

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

Tuesday, June 10, 2008

1. PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE

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

PRESENT: Mayor Thalhofer, Councilor Kight, Councilor Thomas, Councilor Canfield, Councilor Kyle, and Councilor Daoust.

ABSENT: Councilor Ripma (excused).

STAFF: John Anderson, City Administrator; Jim Galloway, Public Works Director; Rich Faith, Community Development Director; Paul Hughes, Finance Director; David Nelson, Chief of Police; Debbie Stickney, City Recorder; and David Ross, City Attorney.

GUESTS: See Attached.

2. CONSENT AGENDA:

2.1 ACCEPT MINUTES: May 27, 2008 Regular Meeting.

2.2 RESOLUTION: A resolution recognizing the completion of the Public Improvements associated with the Tyson's Place Residential Subdivision and accepting them into the City's Fixed Asset System.

MOTION: Councilor Thomas 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. RESOLUTIONS: A resolution approving an agreement for all Multnomah County Law Enforcement Jurisdictions regarding use of force as outlined in SB111.

Chief Nelson introduced Police Chief Phil Klahn. Back in 2007 the Oregon Legislature passed SB111 relating to deadly physical force by police officers which requires each county to develop, approve and submit a plan to the State of Oregon relating to use of deadly physical force. Chief Klahn volunteered to represent the Chief's in Multnomah County.

Chief Phil Klahn, Port of Portland, stated it is important to understand that SB111 specifically addresses deadly force used by police officers that results in a death of a person. I was joined by Don Rees of the District Attorney's Office, Lt. Bruce McCain from Multnomah County Sheriff's Office, Robert King from the Portland Police Bureau who represented the non-management police, Sam Sachs a citizen representative and Lt. Richard Evans from Oregon State Police. Our task was to take SB111 and apply it to Multnomah County. There were six elements that we were dealing with that were required. The element that we spent the most time on was education, outreach and training for police officers, attorneys, and members of the community regarding the use of deadly force. We spent a considerable amount of time getting feedback from the Chiefs and members of the community about what their perspective was in terms of deadly force. Part of the plan was how do we reach out and do this education, outreach and training for police, attorneys and the community. There is an element in terms of the aftermath of a deadly force incident requiring that an officer that is involved can not be put back into full duty status for at least 72-hours. Most agencies in Multnomah County actually exceed that. These are minimum standards for the State. Secondly, an involved officer must be offered at least two mental health sessions and it is mandatory that the officer attend at least one of those sessions. A third element in the investigation of deadly force is there has to be a multi-agency approach. There has to be at least one outside person involved in the investigation. For Troutdale that is done through the East County Major Crimes Team, that is an agreement that is already in place. There is an element in terms of collecting information, reporting it to the state and finally an element on the fiscal impact. Not included in this plan, but included in the law itself is a provision that any agency that has less than 40 police officers can submit for reimbursement from the state for the costs of complying with this plan. We held three public hearings on this, one in downtown at Portland State University, one in the Rockwood District and one in NE Portland. The final step is to go to each one of the governing bodies that employs police officers (Multnomah County, Port of Portland, City of Portland, City of Gresham, City of Fairview and the City of Troutdale) and ask you to review and approve this plan. On behalf of the Multnomah County Deadly Force Planning Authority, I request the Council's approval of this plan.

Mayor Thalhoffer stated I think it is necessary that an officer take some time off when they are involved in a deadly force incident.

Councilor Canfield asked does your department have any concerns about any part of this plan?

Chief Nelson replied no, we actually meet or exceed most of the elements of this plan already.

Councilor Daoust asked do you feel that you have the level of support needed from the jurisdictions?

Chief Klahn replied yes. We have presented this to all of the governing bodies now and we have their full support.

Councilor Kight asked can you outline what the difference is in what we currently have on the books versus what your group has worked on to complete and put into practice?

Chief Klahn replied I would say in Multnomah County every agency had elements in their deadly force policy that met or exceeded, with the exception of a couple of items. This plan requires that there be outreach and training specific to deadly force above and beyond the deadly force training that police officers receive at the police academy. It requires that communities engage in a little more dialog and a little more proactive activities in terms of exploring this topic. We have written this plan to provide some flexibility in how that is accomplished. Probably the second one that I would see as the most significant is not only is the agency required to pay for two mental health sessions, the officer must attend at least one of them.

Councilor Kight asked in the past that hasn't been a requirement?

Chief Klahn replied we have never been able to require an officer to attend a mental health session, apart from a fitness for duty. This is for the benefit of the officer in the aftermath of a shooting. I see that as fairly significant.

