



CITY OF TROUTDALE

"Gateway to the Columbia River Gorge"

AGENDA

CITY COUNCIL – REGULAR MEETING

Troutdale Police Community Center – Kellogg Room

234 SW Kendall Court

Troutdale, OR 97060-2078

Tuesday, January 9, 2018 – 7:00PM

Mayor

Casey Ryan

City Council

David Ripma

Randy Lauer

Larry Morgan

Glenn White

Rich Allen

Zach Hudson

City Manager

Ray Young

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

2. **PUBLIC COMMENT:** Public comment on non-agenda and consent agenda items is welcome at this time. *Public comment on agenda items will be taken at the time the item is considered. Public comments should be directed to the Presiding Officer, and limited to matters of community interest or related to matters which may, or could, come before Council. Each speaker shall be limited to 5 minutes for each agenda item unless a different amount of time is allowed by the Presiding Officer, with consent of the Council.*

3. **RESOLUTIONS:** Resolutions approving City financial statements and receiving Annual Audit Report:
 - 3.1 A resolution approving the City's financial statements and Comprehensive Annual Financial Report (CAFR) for the Fiscal Year ended June 30, 2017.
 - 3.2 A resolution accepting the Report of Independent Certified Public Accountants on the audited financial statements of the City for the Fiscal Year ended June 30, 2017, the Auditor Communication Letter (SAS No. 114), and the OAR 162.10 Audits of Oregon Municipal Corporations Letter.

Erich Mueller, Finance Director

4. **MOTION:** A motion selecting a vendor for construction of Imagination Station II and authorizing the City Manager to negotiate a construction contract with the selected vendor.

*Ray Young, City Manager and
Tim Seery, Parks & Facilities Superintendent*

5. **STAFF COMMUNICATIONS**

6. COUNCIL COMMUNICATIONS

7. ADJOURNMENT



Casey Ryan, Mayor

Dated: 1-3-2018

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The meeting location is wheelchair accessible. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to: Sarah Skroch, City Recorder 503-674-7258.

MINUTES
Troutdale City Council – Regular Meeting
Troutdale Police Community Center – Kellogg Room
234 SW Kendall Court
Troutdale, OR 97060

Tuesday, January 9, 2018 - 7:00PM

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

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

PRESENT: Mayor Ryan, Councilor Ripma, Councilor Lauer, Councilor Morgan, Councilor White, Councilor Allen, and Councilor Hudson.

ABSENT: None.

STAFF: Ray Young, City Manager; Ed Trompke, City Attorney; Sarah Skroch, City Recorder; Erich Mueller, Finance Director; and Tim Seery, Parks and Facilities Superintendent.

GUESTS: See Attached List.

Mayor Ryan asked, are there any agenda updates?

Ray Young, City Manager, replied yes. Under the Charter I would ask that if the majority of the Council would approve a change to the agenda to add to it the selection of the Council President for 2018.

MOTION: Councilor Morgan made a motion to put the nomination of Council President as agenda item 3 placement. Seconded by Councilor Hudson. Motion passed unanimously 7-0.

2. PUBLIC COMMENT: Public comment is limited to comments on non-agenda items.

Betty Ann Gettes, Troutdale Historical Society, stated I want to make sure you knew about our first meeting of the year at Glenn Otto Park on Sunday afternoon at 2:00. Sharon Nesbit will be offering a PowerPoint presentation of the history of the organization. If you know Sharon it's going to be a good one. I also wanted to let you know that we are celebrating our 50th year and will have celebrations of all kinds going on all year. I want to give you our "World Famous Bookmark" for each of you (a copy can be found in the meeting packet). It lists the Troutdale Historical Society events on one side and on the backside the topics that have been selected.

