saying that we would want to consider the demolition and the parking structure in the amount of the bond measure that we send to a public vote?

Ron Garzini replied yes. Our plan, if Council picks a site tonight, is to come back on July 13th with a package to take to the voters.

Councilor Daoust stated it looks like the Saturn site is more expensive even though we are talking about remodeling an existing building. The Saturn site is estimated at \$5.5 million and the Kendall site is estimated at \$4.5 million.

Ron Garzini stated I think that the Kendall site will be higher than the number that you just quoted because it doesn't include demolition and some of the other costs. But if you compare apples to apples the Saturn building versus the Kendall site, the big problem is you are starting off with a \$3 million purchase. I asked the owner how much room he had with that figure and he said there might be a little room. This property is on the tax rolls at a value of \$3 million so it is not an aggressive number. I think he has reason to hold his price.

Councilor Daoust asked with the Saturn site there is the additional 1.34 acres of property that we would not be using correct?

Chief Anderson replied yes.

Councilor Daoust stated so we would be purchasing the entire site but would not be using 1.34 acres of the property so it seems as though we would be overbuying unless there is a desire by the owner to split that lot in half and allow us to buy only what we need.

Chief Anderson replied he has told us that he is not willing to split the property.

Councilor Daoust stated we might be able to sell it later.

Councilor Kyle asked when the Saturn Dealership was built wasn't there some kind of a special drainage situation there?

David Ross replied I think that was the Honda Dealership.

Ron Garzini stated we are concerned about the drainage at the Saturn site. If the direction is that you like the Saturn site one of the issues that we would have to get into at some length is the drainage. It appears, according to our staff, that the surface water drainage problems at the Saturn site are such that there is a possibility that we may have to do a major retrofit which is in the order of six figures.

Councilor Thomas stated the \$250,000 to demo the existing police facility would need to be included in both estimates.

Ron Garzini replied correct.

Councilor White stated I am concerned about adding the cost of the demolition of the existing police station into our bond levy. I think that there might be other avenues for us to pursue. Our biggest challenge in passing the bond measure is the economy, which is why we are looking at the Saturn facility to keep this project as cost effective as possible. I think our existing site might be of interest to McMenamins, they have done that with other buildings like jails. We might take a look at marketing that property to offset some costs.

Mayor Kight stated Mr. Garzini, I think that issue has come up before and one of the considerations of removing the police department building and turning it into a parking lot is because of the lack parking in the downtown.

Ron Garzini stated it appears to me that there is a serious downtown parking problem especially anytime you have events or activities. Having done a lot of downtown redevelopment work as a consultant I can tell you that the police building is a perfect location for a downtown parking area. Trying to retrofit that building into anything would be a real costly move. McMenamins has made a history of taking really ancient structures and maintaining their integrity, but this is not an old school with flavor and character, this is an old block building that is ugly and full of trouble.

Councilor White stated I don't disagree that parking is an issue in our downtown, but if we expanded that to make it part of Mayors Square we could use Parks System Development fees and not add that cost to the bond measure.

Ron Garzini stated if it were a project in our system, but at the moment it isn't.

Councilor White stated that is why I am leaning towards keeping that as a separate issue.

Ron Garzini stated the worst thing you could do is sell a bond issue, get folks to support it and then have this problem. Right now we have this building behind City Hall and it is a cost problem to take it down. These things have a way of costing us money when we are having a hard time. I think you can kill two birds with one stone, which is to help the police out and address the parking needs.

Mayor Kight stated we passed a bond measure to build a new sewer treatment plant and when we completed the new plant we didn't have the resources to demo the old site and we are living with that decision today.

Councilor Thomas stated one of the things that I looked at when we considered the bond measure the first time was turning that into a parking lot. At a later date a second level of parking could be added without building ramps because you would have direct access coming off of 2nd Street. As far as putting the bond measure forward I think there is value to having something to show folks that there is value in getting rid of the building and using the property for parking and not taking more property off of the tax rolls. I really see that as a

necessary part of the bond measure. We have to do something with that old building; it has no market value as it is today.

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

Mike Goss, resident, stated the voters elected you to be our leaders. Leaders make decisions without 100% of the information and that is what you are going to have to do. We elected you to make these kinds of decisions and now that time has come. If you do nothing, if this goes on for another year then we get to spend another \$350,000 patching up the place where the police are right now. If we do the Saturn building, it is over \$5 million and we still don't understand what is going on with the soil or the drainage. Two big unknowns. If we do the new building it is actually \$1 million cheaper. If we wait and get every single question answered, it will be next year and we can't afford that. It is time for you to make the decision to direct us in the direction of the new building for \$4 million.

Carl Tebbens, resident, stated I have been involved in engineering and design for my whole career. I have been involved in deconstruction of buildings as opposed to demolition. There was an old building at the airport that was deconstructed for a very low cost because the contractor doing the job got all of the materials from that building. I don't know whether this building is worthy of that, but it was a lot cheaper to deconstruct than it was to demolish. I have been involved in a lot of projects at the airport overseeing tenant construction and a lot of that work is reconstruction, remodeling the existing terminal building which was built in 1957 and there were a lot of surprises. Rebuilding or remodeling an existing facility does carry a fair amount of risk. I am a little surprised that Group Mackenzie doesn't already have a preliminary soils report because usually when you get to the point of a concept plan a soils analysis has been done in order to come up with the estimate that was used for the last bond issue.

John Ralston stated I raised that question earlier today so we will look into that. We don't want to spend the money on that if it has already been done.

Councilor Wand stated would it impact our consideration of what to do with the existing building to try and reserve a right-of-way or public parking and then market the upper levels. I am aware that we can build buildings there that are a couple of stories. Maybe that is something that you can talk about at the management level and if it doesn't go anywhere that is okay, I was just thinking that there could be a building there with an open surface lot available to the public.

