



CITY OF TROUTDALE

"Gateway to the Columbia River Gorge"

AGENDA

CITY COUNCIL - REGULAR MEETING
TROUTDALE CITY HALL
COUNCIL CHAMBERS
104 SE KIBLING AVENUE
TROUTDALE, OR 97060-2099

7:00 P.M. -- March 13, 2001

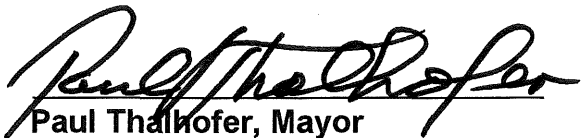
Mayor

Paul Thalhoffer

City Council

Pat Smith
David Ripma
Bruce Thompson
Jim Kight
Paul Rabe
Doug Daoust

- (A) 1. PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE
- (A) 2. CONSENT AGENDA:
 - 2.1. Approve Liquor License: Troutdale General Store
- (I) 3. PUBLIC COMMENT: Please restrict comments to non-agenda items at this time.
- (A) 4. PUBLIC HEARING / ORDINANCE (Introduced 2/27/01): An Ordinance amending Troutdale Municipal Code Chapter 13.20 relating to permit requirements for organized sporting events. Clyde Keebaugh
- (I) 5. REPORT: A report on noise and capacity limits for events in city parks. Clyde Keebaugh
- (A) 6. RESOLUTION: A Resolution establishing a Public Art Acquisition Policy. Rich Faith
- (A) 7. RESOLUTION: A Resolution establishing solid waste collection fees and rescinding Resolution No. 1407. Jim Galloway
- (A) 8. REPORT: Introduce Police Department's three-year strategic plan for Council to review and adopt. Chief Nelson
- (I) 9. COUNCIL CONCERNS AND INITIATIVES
- (A) 10. ADJOURNMENT


Paul Thalhoffer, Mayor

Dated: 3-8-01

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

March 13, 2001 7:00pm

Meeting was called to order at 7:00 p.m. by Mayor Thalhofer.

1. PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE

Mayor Thalhofer called on Councilor Kight to lead us in the Pledge of Allegiance.

PRESENT: Smith, Thompson, Kight, Rabe, Daoust, Thalhofer, Ripma (7:08pm).

STAFF: Faith, Galloway, Keebaugh, Nelson, Rausch, Kvarsten, Sercombe, Stickney.

GUESTS: See Attached List.

Mayor Thalhofer asked are there any agenda updates?

Kvarsten replied we have no changes this evening.

2. CONSENT AGENDA:

2.1 Approve Liquor License: Troutdale General Store.

Mayor Thalhofer called this item and read the consent agenda.

MOTION: Councilor Thompson moved adoption of the consent agenda.
Councilor Rabe seconded the motion.

YEAS: 6
NAYS: 0
ABSTAINED: 0

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

Mayor Thalhofer called this item and asked is there anyone here to speak to us on a non-agenda item.

No public comment received.

4. PUBLIC HEARING / ORDINANCE (Introduced 2/27/01): An Ordinance Amending Troutdale Municipal Code Chapter 13.20 relating to permit requirements for organized sporting events.

Mayor Thalhofer read the Ordinance title and opened the Public Hearing at 7:05pm.

Clyde Keebaugh reviewed the staff report contained in the packet.

Councilor Kight asked in the permit process more and more cities are looking at cost recovery for maintenance and repair of damage to the field that may be caused by different groups using the facilities. What I see missing here is the fees that you will be charging the groups.

Keebaugh stated that will be going to the Parks Advisory Committee at their next meeting.

Councilor Kight asked what kind of signage will you have on the fields warning folks that they need to have a permit to use the field?

Keebaugh replied we would post signage stating that permits are required for organized events on the field.

Councilor Kight asked how far in advance would they need to notify you in order to get a permit?

Keebaugh replied we could issue a permit within a matter of a few days if the field was available.

Councilor Kight asked have we had abuse of the parks by groups?

Keebaugh replied I wouldn't call it abuse, we have had some overuse of some of the facilities.

Councilor Daoust asked in Columbia Park, doesn't Reynolds Little League have first use of those fields?

Keebaugh replied they have a priority use from April through June.

Councilor Daoust asked so would they be offered the first permit for the fields?

Keebaugh replied they have an agreement with the City, so they basically already have been issued there permit for the next seven years or so.

Councilor Daoust asked they maintain the fields to a certain degree don't they?

Keebaugh replied they do all of the infield maintenance and the city mows the outfield, handles the irrigation and fertilization.

Councilor Smith asked would this just be for leagues, or would it also include families that want to use the field on the weekends?

Keebaugh replied it is aimed towards organized groups. It would be to the benefit of a group holding a family reunion that may want to play a baseball game to acquire a permit so they could use the field.

Councilor Ripma stated I had asked you at the last meeting about Sandee Palisades Park, did you find anything out about that?

Keebaugh replied we talked about holding that field open for the general public and to take that into consideration when we are scheduling fields to not completely monopolize that field with permitted use.

Councilor Ripma asked do you feel you could continue with that policy?

Keebaugh replied we could do that. We could block out time for general open use. If we experience a great demand for that field we could re-evaluate that.

Councilor Ripma stated I was thinking in terms of continuing the way it has been treated. I'm not really suggesting a change in policy but having this new policy not change the character of the use of that park.

Keebaugh stated we currently do not get a lot of demand for that field for organized groups.

Councilor Kight asked when groups are using the fields on the weekends, what mechanism do we have to monitor who is using the parks and if they have a permit?

Keebaugh replied we have two mechanisms. In the busier season we do have staff working on the weekends and the police are also available on the weekends.

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

No testimony received.

Mayor Thalhoffer closed the Public Hearing at 7:15pm

MOTION: Councilor Daoust moved to adopt the Ordinance amending Troutdale Municipal Code 13.20 relating to the permit requirements for organized sporting events. Seconded by Councilor Kight .