Saul Pompello, Ristorante Pompello, stated on December 23rd it was shared with me the possible construction to be done in downtown Troutdale. I have a couple of issues and

there are other business owners that agree with me. I talked with the sushi place, the salon and the chiropractic office and we have some issues. We already talked with the Multnomah County Commissioner and she shared with us how many parking blocks they're going to do. When you take parking away downtown you take business away. We lose income and employees lose income. If you don't take any action, these parking blocks will happen. It's important for us to consider everything in this plan.

Ray Young stated I've met with some other business owners and I have communicated with Multnomah County over this issue. If any Councilor wants more detail and more of the things we're doing to help the businesses downtown with this parking issue I would be happy to talk with you. It's something I'm very aware of and very sympathetic to understanding their needs for parking downtown. Also remember the main drag downtown is controlled by the County.

Councilor Allen asked, can we have staff come up with a plan and submit it to Council to offset the parking that gets lost?

Ray Young replied I have a whole list of things I'm doing. I've asked the County very specifically if it's at all possible to not disturb anything downtown from June 1st to October 1st which is the height of the tourist season. I'm hoping the County is going to honor that. The good news is that Bremik Construction is going to be developing the Discovery Block. They have plans submitted to both sides of the Troutdale Vision Center and because of that new development going on it triggers doing street improvements that meet with current codes so the street corner extensions, like they have downtown Gresham, will be added. It will take a little bit of parking but a lot of that parking is illegal parking now because it's too close to the crosswalks. It still is a potential net loss of several parking spots downtown. If anyone wants a personal explanation I'm happy to talk or if you ask me to bring a presentation back and let you know all the things we're planning on doing I'll be happy to do that also.

Mayor Ryan stated maybe a presentation would be good.

Paul Wilcox, Troutdale resident, stated the City has a Citizen of the Year and Youth of the Year but they don't have an Employee of the Year. My nominee would be Sarah. She's been invaluable to me this past year as far as research. She's been super helpful. I wanted to recognize her for that. My runner-up would be Erich Mueller. He's always been there for me and totally transparent. I want to express my appreciation for Erich. (Paul read a statement attached to these minutes as Exhibit A)

Councilor Morgan asked, you said there have been 5 elections in which an incumbent had been challenged?

Paul Wilcox replied 5 elections where there were 3 incumbents being challenged.

Melissa Williams, Reynolds Little League Vice President, stated there was a note about Fed-Ex being a new sponsor of Columbia Park. I had questions about what that means since little league plays at Columbia Park.

Tim Seery, Parks and Facilities Superintendent, stated they have chosen to be an Adopt-A-Park sponsor doing cleaning and picking up trash. They're going to be out here on the 27th installing wood chips on the trails. They're really excited to be here.

3. COUNCIL PRESIDENT NOMINATION:

MOTION: Councilor Morgan moved to nominate Councilor Ripma, current Council President, as the Council President for 2018. Seconded by Councilor Hudson.

VOTE: Councilor Allen – Yes; Councilor Hudson – Yes; Councilor Ripma – Yes; Councilor Lauer – Yes; Councilor Morgan – Yes; Mayor Ryan – Yes and Councilor White – Yes.

Motion passed 7-0.

4. RESOLUTIONS: Resolutions approving City financial statements and receiving Annual Audit Report.

4.1 RESOLUTION: A resolution approving the City's financial statements and Comprehensive Annual Financial Report (CAFR) for the Fiscal Year ended June 30, 2017.

4.2 RESOLUTION: A resolution accepting the Report of Independent Certified Public Accountants on the audited financial statements of the City for the Fiscal Year ended June 30, 2017, the Auditor Communication Letter (SAS No. 114) and the OAR 162.10 Audits of Oregon Municipal Corporations Letter.