MOTION: Councilor Thomas moved to direct staff to move forward with the Kendall site and prepare the appropriate budget numbers and bring back something for the July meeting. Seconded by Councilor Wand.

Councilor Wand stated one of the things that I have been very concerned about is the idea of trust in government and making sure that we are being respectful of the voters

who two years ago rejected a bond measure for a new police station. The need didn't go away; we need a new police station there is no doubt about it. This exercise of working through the Saturn Dealership took a significant amount of time on the part of the Chief and staff, but I think that it is necessary because if we are going to go to the voters and ask them to take a fresh look at an issue that they have already looked at, the least we can do is spend the time to be able to go back to the voters and say honestly that after looking at every available option this is the only one that is reasonable and this is the only one that we can bring back to you. I feel very comfortable with this direction to the staff because I know that we have left no stone unturned in good faith to try and find other ways and other options with due respect for the voters.

Councilor Thomas stated I believe that the due diligence that the Chief and staff are doing to pull the numbers together will allow us to go forward with accurate numbers for construction costs. When I talk with people out there they always ask is this the real cost? In other words, don't get down the road and surprise me. I think that getting accurate numbers is imperative and will definitely help in building confidence if this goes forward. It is important to have good numbers because that is the biggest concern I am hearing out there and I think we are going the right direction to establishing good accurate construction numbers.

Councilor Daoust stated I appreciate staff bringing forward the Saturn Dealership option because we were thinking earlier that it would be much cheaper to remodel an existing building and come to find out it is not and there is potential that it could be a lot higher.

Mayor Kight stated it certainly makes the choice a lot easier when there is a \$1.3 million spread. I don't think anybody here or anywhere else could argue the fact that we are past due for getting a new police station. I think that building is in despicable condition as evidenced by the photographs and the documentation prepared by our Building Official.

VOTE: Councilor White – Yes; Councilor Kyle – Yes; Councilor Daoust – Yes; Councilor Wand – Yes; Councilor Thomas – Yes; Mayor Kight – Yes.

Motion Passed 6 – 0.

Mayor Kight called for a break at 8:10pm and reconvened at 8:22pm.

6. A public hearing on two resolutions approving the recommendations of the Organizational Study Group Subcommittee proposing Charter amendments:

A: A resolution calling an election to submit to City voters Charter amendments that define the Mayor's functions and the City Manager's duties.

Councilor Kyle, Chair of the Organization Improvement Study Group Subcommittee, stated the members of the Subcommittee include Councilor Wand, Councilor Thomas and me. We met on June 8th to consider the proposed amendments to the 1994 Troutdale Charter. After a lot of discussion and review of the material provided by staff, the Subcommittee asked for additional material to provide us with more insight on how things were handled in 1994. We gave staff a list of items to bring back to us and we also stated that we wanted to receive testimony from Mayor Mike Weatherby from Fairview and Mayor Dave Fuller from Wood Village. We scheduled a second meeting for June 15th to hear that testimony and review the documents. On June 15th staff presented the Subcommittee with the following additional documentation: 1994 Council minutes from August 9 and August 23 (not available for our review were the Council Work Session minutes from August 15, 1994); the 1994 Voter Guide for Measure 26-22 – the Charter change; the one and only argument in opposition that was filed by a city council member seated at that time; the 1994 election results (56% voter participation, the measure passed 61% to 39%). The Subcommittee heard testimony from Mayor Weatherby, however Mayor Fuller was unable to attend the meeting. Mayor Weatherby indicated that he works very collaboratively with the city administrator. In Fairview their mayor is elected and in Wood Village the council appoints the mayor. The Subcommittee also received testimony from the audience. In closing, you have before you the recommendation of the Subcommittee.

Ron Garzini, Interim City Administrator, stated having worked in the municipal business for 36 years this would not be the first time that there has been a lack of clarity in duties. Over the last 100 years there have been a number of amendments to the Charter. The residual of those progressive amendments left a situation where there are all kinds of dysfunctional, confusing assignment of roles. Putting aside the individuals that are here today, if you hired me and Tom Sponsler to look at your Charter, based on our years of experience and our work in this business there is almost a guaranteed conflict. You have a situation where the Charter is full of references to the mayor's executive authority. You have references stating that the council shall delegate whatever executive powers it wishes to the city's chief administrative officer and the mayor shall have all of those powers except those given to the administrator. In the future you will have mayors full of lots of enthusiasm, managers full of enthusiasm and department heads are going to be wondering who is in charge. Irrespective of anyone who is working here, or irrespective of me, if you found five people who have worked in my profession for more than a decade they would all tell you that it needs to be fixed for the good of the future. That is the reason I retained Tom Sponsler who is somewhat of a dean in the business of municipal charters and ordinances to help us put this particular item together to clarify the role of the mayor and manager. I believe that the proposal that he has put together will last the city for a long time and create the clarity of direction that you need.

Tom Sponsler stated I have been a local government lawyer for more than 30 years and have been working on city charters and city charter amendments since 1980. In 2003 I drafted the sixth League of Oregon Cities Model Charter. Since that model charter came out I have worked on charters for thirteen different cities. Most cities that have amended their charters