Councilor Daoust stated this will make things more orderly since we have more groups wanting to use the fields.

Councilor Kight stated unfortunately there is a shortage of fields and we have a young growing community. This is as Councilor Daoust pointed out, an orderly way of organizing that. It also allows the Parks Department to keep the fields in good operating condition.

**YEAS: 7
NAYS: 0
ABSTAINED: 0**

5. REPORT: A report on noise and capacity limits for events in city parks.

Mayor Thalhoffer called this item.

Keebaugh reviewed the staff report contained in the packet.

Councilor Kight asked Columbia Park and Glenn Otto Park are both listed as having a capacity of 1500 individuals at one particular time. What is the net acreage for Glenn Otto Park?

Keebaugh stated the park itself is over 4 acres, less the buildings and parking lot, I would guess we have 2 acres of open ground.

Councilor Kight stated when we talked earlier today, the number you gave me was approximately 3/4 of an acre.

Keebaugh stated that was the area of turf.

Councilor Kight stated you have 1500 for the capacity at Columbia Park, how many acres are there?

Keebaugh replied the total acreage is a little over 19 acres.

Councilor Kight stated at one park you have 19 acres and you have a capacity of 1500, the other park you have maybe an 1 to 1 1/2 acres and you have 1500 people. How did they come up with the 1500 number.

Keebaugh replied based on historical use. Some of the organizations that have had events in the past, it was estimated that they had 1500 at peak times. The Parks Advisory Committee settled on 1500 so that it would not limit the existing events, but would not be attractive enough or a large enough number to bring in a large organization.

Councilor Kight asked what is the parking capacity at Glenn Otto Park?

Keebaugh replied it is about 120 parking spaces.

Councilor Kight asked and for Columbia Park?

Keebaugh replied about 100.

Councilor Kight stated and there is overflow parking in the grassy area?

Keebaugh replied that would accommodate maybe 100 vehicles.

Councilor Kight stated so, 120 parking places for 1500 people and 1 1/2 acres of land at Glenn Otto Park and at Columbia Park you have 19 acres and around 200 parking spaces for 1500 people. How many restrooms are at Columbia Park?

Keebaugh replied two.

Councilor Kight stated at Glenn Otto you have facilities in the Sam Cox building and you have an outbuilding that has one mens and one womens restroom. This bothers me a little bit. I don't think either Harvest Fare or SummerFest at any particular peak time have 1500 people. Do we have statistics on that?

Keebaugh replied I don't have any.

Councilor Kight stated under the general rules there is nothing about sanitary facilities, could you address that?

Keebaugh replied that was not brought up at the Parks Advisory Committee discussions about noise and capacity. It would not be a problem to add some language to the rules requiring groups to provide a certain number of facilities for a certain number of people in attendance. I think that the sanitation companies have a matrix that they can use to figure out the number of facilities that are needed. Maybe we should add a requirement of a deposit to help with the compliance and add language that the city could step in and order additional facilities or have them changed out if they were not be attended to and put the cost burden on the event holder.

Councilor Kight asked, Chief Nelson, I understand that you have purchased or rented a sound meter and you have spent some time looking into this issue. Could you give me your background information addressing the sound problem that we have incurred along Jackson Park Road and other parts of the city.

Chief Nelson replied I found a location in the City of Gresham that had similiar issues about noise coming from a building that neighbors were complaining about the sound. They have a decibel meter, this is actually at a church and every Saturday or Sunday they would go out and measure the sound levels to make sure that they were within the 95 decibel reading to keep the sound down and keep the neighbors happy. I went out and took the sound meter and turned the music up and walked around the facility to get a feel for what 95 decibels was. To me that still seemed a little loud. My recommendation to the Parks Advisory Committee was to take it down to a 90 decibel reading withing a 100' of the source.

Councilor Kight asked currently there is no benchmark for the police, is that right?

Chief Nelson replied correct.

Councilor Kight asked would you not feel more comfortable with having some standard, some level from which to draw from other then just telling the event coordinators to turn the music down?

Chief Nelson replied we did discuss this at the advisory committee and they decided that they did not want to do that. They want to do a pilot program for the next year and we would go out and measure the sound at the upcoming events.

Councilor Kight stated I am asking what your preference is.

Chief Nelson replied it would be nice to have some background data on this, which we don't currently have. My recommendation to them was that we can either implement the 100' radius at 90 decibel and if that didn't work then we could adjust it accordingly. My recommendation did not make it through the committee.

Councilor Kight asked on special events we have incurred a lot of costs in overtime which comes out of the general fund and the tax payers end up subsidizing these private events, I am not talking about city sponsored events. Do you recall what you spent in overtime on last years water safety event.

Chief Nelson stated after we spoke this afternoon I went back and pulled out a memo that I sent to the Mayor, Council and Mr. Kvarsten dated July 30, 2000 where I outlined the actual cost we spent during that event. We spent just over \$1,900 for overtime. In 1999 we had 17 Officers present during that event from Troutdale, Gresham and Portland. In 2000 we only had 11 Officers all from Troutdale and we spent a total for that event over \$2,600 for overtime and for the Officers that were working that shift but were assigned to that duty.

Councilor Kight asked how do we have cost recovery when we have a private event like this and the Officers put in overtime?

Chief Nelson replied we have none.

Councilor Kight asked, Clyde, in your permit fee process that we talked about earlier, is this also something that we are going to be looking at, cost recovery for police?

Keebaugh replied we will be looking at some cost recovery for time.

