



# CITY OF TROUTDALE

"Gateway to the Columbia River Gorge"

## AGENDA

### CITY COUNCIL – REGULAR MEETING

Troutdale City Hall - Council Chambers  
219 E. Historic Columbia River Hwy. (Lower Level, Rear Entrance)  
Troutdale, OR 97060-2078

**Tuesday, July 8, 2014 – 7:00PM**

Mayor

Doug Daoust

City Council

Norm Thomas

Glenn White

David Ripma

Rich Allen

Eric Anderson

John L. Wilson

City Manager

Craig Ward

City Attorney

David J. Ross

1. **PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE.**
2. **CONSENT AGENDA:**
  - 2.1 **ACCEPT MINUTES:** June 10, 2014 Regular Meeting, June 17, 2014 Work Session and June 24, 2014 Regular Meeting.
  - 2.2 **RESOLUTION:** A resolution approving an Intergovernmental Agreement with the Port of Portland for cost sharing of the NW Graham Road Improvements.
  - 2.3 **RESOLUTION:** A resolution approving an Intergovernmental Agreement with Multnomah County to provide services to older adults.
3. **PUBLIC COMMENT:** Public comment is limited to comments on non-agenda items. *Remarks shall be limited to 5 minutes for each speaker unless a different time is allowed by the Mayor. The Mayor and Council should avoid immediate and protracted response to citizen comments.*
4. **APPOINTMENT:** A motion to appoint Jon Lowell to Position #6 on the Historic Landmarks Commission. This appointment will take effect on July 24, 2014 and the term will expire on December 31, 2017.
5. **PUBLIC HEARING / ORDINANCE (Introduction and Adoption):** An ordinance adopting a new chapter of the Troutdale Municipal Code, Chapter 1.06, "Home Rule Authority" and exercising the Home Rule Authority of the City of Troutdale under the Oregon Constitution, and declaring an emergency.

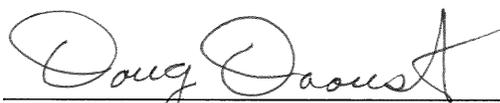
Mayor Daoust

Ed Trompke, City Attorney

6. STAFF COMMUNICATIONS

7. COUNCIL COMMUNICATIONS

8. ADJOURNMENT



**Doug Daoust, Mayor**

Dated: 7/1/14

City Council Regular Meetings will be replayed on Comcast Cable Channel 30 and Frontier Communications Channel 38 on the weekend following the meeting - Saturday at 2:30pm and Sunday at 9:00pm.

Further information and copies of agenda packets are available at: Troutdale City Hall, 219 E. Historic Columbia River Hwy. Monday through Friday, 8:00 a.m. - 5:00 p.m.; On our Web Page [www.troutdaleoregon.gov](http://www.troutdaleoregon.gov) or call Debbie Stickney, City Recorder at 503-674-7237.

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: Debbie Stickney, City Recorder 503-674-7237.

**DRAFT**

**MINUTES**  
**Troutdale City Council – Regular Meeting**  
**Troutdale City Hall – Council Chambers**  
**219 E. Historic Columbia River Hwy.**  
**Troutdale, OR 97060-2078**

**Tuesday, June 10, 2014**

**1. ROLL CALL, AGENDA UPDATE**

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

**PRESENT:** Mayor Daoust, Councilor Ripma, Councilor Anderson, Councilor Thomas, Councilor White, Councilor Allen, and Councilor Wilson.

**ABSENT:** None.

**STAFF:** Craig Ward, City Manager; Debbie Stickney, City Recorder; Ed Trompke, City Attorney; and Erich Mueller, Finance Director.

**GUESTS:** See Attached.

Mayor Daoust stated in the wake of today's events I would request that we take a moment of silence to show support for our students at Reynolds High School, and the families involved.

Council, staff and members of the public observed a moment of silence.

Mayor Daoust stated some folks may question why we are holding our meeting tonight. I decided to hold our meeting because as leaders in our community we have to show strength and a level of calmness around the hectic emotions that are going on around us, especially today. Part of our job as members of the Council and as leaders in this community is to support each other, especially the students and the families involved. It was a tough day today. There was a tremendous amount of police cooperation in Troutdale today. Police departments from all over the Portland Metro area responded very quickly. There were officers from Vancouver and Camas that came to assist. Sheriff Deputies from several counties also responded. We did lose a student at the high school today – Emilio Hoffman. There are a couple of vigils taking place tonight. Governor Kitzhaber and Senator Jeff Merkley have both expressed their deep sorrow and concern. I have received numerous emails from other Mayors and County Commissioners from around the nation.

Mayor Daoust asked are there any agenda updates?

Craig Ward replied there are no changes to the published agenda.

**2. CONSENT AGENDA:**

**2.1 ACCEPT MINUTES:** May 13, 2014 Regular Meeting

**2.2 RESOLUTION:** A resolution authorizing the City Manager to execute an Intergovernmental Agreement with the cities of Fairview, Gresham and Wood Village for provision of mediation services.

~~**2.3 RESOLUTION:** A resolution authorizing the City Manager to execute an Intergovernmental Agreement with Metro to clean up solid waste at unlawful camping sites in Troutdale. (This item was pulled from the Consent Agenda and placed on the Regular Agenda after Item #3)~~

**2.4 RESOLUTION:** A resolution of the Troutdale City Council declaring its support of logical regional service sharing and the 3 C's of Communication, Cooperation, and Collaboration.

Councilor Ripma asked that Item #2.3 be pulled from the consent agenda to correct an error.

Councilor White requested that Item #2.3 be placed on the regular agenda so the Council can have a brief discussion on it.

Mayor Daoust agreed to have Item #2.3 moved to the Regular Agenda after Item #3.

**MOTION: Councilor Wilson moved to pass the Consent Agenda Items 2.1, 2.2 and 2.4. Seconded by Councilor Thomas. Motion Passed Unanimously.**

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

Jean Ice, resident and realtor, proposed that the City consider purchasing 7.6 acres of property for a park that was the Sam Cox Estate. We do have this property listed. We have temporarily taken it off of the market because over the last four days there has been a lot of conversation about making this property a park. Rip Caswell looked at it; he and I looked at it as a future botanical garden. It is the most amazing property. I never had the privilege of being there or meeting Sam Cox, but I have recently spent many hours wondering the property. It is so unique and special. It has a waterfall off a cliff that looks just like when you go into the Gorge; it is unbelievable. There are gazebos, staircases and all kinds of wonderful things. I do not know the total feasibility of turning it into a park, but everyone who has mentioned it in just this last week has been so wholeheartedly for it, including the family. They would be honored to have a memorial for Sam Cox. The price that the family has listed it for is \$475,000. They would like for the City to have first option to do something before they put it back on the market.