since 1997 have adopted some version of the model charter. All city charters have differences, most of which are very minor. The previous model charter was a 1986 version. Your charter was approved in 1994, but it is not the 1986 model, it is a previous version. Charters evolve to meet the needs of modern cities. In the early 1960's the first model charter had a city manager, until then there were no city manager provisions in the charters, usually the mayor was the executive authority as is in your current charter. Then cities hired administrators without charter changes. Almost all of the projects that I have worked on since 2004 have either been updates of an earlier version that already had a city manager, or they have been charter amendments that provide for a city manager. One of the functions of a charter is to define who the players are and what their authority is. Most all charters in this state provide for seven councilors. Today the mayors role in most cities is to be the political head of the city; the person who speaks for the elected council and who carries the authority of the office in ceremonial ways and who represents the city in your governmental needs. In most cities today the actual day to day administration is done by a city manager. In your city you have a city administrator which has most of the authority of a city manager but is inconsistent with your charter. When I was contacted to review your existing charter (not rewrite it which would have been my choice) to fix the parts of the charter relating to the mayor and administrator I went to the 2004 model charter and I came up with a proposal to your charter which really changes two sections of your existing charter. It changes section 18 and renames it "Mayor's Functions". It copies, in slightly different words, what is currently in your existing section 18, but the major change is that it plainly states that the mayor serves as the political head of the city government. The reason for stating that is to distinguish between the administrative officer and the political head. It is clear that the mayor is the political head than that separates the mayor's authority and function under the charter from the manager who isn't a political head who is in charge of the day to day operations and executive/administrative authority. The second section to be amended by this proposal is to change your existing section 21 from city administrator to city manager and basically all of the duties listed are copied from the model; most of the duties are not different from what is actually exercised by your city administrator today. The change does a couple of things – it creates the office of city manager and it makes it clear that the manager works for the mayor and council and that everyone else who works for the city is responsible to the city manager. That is the substance of the proposed changes. It is not radical, it is not unique, it basically follows the path that most other cities have followed to separate the responsibilities within the city from the political heads who makes policy and the city manager who is charged with the responsibility for implementing that policy. Only the city council makes policy by passing ordinances and resolutions, city managers do not make policy and mayors independently of the city council do not make policy; only the city council has the legal authority to make city policy. The manger does have the responsibility of helping the council formulate that policy by doing the research and bringing forth options.

Mayor Kight stated you indicated that if it was left up to you there are other changes you would make to our charter. Would you be willing to share with us what other changes you would make to the charter?

Tom Sponsler replied there is one dramatic change and it is more in the legal structure and clarification of the council's legal authority and how it exercises that authority. I believe that was the major contradiction in the 2004 Model. Your charter and every other charter in the state prior to the model only addressed council enactment of ordinances. There is a process and a procedure for adopting an ordinance. An ordinance is an exercise of the council's legislative authority; to make law is the highest legal authority you have. I would continue that but in slightly different words. I would add that council also acts by resolution. A resolution is the way that you exercise your administrative authority. The charters that I have worked on have provisions that identify that authority as administrative authority and say that you exercise it by resolution and it outlines the form of the action and the process that is to be followed to adopt a resolution. The third authority that you have is quasi-judicial. Under my charter you exercise that authority by an order. It identifies an order as the method for exercising your quasi-judicial authority and it has a process for doing that. So in your charter it says that the city council has all of the authority. My version says that the city council has legislative, administrative and quasi-judicial authority and exercises those authorities by ordinances, resolutions and orders and there is a provision stating how you do that. That is important for several reasons because it helps separate your authority from the city manager who doesn't have legislative authority. It is also important for initiative and referendum, because those only apply to municipal legislation (ordinance authority). The voters of the city can enact and repeal ordinances but they cannot enact or repeal resolutions or orders. The other thing I saw in your charter is that there is nothing in there about voting. It doesn't say that you must vote, it doesn't say when you must vote, it doesn't say how many of you must vote to do something.

Mayor Kight stated you just gave us quite a bit of information. Do you think at this point, if you were in our position, that you would go forward with the proposed amendments or that maybe we ought to make these additional changes instead of going out to the voters again in a year or two. Right now it has been focused on the city administrator and the mayor and the separation of those duties, which by the way I agree with those. Maybe on a broader scope we should have a complete package that we take to the voters. What is your thought on that?

Tom Sponsler replied every community has a different history and different issues that move it. Clearly this has been an issue in this community. I have learned my limitations as a city lawyer; I can help with legal structure and help solve legal problems, but I know enough to not give political advice or enter into the political arena. I think it would be a major improvement to your charter to change these two sections now because I think it would clarify roles and expectations. I think it is particularly important to consider doing that now at a time when you have an interim city administrator. I think it will make it easier for you in your selection process to have a clearer designation of what the role is and what the duties and expectations are.

Mayor Kight asked how much additional time would it take to clean up the charter as you identified and outlined?

Tom Sponsler replied it doesn't take me very long to draft it but there needs to be a process. Every charter that I have worked on has passed overwhelmingly, but that is because every community figured out a process that worked for them. If the recommendations are unanimous and it is not viewed as contentious or for a political agenda, then they pass overwhelmingly.

Councilor Wand stated I am sure that you have written an excellent model charter for the League of Oregon Cities, but in reality there is case law that establishes when we have taken an action whether it is administrative, or whether we are sitting in quasi-judicial hearings or we have created an ordinance exercising our legislative authority, so it would be wonderful and nice...

Tom Sponsler interrupted and stated it clarifies it, it doesn't change it.

Councilor Wand stated so this is really a solution in search of a problem in many ways I think.

Councilor Thomas stated I think many of the things that you are bringing up are defined in our ordinances that control the function of how the council works. I am not sure that we need to expand this right now. This is not a charter review and a charter rewrite, to me there are just a couple of things that need to be corrected so let's just correct those. I hear what you are saying, but I have to agree with Councilor Wand.

Mayor Kight opened the public hearing at 8:50pm.

