

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

Tuesday, February 24, 2009

1. PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE.

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

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

ABSENT: Councilor Daoust (excused).

STAFF: Dave Nelson, City Administrator; David Ross, City Attorney; Jim Galloway, Public Works Director; Charlie Warren, Public Works Director; Erich Mueller, Finance Director; and Sarah Skroch, Deputy City Recorder.

GUESTS: See attached list.

2. CONSENT AGENDA:

2.1 ACCEPT MINUTES: January 20, 2009 Work Session, January 22, 2009 Work Session, January 27, 2009 Work Session and February 10, 2009 Regular Meeting.

2.2 RESOLUTION: A resolution authorizing the City of Troutdale to become a party to the Oregon Public Works Emergency Response Cooperative Assistance Agreement.

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

Mayor Kight asked is there an agenda update?

Dave Nelson, City Administrator, replied there is no agenda update.

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

Zachary Hillenkamp, Center for Advanced Learning (CAL) Student, stated during our senior year we do a project called a Senior Capstone which is similar to a senior project. For my project I am working with Paul Rabe and The Friends of Beaver Creek to create a memorial plaque for Carolyn Taylor. The plaque will be made at the CAL facility. I would like to get permission to place it within the southeast side of Glenn Otto Park. The plaque will be cast

out of bronze, it will sit 6 inches within the ground with the soil compacted to prevent sinking, and it will be 8 inches by 14 inches.

Zachary Hillenkamp handed out copies of the plaque layout (a copy can be found in the meeting packet)

Mayor Kight asked what roll do you play in putting this plaque together?

Zachary Hillenkamp replied I had to prepare the site design and submit it to you. Then I will get help from another student or a teacher to show me how to cast it. I'm actually in the medical department at CAL so this is a new experience for me.

Mayor Kight stated Carolyn Taylor was involved with our parks and The Friends of Beaver Creek for a long time. In fact she lived on Beaver Creek and both Councilor Kyle and myself lived across the street from her. Mr. Nelson what can we do to expedite the process for this young man?

Dave Nelson replied if you could leave your contact information with us, we will contact you to come forward to the Parks Advisory Committee (PAC) which will be meeting on March 17th and we'll see if we can get you on the agenda. The PAC would be the group to hear this and determine the site location.

Mayor Kight stated we'd love to see this project go forward. Carolyn Taylor put in a lot of volunteer time.

Zachary Hillenkamp asked would it be possible to get a newspaper article about this?

Mayor Kight replied sure we have the Troutdale Champion which is mailed out to all residents and there is also the Northwest Connection, The Gresham Outlook, and the East Metro section of The Oregonian. You have several venues.

Zachary Hillenkamp replied that is one of our goals and I'm sure they'll be happy to do one.

Councilor Thomas stated I think you'll find that many of the PAC members were personal friends of Carolyn. She was probably one of the original members of the committee. I think this is fantastic.

4. PUBLIC HEARING / RESOLUTION: A resolution creating an exemption from competitive bidding requirements imposed by ORS 279C to allow the City to sole source the Troutdale Centennial Monument project.

Mayor Kight opened the public hearing at 7:07pm.

Jim Galloway, Public Works Director, stated this is an issue dealing with the Troutdale Centennial Monument, or the Arch Project as we've come to know it, and the possibility of creating an exemption from competitive bidding for the construction of this project. State