Erich Mueller, Finance Director, stated as I mentioned last January this is sort of the annual event related to the City's financial statements and audit report. The resolutions are mutually dependent. Resolution 4.1 approves everything in the bound copies that you got in your packet except for the 2 pages that are tabbed. Those represent the financial statements as prepared, the City's official records. The tabbed pages we'll get to in the next resolution. They represent the auditor's professional opinions. For purposes of the record, the City Manager is ultimately responsible for the fairness and presentation of basic financial statements. Council's approval of the City's CAFR will complete the audit for the Fiscal Year ended June 30, 2017. Doing so helps us stay in compliance with the municipal audit law and keeps us out of hot water with the Secretary of State's Office. The CAFR has 2 major sections. An introductory section, a financial section, and statistics on additional reporting information. All of this provides an overall financial picture of the City. Much of this additional information, in addition to the basic financial statements, are necessary in order for us to maintain compliance with our ongoing continuing disclosure requirements that we have for our publicly issued debt. The first resolution establishes the financial statements as the official record. It helps provide support for transparency to the public to the resources and uses of the City's funds.

MOTION: Councilor Lauer moved to approve the City's financial statements and Comprehensive Annual Financial Report for the Fiscal Year ended June 30, 2017. Seconded by Councilor Morgan.

VOTE: Councilor Allen – Yes; Councilor Hudson – Yes; Councilor Ripma – Yes; Councilor Lauer – Yes; Councilor Morgan – Yes; Mayor Ryan – Yes and Councilor White – Yes.

Motion passed 7-0.

Erich Mueller stated 4.2 works in conjunction with 4.1. The first tabbed page in the bound notebook labeled #1 is the independent auditor's report. This is their professional opinion that the resolution will address. The auditor's report on page 1 talks about the nature of funding for statements and financial responsibility. It's the auditor's responsibility to express an opinion on whether the financial statements are fairly representing the information and that it's transparent and consistent with standards. They talk about what their testing process is and how they go through selecting items for tests and assessment of material. On the top of page 2 it shows once they get done with all the context of laying that out, that's when they express their opinion. For the record, their opinion states, "In our opinion the financial statements referred to above present fairly, in all material respects, the respected financial position of the governmental activities, the business type activities, each major fund, and the aggregate remaining fund information of the City of Troutdale, as of June 30, 2017, and the respective changes in the financial position and budgetary comparisons for the General Fund and Street Fund and, where applicable, cash flows thereof for the year then ended in accordance with accounting principles generally accepted in the United States of America." That is what is referred to as a clean audit opinion. One of the other items that's provided there is the Exhibit B that's in your notebook as the document referred to as the communication to the government body. They talk about what their professional responsibilities are for the auditing standards and the purpose of their audit. They gave a clean opinion with no reservations. Our results indicated no material inconsistencies or misstatements of facts. The very last page is the independent auditors report related to the Oregon requirement State standards specific to what's required under Oregon law. They stated, "In connection with our testing, nothing came to our attention that caused us to believe that the City of Troutdale was not in substantial compliance with the provisions of the laws, regulations, etc." One final thing that I would mention is that you hear from me about all of this but really why this is possible is because of the finance staff who day in and day out are following the processes and procedures, maintaining audit trails and maintaining the accountability. They're the ones that enable us to have a set of financial statements that the auditors can say they're neutral, fair and clean.

MOTION: Councilor Lauer moved to accept the Report of Independent Certified Public Accountants on the audited financial statements of the City for the Fiscal Year ended June 30, 2017, the Auditor Communication Letter (SAS No. 114) and the OAR 162.10 Audits of Oregon Municipal Corporations Letter. Seconded by Councilor Morgan.

VOTE: Councilor Allen – Yes; Councilor Hudson – Yes; Councilor Ripma – Yes; Councilor Lauer – Yes; Councilor Morgan – Yes; Mayor Ryan – Yes and Councilor White – Yes.

Motion passed 7-0.

5. MOTION: A motion selecting a vendor for construction of Imagination Station II and authorizing the City Manager to negotiate a construction contract with the selected vendor.