Councilor Kight asked a lot of the police agencies have unions, has this gone through them?

Chief Klahn replied yes.

MOTION: Councilor Canfield moved that the Council approve a resolution approving an agreement for all Multnomah County Law Enforcement Jurisdictions regarding use of force as outlined in SB111. Seconded by Councilor Thomas.

VOTE: Mayor Thalhoffer – Yes; Councilor Canfield – Yes; Councilor Kyle – Yes; Councilor Daoust – Yes; Councilor Kight – Yes; Councilor Thomas – Yes.

Motion Passed 6 – 0.

5. MOTION: A motion to approve the Mt. Hood Cable Regulatory Commission's 2008-09 Budget.

Councilor Thomas stated I serve as Troutdale's representative on the Mt. Hood Cable Regulatory Commission (MHCRC) and I am here to present the Fiscal Year 2008-09 budget for the MHCRC. With me tonight is David Olson, Director of the MHCRC. The MHCRC is a partnership between the cities of Fairview, Gresham, Multnomah County, Portland, Troutdale, and Wood Village created by an intergovernmental agreement. Each jurisdiction appoints citizen representatives to the Commission. The Commission has oversight and development responsibilities for cable video service franchises within Multnomah County. The Commission contracts with the City of Portland for staffing services. The Commission funds a total of 3.8 full time staff. I want to share with you some of our accomplishments over the past year. We provide customer service protection and complaint resolution. The MHCRC monitors and enforces various service standards for telephone responsiveness, service

outage credits, billing, installation and repair responsiveness, and other consumer protection issues. In 2007 the Commission assisted in the resolution of 269 complaints. The Commission also levied fines of roughly \$44,000 on Comcast for failure to adequately notify subscribers of program changes that happen. We guided development of the Community Institutional Network (I-Net). The Commission oversees the development of the I-Net with assets worth over \$6.5 million and an annual fund that is nearly \$1 million. This communication infrastructure is used by schools and governments throughout Multnomah County. About 284 public sites are actively using the I-Net for affordable data services including the City of Gresham, City of Fairview, City of Troutdale, City of Portland, Multnomah County, Multnomah Educational Service District and Portland Public Schools. The MHCRC directs the Community Access Capital Grants which provides funds for technology projects for community organizations, libraries, educational institutions and local government agencies throughout Multnomah County. The MHCRC oversees implementation and compliance for about 15 grant-funded projects during the year. In 2007, the program granted nearly \$950,000 for eight new community-based projects that will leverage over \$2 million in matching resources. We also lead advocacy efforts to protect the local authority and public services. The MHCRC participated in several Federal Communication Commission (FCC) and legislative processes in order to advocate for local control and resources derived from the private use of the public right-of-ways. The MHCRC sent letters to Oregon's congressional delegation in support of maintaining cable franchising, localism and fees for IP Video providers. The MHCRC filed initial and reply comments in the FCC's Further Notice of Proposed Rulemaking on local video franchising and joined other national organizations and local governments to appeal the FCC's local franchising rules in the Sixth Circuit Court. We are still awaiting a decision of the court. We also participated in the FCC proceedings on Cable Ownership and Video Competition. The MHCRC manages contracts with Metro East Community Media and Portland Community Media, non-profit organizations that facilitate use of technology and communications resources by the community in order to promote broad participation in civic and cultural life. These non-profits provide direct services to a diverse group of individuals, non-profits, community organizations and government agencies. In 2007 both organizations saw an increase in the number of new video programs and in the community use facilities and equipment. The MHCRC also oversees the community access benefits provided by Comcast under its franchise agreement. As a result of the MHCRC's leadership, local community access programming is now listed on Comcast's channel guide and is included in Comcast's video-on-demand digital service provided free to digital subscribers. For the upcoming year staff is negotiating two competitive video franchise agreements in Multnomah County. Verizon is currently building a Fiber-to-the-Premises (FTTP) in East Multnomah County and Cascade Access Plants to provide video services in the Corbett area and unincorporated Multnomah County. The staff will be identifying new core communications and technology needs and interests related to cable based communications in preparation for the upcoming Comcast franchise negotiations. The Comcast franchise expires in 2010. The MHCRC budget is developed by staff with the oversight of the MHCRC Finance Committee. The Finance Committee meets twice to review the budget. The budget was then forwarded to the full Commission for their review and it was approved on April 21, 2008. The proposed Commission budget is up about 3.5% from the current fiscal year excluding one time expenditures. Cable franchise fee revenue has increased by about 6%. The estimated fiscal year 2008-09 Cable franchise fee balance paid