Jean Ice submitted photos and information about the property (copy included in the packet).

Mayor Daoust stated we have a work session scheduled for next week to talk about property. Can we add this item?

Craig Ward stated there is time to add it; there is not time to do any due diligence.

Council agreed that this could be discussed at the meeting next week.

**2.3 RESOLUTION:** A resolution authorizing the City Manager to execute an Intergovernmental Agreement with Metro to clean up solid waste at unlawful camping sites in Troutdale.

Councilor Ripma stated if you read Section 1 of the resolution it authorizes the Manager to enter into an IGA for mediation, which was the topic of the resolution for Item #2.2. Exhibit A is identified in the resolution but the IGA is not labeled Exhibit A; there is an Exhibit A but that is the Clean-up Request and Approval Form.

Councilor White stated this is the first I have heard of this. I was wondering why this isn't something that the City of Troutdale could handle ourselves with our public works folks.

Craig Ward replied it is my understanding that Waste Management operates under a contract authorized by Metro, so ultimately it is Metro's responsibility to deal with solid waste issues and therefore this IGA is with Metro for them to exercise that. Probably more importantly, this IGA indemnifies Metro, which I am sure is why they want it. There are a variety of issues with cleaning up illegal waste sites. On occasion there is hazardous material, and yes we have trucks and employees who could go out and do this, but Waste Management, through Metro, are really the appropriate agencies.

Ed Trompke, City Attorney, stated if my recollection is right Metro collects a fee from the haulers to provide this service so it is already being paid for in some respects by Troutdale residents.

Councilor Allen stated I first heard about this from Wood Village. I do not believe that we are the only city taking this approach.

Councilor Ripma stated we could move this to the next meeting which would give staff time to fix the resolution and there could be a staff person here to explain this, unless there is some urgency for this.

Craig Ward replied there is no urgency.

Councilor Thomas stated it doesn't look like a bad idea to me, but I would be more than happy to move it to the next meeting.

Councilor Allen stated I personally support the idea, but if there is concern I am open ears.

Councilor Thomas asked can we fix the resolution tonight?

Councilor Ripma stated I think it is a simple fix, and this seems like a good idea so I would support it.

Councilor Anderson asked can we fix it tonight?

Ed Trompke replied you could amend Section 1 of the resolution by striking out the last word of the first line, "*mediation*" and inserting "*solid waste clean-up*". So Section 1 would read "*The Council authorizes the City Manager to enter into an IGA for solid waste clean-up services in substantially the form of the IGA attached as Attachment A to this resolution.*"

Councilor Wilson asked do we know what the fee is that we are already paying to Metro?

Craig Ward replied I don't.

Councilor Wilson asked but it isn't going to be something new that will be added on?

Craig Ward replied that is my understanding.

**MOTION:** Councilor Ripma moved to adopt a resolution authorizing the City Manager to execute an IGA with Metro to clean-up solid waste at unlawful camping sites in Troutdale as set forth in the packet with Section 1 to read, "*the Council authorizes the City Manager to enter into an IGA for solid waste clean-up services in substantially the form of the IGA attached as Attachment A to this resolution*", and then marking the IGA as Attachment A. Seconded by Councilor Allen.

**VOTE:** Councilor Wilson - Yes; Councilor Ripma - Yes; Councilor Anderson - Yes; Councilor Thomas - Yes; Mayor Daoust - Yes; Councilor White - Yes; Councilor Allen - Yes.

**Motion Passed 7-0.**

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| <p><b>4. PUBLIC HEARING / RESOLUTIONS:</b> A public hearing on the following resolutions:</p> <ul style="list-style-type: none"><li>4.1 A resolution certifying the City of Troutdale's eligibility to receive Fiscal Year 2014-2015 State Shared Revenues.</li><li>4.2 A resolution declaring the City of Troutdale's election to receive State Shared Revenues for Fiscal Year 2014-2015.</li></ul> |
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Erich Mueller, Finance Director, stated there are two resolutions related to state shared revenues which have been provided in your packet. State shared revenues provide a significant source of revenue for the General Fund, and a specific portion of it is also dedicated to the Street Fund. There are four actions that the State requires us to accomplish in order for the City to share in these revenues. The first step was a public hearing before the Budget Committee on the possible uses of state shared revenues. That was held during the April 14, 2014 Budget Committee meeting. Tonight we will need to hold another public hearing for the proposed uses of stated shared revenues to allow anybody from the public to speak to the proposed uses of stated shared revenues. Once that is concluded then there are two resolutions that the State requires us to pass. The

first resolution states that the City is eligible; there is an eligibility criteria that is spelled out in the resolution. The final step required, once we have determined that we are eligible, is that we as a City elect to receive those revenues that we are eligible to receive. Exhibit A of the Staff Report spells out the breakdown of the state shared revenues including: Liquor tax, cigarette tax, general revenue sharing - all of which go into the General Fund; and the gas tax which is split between the Street Fund (99%) and the Bike Paths & Trails Fund (1%) which is required by statute. At the bottom of the page is a list of the various services that a city has to provide in order to establish eligibility; you have to provide more than four of those services, which the City easily complies with.

Council had no questions.

Mayor Daoust opened the Public Hearing at 7:23pm and asked is there anyone here that would like to speak to us on the proposed uses of the state shared revenues?

Not testimony received.

Mayor Daoust closed the Public Hearing at 7:23pm.

**MOTION:** Councilor Anderson moved to adopt a resolution certifying the City of Troutdale's eligibility to receive Fiscal Year 2014-2015 State Shared Revenues. Seconded by Councilor Wilson.

**VOTE:** Councilor Wilson - Yes; Councilor Ripma - Yes; Councilor Anderson - Yes; Councilor Thomas - Yes; Mayor Daoust - Yes; Councilor White - Yes; Councilor Allen - Yes.

**Motion Passed 7-0.**

**MOTION:** Councilor Thomas moved to adopt a resolution declaring the City of Troutdale's election to receive State Shared Revenues for Fiscal Year 2014-2015. Seconded by Councilor Anderson.