Ray Young stated we are hopefully very close to the end of stage one of the process of Imagination Station II. The process began back in 2016 and went through the first RFP process and came down to a second RFP process. The largest change in the RFP process was to include a 75% valuation on the RFP to the design. Once the Council makes the selection for us, we then engage in a process of negotiating a contract that nails down the selected vendor to construct under certain timelines and certain provisions with design. The selection committee was designated to be the Parks Advisory Committee. They are the ones authorized under the statute as the group that makes the decision for the selected vendor. We are confident that all of the top 3 selected vendors, Leathers, GameTime or Play by Design, would do a fabulous playground. The City would be proud to have any one of those 3 playgrounds in this area. We have to select one vendor. The RFP lays out that process. The Parks Advisory Committee did an extensive amount of work in reviewing all the designs. They had a 3 ½ hour meeting where they went through all of the vendors. They interviewed 4 separate vendors. They listened to presentations and had a score sheet and scored everything. They did a very good job. At the end of that process they selected Leathers Design. When they did their tally they gave everybody 2 votes. There was 8 people on the committee and the final vote was 7-4 for one. Which means that Leathers got 7 of the vote for 2 and then GameTime and Play by Design each got 4. So Leathers was separated from GameTime and Play by Design in the evaluation. The Parks Advisory Committee is recommending that the City engage in contract negotiations with Leathers. The City does have the right under the RFP to select another vendor. However, that is always given with caution to select somebody other than the vendor that the selection committee selected. The RFP says, "The City retains the right to reject any and all proposals or to waive any irregularities in the received proposals where such rejection or waiver is in the best interest of the City as determined by the City. The City will be the sole judge of the suitability of products and services offered. The City may further invite the highest scored proposer to meet with City staff prior to making a final determination to address additional inquiries and to discuss and/or negotiate terms and conditions for a final contract. Under competitive negotiation procedures, the terms of the service contract, the price of the service, the method of service delivery and conditions of performance are all negotiable. Following the review process, it is the intent of the City to enter into an agreement with a firm to provide the services listed in this RFP, however, the City reserves the right to reject any and/or all proposals received; waive any informality in proposals; and to accept, reject and/or add any items when such actions are in the best interest of the City. If the City cannot reach an agreement with the selected proposer upon a negotiated agreement, the City reserves the right to declare negotiations at an impasse and begin negotiation with the next highest scored proposer. What I ask you to do is select 2. Your first choice and your second choice so staff has direction to engage in negotiations with the first choice and if that fails we can move onto the second choice. In the staff report there is a line in there where staff prefers GameTime. Let me

qualify that statement in there. As I said in the staff report as to installation and maintenance costs only, we did not evaluate it. The staff does not really care about fun or design and that is probably the biggest factor to be involved in making your decision. The bids themselves show very clearly that the cost to install the structure by GameTime is 2/3 the cost of Leathers installation because they're a manufactured system as opposed to a build in place system which is what the current Imagination Station is. That makes the installation cheaper and it also makes maintenance cheaper because they're off the shelf parts for all the different parts as opposed to cut and developed on site. When it says staff prefers GameTime, staff is not recommending that you choose GameTime. Staff would discourage considering Play by Design for several reasons. Number one is their bid was substantially higher than everybody else. Their bid was in the \$900,000.00 range and everybody knew going in our budget was only \$800,000.00. They did admit later in correspondence that they did over bid and said they could reduce it if we wanted them to so we were a little nervous about working with them. Second of all they added a \$30,000.00 profit on top of the rubber recycled surface bid and none of the other vendors added that cost. I believe based upon the RFP process, based upon the evaluations and the hard work of the Parks Advisory Committee that unless you find that there's a substantial interest in the City in not following their recommendation that the Council should select Leathers as the preferred vendor and I would ask you select GameTime as the backup choice if for some reason it falls through with Leathers. Mr. Seery is here if you have any questions.

Councilor Morgan stated the process was great and I think the Parks Advisory Committee did an amazing job. I think the recommendation is solid.

Councilor Hudson stated were we to go ahead and select one of these as the vendor of choice then it would come back to negotiations. What part of those negotiations would be changing parts of the design?