to the City of Troutdale is roughly \$33,551. The net contributions from Troutdale to fund the MHCRC budget are roughly \$17,000. Other resources that we have are dedicated Access and Grant program revenues from the cable company which is essentially about \$1,200,000. There's a 5% franchise fee that goes to the cities with 60% of that going to Metro East Community Media, 40% to the City and out of that a piece goes to MHCRC. There's an initial 1% which funds the Capital Access Grant that I talked about earlier which is about \$1,200,000. There's another 1% which is split between the Corbett Community Media and Metro East Community Media for the purchase of capital equipment. Then there's an additional 1% funds to help support and pay for the I-Net infrastructure. The Commission is responsible for roughly \$6,000,000 in franchise fees and about another \$3,000,000 plus for the three other funds. The franchise fee revenues to the jurisdictions are on page 22 of the budget. We respectfully request that the City Council approve the 2008-09 Commission proposed budget.

Mayor Thalhoffer asked are you negotiating with Verizon?

Councilor Thomas replied yes we are.

David Olson, Director of Mt. Hood Cable Regulatory Commission, stated some of you may recall about two years ago we approached Verizon and asked to start negotiating a cable franchise. They said no they wanted to do negotiations with Washington County first. They finally announced that they were ready to start discussions with us in late April of last year. We've been actively negotiating with them ever since. In Washington County it took them about 14 months to finalize their franchise. We're at month 13 right now. We want to make sure that the Verizon franchise is more or less consistent with the Comcast franchise. If we lose an issue in one franchise then it's difficult to get it back in the other and Comcast's franchise is coming up soon. When the franchise is done it would go to the Commission for a recommendation, then to the jurisdictions for a final vote.

Councilor Thomas stated the next question is will this bring down rates. We don't know but we hope so. The other side of the effect is when the rates come down so do the franchise fee revenues. There's a little bit of a cost to the Cities but I think the benefit to the residents is far greater.

Mayor Thalhoffer stated you've come to the 4 Mayors and other organizations with the Verizon problems. Are you overcoming any of those customer service issues?

Councilor Thomas replied we're negotiating out the rest of the things and then we'll address the customer service issues in one piece. We discovered that they've approved a franchise with the same type of customer service standards that we've asked in the state of New York. Each of the 6 jurisdictions have customer service standards rules in their ordinances. They very closely parallel the national standard with a couple of exceptions. That's really what we're asking Verizon to abide by.

Councilor Daoust stated on your grant funded projects you have granted \$950,000 for the 8 new projects that you've selected this year. Where does the money come from for these projects?

Councilor Thomas replied the additional 1% of the franchise which is a fee that the cable subscriber pays.

Councilor Daoust asked is that about what you have available, around \$1,000,000 ever year for these grants and projects?

Councilor Thomas replied it's been close to \$1,000,000.

Councilor Daoust asked what process to you use to select the final projects?

Councilor Thomas replied we send out applications in January to people that have requested to received them as well as government agencies. It's up to them to fill them out and then we do up to a 50% match. We have a selection committee that reviews them and ranks them in order. If you look at the history it's been a fairly wide distribution around the county. They get about 3 years to finish the project.

Councilor Daoust asked what percentage of projects do you end up funding?

Councilor Thomas stated this year I think we spent about half of what came in. Some really didn't meet the criteria and a few of them we just didn't think were appropriate.

Councilor Kight asked does Verizon exclusively own the fiber optics?

Councilor Thomas replied yes.

Councilor Kight asked is Comcast making any improvement on their product to compete with fiber optics?

Councilor Thomas replied Comcast is what you call an HFC network which is a hybrid system. They have a node which is essentially a distribution center which is reasonably close to the home. Then there is the "last mile" which is coax cable from the node to the house. They do have a fair amount of fiber optics which allows them to do what they're doing today. With the digital transition it'll free up some more space. I think they'll pick up some more capacity as they convert over to more digital stuff. It's up to them if they want to finish that last mile with fiber optics. I think competitive wise, they may want to.

Councilor Kight asked is funding adequate for Metro East Community Media operations?

Rob Brading, CEO of Metro East Community Media, stated it's always hard to admit that you're adequately funded because you can always find ways to spend more money. We could certainly do more. It has provided adequate capital money to us and as we got more capital money we lost half of our operating funds thanks to federal legislation. Technology is

changing rapidly. We are looking forward to not only digital television but high definition along with a number of changes that are coming our way. Our existence depends on our ability to stay technologically current. If you were given a choice of watching this meeting in analog when everything else on your channels is in high definition, then you aren't going to be watched. That's an example of how important it is that we be carried along and that's going to take money. Do I have concerns about being adequately funded in the future, you bet I do.