Paul Thalhoffer, resident of Gresham, stated I have been in public service in Troutdale for 30 years (4 years on the Planning Commission, 10 years as a councilor and 16 years as the mayor). We made a lot of progress in all those years. What I have seen over the last year and a half is that you have a dysfunctional city council. I am sorry to say that but I have attended quite a few council meetings keeping track of the city since I left office because I care about this city. This has to be fixed and I know it can be fixed. First of all you have to decide what is really wrong here. What is the basic problem with the Troutdale City Council? I imagine if a news organization, or even another organization, would make a request for public records they would find out what was wrong; I am sure that would be very revealing. Perhaps that will happen at some point. If this is a dysfunctional government than that is on you. You took an oath when you came on city council as the mayor that you were going to support the United States Constitution, the Constitution of the State of Oregon and the Charter and ordinances of the City of Troutdale. Maybe when we take oaths like that stating we are going to support the Charter and ordinances of the City of Troutdale maybe we ought to take those seriously and that is what you are charged to do. You took the oath and that is your job and you need to do your job. Item 6A is a no-brainer, although in my sixteen years as mayor I didn't see where we had much of a problem with the charter. I may have overstepped my bounds once or twice but not on a continual basis. However, it does need to be clarified there is no question about that. I speak in favor of this amendment.

Councilor Kyle asked do you think we need to go any further with cleaning up our charter at this time?

Paul Thalhofer replied no, I don't think so.

Max Maydew, Troutdale resident, stated I attended the last subcommittee meeting and listened to what was said. I have done quite a bit of research on different charters in Oregon and this proposal before you is very similar to a lot of other cities that I think are doing a real good job. I think it is a good idea to have clear lines of authority and responsibility between the city council/mayor and the manager. I totally support this change.

Dave Fuller, Mayor of Wood Village, stated Paul Thalhofer made comments that this has worked well for the last sixteen years and I heard comments that you are the policy makers and that you have administrators that administer those policies and I agree with that. You think of yourselves as the political body and that is true, but you are the representatives of the city and the people look primarily at the mayor of the city as the person who they hold responsible for anything that goes on. During any disaster the first person that the media goes to is the mayor and they look at him as a strong representative that they elected to take care of their city and I don't think that you want to diminish that. I think Mayor Weatherby made the comment that he works very closely with the city administrator and I do to. That really should be a hand and glove situation. If you look at the corporate world I view this as the Chairmen of the Board and the CEO of the company and the Chairman is responsible for the well-being of that company and if he sees something that isn't right he goes to the CEO first to work on that issue, but it is the whole Board that votes on the changes. In business you go out and you work hard to negotiate a contract with somebody and when it is all done you put that contract away and if you have a good relationship you never look at it again, it is just a guide to refer to when you get in trouble. A lot of times ambiguity is only in the mind of the beholder. There is nothing wrong with rewriting this, but five years from now you will have another council up there and there will be some contentious issue and they will go back and look at the charter and they will interpret it differently than what you did. It is a constantly changing document. You can spend the time and do this but it should have a real purpose and meaning and it shouldn't be the individuals that you are working on. Troutdale, in my ten years as Mayor of Wood Village, has always been a contentious group. I think that you folks have done a good job. Changing the charter isn't necessarily going to solve all of your problems because someone else will come back later and interpret it differently.

Pat Smith, resident, stated I was on the City Council during the 1994 amendment when they changed the mayor's term from 2 years to 4 years. At that time Mayor Paul Thalhofer said that a mayor's term needs to be longer than 2 years and it is too expensive for them to run for office every two years. I agree with that. If they have things on their agenda or want to accomplish something 2 years doesn't necessarily enable them to finish the job that they start. It limits the mayor's power to even try to do anything. If the councilors have a 4-year term the mayor should have a 4-year term.

Bob Ewald, resident, stated I was a little confused with the terms “mayors functions” and “city manager” duties when we don’t have a city manager. Did that automatically get changed?

Councilor Wand stated part of the proposal is to change the name of the office from city administrator to city manager.

Bob Ewald stated I was a little bit concerned over the fact that it appeared to me that possibly, in the process of amending the charter, the role of the mayor changes. That would not be too important to me if it were not for the fact that we are also dealing with the question of whether or not the mayor should be appointed by the council or elected. I believe that to have a council appointed mayor absolutely runs counter to our American way. It once again de-voids the opportunity of the American citizen to speak to the ballot. I don’t think you want to do that. Lets not give up a vote. I am not saying there is anything wrong with the decisions that could be made by the council in selecting the mayor, but in principle don’t take the vote away from a single person. I believe that you all have my note, but what really amazes me about some of the comments I have heard recently is that this is a dysfunctional council, or there are problems. I don’t see that. I have never seen an organization made up of five to nine people that didn’t have conflict. If you are doing anything you are going to have conflict. How you handle it determines your effectiveness. There is no reason to be upset and all worried about changing the charter and doing this and that to the laws just because we don’t always agree. Conflict is a part of life, deal with it. Don’t start changing all of the rules of governance just because there is some conflict. If I thought you never had any conflict I would say that you are a do nothing council. I thank you for the good job that I think you are doing regardless of how much conflict there may be within the ranks, it doesn’t show.

Mike Goss, resident, stated I want to recommend a great book to you, “Switch”. It is a brand new business book. The subtitle is “How to cause change when change is hard”. This proposed charter amendment patches up some problems that have been going on since the 1990’s with the City charter. There is ambiguity between the mayor’s roles and the city administrator’s roles. The tighter the charter is the less ambiguity there is. It is much more difficult to misinterpret it if it is written more clearly. In the 1990’s there was a note from the city attorney saying we are not done, this needs to be cleaned up further. It does need to be cleaned up further and this amendment takes care of that; it is not a total solution. One of the things you would get if you were to read this book is if you want to cause change don’t do 800 pieces of it at once because it won’t work. Don’t offer people 19 different variations and have them pick from among them, that doesn’t work. Offer one or two clean things and it is likely to work. The entire book is full of real life examples from all over the world where that is true. This proposed amendment only has a few changes. Those changes are necessary and when they go through Troutdale will be better for it.

Richard Allen, resident, stated I would also like to see the charter amended. I have read it more than once and there is ambiguity in it that I think is open to conflict. I would like to see it clarified.