Councilor Rabe stated I like the ideas of the guidelines. A lot of what Councilor Kight has mentioned are concerns. I wouldn't want to discourage anybody from these events, they are good for putting Troutdale on the map. They are positive events and we haven't had any real problems. I would like to try to keep the city from getting stuck with the bill. If some of these considerations that we have discussed, if they could be incorporated into the general rules in such a way that it is not going to scare everybody off. I am also concerned with the parking, there isn't really to much mentioned in regards to the parking. I am wondering if that is an issue that could be looked at a little more carefully. There needs to be a very clear plan for parking that all applicants would know about. Also, if you have a capacity limit of 1500 people and you had 6 to 8,000 show up, I wonder if we are getting into a liability situation. I hate to turn people away, but how do we control that and find a place in the middle. I would like you to take those concerns back to the Parks Advisory Committee.

Councilor Daout asked, the event that we had, the River Safety Day, was what I call an exception. Up until that point, I don't know how much problem we had with noise and over crowding. That event certainly brought up some concerns. I thought I heard the two major sponsors of that event say that they probably would not hold it again. So here we had an event that raised a bunch of concerns and I don't know if we are going to have that event ever again. So we are back to business as usual with SummerFest and the usual activities that we have down there. Have you not been able to control things outside of the River Safety Day?

Keebaugh replied up until that there really hasn't been any major concerns. There was always some concerns with SummerFest when the parade ends getting people in and out,

but we have always worked those out with staff every year. It is primarily the one event that has triggered the concerns.

Councilor Daoust asked do you feel that you have a good handle on the sanitation, again outside of the River Safety Day, but generally can you handle all other events or do we need a little more emphasis in that area?

Keebaugh replied it probably would not hurt to clarify it.

Councilor Daoust stated I like what the Parks Advisory Committee is recommending. It is logical and fair, with maybe some additional language regarding sanitation.

Councilor Smith stated I agree with adding some additional language for the sanitation issues. I think that we should require that the event coordinators have things in place the night before the event so we can see if there might be a problem. I think things like this should be in the general rules or the permit that they sign, I don't think the rules have enough detail in them of everything that needs to be done.

Keebaugh replied I think that is essentially what we have been proposing that we would put some language in the rules to require additional sanitation prior to the event with possibly a sizable deposit so if they do not comply the city could step in and get more facilities and charge that to the event organizer.

Councilor Ripma stated I agree with Councilor Daoust, this seems like a reasonable proposal. Councilor Kight is talking about some additional controls and I agree they would be a good idea. This proposal to me seems to stand on its own, in other words, the idea of specifying capacity numbers for the parks seems like a good idea independent of whether we go on and do portable toilet and noise controls. Do you agree that we could go ahead with the capacity numbers tonight, so we have them in place for the summer and couldn't we refer the noise control and the portable toilet issue back to the Parks Advisory Committee and adopt those later?

Keebaugh replied that could be done.

Councilor Ripma stated you mentioned, both you and the Chief, talked about a noise control and portable toilet language, do you have those ready tonight?

Keebaugh replied no.

Councilor Ripma stated it looks like the action before us tonight is to accept the report. If we accept the report the capacity limits would then be effective for the parks.

Keebaugh replied yes, as would the special park use permit.

Councilor Thompson stated with the capacity for Glenn Otto Park being set at 1500 you wouldn't be able to have the River Safety Day?

Keebaugh replied I don't think it would be as attractive to the organizers.

Councilor Thompson stated I am generally in favor of these rules.

Mayor Thalhoffer asked when someone has an event and they lose control of the people coming to it, do you just count to 1500 and then cut them off and send them home. That is difficult isn't it?

Chief replied there are a couple of ways that can be done. One, if it was a private promoter we would hope that they would do some pre-ticket sales limiting it to 1500. Second would be having someone at the gate counting people as they go through the gate. We have all seen events where the Fire Marshal limits the number of people in the building and there are people outside the building waiting to attend. I would envision something like that.

Mayor Thalhoffer asked wouldn't it be just as easy to take this back to the Parks Advisory Committee and put in the new language and bring it back when it is completed?

Keebaugh replied we can do it either way.

Mayor Thalhoffer stated I am not in favor of piecing this together. Lets just send the general rules back for some amendments that we have discussed tonight. Do you understand everything that we are looking for?

Keebaugh replied I understand everything that has been discussed but I would like to have a definitive request.

Mayor Thalhoffer stated okay, lets start with Councilor Kight.

Councilor Kight stated 1) make sure that they have adequate restroom facilities for any event; 2) that the Parks Supervisor or designee has the authority if the promoter of the event does not have adequate facilities that because of a larger deposit, you can order additional facilities or if the facilities are adequate but they are not being services, the Parks Supervisor can step in and take care of the problem; 3) look at a cost recovery system, partial or full, for the police as well as park personnel that may have to be on duty for that particular event; 4) if they do not want to follow the advice of the Police Chief for setting the standard for sound amplification, that they come up with another standard so that when the police personnel receive complaints and they approach the promoter of the event and ask them to turn down the music that they have something to draw on; 5) look at the total permit system in the amount of the deposit, I am not only including cost recovery for your people but for damage, cleanup and whatever is required to return the park to the condition that it was in prior to the event; 6) look into the parking issue, you have only 118 parking spaces and you allow 1500 people in the park.

Mayor Thalhoffer stated these are suggestions from the City Council for the consideration of the Parks Advisory Committee.

Councilor Rabe stated I don't have anything to add to that.

Councilor Daoust stated it is hard to get direction from Council when you might get

different opinions. When the Parks Advisory Committee considers these, I want to take issue with only one thing that Councilor Kight brought up, the rest are good. The issue about cost recovery I have a real concern that we don't put such a high price tag on using the parks. If we price the parks too high by trying to consider the wages of all the parks people that are down there setting up the event and cleaning up and the police. If we tack on all those costs and try to recover, fully or partially, the costs, I don't want the cost of renting Glenn Otto Park to get too high. Part of the mission of this city is to make that park accessible to the Chamber of Commerce and other groups that want to rent it.

Councilor Smith stated I have nothing to add.

Councilor Ripma stated we seem to be giving direction for returning this to the Parks Advisory Committee.

Mayor Thalhoffer replied correct.