Councilor Kight asked is there funds available to replace the current equipment? Have you set aside money for when that day comes?

Rob Brading replied we have historically done a couple of things in terms of our use of technology. One is that we've been very aggressive about using new technology. At the same time we have a remarkable history of extending the life of our equipment. We're still using the first item that we've ever purchased. Do we have reserves, yes. Are they going to be adequate, I can't answer that yet.

Councilor Kight asked you aren't sure if you'll be online digitally?

Rob Brading replied we are in the midst of a digital transition. One of the things that we've done is buy cameras that record similar to a digital camera instead of on tape. Those cameras can acquire in high definition but we don't have the other equipment that is required to make high definition productions. Would we be able to get on the system as a high definition provider is a crucial question that will be answered in these franchises.

MOTION: Councilor Kight moved to adopt the MHCRC 2008-09 Budget. Seconded by Councilor Canfield.

Councilor Kight stated your Commission and the service that you provide is invaluable not only to the government agencies that use it but the schools and the community that you negotiate so hard for.

Councilor Daoust stated I'm really pleased with your grant funded projects.

VOTE: Mayor Thalhofer – Yes; Councilor Canfield – Yes; Councilor Kyle – Yes; Councilor Daoust – Yes; Councilor Kight – Yes; Councilor Thomas – Yes.

Motion Passed 6 – 0.

- 6. PUBLIC HEARING / RESOLUTION:** A public hearing on the following resolutions:
- 6.1** A resolution certifying the City of Troutdale's eligibility to receive State Shared Revenues.
 - 6.2** A resolution declaring the City of Troutdale's election to receive State Shared Revenues for Fiscal Year 2008-09.
 - 6.3** A resolution adopting the City of Troutdale's fiscal year 2008-09 Annual Budget and making appropriations.

6.4 A resolution imposing and categorizing ad valorem taxes for Fiscal Year 2008-09.

Mayor Thalhofer opened the public hearing at 7:55pm.

Paul Hughes, Finance Director, stated before you there are four resolutions that will complete the annual budget process for the City for fiscal year 2008-2009. Each of the four resolutions needs to be considered and acted upon individually. The first resolution certifies that the City is eligible to receive the State Shared Revenues. Any City within a County that has a population of 100,000 or more has to provide a certain number of services from a specific listing and the City of Troutdale does. The services that are required are police protection, fire protection, street construction, maintenance and lighting, sanitary sewer, storm sewer, planning, zoning and subdivision control, and one or more utility services. The City of Troutdale directly provides all of those except fire protection. So we definitely qualify for State Shared Revenues. The second resolution declares the City's desire to receive the State Shared Revenues. The City's General Fund and Street Fund appropriations are reliant on these revenues. The General Fund budgets approximately \$400,000 or 4.5% of its operating revenues from State Shared Revenues which is made up of the liquor tax, cigarette tax, 911 tax and general sharing revenues. In the Street Fund approximately \$678,000 or 93% of its revenues come from the State Sharing Funds in the form of the gas tax. These revenues are very important and we need to receive them. The third resolution adopts the budget for the fiscal year 2008-2009 and makes the appropriations. Staff is not recommending any changes to the budget as approved by the Budget Committee. The Committee approved the proposed budget with approximately \$186,000 in reductions throughout the General Fund in Capital Outlay and Materials and Services in various departments. The approved budget is \$36,995,140 and it provides a continued high level of service for the citizens of Troutdale. The final resolution establishes the property tax rate for the fiscal year. The Budget Committee approved the full permanent rate of \$3.7652 per \$1,000 of assessed value and also approved a debt service fund tax levy in the amount of \$663,062 for the Water Pollution Control Facility General Obligation Bonds. The levy equates to approximately \$0.64 per \$1,000 of assessed value. Staff is also not recommending any changes to the tax rates as approved by the Budget Committee.

Mayor Thalhofer closed the public hearing at 8:00pm.

MOTION: Councilor Kight moved to adopt the resolution certifying the City of Troutdale's eligibility to receive State Shared Revenues. Seconded by Councilor Daoust.

VOTE: Mayor Thalhofer – Yes; Councilor Canfield – Yes; Councilor Kyle – Yes; Councilor Daoust – Yes; Councilor Kight – Yes; Councilor Thomas – Yes.