Mayor Kight closed the public hearing at 9:10pm

MOTION: Councilor Wand moved to adopt a resolution calling an election to submit to City voters Charter amendments that define the Mayor's functions and the City Manager's duties. Seconded by Councilor Kyle.

Ron Garzini stated when Mr. Sponsler and I first started working on the charter amendment we had it stay as city administrator but after doing some research we found that the vast majority (around 80%) of the cities that are structured this way have the title as city manager. People in my profession when they hear the title city administrator they traditionally think of little cities where people work for the mayor. If you work for the mayor and council the more traditional title is city manager. It doesn't change the duties or the function in any way; it is just the more traditional title of the position. Changing the title actually enhances your marketing of this position.

Mayor Kight stated I concur with your comments. I contacted the League of Oregon Cities and in the cities between 10,000 and 25,000 there are only four that have the position as city administrator, and there are approximately 20 to 25 that use the title of city manager.

Councilor Wand stated it saddens me; I have been working on this issue now for a little over two weeks and I can honestly say that nothing that I have worked on since I started as an alternate on the Planning Commission in 2005 has raised the passions quite as much as these particular issues before us. I believe that we have to identify a problem, tailor a solution that will work, and then follow through on a solution. In this instance the problem is structural. It is not the personalities of Mr. Garzini or Mr. Kight, it is the words on the page. I have spent a lot of time on the phone with both Mr. Garzini and Mr. Kight over the last two weeks. Mr. Kight has served this community with distinction for many years. He is an entrepreneur, he is a man that has built a company and he is used to being the person who is in charge of that company and he has done so successfully. Mr. Kight has brought that past experience with him into the role of mayor in good faith. I don't think I have ever seen a man with as much energy as Mr. Kight has. He is also a strong personality with all that comes with that. When he looked at the words on the page he felt that he had certain powers that were stated right there and I believe that he did that in good faith; I don't believe that he did any of that in bad faith. Mr. Garzini came to our city in a time when we had lost a city administrator who was fairly new to the job. He had been our police chief where he had served with distinction and we had high hopes for him. It wasn't working out for him for a whole plethora of different reasons. When we were looking for an interim city administrator we knew that we were at a crossroads in this city. We knew that we had an urban renewal area that was flailing and we knew that we had department heads that were concerned about a lack of leadership because our city administrator had left. When we went through the process of locating an interim city administrator our department heads along with the city council interviewed a number of people from different parts of the country and as I recall unanimously the department heads suggested Mr. Garzini. As we were having that discussion among the city council

most of us at the time felt that Mr. Garzini was the right person and after intense discussion decided that Mr. Garzini was the right person. We were concerned that if we hired a person as an interim city administrator that would only be concerned with marking time for six months that we would go backwards and we did not want that. For the citizens of Troutdale we felt that this was an important enough time to have another big personality; a person who had served over forty different mayors over the course of his career since 1974. Mr. Garzini has 36 years of experience; he is retired and he does this interim city administrator work because it is a passion and it is something he enjoys. It particularly saddened me to see some of the comments on the Internet attacking Mr. Garzini personally. He brought forward a legitimate form of government to a subcommittee appointed by the Mayor to consider the issue for a vote of the people. That is perfectly appropriate. I trust the citizens of Troutdale to get this issue right. I believe that having this discussion makes us a better community. The reason I am moving for this particular resolution to go to the people is that I don't think that it is fair or right to put people in good faith in a situation where the words on the page are ambiguous. These charter amendments, put together by experts in the field, will allow the men and women of good faith in the future to fill these roles of city manager, mayor and councilors with a very clear understanding and it will help reduce unnecessary conflict. That is why I support this amendment. I believe that both Mr. Garzini and Mr. Kight are fine men who have approached this issue in good faith.

VOTE: Councilor White – Yes; Councilor Kyle – Yes; Councilor Daoust – Yes; Councilor Wand – Yes; Councilor Thomas – Yes; Mayor Kight – Yes.

Motion Passed 6 – 0.

6. A public hearing on two resolutions approving the recommendations of the Organizational Study Group Subcommittee proposing Charter amendments:

B: A resolution calling an election to submit to City voters a Charter amendment for mayor two-year term of office

Ron Garzini stated this charter amendment was not in my proposal, so anyone who is upset with me about it is misdirected. However, when I heard discussion about this proposal I asked Mr. Sponsler to draft it.

Councilor Thomas stated this option was recommended by the Subcommittee.

Tom Sponsler stated my role here is a scrivener, that means I work with the words and I do what I am told to do. I was asked to prepare Amendment "A" first and I did that with some enthusiasm because that was putting forward something that I believe in and that I have drafted previously. I was asked to prepare this second amendment and I have done so without that enthusiasm, but as a legal matter it will work. It is not important that the lawyer agrees with the change; it is important that the lawyer do a professional job and can give you a recommendation that if you take the action based on that work there will not be legal problems. I can make that representation to you.

Councilor Wand stated this idea actually originated from me. After Mr. Garzini proposed that the subcommittee consider a mayor that was appointed from the seven elected city councilors I received a lot of comments from people in the community talking about the importance of direct democracy and that they wanted to elect their mayor. When I read through the minutes from the 1994 discussions the one issue that was very close was whether or not to change the term of the mayor from two years to four years. For eighty-eight years of our history it had been a two-year term. On that particular vote the council was tied 3-3 and at that time in our city the mayor didn't vote unless there was a tie and Mayor Thalhoffer casted the tie-breaking vote for the proposal to go forward to the voters for a four-year term of office for the mayor. The one comment that was made in that discussion that stuck out to me, and the reason why I proposed this to the subcommittee, is the concern that with a four-year term of office for the mayor the citizens have to wait four years to elect a majority vote on the city council. With a two-year term of office for the mayor every two years there is a potential for the citizens to elect a majority vote on the city council. Considering the fact that what we are suggesting here is that the people vote how they want our city council to be elected, I felt it was appropriate for us to bring this issue to the Council for further discussion among our residents.