Councilor Ripma stated I would caution the Council that some of these issues that have been raised, all of them are good points. They are not easy to deal with. Just the simple number of restroom facilities required could take all summer to come up with a number. While I agree with the Mayor that piecing things together is not always good. I point out that the Parks Advisory Committee considered the Chiefs noise idea and suggested that we do a year of survey. This seems like a modest, simple, sensible proposal that will eliminate the very large expensive events that we have had the last few years that were unsuitable for our little city park. It might just work as it is. I am willing to have the committee consider these other things, but I recommend that we go forward and accept this recommendation, it is not inconsistent with any of these others. Councilor Kight's proposals will take a lot of work and they can be added later and at least we would then have something in place for this summer.

Councilor Thompson stated I agree with a lot of what Councilor Ripma said. I think we should consider these general rules tonight and get them into place and refer the suggestions to the Parks Advisory Committee to study and we can take action on those in the future.

Mayor Thalhoffer asked Mr. Keebaugh, the suggestions that have been given to you tonight by the Council, how long do you think it will take the Parks Advisory Committee to review them?

Keebaugh replied it would probably take a couple of meetings, it could be three months down the road and then it would have to get on a Council Agenda.

Mayor Thalhoffer stated perhaps we should pass the general rules and then come back with answers to these suggestions made tonight.

MOTION: Councilor Ripma moved to accept the report from the Parks Advisory Committee. Seconded by Councilor Daoust.

Councilor Kight asked for a Friendly Amendment: to add language to the general rules requiring that the promoters of an event have adequate restroom facilities.

Councilor Ripma replied I endorse the idea, but what do we specify. I have no idea what the correct number is and if we just say adequate? I think both Glenn Otto and Columbia Park can handle the 1500 people. I say try it for a year and see what happens.

Mayor Thalhofer asked Councilor Ripma do you accept the Friendly Amendment?

Councilor Ripma replied no.

Mayor Thalhofer asked is there any further discussion on the motion?

None.

YEAS: 7
NAYS: 0
ABSTAINED: 0

6. RESOLUTION: A Resolution establishing a Public Art Acquisition Policy.

Mayor Thalhofer read the Resolution title and called on Mr. Faith.

Faith reviewed the staff report contained in the packet.

Councilor Kight asked could you explain exactly what happens if the city wants to have a bid process for a specific art piece.

Faith replied we have not went through this process but to the best of my knowledge how this would work is if the city has set aside a certain amount of money for a piece of art they would provide the equivalent of a request for proposals, a "call for artists". They would give notice that the city is interested in a piece of art and generally describe what they are looking for and how much money they have to spend on it. Then you would take proposals from various artists that would give you renderings of an art piece that they felt met the objective that was set by the city. The process of reviewing the proposals is done by the Parks Advisory Committee and they would make a recommendation to the selection committee. The selection committee would make the final determination and then the City Council would accept the proposal.

Councilor Kight asked is there any mechanism in there to which the city can commission a specific artist because of his style of work?

Faith replied I would like to ask Mr. Caswell, our artist representative to help me out with this.

Rip Caswell stated I think the way it reads now, if it is funded in full it will go to a call for all artists.

Councilor Kight stated that addresses the area of fairness but not if you are looking for a particular art piece for a specific building, are you comfortable with that.

Caswell replied if the Council is, I am. If you saw a piece that you felt was the ideal piece that would fit a location, you like the artist and you like the concept. Rather than having other artists compete to copy that piece, you wouldn't be able to just go and purchase that.

Faith stated I would have to agree with that. I believe that it was specifically written that way out of concern that we weren't giving sole contracts to an individual artist, that there is fairness in allowing this opportunity to be open to all artist to submit examples of their work. I suppose it goes hand and hand with the overall acquisition policy that all municipal governments are bound to under state law.

Councilor Kight stated what prevents someone from copying an art piece?

Caswell replied there are copy right laws.

Councilor Rabe asked let me see if I understand this. If there is a piece of art in a gallery and someone at the city sees it and they think it is appropriate and they send the committee to look at it, we are prohibited from buying it?

Caswell replied I believe so.

Faith asked maybe I need help on whether our public acquisition law applies to art. We can't just go out and buy a vehicle off of a lot, or a tractor or equipment just because we like the looks of it. If we are going to be spending over a certain amount of money we have to go through a process of open bidding and selection. I think the same would have to be true with buying artwork.

Caswell stated there is nothing to stop you from going to that artist and saying we are going to be sending out a call to artists and we would like you to submit your piece. In every probability the Council could say to the committee that we like this piece, it would go through the same process but you could pull it forward I suppose.

Councilor Rabe stated but in a sense that is a falsehood. In essence we are going to waste other peoples valuable time presenting material that we are not interested in.

Caswell stated unfortunately that is the way it works a lot in the art policies.

Councilor Rabe stated but this art policy doesn't have to be that way does it Rich. Are we legally bound to have it that way?

Faith replied I don't have an answer.

Sercombe stated the answer is no. The way that the public contracts law works is that it

sets up general parameters for the procurement of personal property, including art work. It gives to the Council, as the contract review board, the power to set up categories of exemptions from the requirement of public bidding or to set up whatever process you want for the acquisition of art. Most cities have some sort of art acquisition policy or have at least an exemption from the requirement of bidding. This process is almost the opposite of public bidding where typically you go out and say I want to buy "X", now how many can bid on what the price of that is going to be and we will take the lowest price. This process you say I want a piece of art and I want to spend "X" amount of money, then people tell you what they can do for that amount of money and then you choose from all the different types of art pieces. The process is as you set it up and whatever you set up is going to be lawful because you are allowed to have that exemption authority under the State Statute.

Councilor Rabe asked if there is a existing piece that everyone approves of, in order to purchase that piece we would have to have an exemption to the bidding process within this document?