Motion Passed 6 – 0.

MOTION: Councilor Daoust moved to adopt the resolution declaring the City of Troutdale's election to receive the State Shared Revenues for fiscal year 2008-09. Seconded by Councilor Kight.

VOTE: Mayor Thalhofer – Yes; Councilor Canfield – Yes; Councilor Kyle – Yes; Councilor Daoust – Yes; Councilor Kight – Yes; Councilor Thomas – Yes.

Motion Passed 6 – 0.

MOTION: Councilor Canfield moved to adopt the resolution adopting the City of Troutdale’s fiscal year 2008-09 annual budget and making appropriations. Seconded by Councilor Kyle.

VOTE: Mayor Thalhofer – Yes; Councilor Canfield – Yes; Councilor Kyle – Yes; Councilor Daoust – Yes; Councilor Kight – Yes; Councilor Thomas – Yes.

Motion Passed 6 – 0.

MOTION: Councilor Daoust moved to adopt the resolution imposing and categorizing ad valorem taxes for fiscal year 2008-09. Seconded by Councilor Kight.

VOTE: Mayor Thalhofer – Yes; Councilor Canfield – Yes; Councilor Kyle – Yes; Councilor Daoust – Yes; Councilor Kight – Yes; Councilor Thomas – Yes.

Motion Passed 6 – 0.

7. RESOLUTION: A resolution approving a Memorandum of Understanding recognizing the Columbia-Cascade River District and the ongoing functioning of a Steering Committee.

Rich Faith, Community Development Director, stated for about 6 years there’s been an informal partnership among the East County Cities and the Port of Portland to do some planning and promoting of our industrial area north of I-84. The four cities have something in common in that they have some industrial zoned properties north of I-84 up to the Columbia River. The Port of Portland is the single largest property owner in this area with the Troutdale Airport and the former Alcoa property so they are a key player as far as the future development of these properties. The area that we’ve been looking at for a number of years to promote development is called the Columbia-Cascade River District. This effort started under the offices of the East Metro Economic Alliance (EMEA) which in 2002 produced a vision plan. Since that vision plan was prepared the various partners have been meeting informally to continue to look at ways to implement this vision to the benefit to all of our jurisdictions. There’s been a Vision Steering Committee that was created to discuss issues of common concern and desires to see development occur in the River District. The Mayor has been serving as the City’s representative on this committee and I have been serving as the staff representative. You may recall in 2006 the City of Troutdale assumed the lead in applying for and obtaining a grant from the Oregon Department of Land Conservation and Development to prepare Economic Development Master Plan for the River District. All of the jurisdictions adopted resolutions in order to carry that effort out. By doing so we’ve

essentially forged a partnership which continues to this day. Over the course of 15 months we've worked together to prepare various documents and reports that combined constitute the Economic Development Plan that was completed in May of last year. This document was presented to each of the five partners in this effort and all of them endorsed or approved it. One of the products that came from this grant funded project was a draft Memorandum of Understanding (MOU). This is one of the products that the State asked that we include in the effort so there would be a demonstration of an ongoing commitment among the partners to carry out the policies and actions. That MOU was drafted and submitted with the other documents to the State and was accepted as satisfying the terms of our grant. However the MOU has still been going through various refinements among the members of the Steering Committee. They were not totally satisfied with the draft that was submitted in order to complete the project in a timely manner. We have continued to meet regularly to discuss that MOU and to refine it and reach agreement which we've only recently achieved. We are now bringing this to each of the respective parties and seeking adoption of a resolution to authorize a signature of this MOU. What this does is formally create the Columbia-Cascade River District Steering Committee and establishes a structure and function of that committee so we can continue to move forward. The MOU as written would obligate each of the parties to appoint a Committee representative and also an alternate representative. In addition each party to the MOU is required to assign a staff person to the committee who may serve as the alternate. If the Council approves this MOU as it's written it sends a very clear message to the other partners of our continued commitment to the efforts that have already occurred in promoting Economic Development for the River District. Conversely if we do not authorize approval of the MOU I believe it would send a different message to the partners and could jeopardize the partnership. It is staff's recommendation that you approve the resolution that will authorize the Mayor to sign the MOU. Also in conjunction with that I would also need you to make the appointments to the Steering Committee. The Mayor has served as the City's representative on the Vision Steering Committee in the past and has indicated his willingness to continue to serve in that capacity. I've been the staff person and would be willing to continue in that capacity. If you are prepared to approve the MOU, I would also ask that by separate motion you would appoint the primary and alternate members of the River District Steering Committee.