**VOTE:** Councilor Wilson - Yes; Councilor Ripma - Yes; Councilor Anderson - Yes; Councilor Thomas - Yes; Mayor Daoust - Yes; Councilor White - Yes; Councilor Allen - Yes.

**Motion Passed 7-0.**

- 5. PUBLIC HEARING / RESOLUTIONS:** A public hearing on the following resolutions:
- 5.1 A resolution adopting the City of Troutdale's Fiscal Year 2014-15 Annual Budget and making appropriations.
  - 5.2 A resolution imposing and categorizing Ad Valorem Taxes for Fiscal Year 2014-15.

Erich Mueller, Finance Director, stated a public hearing will be necessary on the first resolution. The first resolution, as outlined in the Staff Report, provides the information that came from the Budget Committee meetings where the Budget Committee received the Manager's Proposed Budget and through its deliberations created an Approved Budget. The next step in the State budget law process is for that Approved Budget to be published, which was done in the Gresham Outlook meeting our publication requirements. The next step is a public hearing before the governing body on the Budget Committee's Approved Budget for your consideration and ultimate adoption providing for the budget and the appropriations.

Taney Staffenson, Budget Committee Chair, thanked the Council for giving him the opportunity to chair the budget process this year and for allowing the citizen members of the committee to have an equal voice and be part of the process. While it was difficult I think we came up with the best solution that we could.

Erich Mueller stated the resolution is laid out in the detail required by the Local Budget Law, which has different requirements based on the nature of the fund. It spells out the program or organizational unit appropriations as well as contingency and unappropriated ending fund balance, providing a total on page 5 of all of the funds across the entire budget.

Councilor White stated time has passed since we approved the budget. Taney, I know you are the type of guy that will continue to look and study it. Is there anything we missed in your opinion?

Taney Staffenson replied I wouldn't say there is anything that we missed. I think it is continually changing.

Councilor White stated for myself since we are in the process of reevaluating our code and removing barriers, I think it might behoove us to look at doing more consultant work in the planning process until that code lands on solid ground again. I think we need to try something different rather than the direction we have been going with that department.

Mayor Daoust stated I think we are trying something different. We are going to hire a new person to lead us in that direction. I have full confidence that that person can do a great job as a city employee.

Councilor Anderson asked Councilor White to describe his vision a little more.

Councilor White stated I have kind of felt like the City has had an ongoing problem in that area and I think the property owners and developers are expecting us to do something other than just replace a person and go right back into business as usual. I think we need a better correction than that. I think we owe it to our citizens.

Councilor Anderson asked is that we are doing? Going back to business as usual?

Craig Ward replied it is my intention to hire a person that I think is a particularly good fit for the challenges that Troutdale is facing. I certainly don't object to having more money in the consulting budget. That may be beneficial down the road. I think that any time we hire a consultant we need to manage that consultant. The scope of work needs to be well defined. The day-to-day oversight of the products, answering the questions, giving direction as to the code amendments that will result is a critical function and we need somebody highly skilled to be able to do that. We have actually downgraded the position from a community development director to a planning director. That is partially because the former community development director had assignments that no longer reside with that position. I think that is actually an improvement because I think it will leave that person charged with a tighter focus on the code amendments and permit administration which are the primary functions of the planning department. It is not my intention to keep doing things as usual and that is one illustration. Another is that I have converted this position, as I converted the public works director position, into a contract based position. That is a more responsive model should we find that the person doing the job is not the best fit for Troutdale. That is also an improvement from the past practices. I will certainly interview the individuals with the charge to focus on the kinds of community that Troutdale is and how to make it a better place. I still support, and have designed this around the need to have a full-time planning director and a full-time planner to assist them. They support one another and it would be very important that the planning director be schooled in our existing code in order to understand how to make changes to improve it. Our Senior Planner, Elizabeth McCallum has submitted her intentions to retire at the end of September. That adds to the need to get a full-time person in place so that we can make sure that the person who is handling the counter in September is fully knowledgeable of our existing code and therefore gains some experience on the portions of the code that they will be charged with improving. My belief is that we do need two full-time employees and a highly skilled individual to be able to run that department. I will talk to that person when they are hired about the nature of the job description and the work that goes with the assignments that now go to our Senior Planner. I am not making any commitments as to whether or not any reconfiguration of the department will be necessary. One of the aspects of a department head is when you hire somebody you are hiring them for the most complicated set of skills that you have. This is a complicated city to be a planning director in. Not only are our codes complicated, but our environment is complicated. We have the Sandy River flood codes that need to be administered; we have had issues with that in the past and we will need to improve those codes. We have a wide range of development applications that need to be dealt with. It is a complicated job and I need a highly skilled person to do that work. If I don't have a planning director then I am not sure where that skill set comes from to do the work. I have been doing the work as Acting Planning Director for a little more than a year now and while I think that I have done a credible job I have done that with the assistance of Elizabeth McCallum who has been able to handle the day-to-day work very effectively. A lot of other tasks have simply been put off. That is what will continue if I am not allowed to hire a planning director. The administration of a consultant to do the work of a planning director will require a lot of hands-on work by me to manage that. That comes at the expense of the work that I do for the Council and the overall functions to administer the city. That is the best answer I can give. It is certainly not continuing to do things as usual in my way of thinking.

Mayor Daoust stated I think everyone on this Council is aware and conscientious about the reputation we have gotten over the years with codes and permits. We want to see improvement in those areas. Working under Paul Thalhofer for so many years he always reminded us when we were getting on the outside edge of our Charter. I think when we start talking to Craig and recommending to Craig, our City Manager, how to staff positions, we are on the outside edge of a Charter violation. With all due respect, and I know that you are concerned about the codes and the permits as I am, Craig is the manager of city staff, the Council is not. If Craig thinks that the best thing that we can do to handle our codes and permits is to hire those positions than that is Craig's call; it is not the Council's call. We can get involved with budget items, but what I am hearing is not a budget discussion. It is a contractor verses a city employee discussion and I am telling the Council that we should not go there.

Councilor Allen stated I do believe that we have gone through a Charter change since Paul Thalhofer was here. It is my understanding that if we have concerns, that it is the public meeting in front of the public where we need to raise those concerns. This would be the proper place for that, but I would defer to our City Attorney.