Sercombe replied yes, or you can do it on the spot and exempt that particular purchase from the requirement of bidding or your general policies.

Councilor Rabe asked that would have to be in this text doesn't it?

Sercombe replied it doesn't necessarily have to be in the text but I think it would be wise to put something in the text.

Councilor Kight asked would it have to be a pre-existing piece of art?

Sercombe replied no.

Councilor Rabe stated I don't want anybody to get the impression that I not interested in the bidding process. I would actually propose that anything that was local would be very appropriate. I am also looking at style and cost and the bigger picture.

Councilor Daoust stated I tend to like acquisition policies and I like working with committees. With art work you will get such different opinions on art work of any category of purchases. Did the Parks Advisory Committee look at what other cities do as far as the art acquisition method?

Faith replied that is exactly what Nancy Conrath contributed to this process. She is very familiar with what other communities do and provided examples of policies from other communities.

Councilor Daoust asked is this similiar to those?

Faith replied it is based on that. We deviated from that, for example, one significant deviation from other communities is you might find that one community specifies that a certain percentage of funds for capital construction of a building has to go towards public art. The advisory committee did not want to go that way so they have not proposed that in this policy.

Councilor Daoust stated I actually like what I see here.

Councilor Smith asked would this committee be responsible for every piece of artwork for the city?

Faith replied that is correct. They would be reviewing every piece of public artwork that is either donated or the city is interested in.

Councilor Smith asked who picks the committee?

Faith replied the process would be that it is first going to be reviewed by the Parks Advisory Committee. They would do an initial screening and if they decide that this particular art piece is appropriate then it is referred to a selection committee. The selection committee is comprised of five to seven people designated by the Parks Advisory Committee.

Councilor Smith asked does the selection committee have a term limit or is it a permanent appointment?

Faith replied it is an as needed committee.

Councilor Ripma asked artwork that is donated to the city, under this policy, does not have to go through the call for artists process, is that right?

Faith replied that is correct.

Councilor Ripma asked if an artist wants to donate a piece of artwork to the city, the way I am reading this, the committee still considers the art piece, is that right?

Caswell replied I believe it bypasses that process doesn't it?

Faith stated I think it bypasses the call for artist. I believe it stills goes through the Parks Advisory Committee.

Councilor Ripma stated if artwork was donated and the committee rejects the piece for some reason, does the Council have an opportunity to decide anyway? I just want to clarify that a recommendation for or against a piece of artwork is brought before the City Council and we have the final word.

Faith stated my understanding of the policy is that you have two levels of review by citizen committees. And unless it is going to be recommended for approval, it would not be referred to the City Council.

Councilor Ripma stated that concerns me. If you go to page 3 of the Resolution, the second to the last bullet, if we deleted the words "if approved or modified", and it just said "the PAC shall submit a recommendation to the City Council for consideration." I wonder if that would allow a recommendation for or against a art piece to come to Council for our consideration.

Sercombe stated if you were to eliminate the words "if approved or modified" it would then state the PAC has to submit a recommendation to the City Council for either approval, modification or disapproval. The recommendation could include a reevaluation of the proposal by the selection committee.

Councilor Ripma asked do you also agree that if we don't take out those words, it may never come to us?

Sercombe replied yes.

Councilor Ripma asked Mr. Caswell, do you have a comment on that?

Caswell replied that is something I overlooked. When I addressed the committee my main concern was that we could continue to encourage the gifting that we have had in the past. I said that I wanted the opportunity and I felt other artist deserve the opportunity to be able to get this before the Council for a decision ultimately on a gift type of a thing. I think they were all in agreement and we reworded some things, but I think we overlooked this point.

Mayor Thalhofer stated I guess I have a little more faith in committees. I am not so sure that the amendment that Councilor Ripma is suggesting is a good one, I would like to hear some more argument as to why that would be necessary or should the City Council be the ad-hoc committee. If we have a committee to do a certain job, then we should let the committee do that job. Mr. Caswell do you have anything to say about that.

Caswell stated I understand what you are saying, my only concern is the Council missing out on an opportunity that they might regret at some point. I think that as many people that can look at a project and have debates the better. I do appreciate the Council and the Parks Advisory committee considering my input.

Mayor Thalhofer asked did the Parks Advisory Committee consider this point?

Faith replied I don't think that anyone focused on that. I don't recall any discussion of this point. I only became involved in this after it was referred back to the Parks Advisory Committee. I think the primary focus was the points that Rip Caswell had raised in the language that I reflected in the italics.

Councilor Ripma stated I would be in favor of sending it back to the Parks Advisory Committee to consider the change that I am proposing. I feel that they might have overlooked this.

Mayor Thalhofer stated I don't have a problem sending it back for them to consider this. I think we have another problem besides that and that is the exemption. That should be in writing somewhere.

Sercombe stated it is in writing. Since we discussed this a few minutes ago I have checked the code and we do have an exemption, a generic exemption in the code now. That exemption is for the commissioning of selection of art work, so there is no legal

requirement, given that exemption, that there be any public bidding for any art work period. You are free to select whatever policy you want in this regard.

Mayor Thalhoffer asked please clarify that. Give us your interpretation of that in regards to this policy that the Parks Advisory Committee is proposing.

Sercombe stated what the exemption means is that you don't have to go out and ask for artists to submit proposals to give you art work and then choose among those proposals as to whoever has the cheapest price. That is what the exemption does, it means that you don't have to select art work on the basis of comparative price, you can select art on some other factor. This policy details how you select art work. It says that you establish a budget in advance and then go out and choose among competing proposals, or maybe not, for the artwork that you want to buy for the budget that you have established. You are free to select whatever policy you want in regards to the purchase of artwork without regard to the requirements of the State Statutes and public bidding.

Councilor Rabe asked so the scenario I had mentioned could be implemented.