regulations and the Troutdale Municipal Code require that Public Works projects, such as the Arch, generally have to be subject to competitive bidding unless they are exempt by a specific exemption in State law or by action of the local contract review board. There is no specific exemption in State law for this particular project so the default goes to the decision of the local contract review board which in the City of Troutdale is the Troutdale City Council. In order to grant an exception from the requirements of the ORS there are a number of steps that have to be followed and we believe we have followed those required by law. Those steps include holding a public hearing which we are doing right now and taking comments that the public might have on the draft findings which are attached as Exhibit A. Notice of this public hearing had to be published in at least one trade newspaper of general statewide circulation a minimum of 14 days before the hearing and that notice was published in the Daily Journal of Commerce on February 9th. There are certain findings that have to be addressed under State law and we believe that we've done that in Exhibit A. Copies of those draft findings had to be made available at the time the notice was published and that was done and indicated in both the notice and in the notice on the City's website that those could be reviewed at the Public Works office. All of this leads up to the findings that the local contract review board, the City Council, would have to make in order to allow a sole source contract to proceed. First that it's unlikely that the exemption would encourage favoritism in the awarding of the public improvement contract, or substantially diminish competition for public improvement contracts, and the awarding of a public improvement contract with the exemption will result in substantial cost savings to the contracting agency which in this case would be the City. If you are able to make those findings, that would allow the City to sole source this particular project directly to Bremik Construction. In the findings in Exhibit A we've outlined the particular factors and these are factors we're required under State law to address. I would like to point out that there is a mistake that was made twice in the findings that I'd like to correct at this time. In Exhibit A on page 2, under paragraph C. Topic Areas, and sub paragraph 2 Public Benefit, the last line says "Lastly, Bremik Construction has agreed not to charge any overhead or profit and will perform the work under a guaranteed maximum price contract". That is incorrect, they have agreed not to charge profit but there would be an overhead. That same mistake is repeated on page 3, paragraph D. Conclusion. If you strike out "overhead" from those locations that should correct that error. Some of the items that Bremik brings to the project may weight favorably in your consideration of a sole source contract. At approximately the same time and same location, they intend to be doing another project for Caswell Gallery in that location. There would likely be some savings and benefits from not having two different contractors working in close proximity to each other and Bremik has indicated that they've done a fair amount of work to line up suppliers and subcontractors who are willing to provide their services at perhaps less than what they'd charge others. It's Bremik's indication that they'd forego profit on the project.

Councilor Kyle asked will this resolution prohibit the use of the plans from the Troutdale Historical Society (THS)?

Jim Galloway replied it will not.

Councilor Kyle asked will it prohibit the THS from continuing to raise funding?

Jim Galloway replied no. Under the revised Memorandum of Understanding that the City has with THS, they are required to continue to try and raise funds.

Councilor Kyle asked it doesn't prohibit them from looking for additional grant funds?

Jim Galloway replied no it does not.

Councilor Wand asked how often has the City gone to a sole source contractor since you've been employed?

Jim Galloway replied I believe this is the 3rd or 4th time.

Councilor Wand asked how many projects have been lead for public bid during that same time frame?

Jim Galloway replied I don't have a good number but I'd say several dozen.

Mayor Kight asked has Bremik considered lighting of this monument in the construction process as far as cost and design?

Jim Galloway replied we've discussed it with them after it was brought up at a Council Meeting in December. They felt it was too far down the path to go back and retrofit it for lighting. The project has already been designed by the architect, submitted to the County for review and so on. They will include conduit in the project so when an adequate electrical source is determined and arrangements are made for how it's going to be metered and who will be paying for it and those types of things, that it could be retrofitted fairly easily.

Mayor Kight asked did we receive the donation from FedEx?

Jim Galloway replied I'm not sure but I believe there is someone here from the historical society that may be able to answer that.

Dave Riedel, Bremik Construction, stated I'd be happy to answer any questions that the Council may have.

Mayor Kight stated let's go back to the lighting issue for a second.

Councilor Thomas stated I'm not sure that the lighting has any relevance to whether or not we support a sole source contract.

Mayor Kight stated I'd still like to get some clarification.

Dave Riedel replied the drawing is far enough down the line that it would be challenging within the time constraints to try and do something. We talked to the City to get a lighting plan that showed more lighting with street lighting and such. There is power on the street but you'd have to figure out who will meter that power and how it would be metered. There is power and vaults on both sides of the streets so we could feed it from either side if we had to.

Dave Ripma, Troutdale Historical Society Board Member, stated we have not yet received the check from FedEx. I also wanted to explain that we are prepared to turn over the money that we've raised to the City. We are waiting for a request. I didn't bring a check tonight but we could take care of it tomorrow if necessary. I would like to speak in favor of this resolution. Bremik has worked very closely with the historical society on a volunteer basis. This would be a wonderful thing for Troutdale. They are benefactors to the City to do this. They've invested a lot of volunteer time on it and have lined up subcontractors who are providing a lot of services and materials at way below market or are donating.

Mayor Kight asked do you know when they're planning to start the project?

Dave Ripma replied I think it depends on what happens here tonight but soon.

Dave Riedel stated when an executed contract is taken care of it would take me about a week to get contracts out the door to our subcontractors and probably another week to get those back. It'll take about 5 ½ months from execution of contract until turn over. There is a chance we could get it done earlier than that. Part of that time frame is that we need to get the footings and the vertical structure in while they are fabricating it. They can't finish it until we have those two fixed points because it's a free standing arch. We have to get some of the work done before the final fabrication can be done.

Mayor Kight asked is that one entire piece or is it put up in sections?