Mayor Daoust stated a charter change is a completely new agenda item for a different night.

Councilor Allen stated I am not talking about a charter change. I am talking about understanding the Charter we currently have and what it allows us to talk about and not talk about.

Councilor Ripma stated it is true that we hire the attorney, the judge and the city manager, but we are not really supposed to get involved in staffing decisions. If you want to make a budget change, fine, but...

Councilor Allen interrupted and stated we are asking for \$276,000 to staff a department that we have had some concerns with. I can understand those concerns. I just wonder if there is a way we can resolve or at least address those concerns.

Councilor Thomas stated it is not our job to tell the city manager how he should staff his departments.

Councilor Allen stated we can say that he can only hire one person instead of two.

Mayor Daoust stated no we can't.

Councilor Ripma stated I am not sure we can.

Councilor Thomas stated I think you are pushing the limits.

Councilor Allen stated in a public meeting we can't do that.

Mayor Daoust replied no we cannot. It is in our Charter.

Ed Trompke, City Attorney, replied Section 21 of the Charter is what addresses the office of the city manager. It says that the city manager is the administrative head of the city government. Subsection E-4 says that, "*The manager must appoint, supervise and remove city employees.*" It delegates to the city manager in the imperative that he has to do that. Subsection I goes further and reads, "*No council member may directly or indirectly attempt to coerce the manager or a candidate for the office of manager in the appointment or removal of any city employee or in administrative decisions regarding city property or contracts.*" To the extent that it rises to the level of coercion it is prohibited by the Charter and that is grounds for removal from office. To the extent that it is a mere suggestion, probably doesn't cross over the line but where that line is is a gray area and is difficult to determine. If Craig were a shy retiring type, then anything might be viewed as coercion; it is how he takes it. You do need to be careful with how far you go with any discussion on this. I think that is probably as far as it ought to go tonight in terms of telling the manager how to appoint, supervise or remove city employees and whether or not to appoint, and then Subsection I of the Charter speaks to city contracts, which is the other piece of it. It is a gray area ultimately how far you go with it. Use your best judgment with it. The Mayor can decide what is in order and out of order at the meeting.

Councilor Allen stated if you go on to complete reading that, does it not say that we can address anything.

Ed Trompke stated it does say, "In council meetings councilors may discuss or suggest anything with the manager relating to city business."

Councilor Allen asked what is anything limited to?

Ed Trompke replied I don't know how to define city business. Contracting may be city business. Employment, may be city business too. That is getting into gray areas and I haven't had enough experience, being fairly new here, to know how that has been interpreted in the past so I am going to rely on you folks who have been on the city council for some period of time to know how it has been interpreted in the past. If it has been broadly interpreted or not.

Mayor Daoust stated I will answer that question. It has not been broadly interpreted in the past. In my mind this recommendation to go contract verses city staff is not gray; it is rather black and white. It is a recommendation to contract instead of hire city staff. That is pretty black and white and that is why I am saying that we are towards the edge and that I as Mayor will not allow this Council to go there. I cannot.

Ed Trompke stated that is the correct answer; you can't direct the manager how to make a decision. You have raised an issue, and it is probably appropriate to raise it and it has probably gone far enough to the edge and after that you have to look to the manager and hold him accountable for his decisions. If he makes decisions that you can support, support him. I am sure you don't always agree with everything he does.

Councilor Allen stated we are being asked to spend \$276,000 plus. At some point we have a decision to make whether that is the right funding level. We choose that funding level based on what the needs are, what the perceived needs are.

Councilor Wilson stated I think we already did that at the budget meetings when we the Budget Committee approved this amount. We were part of that Budget Committee and we approved this amount. Now we are here to finalize it.

Councilor Allen stated finalizing it is not automatic.

Councilor Wilson replied I understand that, but you didn't raise any objections at the budget meeting regarding this.

Councilor Allen stated I am actually not trying to get us to a certain spot, I am just clarifying the procedure here.

Mayor Daoust asked are there any discussions on the budget?

Councilor Anderson asked what would this do to the \$276,147 that is allocated if we were to go another way? You made a statement that you would appreciate more money in a consultant budget. How much more money are we talking about here? Do you have an idea?

Erich Mueller stated I would be happy to address the effect it would have on the resolution should the Council end up taking this step which may or may not be advised. The way the local budget law is structured the General Fund, given the type of fund that it is, it is based on the funding level for the service that has been decided to be provided. There is one dollar amount for this entire page; this is what was presented as the service level to be provided for that function. One of the things that we referenced in the previous resolutions for state shared revenues is that we provide planning services. The Budget Committee made a judgment that this is the amount of money to spend toward that service. From the local budget law standpoint once the appropriation is made the money, in theory, could all be spent on paperclips if that is what is necessary to deliver that service. I am being extreme to try and illustrate that whether the money is spent on consultants, or staffing, or utilities or whatever expenditure within that service level, as long as it is within that dollar amount that has been authorized by the appropriation, it is in compliance. If you were to say you were going to remove \$75,000 from salary and add \$75,000 to consulting, there is absolutely no change to this resolution.

Craig Ward stated it is actually more difficult today to estimate that than it would have been last week because last week I wasn't aware that the Senior Planner McCallum intended to resign. As I mentioned earlier, I will need to talk to the new planning director about what the appropriate staffing level is for the planning department. I don't know if that will be a senior planner or a less senior planner and how much that is likely to cost us, nor have I negotiated a contract with the planning director because I haven't selected one yet. With that issue put aside, I can assure you that it will cost us more. I can't give you an estimate of how much more. If you are inclined to plug a number in than I would

say virtually any number is probably as accurate as anything I could give you. It will be in the tens of thousands of dollars if we were to shift the planning director functions to a consultant to do that work. We cannot simply shift the responsibilities that are now done by the senior planner into a contract position short of bargaining it with AFSCME because it is a represented position, but we can probably change the job description and title in a way that might provide some savings. If you are going to go down that path and amend the budget I would certainly recommend that you increase the department budget by \$30,000 or something in that ballpark.

Councilor Anderson stated your scenario that you have laid out here, in your words, you said we are not going to do as we've been doing or stay the status quo. Would this scenario not do that, and would it accomplish the Council goal of stability in the code? It is a stated Council goal that we want stability in the code.