Mayor Thalhoffer stated the Columbia-Cascade River District group was a part of EMEA. What is their relationship with EMEA now?

Rich Faith replied it will continue to be a committee of EMEA. In fact that is in the MOU in paragraph 5. I have met with the EMEA Board of Directors at the February meeting to update them on the completion of this plan, the MOU status and to ensure that we'll continue to be a committee of EMEA.

Councilor Canfield stated in your presentation you indicated there was some disagreement in some of the language of the MOU. Could you describe which portions were under discussion?

Rich Faith replied I would like to give you a brief summary of the steps that we went through. The MOU was discussed before it had been sent on to the State but even after that one of

the biggest points of contention was language in terms of how it spells out what our relationship to EMEA is. We had a number of meetings where we discussed that. Then after that it was given to the attorney's of the various jurisdictions. Each of them picked it apart. We had to let them fight out their disagreements. One of the sticking points was whether or not the Steering Committee constituted a governing body under state law and therefore subject to the state open meetings law. Those were the two major points.

Councilor Canfield asked how were they resolved?

Rich Faith replied the language that we came to is that it is an inter-governmental coordination body and is described in paragraph 7 of the MOU. We were trying to be very clear that our intent is that this is not a governing body but a coordinating body. However the attorney's ultimately agreed some caveat should be put in there which says to the extent the Committee is a governing body, we're not saying we are but if we should cross the line and function like one then we acknowledge that we shall conduct our affairs in full compliance of the Oregon Public Meetings law. We have to be wary of crossing the line.

Doug Daoust asked have you been acting pretty much as an alternate and does that work for a staff person to be an alternate?

Rich Faith replied I've certainly been attending the meetings when the Mayor wasn't there. In my opinion when I've been at a meeting when the Mayor hasn't, I've spoken on behalf of the City. In some sense I guess but I've never been officially designated as an alternate because there is no formal or official structure to the Steering Committee.

Councilor Kight asked has anybody else signed this MOU?

Rich Faith replied no we're the first City to bring it forward.

Councilor Kight asked how often do you meet?

Rich Faith replied when the Steering Committee was going through the thick of preparing and leading up to this we met monthly. Since the Plan has been completed, it was decided that the Steering Committee didn't need to meet that often so they agreed to quarterly meetings. However staff members continued to meet monthly to keep things going and to discuss items of interest.

Councilor Kight stated it's probably more than just having a discussion during the course of a meeting. I'm assuming there's correspondence going on between staff folks.

Rich Faith replied usually in the way of phone calls or e-mails. Let me say that my commitment of time has been significantly reduced since we've approved this.

Councilor Kight asked do you feel that the work of this body in Economic Development for East Multnomah County is working toward that goal in establishing an employment basis out here in East Multnomah County?

Rich Faith replied I'd have to say yes that's what the goal is.

Councilor Kight asked what accomplishments have they made in that area?

Rich Faith replied I don't know if I can attribute what is going on in respect to FedEx coming here to the Steering Committee. The Port has been an integral part of all of this planning, they're a partner. The Port is the lead in much of the transportation planning that's going on for the River District. The Port has with the support of the other partners, been instrumental in securing funding for transportation planning. They received \$1,000,000 in earmarked funds a couple of years ago and those monies are going to be used towards making improvements at the intersection of Graham Road and South Frontage Road. They also have other projects in the hopper and are positioning themselves for additional monies to assist with planning and development for transportation improvements. From that standpoint I could say that this effort and this partnership have been successful. I can't say it's all attributable to this but I would have to think that the effort that we've put forward has been a part of it.

Councilor Kight stated it appears that its been successful. A lot of times these commercial/industrial developments take a very long time to move forward. I think more importantly you are building alliances with the governing bodies. There may be residual benefits as a result of these kinds of cooperative efforts.

Councilor Thomas asked what kind of reports would we be getting back from the Steering Committee?

Rich Faith replied you can specify what you'd like to get back. You may want to express to your representative what your expectation or desire would be as far as feedback.

Councilor Thomas asked what is the Committee expected to be doing once they're formalized?