Mayor Kight opened the public hearing at 9:25pm.

Dave Fuller, Mayor of Wood Village, stated I have 10 years at this and I am elected every 2 years and I am also elected by the council. I think your voters are right that your mayor should be elected by the electors of your city because he is their representative and the primary person that they look to for what goes on in your city. A mayor carries on responsibilities that go beyond your city limits. You have to deal with Metro, the other cities, state government, etc. and you have to meet a lot of people and build relationships. If you change mayors every two years you do not have the opportunity to build that relationship that you need to properly represent your city. Your former mayor had sixteen years of relationship building and that stood very good for your city because he knew people and he knew how to get things done for your city, more than somebody that is here for only a year or two. In business if you hire somebody into a job that he has done some place else it takes a good year to get onboard and be an effective employee. I would recommend that you continue to allow your mayor to serve for four years so that he can adequately represent your city.

Chuck Michel stated I have been a resident of Troutdale since 1979. My wife and I have been around this area long enough that I have observed many changes in the social, physical, and political landscape. I have never ran for public office, nor been interested in so doing. However, I have a great deal of respect and admiration for those who choose to sacrifice much of their personal lives and time for the betterment of our community. This would be particularly true in a small community such as ours where these demanding positions are unpaid. I find this current distraction over cooperation between the city administrator, mayor and council members both elemental and obscuring more important issues. To my knowledge the specifics of how these disagreements originated have eluded

the press and in my opinion those specifics are irrelevant. What is more important is why an apparent combination of elementary school back-fighting and Chicago politics have brought our community to the point where we are even considering amending the City's Charter from an elected mayor to one appointed by the council and or modifying the term of the mayor from 4 to 2 years. I am opposed to either of these ideas because of the lack of concrete reasons for this modification. Personal agendas, egos, and backroom politics have no place in initiating or rationalizing formal charter amendments such as this. If the charter is so outdated why not revise or rewrite it in its entirety rather than just fixing specific parts of it. I fully understand that none of these amendments could be implemented without a vote of the electorate, but there inlays an even larger danger. In my opinion the most important issue before the Troutdale voters at this time is the law enforcement facility. Putting this charter amendment in front of the voters over such an elemental issue will spell certain doom for a ballot item such as the critically necessary police station that will add to the tax burden of the Troutdale residents. Why would we allow several million dollars to be spent when our elected officials and paid administrators cannot resolve day to day issues. Conflict is a normal part of the process whether you are running a million dollar corporation or a relatively small city like ours. Particularly in this case when legislative and administrative bodies are involved I would hope that there would be differing opinions and ideas, but also the ability to select the best of the ideas and amicably resolve the differences. That is why you are elected (council) and why you are hired (administrator). There will never be total agreement on all of the issues that arise whether large or small. For instance, I truly feel that the recent flack over expense account reporting and office improvement is something that never should have hit the press, but rather handled internally in a normal administrative manner. That falls under the category of a small item. Then considering that we recently celebrated the completion of our Arch, a very large item, does the term penny wise pound foolish ring a bell. I am very much less concerned over an expense account lunch than I am several hundred thousand dollars of my tax money being spent on something over which I had no control. Before I make too many enemies let me say that the Arch, now completed, is beautiful and a very nice addition and entrance to our city. The expense and the way it was funded during continuing difficult times however is something with which I will continue to strongly disagree. The point here is choosing our battles wisely. Mr. Garzini, I can only assume that your sole agenda is the efficient administration and betterment of the City of Troutdale. In that regard I urge you to find a way to carry out your duties within our current charter rather than changing specific items that have evolved and served residents of this City for many years. Mayor Kight, thank you again for your continuing service to our City. If you have not already done so I urge you to do some serious soul searching and review your own agendas and schedule. Should you find that you are operating in areas that should best be left to the administrative personnel please concede and leave those items to those hired to do just that. To the esteemed council members, please keep your eye on the ball and focus on the important issues before this community. That is why we elected you and we expect no less. Councilor Wand, if I may quote you from the Outlook, "the need to clarify the Mayor's and City Manager's duties is a straight forward issue". Whether it is a charter amendment, I don't think it needs to go that far. You guys need to deal with it; it is something that we can get beyond. That statement that it is a straight forward issue that needs to be dealt with is pretty much the most rational statement I have heard out of all of the verbiage and press I have read on this charter

amendment issue. Councilors it is time to resolve this distraction and move on to the myriad of critical issues that are more important to our community.

Robert Canfield, resident, stated I am here to discourage you from going ahead with putting an amendment before the voters to change the term of office from four years to two years for the mayor. Many years ago Troutdale's mayors only served two year terms but that was a long time ago and Troutdale is now a much larger community. The four year term of office actually provides more stability for the entire city council. That stability also goes towards the recruitment of businesses and new residents. The two year term would create even more political turmoil than is currently happening. You would have a mayor running for office every two years while the rest of you will get a four year free ride without having to watch your back regarding who is running against you. Elections cost money. Electing a mayor every two years is not only going to cost the city money, but Troutdale has an excellent history of citizen politicians who run campaigns on low budgets. If you have a mayor who has to run every two years you are going to hurt that mayor by having to raise money every two years. To me it just isn't right; it goes against Troutdale's traditions of running low budget campaigns where any citizen can get involved. This would go directly against our long tradition of doing that. If you have a mayor running for office every two years you are going to increase the possibility of outside influence on that mayor. They are going to be pressured from folks saying if you don't do what we say we are not going to vote for you. That goes on already but if you have a four year term that lessens that pressure because they have four years to accomplish what they want to accomplish without having to worry about that pressure. Those are my logical arguments against the two year term. I know all of you, and some of you I consider my friends, so it pains me to say this but there is conflict happening and it saddens me to watch it. I believe that this is a dysfunctional city council and it saddened me when I heard the mediator that you hired say that you are only capable of making a one-year functional plan; you are not capable of long-term planning. Troutdale can do better than that; you can do better than that and our citizens deserve better than that. If you want to point the blame at anyone about what has been happening on this city council, every morning look in the mirror and ask yourself what have you done to make Troutdale a better place, what have you done to get along with your fellow city councilors. Politics is business and bad things happen but you can't take it personally. I have a feeling that some of you have taken the things that have been going on personally. My advice to you is remember that you represent the City, you were elected to do business and don't take disappointments or personal attacks personally. You have a job to do and every single citizen of Troutdale expects you to do it. I urge you to not place in front of the voters a change of the mayor's term from four years to two years.