Tim Seery replied that would be up to the children at the elementary schools.

Ray Young stated we would take input but what we want to discourage very strongly is acquiring 17,000 citizens giving all their ideas. Please don't put us in that situation. If there are members of the community who feel strongly and the Council feels strongly about certain elements of the design, let us know that directly. The Parks Advisory Committee could be involved. Our goal is to have people playing on this at the end of this summer.

Councilor White stated one concern I had in listening to the audiotape was that there was some discrepancy on Leathers' total rubber surface area and how thick their surface area was going to be and who the manufacturer was.

Ray Young asked, do you want me to read to you Marc Leathers' response? We got an email from him. His emails reads, "Every RFP submission included different square foot designs. I have no idea what play by design is thinking and honestly don't care. Mike Cohen contacted Rubberecycle and asked for a quote and leading them to think they were L&A. So at the end of the day they have our information. What they did with it I don't know. The RFP submission we provided was for a similar in Design and scope as

the original playground. It did suggest 20,000 Square feet. Every submission had a different square footage amount. The original design was 12, 830 square feet. We submitted a new design that is 18,300 Square feet. Rubber would be needed for 16,637 square feet. There is no need to install rubber under lower areas that have no access. This has been one of our successful strategies over the years to maximize a budget. I got a quote from Rubberecycle for sub-base and surfacing of \$243,732.15 I used a price of \$255,000 so I had a cushion of \$11,267.83. I also had \$5,000 separated out for the stone sub-base. So technically I have \$16,267.83 that I can use for the stone sub-base. Our edging is built into our fencing and perimeter detail so there is no addition cost for that. We have a very good track record and great relationships with other companies including surfacing. I can't speak for other companies and their pricing. L&A can provide our submitted design for the price we submitted in the RFP. There are recommendations we would like to make based on questions I was asked during the RFP process and just to ensure you 100% happy with the final design and products. I'm assuming there will be a quick period that we can review everything. One of the recommendation would be to use Surface America for the surfacing. I don't know of a single playground and none of L&A's that have used the RubberBond. This does not mean that it is not a good product. It just means I don't know much about it. If you use RubberBond It will be the same depth throughout. If we use Surface America I have a fall height drawing and the depth changes per fall height. We error on the side of caution." That was the email we got from Leathers in regards to that very question.

Councilor Hudson stated I wanted to ask further about the planning for the site design. I assume that if we went with Leathers that this is essentially what we would be planning on getting. The idea that you do a planning day with the kids, kids come up with some crazy ideas. Is this basically what we're ready to go with? How much could it change?

Tim Seery replied not too much. I don't think there would be very much modification.

Councilor Ripma stated I'm not quite clear on the process. Right at the beginning you said there was a selection committee, they've made their recommendation, we are free to accept that recommendation but it sounded like for us to not accept that recommendation.

Ray Young stated by voting against the selection committee's selection we are deviating from our RFP. And to deviate from the RFP you have to find that there's substantial public policy interest reasons to deviate from the selection committee's decision if you're going to support that.

Councilor Ripma stated you said you want us to pick a first and second choice. The selection committee didn't have a second choice, they had a tie for second. I take it we're free to pick that second choice more easily. What's going to happen next is that the City would sit down, and say it was Leathers that's picked and work through a detailed build contract and if it turns out it's much different from what was analyzed you would have a fallback vendor to go to. Would we be involved at that point if that should happen?

Ray Young replied I think what I'm asking is that the Council name a second place because the Parks Advisory Committee had a tie.

Councilor White asked, would it be possible to hear from the committee members if they're here to speak at all?

Mayor Ryan replied we have a representative here.

Marilee Thompson, Parks Advisory Committee member, stated the Parks Advisory Committee treated the selection very seriously. We took an incredible amount of time deliberating. We interviewed vendors at great length and did incredible research. We tried to stay bound to the RFP so that we showed integrity to the vendor candidates. We felt that the City was incredibly fortunate because any of the 4 top vendors would have delivered an incredible playground for the City of Troutdale. I really appreciated the fact that we had such good public input.