Sercombe replied the scenario that you talked about Councilor Rabe is could we go out and have individual purchases and make decisions and the answer is yes you could do that under the public contracts law because you have exempted this particular purchase from the requirements of a bid response. But you do need to look at what the policy is that you want for the selection of art and establish that through this resolution. That is a separate issue from the public contract issue.

Councilor Rabe stated so if a piece of art was looked at and reviewed and it met the criteria and everybody was fine with the purchase of it, then it could be purchased.

Sercombe replied if that is what the Council decides this policy to be, yes. Again, to put the issue of state law aside, you have exempted the purchase of artwork from the requirement of bidding that exists in state law. State law only controls how you purchase artwork in ways that are not relevant to discussion tonight. What you are discussing tonight is, how do we purchase artwork. What kind of policies do we want. That discussion is unencumbered by the requirements of the public contracts law. You need to decide whatever policies you want.

Mayor Thalhoffer asked we were talking about an exemption in a specific situation not the one that you mentioned, the exemption on the spot that you mentioned.

Sercombe stated if you are talking about an exemption on the spot and the requirements of public bidding, you don't need to do that since you have a generic exemption in the code. If you are talking about as a matter of this policy, having a general policy for the selection of artwork but maybe having within this policy and exception from that process for the purchase of individual works of art that are preexisting, where there is a proposal brought forward by a Councilor to the Council, or by someone else to the Council, to buy something that already exists, you could create such a policy. It is not in the policy right now.

Mayor Thalhofler stated since we are going to refer this back to the Parks Advisory Committee maybe we ought to submit that as well. Mr. Faith are getting sufficient direction?

Faith replied yes. Where I see a conflict with the existing language is under proposed acquisition which is on page 2 where it says "the proposal may include completed artworks, funding for the determination and completion of artwork, or request to produce artwork by individuals or groups". What I hear being said is what you would like added in there is "or on the spot purchase of existing artwork." I will have the Parks Advisory Committee discuss this and the possible deletion of the words "if approved or modified" on page 3 the second to the last bullet.

Mayor Thalhofler asked Mr. Bauman to come forward and give his thoughts on this proposal.

David Bauman stated I have attended most of the meetings and one of the things I would like to address Mr. Ripma on is in some of the discussions we had at the Parks Advisory Committee meetings is the fact that there are so many decisions that you folks have to make at your level, we were trying to narrow these down and not bring everything to the Council.

Councilor Kight asked Mr. Sercombe, on the proposal to make the on the spot purchase, do you see any down side to that at all?

Sercombe replied no. I think the issue for you is what is the process in order to do this sort of non-competitive or on the spot purchase. One suggestion might be that if the proposal is brought to the Parks Advisory Committee and the Selection Committee is appointed to look at the purchase of existing artwork, then you may want to give them discretion to not have a call for artist in that regard and to allow for the proposal to be moved forward without having any sort of competitive proposals. It would be subject to the recommendation of the Selection Committee and the Parks Advisory Committee the same way as the other process would be, but you would eliminate, this would be another exemption from the need to have a call for artists. If you wanted to do that you would amend the italicized language that you amended earlier that talks about if artwork is donated to the city, you could add "or if the proposal is for the purchase of a completed art piece in full or in part it may bypass the call for artists". I am not sure if that is the appropriate wording, but that may be a way to address that. The issue for you in looking at that so called on the spot purchase, is whether or not you want to take it through the selection committee and Parks Advisory Committee process or do you want to have it come directly to the Council.

Councilor Kight asked so do you feel there are enough safeguards in place for the on the spot purchase by going through the committees?

Sercombe replied I think that is the question for you.

Councilor Daoust asked with as much work as the artist community has put into this, what would the reaction be to the city being able to send a buyer out and just spot purchase

something? Here we are setting up this process where we have it going through two committees, we have a bunch of eyes looking at what we want to do and now we are thinking of throwing in, well we feel like just going out and just buying something. What is your reaction to this option that we are thinking of adding in here?

Caswell replied I can't speak for everyone. If for instance, I know there is an artist that has sculpted former Mayor Sam Cox, and if the Council decided that that is the piece that they want, I would have no problem with that piece being purchased.

Councilor Daoust asked is the artist community use to submitting competitive proposals, is that the normal way of doing it?

Caswell replied I just received a job from Kelso, they just came and purchased four of my bronzes and it was very simple.

Bauman stated one of the things to take into consideration is you are circumnavigating a process but the fact remains that if there is something that the Council feels strongly about that would fit with the community image, I don't think that the artist community as a whole, I can't speak for everyone, but I can't see them being against that. One of the things that the artist community is out there for is to get art in the public eye. The more public art that is out there the better off everybody is and the better off the community and the art community is.

Councilor Ripma stated with regard to the ultimate decision being up to the City Council, while I appreciate trying to save us some work, it would really only be donated artwork that would be an issue. If it was purchased artwork we would have authorized the spending of money and we would know all about it. Up until now the City Council has been doing it all so this whole procedure that we are setting up is going to save us some time and it is going to introduce some expertise into the process that doesn't exist now. But in the end, spending public money or placing art in public places, the City Council is responsible ultimately. I actually think that it was an oversight, the fact that the process could block it from ever coming to the Council.

Mayor Thalhofer called for a break at 9:12pm.

<p>7. RESOLUTION: A Resolution establishing solid waste collection fees and rescinding Resolution No. 1407.</p>
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Mayor Thalhofer reconvened the meeting at 9:22pm and read the Resolution Title.

Galloway introduced Kevin Rauch the new Environmental Specialists.

Galloway reviewed the staff report contained in the packet.

Councilor Kight stated I noticed that there is an increase of 8.11% for residential curbside container service and a decrease of 8.62% for commercial container service and then an increase of 27.83% for drop box container service. They are able to substantiate that?

Galloway replied yes. They take a look at the cost of services in each of the classes, the

residential, commercial and the drop box.

Councilor Kight asked is there any reason that we couldn't split the difference between the residential curbside service and the commercial container service? I am worried about people making illegal dumps if the garbage service gets to expensive.