Rich Faith replied I would say that probably one of the most important topics that the Steering Committee is continuing to meet quarterly to deal with transportation improvements. The Port is looking at improving circulation for FedEx and any other kind of industrial plant that might go down there. It has to do with the 238th extension which has been a major point of contention among some of the members of the Committee. We continue to put those questions on the table to reach agreement on what we all hope to achieve. We keep those topics fresh on everyone's mind and continue to work on them so we can ultimately reach an agreement about what we're willing to accept as far as transportation improvements and accessing the River District. It also has to do with showing solidarity and support of one another when various things come along particularly when it has to do with grant monies. It ties back to one of the primary purposes that EMEA was created to show that East County can compete with the West Metro area that had the Westside Economic Alliance. Because that seemed to be garnering much of the grant and economic development monies, it was felt that we needed something similar to that in East County. We're into the same culture and

mentality of what our purpose is an integral part of EMEA. All the partners submitted letters of endorsement or support for the funds that the Port secured. I think that may have been a key factor with their success in getting those.

Councilor Thomas asked why is there so much value in having a Steering Committee specifically for the Columbia-Cascade River District?

Rich Faith replied because EMEA represents a much larger area than the River District. So the membership of EMEA and the topics that they take up generally affect the entire East County area including Springwater and perhaps all the way to the Clackamas County border. The River District Steering Committee is much more focused in terms of the geographical area that we're looking at and trying to promote. To the extent that we are able to concentrate on an area and have a tremendous amount of data regarding that area we can share with the prospective developers, I think we have something beyond what EMEA has. In fact EMEA recognizes that and is very appreciative and supportive of the fact that we are able to provide this level of information and generally be available to help promote and market the River District while they're concentrating on a much larger area.

Councilor Canfield stated I'm wondering about the exact number on the committee itself. It is stated who the parties are but in paragraph 6 of the agreement it lists that there will be representatives of the West Columbia Gorge Chamber of Commerce and such Columbia-Cascade River District businesses as the Committee selects which shall also have voting rights. Each of the parties get a vote but does this say that the West Columbia Gorge Chamber of Commerce and selected businesses will also have a say in the vote? How will that work?

Rich Faith replied the West Columbia Gorge Chamber and various other businesses as determined by the Committee would also have representatives and would be voting members. I believe this is trying to make a distinction between voting on matters that are advocating for the Columbia-Cascade River District in terms of the retention of existing business and creating new businesses. In paragraph 7 it's stating that the structure of this is that in instances where they are dealing with infrastructure development, regulatory concerns, and grant management or other issues dealing with public policies or public funds; the five entities would then be the voting members in those categories.

Councilor Canfield stated that's really confusing. The line between those two things is very blurred. I could see where the Chamber and business members would question if they have a vote or not.

Councilor Kight asked do you have an attorney present at the meetings?

Rich Faith replied no.

Councilor Thomas stated I'm counting 12 members on the Steering Committee already with the 6 Representatives and 6 staff people. When you start getting committees beyond 12 members, you start having problems as far as management.

Rich Faith replied I'm not sure why Multnomah County needs to be a part of this because they have handed over all the planning authority to the City of Troutdale. The only unincorporated areas are to the north of us in the Interlachen area which are all residential and isn't recognized as industrial land for development. Really the only Multnomah County lands are properties to the north of us that haven't been annexed yet and we have land use jurisdiction there.

Mayor Thalhoffer stated I'm sure this will evolve and there will be changes made over time. When you get this many people involved with many different opinions, there will be changes made I'm sure. We had a lot of debate getting to this point.

Councilor Kyle asked Mayor do you want us to approve this?

Mayor Thalhoffer replied I think so, it's a starting point.

Councilor Canfield stated this is really flawed. I would like to see the responsibilities for the other partners specified.

Mayor Thalhoffer stated surprisingly enough, this group seems to work pretty well together despite the problems that we've had with the language in this document. If this is a living document then it will evolve.

MOTION: Councilor Kight moved to adopt a resolution approving a memorandum of understanding recognizing the Columbia-Cascade River District and the ongoing functioning of a Steering Committee. Seconded by Councilor Daoust.

Councilor Kight stated at the end of the day we could have a very long discussion as to the efficiency of this particular group. I think it's important that we continue to have these alliances with other governing bodies. I think it's important that everyone's at the table sharing information and let the attorney's fight it out.

Councilor Daoust stated I agree that we should approve this MOU. I know first hand that it's taken a long time to get here. It's gone through many hands, many thought processes and many committee meetings to get to this point. I think the City of Troutdale should stand behind this MOU and let it proceed forward.

Mayor Thalhoffer stated I think this is a start. It's not what I would draft. I think it will grow and get better as time goes on.