Paul Wilcox stated I'm speaking for myself. One thing that caught my attention first off was the email Ray read. It bothered me a lot. It sounded like when we did that second RFP it specifically called for 20,000 sq. feet because the previous RFP they were all over the place. I wanted to go all the way back to post-fire. The City solicited preliminary estimates from 3 vendors like GameTime, Play by Design and Leathers for a possible replacement of what was burned. We got some pretty good looking bids which led us to replacing everything. At the time I don't think anybody envisioned this project pushing \$1 million. We didn't see this coming at all. A lot of the increase comes from the surfacing costs. I wanted to mention, I can't say for sure but I'm pretty sure there was little or no support within the committee for the Liberty Swing. That's a big ticket item dollar wise and also frees up a pretty sizable area.

Councilor Allen stated I'm concerned that since we've started this process the costs have gone up considerably. The current RFP did not come before Council. The costs of projects that the City has taken on since then has been considerable. In the proposals, do we need to do this now or can we wait until one of our other projects finishes up successfully so we're staggering the money that is spent?

Ray Young replied we have \$800,000.00 in the budget. I will go to the wall to keep this under \$800,000.00 with cleanup, site prep and installation. I will agree with you. It's a substantial amount of money and it's good to ask if this is what we want to spend. It's also a very important part of Troutdale. I don't know that it'll get any cheaper over the next couple of years. I can't say it would be unreasonable not to do the project right now but I think that would be quite a shock to the citizens at this point for all the work we've done.

Councilor Allen stated a recession will happen at some point and consider in your mind the current obligations of the City and the order in which things are happening. Do you feel that we can do this playground and escape undue burden on staff in the next recession?

Ray Young replied based upon what we know now because of our budget surplus we're in a good position to spend this money now to do it.

Councilor Hudson stated I wanted to talk about the #2 choice.

Councilor Morgan stated I was just going to make the motion for choice #1 and then we could proceed to debate the other vendors for choice #2.

Ray Young stated you're not required to make a selection for #2 at this point. That would require us to come back if it failed with Leathers.

MOTION: Councilor Morgan moved to adopt selecting Leathers for construction of Imagination Station II and authorizing the City Manager to negotiate a construction contract with the selected vendor. Seconded by Councilor Lauer.

Diane Castillo White, Troutdale resident, asked, are you not giving public comment on this?

Mayor Ryan replied we can.

Councilor Morgan withdraws the motion and Councilor Lauer withdraws the second.

Diane Castillo White stated I was able to go to all Town Hall meetings and all the Parks Advisory Committee meetings. I wanted to give a little bit of feedback of information for your consideration. One of the comments made was that GameTime was off the shelf. The presentations at the Parks meetings were really awesome and I wish everybody was able to come see the video portion too. The things GameTime presented were very inclusive. They included things that would be for a wheelchair bound person that they could go up and down the slide and lots of equipment for kids, adults and special needs people. It was awesome to see the different ways that you can think of inclusion but also kids getting to interact with their siblings, friends and family. GameTime had created a standard of 5 foot ramps because it allowed 2 way traffic. Leathers also did the same thing. Play by Design's ramps were narrower. I value the Parks Advisory Committee's work but I felt that the 75% RFP requirements restricted the Parks Advisory Committee's decision. The equipment that GameTime presented was so fun. I'm recommending for first and second choice you consider GameTime and Leathers.

MOTION: Councilor Morgan moved to approve the motion to select Leathers for construction of Imagination Station II and authorizing the City Manager to negotiate a construction contract with the selected vendor. Seconded by Councilor Lauer.

Councilor White stated I think the looks are subjective. I don't know how we got to 75% on the RFP. They all look very close but saying it has to look more like a fort you're losing out on that inclusiveness for children with special needs. I think that's where GameTime excels. I also liked that they followed the RFP. When I read the staff report my plan was to agree with staff. I didn't realize we were locked in the way this RFP was written. GameTime also won the first 2 rounds and staff had rated them at 94% over the others.