Paul Thalhoffer stated at the subcommittee meeting Councilor Wand brought to my attention that a two-year term might be the way to go. I was thinking along those lines as well because if you have a situation where you are unhappy with the mayor then after two years it would be possible to get someone else in that office. When the 1994 Charter was adopted I was active in the adoption of it. One of the things that I pushed for was the four-year term for the mayor. After hearing the discussion tonight I have heard all of the reasons why I wanted it to be a four-year term at that time. Now I am not sure which is the better way to go. A four-year

term does give you more stability, which is one of the reasons why I pushed for it in 1994. What I preached in 1994 still holds true and it should probably stay the way it is, a four-year term. I apologize to the subcommittee for giving the impression that I would support a two-year term. If you decide to go that way there are good reasons for a two-year term as well.

Pat Smith, resident, stated since all of this has been going on people are getting upset and they think that the council is too concerned about the length of term and wanting to pick their own mayor among themselves. They are beginning to think that their city council is short on some of their thinking or someone else is pulling some strings. I am not going to go into the details of what I am hearing, but it is not good.

Councilor Kyle stated when the Subcommittee met one of the considerations, which we did not bring forward, was to have the council select a mayor. What we did bring forward, and what we seem to be having some confusion over, is the length of the term of office for the mayor.

Greg Handy, resident, stated I have heard both sides of this issue. I would suggest that you allow the people to decide on what it is they would like to have. If there is a change that would benefit the city and how we manage the work then let the people in the city decide. I would recommend that all reasonable options be placed on the ballot. If the information is made available to the public then they should be able to determine for themselves what it is that suits them. You may consider term limits. I would encourage you to continue your good work and do the right thing and put this for a vote.

Richard Allen, resident, stated I attend a lot of your meetings. I have seen Mr. Garzini in his role and I think he has done a wonderful job. I have seen the council members in their role and they have done a great job. Two meetings ago I complimented Mayor Kight on the work he has done. I think all of the ambiguity is being resolved within the charter. I would like to see us go on from here and keep the four year term. At the end of the four years it would be up to the voters to determine if they felt that he did the job that they wanted him to do or not.

Max Maydew, resident, stated I wanted to go back to what the original proposal was that went before the Subcommittee that was forwarded by Mr. Garzini. He got slammed in the papers pretty bad because he proposed something about how the mayor might be selected by the council. I thought he got a bum deal on that. I did some research and there are several towns in Oregon that actually do that. I found out that the City of Bend, which is four times the size of Troutdale, does it that way and has since 1905. They have revised their charter a number of times but they have decided that they like that system and it works for them. The Mayor of Sisters responded to my question about this and he says that this system has worked well for them. I had a chance to talk to Mayor Fuller from Wood Village and I also talked to Sheila Ritz their City Administrator. They have had this system since 1953 and one advantage Ms. Ritz pointed out is that you are not going to get an idiot as the mayor because the other councilors are not going to let that happen. Ms. Ritz mentioned the problem that West Linn had, and in her opinion that would never happen in Wood Village because they have this vetting process. She said that you can't expect the citizens to know

the candidates for mayor in a large town like this because they don't. About tenure; in Wood Village the term for mayor is two years, however Mr. Fuller has been mayor for ten years. Because he is an effective leader he keeps getting re-elected. I grant you that it has some disadvantages because it is not a strong position and it is one step removed from the electorate in that sense. I think the Mayor of Bend would also concur that she is more of a figure-head; she is the leader of the council but has limited power. The problem that I think Troutdale has now is that our system is very dysfunctional from the standpoint that if someone wants to be mayor real bad they can put out tons of signs and self-promoting mailers and they are very likely to get elected. To become mayor in Troutdale right now requires a lot of money. You have to put up roughly \$10,000 if you want to get elected. That is a lot of money. That argues to me to keep a four year term. If someone wants it that bad they shouldn't have to come up with that kind of money to be campaigning all of the time. I think Mr. Garzini brought forward a reasonable proposal. I don't like the current proposal before you right now. My recommendation is to forget everything to do with Item 6 "B".

Mike Goss, resident, stated before you decide what to do about this proposal I have just one question that each of you must answer. Do you believe in a level playing field? If you believe in a level playing field everybody on the council gets a four-year term. If you don't believe in that than one of you gets a two-year term.

Councilor Thomas read a letter submitted by David Ripma (attached as Exhibit A).

Debbie Stickney, City Recorder, read a letter submitted by Shane Bemis, Mayor of Gresham (attached as Exhibit B).

Mayor Kight closed the public hearing at 9:59pm.

Councilor Kyle stated we have heard a lot of good testimony tonight regarding this proposal. I particularly appreciated the comment about not aggravating the public with too much information.

MOTION: Councilor Kyle moved to do nothing with regards to the Mayor's term, but instead leave it as it is in the charter. Seconded by Councilor Thomas.

