

MINUTES
Troutdale City Council – Regular Meeting
Troutdale City Hall – Council Chambers
104 SE Kibling Avenue
Troutdale, OR 97060-2099
Tuesday, June 26, 2007

1. PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE

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

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

ABSENT: None.

STAFF: John Anderson, City Administrator; Jim Galloway, Public Works Director; Rich Faith, Community Development Director; Debbie Stickney, City Recorder; Paul Elsner, Interim City Attorney.

GUESTS: See Attached.

Mayor Thalhofer asked are there any agenda updates?

John Anderson, City Administrator, replied yes. We have provided you with a revised copy of Consent Agenda Items 2.1 and 2.2. The change made was to add language to the resolutions to rescind resolutions 1856 and 1857 respectively.

2. CONSENT AGENDA:

- 2.1 RESOLUTION:** A resolution accepting a Right-of-Way deed from Terminal Properties, L.L.C. for NW Rogers Circle Right-of-Way, rescinding Resolution #1856.
- 2.2 RESOLUTION:** A resolution accepting a Public Utility Easement from Terminal Properties L.L.C. adjacent to the NW Rogers Circle Right-of-Way, rescinding Resolution #1857.
- 2.3 RESOLUTION:** A resolution authorizing the Mayor to sign an Intergovernmental Agreement with the City of Gresham for mediation services.
- 2.4 RESOLUTION:** A resolution authorizing the Mayor to sign an Intergovernmental Agreement with Metro for Troutdale's local share component of the 2006 Natural Areas Bond Measure.
- 2.5 RESOLUTION:** A resolution requesting the transfer from Multnomah County to the City of Troutdale of tax foreclosed property (1N3E24C 01100) for public, non-housing purposes.

2.6 RESOLUTION: A resolution naming the new city park located at 2664 SW McGinnis Avenue as Cannery Park.

2.7 RESOLUTION: A resolution extending the City Administrator's contract for a period of twelve (12) months (from July 1, 2007 to June 30, 2008).

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

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

None.

4. APPOINTMENTS:

4.1 Port of Portland Citizens Noise Advisory Committee (CNAC): A motion to support the appointment of Richard Goldie as the 3 Cities representative on the Port of Portland's Citizens Noise Advisory Committee.

4.2 City of Portland – Port of Portland Planning Advisory Group (PAG): A motion to support the appointment of Lisa Barton Mullins as the East County (Fairview, Gresham, Troutdale and Wood Village) representative on the City of Portland – Port of Portland Planning Advisory Group.

MOTION: Councilor Ripma moved to appoint Richard Goldie as the 3 Cities representative on the Port of Portland's Citizen Noise Advisory Committee. Seconded by Councilor Canfield.

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

Motion Passed Unanimously.

MOTION: Councilor Thomas moved to appoint Lisa Barton Mullins as the East County representative on the City of Portland-Port of Portland Planning Advisory Group. Seconded by Councilor Daoust.

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

Motion Passed Unanimously.

5. PUBLIC HEARING / RESOLUTION: A resolution creating an exemption from competitive bidding requirements imposed by ORS Chapter 279C to allow the City to sole source the Discovery Block Parking Lot.

Mayor Thalhoffer read the resolution title and opened the public hearing at 7:07pm.

Jim Galloway, Public Works Director, stated as you are aware the Council has supported an effort to assist in the development of the Discovery Block, formerly known as the Marino Block, by procuring real estate and constructing public improvements, specifically a parking lot. Under state law, public agencies are required to competitively bid all public improvement contracts unless there is a specific exemption in the statute or an exemption created by the local contract review board. The City Council in Troutdale acts as the Troutdale Local Contract Review Board. Since there is no statutory exemption for this particular matter, if there is to be one it would be created by you as the Local Contract Review Board. There are a number of requirements provided by state law for sole source exemption. One, you need to hold a public hearing, which are you doing tonight. Second, the public hearing had to be noticed in the newspaper of general statewide circulation at least 14 days prior to this meeting. That was done by publishing a notice in the Daily Journal of Commerce on June 8th. Draft findings have to be prepared. Those findings have to follow a particular framework provided in state law. The draft findings have been made available for public review. You, as the Local Contract Review Board would have to approve the following findings: 1) It is unlikely that the exemption will encourage favoritism in the awarding of public improvement contracts or substantially diminish competition for the public improvement contracts; 2) The awarding of the public improvement contract under the exemption will result in substantial cost savings to the contracting agency. We feel that adoption of this resolution will allow, but not require, the City to go forward by foregoing competitive bidding on the project and awarding the Discovery Block parking lot contract directly to the contractor that is doing work on the adjacent private development. A copy of the draft findings is included in your packet.