Things like longevity, ease of maintenance, replacement parts, inclusion and visibility were the biggest consideration for the kids in our town. I was leaning towards GameTime for my first choice and Leathers for second choice.

Councilor Ripma stated the motion on the floor is to accept the Parks Advisory Committee's recommendation for Leathers for the first choice. I wanted to be clear on that.

Councilor Allen asked, how much consideration was there for it being like the old one?

Ray Young replied in the scoring process the design was 75% and there were 5 subcategories of design to consider. One of the 5 was the design was to honor the look and feel of the existing structure. The 75 points in that was not just one of those 5. It wasn't 75% of did it look and feel like Imagination Station now. That's not correct. It was one of the 5 elements in the 75% to look at.

MOTION: Councilor Hudson called for the question. Seconded by Councilor Morgan.

VOTE on Calling for the Question:

Councilor Allen – Yes; Councilor Hudson – Yes; Councilor Ripma – Yes; Councilor Lauer – Yes; Councilor Morgan – Yes; Mayor Ryan – Yes and Councilor White – Yes.

Motion passed 7 - 0.

Sarah Skroch, City Recorder, stated this is the vote for the original motion.

VOTE: Councilor Allen – Yes; Councilor Hudson – Yes; Councilor Ripma – Yes; Councilor Lauer – Yes; Councilor Morgan – Yes; Mayor Ryan – Yes and Councilor White – No.

Motion passed 6-1.

Mayor Ryan stated the next discussion is, do we want to pick a #2 choice?

MOTION: Councilor Hudson moved to not pick a #2 if the purpose of #2 would be for staff to move automatically to new discretions and negotiations with a second company if the first one falls through. Seconded by Councilor Morgan.

Councilor Ripma stated staff had asked us to pick a #2. If Leathers doesn't work out, you wouldn't come back to us?

Ray Young replied I would guarantee you that if things did not work out with Leathers we would definitely come back and advise Council of the progress of the

negotiations and let you know that we have a break down and we're going to pursue discussions with GameTime. I don't see a handicap to staff if we're told to come back later if there's a problem.

Councilor White stated I agree with Dave. I think it would be smart while we're all in the room thinking about this to make a second choice. There's a good chance with Leathers that they only have about \$27,000.00 to come up with a solution for the lack of coverage for the ground surfacing material. It could very easily bump them or default them.

Councilor Morgan stated I think the email pretty well clarified that piece.

Councilor Ripma stated I'll just say we want to have a say. I think it would be better to pick GameTime for a second choice and to pick them now just to have a greater likelihood this is going to get built if Leathers can't come up with it so we don't have to start all over again.

Councilor Lauer stated we don't have to.

Mayor Ryan stated right now we have a motion and a second so we need a roll call.

VOTE: Councilor Allen – No; Councilor Hudson – Yes; Councilor Ripma – Yes; Councilor Lauer – Yes; Councilor Morgan – Yes; Mayor Ryan – Yes and Councilor White – No.

Motion passed 5-2.

6. STAFF COMMUNICATIONS

Ray Young stated the Town Center Committee's next open house is on January 30th. It's an open house from 5 to 9 and you can show up anytime between 5 and 9. It will be an opportunity for the community to come in and give input into the Town Center Plan. I think it will be held here in the Kellogg Room. If that's different I will let you know. To honor Martin Luther King, Jr. the City will be closed next Monday. From what I've heard from several of your responses, it looks like we're looking at February 23rd for the 3 Cities Council meeting over in Fairview. The Urban Renewal meeting is next Tuesday at 7:00 to consider an open public meeting. The Troutdale Reynolds Industrial Park received from the Environmental Protection Agency (EPA) their Howard Orlean Award for the Region 10 area for re-use and we're having a presentation of that award on Thursday morning at 9:00am. The EPA recognizes what a great job Troutdale and the Port of Portland has done to really make that site a great industrial area.