Councilor Canfield stated I support the concept. The Steering Committee can have a big impact on what is developed in the area. It affects Fairview, Gresham, Wood Village, and Troutdale. However as the Mayor and Mr. Faith point out, there is still a lot of disagreement with parties. To me this is not a memorandum of understanding. This

is very clearly a memorandum of misunderstanding. The confusion of roles and responsibilities is very clear. I believe if we start out with this confusion built into an agreement we'll never get to the good stuff. I prefer we wait and have this hashed out before we agree to it. I'm going to have to vote no although I'd like to vote yes because the concept is good.

Councilor Kyle stated I'm going to support the motion because it is a work in progress and it's going to be hard to get anybody to agree. I think this project is important and I want it to move forward.

Councilor Thomas stated this does have flaws. Councilor Kight brought up the fact that businesses want to reconsider locations because the high cost of transportation. I was on a national website and found that businesses might start looking at the fact that their employees have to travel 40 to 50 miles each way and it isn't working anymore. So they are looking at places that are much closer in to major metropolitan areas where the workforce is. I think that's a potential benefit to us having the Columbia-Cascade River District substantiated in a form which gives it some credibility. I do appreciate the fact that it's tied into the EMEA and the members that are listed in the MOU are members of EMEA. I'm hopeful they can work these things out.

VOTE: Mayor Thalsofer – Yes; Councilor Canfield – No; Councilor Kyle – Yes; Councilor Daoust – Yes; Councilor Kight – Yes; Councilor Thomas – Yes.

Motion Passed 5 – 1.

Rich Faith asked would you like to take care of the appointments tonight?

Councilor Kight stated I would make myself available as the alternate if the Council would like to have me as an alternate for this Steering Committee.

Councilor Thomas asked Mr. Mayor would you like to continue as the primary representative?

Mayor Thalsofer replied I think the Mayor should be on the committee. Is there anyone else that would have an interest in being the alternate?

Councilor Daoust stated I was going to suggest myself being Council President to follow the same protocol as a Council meeting where I would step in when the Mayor can't make a meeting. My first choice would be a person who would really like to be on the committee.

MOTION: Councilor Thomas moved that Mayor Thalsofer be the primary representative to the Columbia-Cascade River District Steering Committee, that Councilor Kight be the alternate and Rich Faith be the staff representative from the City of Troutdale. Seconded by Councilor Canfield.

Councilor Thomas stated we have a good selection of people. The knowledge is there and they have a definite interest in promoting economic development for the area.

Councilor Canfield stated I agree that the Mayor needs to be one of our representatives. Councilor Kight expressed an interest and so I think he would be a good alternate.

VOTE: Mayor Thalhofer – Yes; Councilor Canfield – Yes; Councilor Kyle – Yes; Councilor Daoust – Yes; Councilor Kight – Yes; Councilor Thomas – Yes.

Motion Passed 6 – 0.

8. STAFF COMMUNICATIONS

There was none.

9. COUNCIL COMMUNICATIONS

Mayor Thalhofer stated I would like to say that I'm complaining about the weather. I'm sick and tired of this winter and spring. People are still skiing on Mt. Hood.

Councilor Canfield stated I would like to congratulate our Finance Director Paul Hughes and the rest of the City staff for redoing our General Obligation Bonds which resulted in saving several hundred thousand dollars for our tax payers. That is fantastic news.

Councilor Daoust stated this past week I ran into two past City Councilors, Bruce Thompson and Chris Gorsek. Both of them still maintain a high level of interest in what the Council is working on. There are a lot of people that care about what goes on in this City. Both of them say hi to all of the current Council members.

Councilor Kight stated we want to think about the family of Paula Jordan, the 68 year old woman that lived in Sedona Park that was murdered. Our Police Department and other multi-jurisdictional agencies are working very hard to solve this crime. It's really been very upsetting to the Sedona Park residents as you can imagine. This is the first homicide that Troutdale has had in 10 years. The one prior to that was two fellows that met at the Texaco parking lot and had a shoot out. This Council and the Mayor have been extremely supportive of our Police Department and always providing the equipment and support that we need to keep a strong police presence in our community. Our heart and prayers go out to the two surviving daughters and their spouses for the loss of their mother. Our Police Chief has been working very hard and putting in very long hours to solve this crime.

Mayor Thalhofer stated we're very fortunate to have the expertise that we have in the Major Crimes Team. I know there have been some unsolved murders over the years, most of them in Gresham. I think we've come a long way since then with the Major Crimes Team.

10. ADJOURNMENT:

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

Meeting adjourned at 9:00pm.

Paul Thalhofer, Mayor

Approved June 24, 2008

ATTEST:

Debbie Stickney, City Recorder