Dave Riedel replied its 3 pieces that are attached together. It will come in multiple sections but go up as 1.

Paul Thalhofer, Troutdale Historical Society Board Member, stated this is a big project and has been in the works since the Centennial Celebration. We made the promise that we would build an arch. This is the process to get that done. I think the staff report is quite well done. It goes into a very detailed report as to why it makes sense to do it this way. Bremik is a local contractor that can do this kind of work, they are a very responsible contractor, and some of those folks live here in Troutdale. Buy local as much as possible especially when you have someone that's qualified and who's building a project adjacent to this. Who knows what the market conditions will be from one day to the next in this economy. We need to see this as one of the ways we're going to make things better in Troutdale by building this beautiful arch at the entrance to our downtown. People will be inspired to come to Troutdale and shop in the City. People from other parts of the State and Country will think that Troutdale really has something going here, they're looking ahead and making something

happen that will create enthusiasm and optimism in this community and throughout the State and region. We don't need any pessimistic talk, we need positive thinking and spirit. This arch will bring spirit to this community that you've never seen before.

Jim Galloway stated I wanted to clarify a few things so no one walks away with a misconception. As Mr. Riedel indicated, the City and Bremik will work out a construction contract which I think can be done relatively soon. I believe there are two other pieces that we're also working on. One is that before Multnomah County will grant us a permit to do the arch project in the right-of-way there needs to be an indemnification agreement where the City agrees to indemnify them if anything goes wrong. I think the City and County Attorney's are still working out the language of that document. Then, unless something has happened in the last 24 hours, I don't believe one of the property owners involved has signed the easement yet, have they?

David Ross, City Attorney, replied no.

Jim Galloway stated those are two pieces that would have to be resolved before work can start.

Mayor Kight asked what is your expected timeframe to get that completed?

David Ross replied the easement is out of my control. The last information that I have was that I was to expect something on Friday the 20th. That day has come and gone. The other issue could probably be resolved with the County in a matter of days.

Mayor Kight asked do you have to record the easement?

David Ross replied we haven't received a signed easement but when we do it will have to be recorded. It'll have to come before Council and be accepted by the City and then get recorded.

MOTION: Councilor Thomas moved to adopt a resolution creating an exemption from competitive bidding requirements imposed by ORS Chapter 279C to allow the City to sole source the Troutdale Centennial Monument project. Seconded by Councilor Kyle.

Councilor Thomas stated when I stop and think about this I think about all of the school kids that donated money with the expectation that the City would get it done. I can't turn my back on the kids and say we're not going to build it now we're going to wait until you're 50 or 60 years old and then we'll consider it. That really takes away from it. In addition to that I think the arch will give a focal point to downtown. It'll become a great thing for advertising and selling the City. I feel this arch is critical. I wish it could have been done last year when we had the 100 year celebration, but it's close.

Councilor Kyle stated I'm volunteering at the Chamber of Commerce and I'm so excited about this. I think this is going to create significant interest regionally and statewide. I'm happy to support this.

Councilor Wand stated I consider this to be a pretty unique exception to the public bidding requirement. I believe in public bidding requirements under State law and because this very clearly meets all of the requirements to sole source and because it is in our best interest, I'm supporting an exception in this instance.

Councilor White stated I second what Matt was saying. I don't take that lightly. I think competitive bidding is key. I also know not to look a gift horse in the mouth and I think we're getting that with Bremik. I'm supporting it.

Mayor Kight stated the general public is inundated right now with a lot of negativity in the news with a lot of home foreclosures, businesses closing, and so forth. Troutdale is kind of bucking the trend. We're building the FedEx building. They're 40 days ahead of schedule at this point. We're looking at a new \$1.2 to \$1.3 million dollar new Multnomah County Library. There is going to be a lot of new construction projects and a lot of new family wage jobs here for Troutdale. I think the crowning piece to this is the Centennial Arch. It makes perfect sense with Bremik Construction working at Caswell Gallery. They've got the labor, the equipment, they've donated a lot of their time, and they're highly vested into this project. We've gone through the whole procedure to see if there's any other individuals that would be willing to come forward with a bid and we've received none. We've done everything legally that we possibly could to give proper notification and no one has come forward and Bremik is still standing. It makes sense to give a local business the local project and keep the money within our community. I'm going to support it.

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

Motion Passed 6 - 0.

5. APPOINTMENT: A motion to appoint the City of Troutdale member and Alternate to the East Multnomah County Transportation Committee (EMCTC) and a Representative to the EMCTC Technical Advisory Committee.