7. COUNCIL COMMUNICATIONS

Councilor Hudson stated I'm excited to go forward with Imagination Station and I want to thank the Parks Advisory Committee and the City staff for all their work.

Councilor Ripma stated I want to say again like Betty mentioned that this Sunday at the Sam Cox Building is the 50th Anniversary of the Troutdale Historical Society. It's given by Sharon Nesbit so it will be very entertaining. Please come if you can.

Councilor Lauer stated Happy New Year.

Councilor White stated regarding the curb extensions that were brought up, I think we had curb extensions on that same section of road and they got removed because they turned out to be kind of inconvenient for parades, car shows and things of that nature. Is there any way for you to look into that?

Ray Young replied I will do that and be working with the County on that.

Councilor White stated I wanted to thank the Historical Society for all of the work you did over the holidays and all the decorating. It added a lot of charm to our town. I also wanted to welcome OnPoint Credit Union to Troutdale. There's a new branch that opened on Saturday right next to the Troutdale Library. Happy New Year.

8. ADJOURNMENT

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

Meeting adjourned at 8:28pm.



Casey Ryan, Mayor

Dated: February 20, 2018

ATTEST:



Kenda Schlaht, Deputy City Recorder

Exhibit A

January 9, 2018 Council Meeting Minutes

Since Council Work Sessions aren't broadcast and recorded by MetroEast Community Media I thought it would be worthwhile to review the Dec. 19th meeting for the public's benefit. The first item on the agenda was a presentation of proposed fee increases for various City services. Next up was a discussion of proposed Charter Amendment questions to possibly be submitted to the voters. These were plurality-at-large, or "top three" voting, for the election of Councilors; resign-to-run for Councilors running mid-term for Mayor; and language to avoid the issue of a resigning Councilor participating in the selection of his or her replacement. Term limits was also listed, but no details were provided whether it was to consider the idea itself, or specific limits to be applied.

Rather than consider the questions before them, which were whether any or all of these proposals should be presented to the voters, the discussion quickly devolved into the merits of each proposal. Some historical perspective would be useful at this point. Elect-by-position came about as a Council-submitted Charter Amendment ballot measure in 1976. It has been in effect since 1978. The Measure was presented as providing an opportunity for a candidate to challenge an incumbent directly, rather than simply be another candidate among a "field" of candidates, which was the previous practice. It became immediately apparent in the 1978 election that this new system also provided an added opportunity for a candidate, whether incumbent or newcomer, to run unopposed. In the last twenty elections, the scenario of three incumbents being challenged has occurred in only five elections. This new system also severely restricted overall choice because voters are limited to fewer choices within each Position Number.

On the second item, "resign-to-run", there are also recent historical examples. In 2008 Councilor Kight ran for Mayor mid-term and won. The remaining two years of his term were filled by appointment. I'm sure we all recall that in the last election Councilor Allen ran for Mayor mid-term, and lost, but retained his Council seat, as Councilor Kight would have if he had lost. Resign-to-run ensures that the voters choose who will serve out the remaining two years of the term of the Councilor who successfully ran for Mayor, not the Council.

The third item addressed the issue of whether a Councilor who had submitted his or her resignation from Council should participate in the selection of their successor. This became an issue when Eric Anderson submitted his resignation well in advance of his final date. The Charter language in regard to this is deficient in that it simply states "A vacancy in the office of councilor shall be filled by appointment by a majority of the council". Most other cities, as well as the LOC model Charter, insert the word "remaining" before council, a very simple fix. The Council felt compelled to revise the Charter language regarding interactions between Councilors and the City Manager at the May 2016 election, so I don't see why they wouldn't want to make this very basic revision.

At the conclusion of the meeting my understanding was that none of the proposals would be forwarded to the voters for their consideration.

Submitted by:

Paul Wilcox

Troutdale

1/9/18