Craig Ward replied unfortunately the Council has expressed two goals. One is stability in the code and the second is to remove barriers to development. Removing barriers to development is inherently contradictory to maintaining stability in the code. The Chair of the Planning Commission has volunteered to support a process to help us define what barriers to the code means and how we would amend the code in order to accomplish that goal. I think that the budget that we have here can be managed to amend the code to remove barriers to development, to amend the code to modify it in accordance with FEMA requirements for flood plain administration, as well as to make other amendments to the code that will simplify and streamline it to remove barriers to development. I think there is adequate money in the budget to do that with the support of the Planning Commissions effort and the guidance of a new planning director.

Councilor Thomas stated passing the budget tonight as is is the right way to go. We can do budget adjustments during the year as necessary. It is not as if we are locked into these exact figures forever. There are options down the road if it becomes necessary. There may be things that come up that the Council wants to support for other issues that may require budget adjustments. There are opportunities throughout the year to make adjustments; that is why you have contingency funds. One of the things we tried to do with this budget was to keep it under a certain dollar figure. We gave staff a direction to do this and no more and they did that.

Councilor Wilson stated Council Goal 3, Section B, Measure 4 - is to strive to maintain or grow our reserve funds through the budget process. Bringing in a bunch of contract workers is going completely against trying to maintain or grow our reserves because it will always cost us more.

Councilor White stated it was not my intent to tiptoe on the edge of our Charter but I felt it was important enough to say something. I like the example of what we did with the building department. I think that was a necessary change. I think we are forgetting that this is a partnership between the developer, land owner, and staff and that partnership has been rogue and I think we definitely need to do a similar plan like we did for the building and permitting aspect to get these people re-engaged. Right now they are not

engaged and they will not be engaged unless we do something drastic to fix what has been going on. The problem still exists; it hasn't got any better.

Mayor Daoust stated there are a lot of different processes that can be used to engage all of the parties necessary to make it better. It is not related to a contract position person or a city staff position person. If we want to engage developers in what the city does to them or with them, there are a lot of different ways to do that. We need a planning director that has the right attitude and the right personality; we have always said that. I hope we get that kind of a person.

Ed Trompke reminded the Mayor that he may be stepping at the edge.

Mayor Daoust stated I withdraw my comments.

Councilor White stated I look at the dollar amount and realize that we developed six houses last year. We could have built those houses ourselves out of this one budget item. I don't think there is enough inventory. At some point Troutdale is going to have to downsize to an appropriate staffing level. I think in this department it is critical that we don't make a mistake here.

Mayor Daoust stated that is Craig's decision.

Mayor Daoust opened the Public Hearing at 7:58pm and asked is there anyone here that would like to speak to us about the FY 2014-15 Annual Budget?

Jay Ellis, Troutdale, stated the Councilors give policy direction but you have to let the Manager do his job. I like the Senior Planner that is retiring; she is really nice and she has done a great job for a long time. However, just like you did with the police department and fire department, you can sub out the planning too and it will save you money. That is what other cities do.

Mayor Daoust closed the Public Hearing at 8:01pm.

**MOTION: Councilor Thomas moved to adopt a resolution adopting the City of Troutdale's Fiscal Year 2014-15 Annual Budget and making appropriations. Seconded by Councilor Wilson.**

**VOTE: Councilor Wilson - Yes; Councilor Ripma - Yes; Councilor Anderson - Yes; Councilor Thomas - Yes; Mayor Daoust - Yes; Councilor White - No; Councilor Allen - Yes.**

**Motion Passed 6-1.**

Erich Mueller, Finance Director stated this is the final part of the process required by the Local Budget Law. This resolution (Item 5.2) imposes and categorizes Ad Valorem Tax Levies. The levies outlined in the staff report cover both what is referred to as the permanent rate for general government purposes, as well as the levies necessary for the

bond debt service both for the Water Pollution Control Facility as well as the new Police Facility. Those were outlined during the budget process and were also included in the required publications.

Council had no questions on Agenda Item 5.2.

**MOTION:** Councilor Wilson moved to adopt a resolution imposing and categorizing Ad Valorem Taxes for Fiscal Year 2014-15. Seconded by Councilor Thomas.

**VOTE:** Councilor Wilson - Yes; Councilor Ripma - Yes; Councilor Anderson - Yes; Councilor Thomas – Yes; Mayor Daoust – Yes; Councilor White – Yes; Councilor Allen – Yes.

**Motion Passed 7-0.**

**6. PUBLIC HEARING / ORDINANCE:** An ordinance amending the Troutdale Municipal Code Chapter 2.20 Committees and Commissions, pertaining to the membership of the Historic Landmarks Commission.

Mayor Daoust read the ordinance title. This committee started out with seven members and when we were recruiting for members we didn't receive enough interest so we decided to reduce the number of members to five. Lately there has been increased interest for becoming a member on the Historic Landmarks Commission. Rather than increase the membership to six we should increase it to seven members to eliminate the possibility of having a tied vote on issues. My recommendation is to increase the membership on the Historic Landmarks Commission to seven members so that we can get increased public input on the valuable resources we have in Troutdale.

Council had no questions.

Mayor Daoust opened the public hearing at 8:05pm and asked is there anyone here that would like to testify on this ordinance?

Jay Ellis, resident, stated I think it is great that you brought this up Mayor, and I agree with you.

Mayor Daoust closed the Public Hearing at 8:06pm. A second hearing on this ordinance will take place at our next meeting.

**7. STAFF COMMUNICATIONS**

Craig Ward reminded Council that we have an Urban Renewal Agency meeting next week. The dedication for the I-84 Bridge has been postponed. A new date has not yet been set.

Ed Trompke, City Attorney, stated I had an opportunity this afternoon to listen to an internet posting of the police dispatch radio. It was phenomenal. The City Council, City Manager, and Police Chief should be very proud. The dispatcher calls in that there is a problem at the school, a shooting, and within about 1 minute the first officer is on the scene reporting that he sees .223 shell casings on the ground and within 30 seconds of that Lt. Wendland is on the scene taking charge (he didn't identify himself but I recognize his voice). From there everything goes by the book. It is an incredible thing to listen to and everyone here on the City Council has reason to feel very proud of the services that you provide for your citizens. These things can't always be prevented, but when they do happen the response is critically important and this was a wonderful response to a terrible situation.