Galloway replied there is no absolute reason why you could not do that. That is not our recommendation. We have had as a general policy, to try to have each class of service stand on its own. There is the potential, it is not a reality that we are facing today, but the potential of the deregulation of the commercial fees which would force us to come back for a rate increase to bring the residential service up so it is self supporting. If it were your decision to modify that recommendation and go less extreme on both, as long as we are providing a reasonable rate of return for the hauler, I don't know of any reason why you couldn't do that.

Councilor Ripma stated the rate review report makes reference to the Council passing Ordinance #697 in response to the AGG litigation, is that the Metro Council, is not the Troutdale Council is it?

Galloway replied yes, you adopted an ordinance in response to some of the earlier litigation in which a particular portion of the commercial waste stream was determined by federal courts to be exempt from local regulation. Part of the ordinance change that we brought forward and recommended and the Council adopted was to modify our code to include that definition from the courts of exempt load and to delete that piece from the portion that we regulate under our commercial lease.

Councilor Ripma asked what was exempted.

Rauch replied exempt load means a source-separated load of recyclable materials or a mixed load containing solid waste and recyclable materials from a single-generator non-residential accounts transported from, in and through the City of Troutdale to a manufacturer, recycling facility or material recovery facility, but not to a transfer station or landfill. Multi-family accounts such as apartment complexes and condominiums are considered residential accounts.

Councilor Ripma stated these are exempt from regulation but they are not exempt from the hauler charging.

Galloway replied no, they are not exempt from the hauler charging, they are exempt from our ability to regulate them. We can not include them in our franchise, we don't get a franchise fee for them and we can't set the rates for them.

Councilor Ripma stated I understand that, but that is being used as a justification for the haulers lack of profit, I am struggling to see why.

Galloway stated I think one of the concerns is once you have deregulation and it is no longer covered by franchise, there would be competitors out there basically picking off the cream of the crop.

Adam Winston, Division Manager for Waste Management, in the past all of the waste types were figured into the rates and the rates were based on that. Now with the deregulation in the source-separated recyclables on the single generated loads, meaning the drop box or the mixed dry waste, those are now deregulated. Before when those figured into the rates to get our return, now they are pulled out and it is open market so you have to take that out of the equation. Currently in the City of Troutdale I have already lost four accounts to a competitive hauler for commercial accounts. Even though the original ruling stated that single generated mixed dry waste was deregulated, the single-source is a matter of dispute and this is the lawsuit. AGG, who is the plaintiff in this says that small container boxes, what you see at a business or apartment, also fell under that ruling. They have been going into a number of our municipalities, Troutdale, Gresham and others and have taken a lot of these customers. The original ruling also stated that it could only be dry waste and it has to go to a material recovery facility, it didn't say how much had to be taken out which is our big concern because it can affect recycling long-term. The reason why I am urging you to adopt the resolution as it is written, I think from a business standpoint and also because of the uncertainty of what is going to go forward, if you have the true cost of service, if something happens over the next two days I don't have to come back here later and say everything is deregulated and we have to go through this again.

Councilor Ripma stated I appreciate the explanation, I am not sure I understood it all but I understood enough.

Councilor Kight stated for clarification, you are saying that if there isn't the 8.62% commercial container service you will not be competitive?

Winston replied even with the reduction in the commercial rate, a hauler can make a decision and offer a lower rate. Remember, even with the reduction in the commercial rates, I will still be paying franchise fees and the competitor won't.

MOTION: Councilor Ripma moved to adopt the Resolution establishing solid waste collection fees and rescinding Resolution #1407. Seconded by Councilor Kight.

**YEAS: 7
NAYS: 0
ABSTAINED: 0**

8. REPORT: Introduce Police Departments's three-year strategic plan for Council to review and adopt.

Mayor Thalhofer called this item and stated we have a sensitive situation here with the other cities. One portion of the report talks about consolidation and I heard from some of the other cities that they are not to happy with us because we didn't consult with them first.

Chief Nelson stated with me is Jerry Calavan the consultant and co-facilitator on this project and Jerry Stitzel a community member and a participant in the work shop.

Chief Nelson reviewed the three-year strategic plan.

Stitzel reviewed the eight priority areas that the task force is proposing in the plan that need to be addressed. Some of the other municipalities have taken exception to one of the issues. I probably don't need to remind you but I will, that when you involve citizens in the process we are free to say basically what we think. It was the citizens who brought up the issue of looking into consolidation. We aren't worried about what the fall out will be. I wanted you to understand how that came about, it wasn't the Chief, the citizens brought that up as a area we need to look at. The other municipalities may be having a problem with that, but our citizens felt it needed to be looked at.

Chief Nelson stated I want to touch base with what Mr. Stitzel talked about. This is a community group effort, it wasn't something that was sparked by the police department. It was something that was brought up in this work shop by the community members. I feel I have an obligation to listen to the people who pay my bills, who put the cars and officers out on the road. I guess I apologize for the manner in which it came out, I don't apologize for the content of it and bringing it to my attention. However you would like to direct me, I will follow your direction.

Councilor Kight stated we currently have 1.25 officers per 1,000 residents. The recommendation of this group is to be a 1.3. Based on our current population, how many more officers would you have to add?

Chief Nelson replied we have 18 now, we are in the process of hiring another officer which would bring us to 19. We would need 21 or 22 officers to meet that.

Councilor Kight asked what are we looking at as far as budget cost?

Chief Nelson replied we use the figure of about \$65,000 per officer. If it gets into multiple officers, 2 to 3 at a time, then we also look at the possibility of another vehicle that we would have to purchase.

Councilor Kight stated if we do adopt this document as it is currently written, where does this document go and more importantly who helps implement it?

Chief Nelson replied the responsibility falls back to me. What I would do is I would make a commitment to the people on the task force that I would report back to them on a quarterly basis on where we are with the process. I would do that in a matter of two ways, one I would report to you in my quarterly report and in addition I would put this on our web page with updates of where we are.