Jim Galloway, Public Works Director, stated the East Multnomah County Transportation Committee (EMCTC) comprises of voting membership from the Cities of Fairview, Gresham, Troutdale, Wood Village, and Multnomah County. It functions as a sub-regional coordinating committee whose purpose is to try to reach consensus in East County for transportation issues and perhaps most importantly to prioritize and submit projects for consideration at the Metro level when Metro allocates the federal transportation dollars. The voting member, or principal member, from each jurisdiction is an elected official. There is also a requirement or a desire to have each jurisdiction have an alternate who can either be an elected official or a staff person. Since I've been working here in 1992 I've been that alternate position. There is

also a third spot which is for a staff person to represent Troutdale on EMCTC's Technical Advisory Committee. Councilor Ripma was the representative on EMCTC for a number of years. With Councilor Ripma no longer being on the Council and my retirement pending it seemed like an appropriate time to come before Council and ask for you to appoint folks to fill those vacancies. I've spoken with the gentleman who is replacing me and he has graciously agreed that if selected he would serve at the staff level on the Advisory Committee and, if it's your choice, be the alternate as well.

Councilor Hartmann asked are there Councilors that would be interested in serving on this Committee?

Councilor Wand replied I would be interested in serving.

Councilor Thomas stated I would also but I would gladly defer to Councilor Wand.

Councilor Kyle asked are you interested in doing this Mayor?

Mayor Kight replied yes.

Councilor Kyle asked would you like me to nominate you? I'd be happy to do that.

Councilor Thomas stated I know you are heavily involved with several other committees and in the goal setting meeting you picked up a major amount of responsibility in regards to economic development. I'm thinking that taking this on might be a little bit bigger than the piece of cheese that you think you're chewing on. I'm very concerned. I believe that Councilor Wand and myself, as part of the goals are looking at the transportation piece, might be a better choice.

Councilor Kyle stated I think that whoever is selected should have some experience on the City Council and have been involved in some of our transportation discussions.

Mayor Kight stated for your own advocacy, I served on the Joint Policy Advisory Committee for Transportation (JPACT) for 8 years. Councilor Ripma was on EMCTC for at least 15 years. I think experience is really critical in order to be an effective member and again you are a voting member. You end up being an advocate for East County and more specifically Troutdale.

Councilor Thomas asked do you think you have the time to do this?

Mayor Kight replied I do.

MOTION: Councilor Kyle nominated Mayor Kight as the EMCTC member. Seconded by Councilor Wand. Motion passed unanimously.

MOTION: Councilor Hartmann nominated Councilor Wand as the Alternate. Seconded by Councilor Thomas.

Councilor Kyle asked would that be in addition to a staff member?

Mayor Kight replied no you would only have 1 alternate. That is a voting member if the primary member is not there.

Councilor Hartmann asked do you know if the committee recognizes proxy?

Jim Galloway replied I don't believe so.

Mayor Kight stated we don't necessarily have to follow tradition. If we don't want the staff member as an alternate then we can have an elected as an alternate.

Councilor Hartmann stated my recommendation is based on the idea that we do have staff that can be resourced to facilitate objectives and that sort of thing. I'd also like to see some distribution of knowledge that gets passed through the rest of the Council. We've seen Jim as the alternate for a number of years. It would be nice to see that spread around within the Council.

VOTE: Councilor Kyle – No; Councilor Hartmann – Yes; Councilor Wand – Yes; Councilor Thomas – Yes; Mayor Kight – Yes; and Councilor White – Yes.

Motion Passed 5 - 1.

MOTION: Councilor Thomas nominated Charlie Warren to be appointed to the Technical Advisory Committee. Seconded by Councilor Hartmann. Motion passed unanimously.

6. STAFF COMMUNICATIONS

Dave Nelson stated you will see that on the March 10th Council meeting there will be a first reading of the change to the Public Safety Advisory Committee. This is a heads up that they will be requesting to increase it from an 8 person committee to a 9 person committee. That will trigger the Council's need to open up and advertise for committee appointments. There might be an alternate or two that we may need to fill on some other committees as well. During the process of the vacancy that Councilor Hartmann filled, we had a number of citizens interested in that position that might fill some of those vacancies. We will probably be doing a recruitment for Committee and Commissions assuming that the Ordinance is passed. The first reading of the ordinance will be on March 10th and the second reading on March 24th. If that is passed, then the Council will need to make a request to have us open up that committee/commission recruitment period. The second item I have is that our new Public Works Director, Charlie Warren, is in the audience. Mr. Warren started with us last Tuesday so he's been here a full week working with Mr. Galloway. Mr. Galloway's last day is this Friday after almost 16 ½ years of service.