## **8. COUNCIL COMMUNICATIONS**

Councilor Wilson thanked all of the law enforcement folks who came and helped out today.

This last weekend the Troutdale Kiwanis, Jon Brown and members of his family and members of Troutdale Terrace held their annual Bike Rodeo. We fixed about 40 bicycles. The Troutdale Police Department came and talked about bicycle safety and then took them on a parade around the apartment complex with their sirens and lights going. The kids had a great time. Mt. Hood Community College came with their hair styling class and was giving free haircuts to those that needed it. It was a good day and it was good to see a lot of happy kids.

Councilor Ripma stated my heart goes out to the family of the student who was killed today. I just can't imagine anything worse. We are truly sorry.

Councilor Anderson stated I agree. When the story comes out about this there will be some heroes. One of them is Mr. Ripsler, the PE Teacher/Track Coach who encountered the gunman, was grazed in the hip and in a moment of stunning clarity ran from the gym to the main office to activate the lockdown. When the lockdown was activated everything kicked into place. Two of our School Resource Officers (SRO) at Reynolds encountered the gunman. Within one minute 5 Troutdale Police Officers were there led by Lt. Wendland. Then the cavalry came from all over – Oregon City, Vancouver, Camas, Hillsboro, Beaverton, and Portland. It was stunning. While it can happen anywhere, it did happen here. I think if we can take a little bit of comfort in this it is that our SROs and our Troutdale Police Department and one PE Teacher/Track Coach prevented this from being far worse than one senseless death. They have my internal gratitude along with Chief Anderson who was absolutely stunning today.

Councilor Thomas stated it has been an emotional day. When I saw the police coming down the freeway as I was heading to work it was just a solid line of police vehicles and emergency service vehicles including tactical vehicles, command vehicles, fire trucks, and ambulances. It was amazing the response that we got. I am forever grateful to the Police Department and all of the emergency service personnel that helped keep this under control.

On Sunday I attended the Eagles Award Banquet for Troop 174. Three boys received their Eagle Award.

Mayor Daoust stated it has been a long day. I will tell you with certainty that it could have been a lot worse if it were not for the quick action of our SROs and our Police Department. That really stopped what could have been a lot worse. I am so impressed with the Police and the Sheriff's Department. The Sheriff was there constantly supporting Chief Anderson and our Officers. I cannot say enough about the different agencies that helped out today.

Councilor White stated I echo all of the sentiments that have been stated tonight. I was really proud to see the representatives of our City and the way that they spoke to the media, you could just see the deep concern in their eyes and hear it in their voice.

Councilor Allen stated it's a tough day. I was talking to my daughter and I was grateful that she was okay like many parents, but I was crushed when I found out about a student that we know; it was sad.

Craig Ward stated no one has mentioned the Mayor's role of taking questions from national press with very limited information and being bombarded all day with a variety of questions as information gradually came in. That is a tough job. I want to commend you Mayor, and thank you for the service that you gave the City.

## **9. ADJOURNMENT:**

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

Meeting adjourned at 8:16pm.

\_\_\_\_\_  
Doug Daoust, Mayor

Dated: \_\_\_\_\_

**DRAFT**

**ATTEST:**

\_\_\_\_\_  
**Debbie Stickney, City Recorder**



**DRAFT**

**MINUTES**  
**Troutdale City Council – Work Session**  
**Troutdale City Hall – Council Chambers**  
**219 E. Historic Columbia River Hwy.**  
**Troutdale, OR 97060**

**Tuesday, June 17, 2014**

**1. Roll Call**

Mayor Daoust called the meeting to order at 7:28pm.

**PRESENT:** Mayor Daoust, Councilor Ripma, Councilor Anderson, Councilor Thomas, Councilor White, Councilor Allen and Councilor Wilson.

**ABSENT:** None.

**STAFF:** Craig Ward, City Manager; Ed Trompke, City Attorney; Debbie Stickney, City Recorder; and Erich Mueller, Finance Director.

**GUESTS:** See Attached.

**2. A discussion on the sale of City property, and purchase of property.**

Erich Mueller, Finance Director, reviewed his staff report (copy included in the packet).

Councilor Anderson stated if we want to entertain the sale of the old city hall building we would need to deem it surplus property, if I am reading the report correctly. We would also have to identify it by itself as a line item on an agenda, to discuss it and hold a public hearing on it. But first the Council has to agree by majority that we would like to sell the old city hall.

Craig Ward replied that is correct.

Mayor Daoust asked when would the appraisal be part of the discussion?

Craig Ward replied we have already conducted an appraisal on that property and the parking lot across the street.

Councilor Anderson asked Craig, do you think that the City owns any “surplus” property that we should entertain selling, and furthermore do you think we have needs in the future, i.e. city hall, that we should anticipate buying property for?

Craig Ward replied until we deal with the city hall question, meaning a space needs and the location of a city hall, I don't see any downtown property as being inherently surplus. There may be small parcels of property that the City owns - I know of a park that is really almost only available to the adjacent property owners. I haven't gone through and identified every property and had a discussion with staff as to whether or not those could be surplus. But in

the downtown area, which I think is really the focus of the Council's concern and has been for some time, I don't think we should declare any property as surplus until we have gone through a deliberative process to decide which properties may be best suited for a city hall.

Councilor Anderson stated I am not talking about just downtown. I am interested in any City owned property that staff feels that we could live without, or is there property that we should acquire. I think that is the subject of this work session. I think we need to come up with specifics.

Craig Ward stated if you want me to do an analysis of all City owned properties and establish some criteria for whether or not those have a clear public purpose at this time, or if they should be retained for a future public purpose, I can do that with the help of the Public Works Department.

Councilor Anderson stated I would like to see that.

Mayor Daoust stated the Council could declare the old city hall as surplus. That is a decision we can make.

Craig Ward replied it is. You are free to do that as long as you follow the procedure outlined.

Councilor Ripma stated we did authorize a process that we were going to follow for dealing with the new or refurbished city hall question and we are not done with that yet. It is really premature and it would be inconsistent with the direction we gave staff, and the authorization to spend money on a space needs study. Can't we wait for that? That is what we agreed to as a Council.

Mayor Daoust replied yes. I don't mean to throw the timeline off. It is more a question of how or when we would have that discussion on the old city hall.

Councilor Ripma replied after we decide whether we are going to refurbish it or not.