Councilor Rabe asked what percentage of our staff are minority?

Chief Nelson replied zero. We have one female full-time officer.

Councilor Daoust stated it is a good strategic plan. So the budget you are presenting for next fiscal year has the 19 officers in it?

Chief Nelson replied yes.

Councilor Ripma stated I commend the committee, it is a good report. I endorse and agree with what the Mayor said at the beginning. I to have heard discouraging words about us, Troutdale, proposing consolidation with neighboring cities. It isn't just that it is impolite for us to bring it up, it is actually not a good idea. I can understand why it has a superficial appeal and why citizens would bring it up and I am sure that they had the best of motives. I represented Troutdale, before I was on the Council or Planning Commission, I spent a year on a police consolidation task force called Public Safety 2000. That group was looking at police consolidation in Multnomah County, everybody would be Portland Police Bureau protected was the concept. We looked at the hard numbers and it didn't work. The committee concluded that police consolidation does not have efficiencies. I would be delighted to present it, I have all of the paper work still and the final reports. I guess I would just put it, how would Troutdale feel if Gresham or Portland proposed it to us? That is the way that Fairview and Wood Village feels. With that exception, I fully commend the work and I think the intention of the consolidation was good, it just doesn't happen to prove out. The other thing I take issue with is the idea of having an ordinance or referendum not allowing the police department to fall below a certain officer per 1000 residents level. The trouble with that is, that doesn't allow for changes in the future and I can't endorse that idea. The overall goal is to establish a stable financial base that ensures police services will continue, I can support that. Other than those two exceptions, it is a great report. I wouldn't endorse the report with number 7 in there and I would move to remove that.

Jerry Stitzel stated I don't understand how the adoption process works, that isn't my concern. My concern is that it is important for the Council to understand that if that issue, number 7, had not shown up in this report then the citizens involved in this process would have felt that their ideas were not being heard. I agree with you completely. I had some wind of the fact that some of this research had been done in the past, but we didn't have the information available to us.

Mayor Thalhoffer stated the only problem I have is with the way it came out. I think something like that needs to be discussed between the three jurisdictions. The criticism I heard is simply the way it came out. It is water under the bridge. What I would like to see us do at the law enforcement level, is to get together with the Wood Village and Fairview and talk about it and see if there is any interest at all. There is nothing wrong with a citizens committee coming up with that recommendation because I think the average person wonders why don't these three little cities get together and consolidate the police services.

Chief Nelson stated I think that the direction that the committee is giving us is to just look at it and see if it pencils out. I have no idea if it is going to be cost effective.

Councilor Ripma stated I don't agree that we should initiate a study of police consolidation with other cities that are smaller than us. It is not our place to do that. What this report is doing is the City Council of Troutdale is recommending that we research the feasibility of consolidation with other police departments. I am against the idea.

MOTION: Councilor Ripma moved approval of the Troutdale Police Departments Strategic Plan for Fiscal Year 2000-2001 to 2003-2004 as presented with the exception of recommendation #7 which I would delete.

Councilor Daoust asked for clarification. Are you talking about deleting the whole objective or the action item?

Councilor Ripma replied deleting the action item from the recommendation where it appears on page 14 and 22.

Councilor Daoust asked so deleting the whole thing?

Councilor Ripma replied deleting #7, research the feasibility of consolidation with other police departments.

Motions died due to a lack of a second.

MOTION: Councilor Kight moved to adopt the Troutdale Police Departments Strategic Plan for the fiscal year 2000-2001 to fiscal year 2003-2004 in its entirety. Seconded by Councilor Daoust.

Councilor Kight stated this report should go forward under the implementation of our Chief and leave it to his professional expertise.

Councilor Daoust stated I trust the work that the committee did on this and I trust the professionalism of the police department of handling the #7 situation. I was concerned, as Councilor Ripma was, that we have now put into an action item and we have put dates on it. Once it goes beyond a goal and objective and you actually put it into an action item, that says we are going to act on it. I was a little uncomfortable with that. But, I have full faith that we can work out this action item and come to a conclusion on it, so I am not worried enough to not adopt the plan the way it is.

Councilor Rabe stated I am fine with approval. I see some text in #7 that provides me with some comfort, where it says they would implement the process if one is suggested. It is entirely possible that no particular process is suggested, in which case the action is complete.

Councilor Smith - no comments

Councilor Ripma stated I am afraid by giving this direction from the City Council endorsing the idea, we have taken it out of the Chiefs hands. We are intending to look into forcing our will on our neighboring cities and look into the feasibility without even asking them if they want to. How would we feel if another city decided to look into consolidating us into them without asking us? I can not support this.

Councilor Thompson stated I don't think item #7 is going to go anywhere. Unlike

Councilor Ripma, I don't think it is a matter of diplomacy. I think it was brought up by the committee as an area of inquiry and I think we should proceed with it.

Mayor Thalhofer stated one of the first things we can do is ask them if they are interested and if they are not that is the end of it. We are not going to force them to consolidate with us, we can't.

Councilor Ripma asked is that the feeling of everybody, because I could support the motion if that was the feeling of everyone.

Councilor Rabe stated that is how I interpret it.

YEAS: 7
NAYS: 0
ABSTAINED: 0

9. COUNCIL CONCERNS AND INITIATIVES

Mayor Thalhofer called this item and stated if there is no objection, I would like to skip this item and move on to the work session.

No objections voiced.

10. ADJOURNMENT

MOTION: Councilor Thompson moved to adjourn the meeting. Councilor Ripma seconded the motion.

YEAS: 7
NAYS: 0
ABSTAINED: 0

Meeting was adjourned at 10:31pm.


Paul Thalhofer, Mayor

Dated: 5-9-01

ATTEST:


Debbie Stickney, City Recorder