Charlie Warren, Public Works Director, stated I would like to thank Dave Nelson and Jim Galloway for their assistance during the last week. I've been running around viewing the City through their eyes and it's been very helpful. I was a consulting engineer for the last 14 years for myself, Charles Warren Engineering, in the City of Hood River. Prior to that, I was Public Works Director, City Engineer, Urban Renewal Director, and City Manager at different times for the City of Hood River. Prior to that I worked for the City of Silverton as the Engineer. I worked for Benton County and Curry County. I'm a long time Oregonian. I've lived here all of my life. Small towns are my forte and I like the feel of Troutdale. There are a lot of similarities between Troutdale and Hood River with the way the freeway and the City are situated. I have a wife and two kids which keep me working and will for some time. I'm a wind surfer and play a lot of golf.

Mayor Kight stated we want to welcome you to Troutdale. I'm sure you will do a great job.

Mayor Kight asked Jim Galloway to come forward.

Mayor Kight stated we are presenting you this certificate from the City of Troutdale. The Troutdale City Council presents this certificate of appreciation to you, Jim Galloway, for your outstanding service of over 16 years to the City of Troutdale. Your time, dedication and talent have greatly benefited Troutdale, and your hard work, wit and professionalism will be missed. Good luck and enjoy your retirement. By the way you have a lot of accomplishments. There are some really notable accomplishments on your part in the 16 years that you've been here and I'll read some of them including: Construction of a Waste Water Treatment Facility; served several times as the acting or interim City Administrator; overseeing the undergrounding of the utilities; improvements to the stormwater outfalls along Beaver Creek Canyon; the bank stabilization of Beaver Creek Canyon; the North parking lot in the downtown; water conservation plan; remodel of the Public Works Shop; water pipe extension along Strebin Road; development of Mayor's Square; assistance with the purchase of the current CCB Building; construction of Kendall Road; construction of Well #5; the siting of Well #9; negotiated leases with telecommunications companies; oversaw a number of new subdivision and developments within the City such as Sedona Park, Sandy Heights, Cherry Ridge, Strawberry Meadows, Stuart Ridge, I-84 Corporate Center, The Cherry Ridge Shopping Center, Albertsons, Home Depot, Honda Auto Dealership, Saturn Auto Dealership, Walt Morey Middle School, the expansion of Reynolds High School, and the Port of Portland purchase of the Alcoa property and the ongoing construction of FedEx. It is with a great deal of pleasure that I get to be the Mayor that says thank you for all you've done for the City of Troutdale. You were wonderful to work with and we truly appreciate everything you've done. Good luck and enjoy your retirement, you've certainly earned it.

Jim Galloway stated the accomplishments that you've mentioned couldn't have happened without the staff at Public Works and the rest of the City. It was joint effort among everyone. I intended to come up and thank you, the current members of the Council, and former Mayors and Councilors for the opportunity to serve the City of Troutdale and for the many courtesies and kindnesses that you've extended to me.

Councilor Thomas stated there were a few Council Meetings that I remember where you had to leave the room because you thought things were rather funny. One had to do with a balloon incident where we were talking about the ability to do advertisements on inflated balloons. The thing I always noticed about you is that I would ask you questions and you'd always get back to me. Jim always followed up on everything he was asked to do. Thank you very much.

Mayor Kight stated I've sent a lot of e-mails to Jim and we've talked on the phone over the years. Jim has always been extremely responsive. One of the things that I focus on is making sure all of the street lights are lit. If I see one light out, I mark down where it's at and Jim calls the County to repair the light. He knows everybody to contact, they come a running, and the next day they're fixed. We really appreciate you. You've done a lot for this city.

7. COUNCIL COMMUNICATIONS

Mayor Kight stated I'd like to bring to your attention that our 1st Friday Art Walk in downtown is March 6th. We have a lot of good restaurants downtown including a new Italian restaurant, The General Store, Celebrate Me Home, the Chinese restaurant, and the Thai restaurant. There's quite a variety in a two block area. They have music, food, wine and it begins at 5:00pm on Friday, March 6th.

8. ADJOURNMENT

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

Meeting adjourned at 7:56pm.

Jim Kight, Mayor

Approved March 10, 2009

ATTEST:

Sarah Skroch, Deputy City Recorder