Mayor Daoust stated if at a work session we were talking about old city hall and what to do with it or what not to do with it, whether to sell it or keep it, would that all be discussed in one work session?

Craig Ward replied it could be. I suspect that it won't be. The reason for that is that we will have to go through the process, which may take more than one work session just to discuss space needs overall. I think that the Council could preempt that and simply reach a conclusion, but I doubt that we can have that discussion in one simple work session. I really think that we need to deliberate more on our space needs and the potential location.

Mayor Daoust stated I understand that. Maybe that is the most difficult property to discuss. Maybe there are some other simpler properties to discuss, like the old police station site. Do we have an appraisal on that site?

Craig Ward replied we do not.

Mayor Daoust stated what do we want to do with that site? We need to discuss that. Do we want to sell it or keep it? There is a lot of discussion that needs to be done just on that one piece of property.

Councilor Allen stated I think that it would be nice to get an opinion as to whether or not we want to supplement parking in the downtown. That would help determine whether we are going to use it for parking, which it is currently being used for, or whether we don't want to do parking lots in downtown. Are there any opinions or thoughts on that?

Councilor Thomas stated I think we only had an exception for 1-year on the parking lot at the old police site. Don't we have to do something with that soon?

Craig Ward stated we were given 1-year by the conditions of the conditional use to come to a conclusion about the future use of the property. I believe that was done in November or December.

Erich Mueller stated I think it was late summer or early fall.

Councilor Anderson stated Councilor Allen, to your point that could be part of the whole discussion. It could be an Option A and Option B. Option A could be sell and this is what it is worth and this is what it could be used for; Option B would be if we want to keep this parking lot here is what we would have to do and this is how much it would cost. We could weigh the two options against each other.

Councilor Thomas stated parking is an issue for the downtown and for growing our downtown. There are some things that need to be discussed before we just say lets sell it. Craig, I think I know what park you were referring to. We looked into selling that before but because of the way that it was given to us we couldn't sell it. You might want to look into that.

Craig Ward stated there is a lot of work in evaluating each piece of property that the City owns. The broad way in which Councilor Anderson asked the question suggests that there is a lot of work to be done to identify each property, establish criteria, and weigh each of them according to those criteria and then bring a report back to you. My guess is that will take us a couple of months.

Mayor Daoust stated we could have one work session to just deal with that. The second work session is the old police station site where we can talk about parking. I do know there is probably a potential buyer for that site if we wish to sell it that may in turn develop that as parking; it would be a private parking lot. Maybe we should tackle these one at a time.

Councilor Anderson asked do we want to give staff direction to look into the liquidation of the former police building site, or converting it into a permanent parking lot.

Councilor Thomas stated we need an appraisal of the property.

Councilor Anderson stated if we are going to sell it we will need an appraisal.

Councilor Allen stated the private parking you are talking about would otherwise be on the street, and we gain nothing.

Mayor Daoust stated Bremik might be interested in buying it for parking.

Councilor Anderson stated I am comfortable delegating to staff to put everything together on the sale of or retention and conversion to permanent parking of the old police site.

Mayor Daoust stated for that site there are other options besides parking like enlarging Mayors Square. Parking is not the only answer.

Councilor Anderson stated if we sell it, it doesn't necessarily mean that it will be parking.

Mayor Daoust stated it sounds like we need a work session and an appraisal done on the old police station site.

Councilor White asked are there any restrictions with the bond?

Erich Mueller replied there wouldn't be any limitation on us selling the property. The bond provided funds to make site improvements, which we interpreted as removing the old building. We have performed those site improvements. Nothing in the bond language requires us to retain the property or to use it for any particular purpose.

Craig Ward stated if I understand the Council's desire there is a consensus for staff to proceed with an appraisal and bring back a report on the former police station site. If there are no objections I will proceed with that understanding.

Councilor Thomas asked is the entire parking lot included in the police station site; is that one parcel of land?

Craig Ward replied it is one parcel of land as I understand it. We are still waiting for Multnomah County's decision on the exception to the rule for access onto Buxton. We have the 1-year timeframe where we need to address the question of whether or not we are going to pave the parking lot or are we going to do something else with that site.

Mayor Daoust stated we need to have this work session before our 1-year conditional use is up and we need to decide on the gravel parking lot and what we are going to do with that.

Councilor White stated I like the idea of getting a comprehensive list of all of our properties. I think I would need to see that before I can make a decision on any of these other specific properties.

Craig Ward stated getting the list of properties isn't that difficult. It is really the criteria and judging each one against criteria that will drag the process out.

Mayor Daoust stated another discussion is on properties to purchase. I know that there has been some discussion about purchasing the Windust property next to the new police facility.

Craig Ward stated really the first question we have to answer is what purpose we would purchase the property for. We all know, and the public is well-aware, that the location of city hall is a big issue for us and that property is certainly a candidate, among several others including property we own. I don't know what other kinds of purposes the Council may be considering, but we do have to declare our intention to acquire it for a public purpose.

Mayor Daoust stated all of these discussions circle around city hall. What are we going to do about a city hall?

Councilor Anderson stated we have the transparent process for city hall and it just needs to run its course. When we get the space needs study then we have to decide which space is best for our needs.

Councilor Thomas stated some of the other stuff revolves around the issue of whether we contract for police or not. There are a lot of contingencies going on with these properties.

Councilor Anderson stated I am really loath to purchase anything to take it off of the tax-rolls if we don't have to.

Councilor Wilson stated we can't unless we have a purpose.

Councilor Ripma stated it is a little premature.

Mayor Daoust stated it could be. When are we going to get around to discussing it rather than batting the ball?

Councilor Ripma stated I think the answer is lets see what happens with the Sheriff, and lets see what happens with the space needs study.

Councilor White stated you run the risk of the property not being available.

Councilor Ripma replied absolutely. We can hardly declare a city purpose when we have so many balls in the air. I agree, it could get sold that is always a risk.

Mayor Daoust stated purchasing a piece of property just speculating that we may need it some day in the future for some purpose is not appropriate for a City Council to do.

Councilor Allen stated it seems like there is an interest in the old police station that we are currently using for parking and we are going to need to move that parking somewhere else. There are limited options as to where we do that. I would think that the Windust property would make a good location for a parking lot to help us with that. We were talking about needing a place for a kiosk. What safer place to park your bike than right next to the Police Station.