Councilor Wand stated this issue has been particularly difficult for me. The way that I am looking at this situation is I am looking at a number of different values. One of them is my belief and trust in the voters of Troutdale and the fact that this is proposed as a referendum for the people of Troutdale to decide. The second thing that I am looking at is our history. We have had two year terms for our mayors for eighty years and some of our best mayors got elected to two year terms – Glenn Otto and Sam Cox among others. I am also humbly reminded that the people who came before me in Troutdale, the people that I respect such as Mayor Thalhofer have been around the block a number of times more than I have. I share the concern of the people who testified here today about our police bond and keeping our eye on the ball and making sure that we know what is most important. I am convinced that this is not the right

time for us to consider this change. If this change ever comes to be proposed to the people, it should probably come at a time when we are not considering a police station that is so critical. I favor the motion.

Councilor Thomas stated I think the most valuable thing that we have is our right to vote. As far as the proposed charter amendment, most of us didn't see it until three or four weeks ago. We have now had a chance to look at it and air it out in public; it was not a preplanned event to bring it forward. Our City Administrator brought forth what he believed was a very good option to look at. I appreciate the public taking the time to express their opinions and talk about the issues. For me it comes down to having the right to vote for the people who represent us.

VOTE: Councilor White – Yes; Councilor Kyle – Yes; Councilor Daoust – Yes; Councilor Wand – Yes; Councilor Thomas – Yes; Mayor Kight – Yes.

Motion Passed 6 – 0.

Councilor Daoust stated we really haven't fully vetted the third option that Mr. Garzini brought to the Subcommittee which is an amendment to the charter that the council elect the mayor from the seven elected council members. We have not fully discussed this as a council and we haven't allowed the public to come forward and comment on that proposal. I think this council needs to discuss whether we want to put that proposal out for public vote. The Subcommittee did discuss this proposal but they opted not to bring this forward to the Council as another option. I have absolutely no personal agenda here whatsoever. My agenda is that we need to have public debate on this issue which we have not had yet. Whether we agree with it or not is not the subject here. Some of us agree with it and some of us don't agree with, that is not what I am talking about tonight. I am talking about letting the public tell us which form they prefer. That is what I am asking that we do. As a Councilor I have the right to request that at the next meeting on July 13, 2010 that we place that charter amendment on the agenda so we can fully discuss it. If we decide as a Council not to go forward with that for a public vote I will be totally satisfied. I am not pushing anything here except to get public input. I think that this is a subject that Mr. Garzini brought forward that he thought a lot about. Max Maydew has done research into the subject and has found that there are other cities out there that do this; it is not a radical or out of bounds proposal. I think we need to be respectful of the voters and I think we need to look at every option and we cut the third option short. It is my proposal, as a Councilor, to place this on the July 13th Council meeting agenda and let the people tell us what they think and let the Council decide.

Mayor Kight stated I think we have heard from several people here tonight that spoke clearly in favor of having the right to vote for the mayor. I think I only heard one person in favor of having an appointed mayor. In looking at this list of 25 cities that have a population of 10,000 to 25,000, without exception they are all elected. People want to have the freedom to elect their mayor. In Multnomah County the only city that doesn't elect their mayor is Wood Village, a city with a population of 3,000. In all of the years that I have been on this council I have never seen something this contentious among the electorate. They have emailed me

and called me. People have stopped me in the street and say don't take away my right to vote for who I want to lead the city. Councilor Wand is on the right track. If we continue in this vain ultimately the public is going to perceive that there is friction on the council and as a result we put in jeopardy our police bond measure that is coming up in November. They clearly won't support spending \$5 to \$6 million for a new building if there appears to be, even at this level, dissension in the city. I was hoping that we could end this tonight, but apparently that is not the direction that some of us want to go.

Councilor Wand stated I don't think that Councilor Daoust is trying to steal anyone's right to vote. What Councilor Daoust said is that a proposal that went to a subcommittee of the City Council is not the full City Council, and that a proposal that was before a subcommittee will not have a full airing in his estimation among the public and instead of having a full airing among the public we are left to read the comments made online at the Gresham Outlook which frankly are not for the faint of heart. I don't think that is out of balance on Councilor Daoust's part at all. I think there is a misperception that somehow the City Council is seeking to pick some stranger off of the street who has never received a vote in their life and appoint that person to be mayor. The proposal from Mr. Garzini that is used all over the state is that you have seven popularly elected city councilors, one of whom is the ceremonial head of the city council termed the mayor. That doesn't steal anyone's right to vote at all, so I respectfully disagree with your characterization of that Mr. Mayor. Mr. Ross, are we required, as a city council, to bring forward an issue that died in a committee for a public hearing?

David Ross, City Attorney, replied a city councilor may request that something be put on the city council agenda by making a written request fourteen days prior to the meeting to the city recorder. Councilor Daoust has the ability to put something on the July 13th agenda by making a written request fourteen days before that date.

Councilor Wand stated I have heard Councilor Daoust ask for that, so I think that resolves the issue Mr. Mayor.

7. STAFF COMMUNICATIONS

Erich Mueller, Finance Director, stated in your packet is a memo from me regarding the expense reimbursement policy for elected officials that becomes effective on July 1, 2010 and a copy of the form that I will need you to complete to receive your reimbursement. This is simply the administrative implementation of the ordinance recently adopted by the Council

8. COUNCIL COMMUNICATIONS

Councilor Daoust paid respect to a teenager who recently passed while hiking on Angels Rest Trail in the Columbia River Gorge.

Councilor Thomas asked about the status of changing the City's website address?

Ron Garzini replied I will look into it.

Mayor Kight stated on July 9, 2010 FedEx will be holding a Job Fair at the new Troutdale facility.

9. ADJOURNMENT:

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

Meeting adjourned at 10:18pm.

Jim Kight, Mayor

Dated:

ATTEST:

Debbie Stickney, City Recorder