Councilor Daoust asked do we have a price for the parking lot?

Jim Galloway replied my understanding is that a figure of \$212,000 has been discussed, and believe agreed upon. That would include both the public improvements and the real estate.

Councilor Kight asked if the project comes in at less than \$200,000 will the City be refunded that amount or are we committed to \$200,000 no matter what it costs?

Jim Galloway replied we haven't finalized the construction contract agreement. It was my understanding that \$212,000 was the final number so my initial thought would be to craft a contract that would be a fixed price amount.

Councilor Ripma stated one of the findings in the resolution states that it is unlikely to encourage favoritism in the awarding of public improvement contracts. Can you address that particular issue?

Jim Galloway replied I think if you look at this one particular contract it is a little difficult to say it will not encourage favoritism since we aren't going to more than one source. However, I think the logic or the theory behind that is that if you enter into an arrangement like this with a firm that isn't one who traditionally bids on public contracts that you may be widening the circle of potential bidders on future public contracts. I think that is the theory behind this.

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

Brent Parry, Troutdale Partners L.L.C., stated there have been a couple different numbers floating around of \$200,000 to \$212,000. I just want to clarify that this figure has been changed to \$212,000 so I just wanted to clarify that.

Mayor Thalsofer closed the public hearing at 7:20pm.

MOTION: Councilor Kight moved to adopt the resolution creating an exemption from competitive bidding requirements imposed by ORS Chapter 279C to allow the City to sole source the Discovery Block Parking Lot. Seconded by Councilor Thomas.

Councilor Kight stated I think many of us in the community, as well as the City Council, have been anxious to see that particular block developed. The south side has languished for a long time with a few exceptions, one being the Troutdale Vision Clinic and Richard Weill's Law Practice. With the right combination of developers I believe this will be a really nice project. I think the City will get this money back many times over through the development of the parking lot, not unlike what we did to the north side.

Councilor Thomas stated I think in this case allowing for a single source makes the most sense for the City. I think this will be an enhancement to the City and getting rid of those burned out buildings will be a nice improvement.

Councilor Daoust stated I am satisfied that we have met the criteria to go with a sole source.

Councilor Ripma stated I agree.

Mayor Thalsofer stated I have waited a long time for this day.

Councilor Canfield stated I am going to support the motion. This is really going to help downtown. What we are really voting on here is to authorize the sole source contract and I am satisfied that this has met the requirements and that it will probably save the City and the contractor some money. This is a good idea. We shouldn't take sole sourcing lightly but this is a good example of when we should do it.

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

Motion Passed Unanimously.

6. STAFF COMMUNICATIONS

John Anderson informed the Council that we need to hold an executive session and asked the Council if they were available on July 10th.

All members of the Council said they were available.

7. COUNCIL COMMUNICATIONS

Councilor Kight complimented our Police Department for the efforts they have made in addressing the complaints from the merchants on S. Frontage Road regarding transients.

Councilor Ripma wished everyone a happy 4th of July.

Mayor Thalhofer stated while we are celebrating the 4th of July we should also be thinking about all of our troops that are in harms way.

Councilor Kyle reminded residents of the Troutdale Bite and Bluegrass that will be held on Saturday, July 14th starting at 11am in downtown Troutdale. There will be eight bands playing at Mayors Square throughout the day and this year we have added a youth stage. This is a free event.

Councilor Ripma stated the Troutdale Historical Society's Ice Cream Social will also be held on July 14th during the Bite and Bluegrass.

8. ADJOURNMENT:

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

Meeting adjourned at 7:30pm.

Paul Thalhofer, Mayor

Dated: Approved December 11, 2007

ATTEST:

Debbie Stickney, City Recorder