Councilor Thomas stated actually that is usually considered the least safe place; it is the safest place for criminals because nobody is there.

Councilor Wilson stated people with \$2,000 to \$3,000 bikes are not going to park them up there and then come downtown to go shopping. They want their bikes within their view.

Councilor White stated I look at the amount of investment that we already have all around that Windust property. I look at it more as a civic center. If this town is going to have a civic center it is really the only option. There is a connection with the Police Station and Public Works and anything else we might want to put in there – city hall, parking, a free-standing library, or a future fire station. To me when I look at that piece of property it just screams civic center.

Councilor Allen stated or a community center park area.

Councilor Wilson asked do we know when the space needs analysis will be done?

Erich Mueller replied in conversations with the architect we talked about finding a date for the kick-off as the Mayor's Town Hall meeting sometime in July. The first part would be to gather the public's expectation of what they expect to have in a city hall building from a services and function standpoint. Then they need to do the internal interviews and measuring. If we start in July I am hoping we could bring a preliminary report to you sometime in the early fall.

Councilor Allen stated it seems to me that if we don't do the old city hall then the Windust property becomes the next best place for a new city hall. If we go ahead with the police contract with the Sheriff's office that building can actually only hold the patrol portion and not the administration which they would want close by. It is not that we don't have a need for the property, it is that we have too many options, too many needs for the property. I think it would be a mistake for us to let that one go.

Erich Mueller stated in terms of what has been referred to as the Windust property, there are actually two pieces of property between the Police Facility and 257<sup>th</sup>. There is one lot that is directly across the cul-de-sac and then there is a lot that is behind that over to 257<sup>th</sup>.

Councilor Anderson stated I think this whole discussion is very premature. I don't think there has been any building on that property in the 18 years I have lived here. I really don't get the urgency. Secondly, we have to do our space needs. We dedicated ourselves to a process that we need to see play out. That may take a year but that is what we signed up for.

Councilor White stated there were other properties mentioned – the Sam Cox property. Out of respect to that family we should make a timely decision on whether or not we are interested in that property. I think they pulled the property off the market to give us time to consider it. The other piece of property mentioned previously is also owned by Mr. Windust and is near Glenn Otto Park. The City owns all of the property along Beaver Creek from the Caboose until you hit Mr. Windust's property. If that property becomes city owned property

we could actually have a trail along the Beaver Creek that comes out right where the footbridge is to go into Glenn Otto Park.

Mayor Daoust asked is that property for sale?

Frank Windust replied yes.

Councilor White stated it could also be used for additional parking for Glenn Otto Park; parking continues to be a problem there.

Mayor Daoust stated we have a couple of imminent purchases we need to discuss, if the Council agrees.

Council voiced that they were interested in discussing these properties.

Mayor Daoust asked if we have a piece of property that we want to consider purchasing what is the process?

Craig Ward replied the proposal made to us previously was that the Cox property be considered as a park, and somewhat similarly the property you are speaking of next to Beaver Creek would be a trailhead/parking lot. Those are both public purposes and they are both legitimate to convene an executive session to discuss. We will proceed to do that if that is your direction.

Councilor Anderson stated I am fine with the parking lot.

Mayor Daoust stated then lets schedule an executive session on those two pieces of property.

Councilor Anderson stated I'm not really comfortable with the other one.

Mayor Daoust stated we can talk about it.

Craig Ward stated we will proceed to schedule an executive session on both of those properties.

Mayor Daoust stated we have the price for the Cox property; we don't know much about the Windust property.

Craig Ward replied we have the property owner's suggested price for the Cox property. We don't have an appraisal on either one of the properties. That may be a subsequent step that we will need to conduct.

Mayor Daoust asked can we have the executive session before we have the appraisal?

Craig Ward replied of course. If I am not directed to conduct an appraisal on these two properties then you won't have the information in the executive session resulting from the appraisals.

Mayor Daoust asked what is the cost of an appraisal?

Craig Ward replied it will be several thousand dollars for both.

Erich Mueller stated I believe the city hall appraisal was about \$6,000. It is a commercial property. The Cox property would fall more into a residential appraisal. I am not familiar with the other piece of property.

Councilor Ripma stated we can have the executive session without the appraisal. I think we should do that and just talk about whether or not we want to go forward with an appraisal.

Councilor White stated I agree.

Ed Trompke stated non-commercial properties might run about \$2,500 to \$3,000.

Mayor Daoust stated lets have the executive session first.

**3. Discussion on relocating council meetings and municipal court to the Police Facility Community Room.**

This agenda item was rescheduled to July 8, 2014 following the regular council meeting.

**4. Adjourn:**

Meeting adjourned at 8:07pm.

**DRAFT**  
\_\_\_\_\_  
Doug Daoust, Mayor

Dated: \_\_\_\_\_

**ATTEST:**

\_\_\_\_\_  
**Debbie Stickney, City Recorder**



**DRAFT**

**MINUTES**  
**Troutdale City Council – Regular Meeting**  
**Troutdale City Hall – Council Chambers**  
**219 E. Historic Columbia River Hwy.**  
**Troutdale, OR 97060**

**Tuesday, June 24, 2014**

**1. ROLL CALL, AGENDA UPDATE**

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

**PRESENT:** Mayor Daoust, Councilor Ripma, Councilor Anderson, Councilor Thomas, Councilor White, Councilor Allen, and Councilor Wilson.

**ABSENT:** None.

**STAFF:** Craig Ward, City Manager; Debbie Stickney, City Recorder; Ed Trompke, City Attorney; and Erich Mueller, Finance Director.

**CONSULTANT:** John Morgan, Morgan CPS Group, Inc.

**GUESTS:** See Attached.

Mayor Daoust asked are there any agenda updates?

Craig Ward replied there are no changes to the published agenda.

**2. CONSENT AGENDA:**

**2.1 ACCEPT MINUTES:** May 20, 2014 Work Session and May 27, 2014 Regular Meeting.

**2.2 RESOLUTION:** A resolution approving an Intergovernmental Agreement authorizing the City to become a member of the Managing Oregon Resources More Efficiently (MORE) Cooperative.

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

Councilor Anderson read the consent agenda items.

**MOTION:** Councilor Anderson moved to adopt the Consent Agenda. Seconded by Councilor Wilson. Motion Passed Unanimously.

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

Fred Fanatia, resident of Portland, stated I have some safety concerns at Glenn Otto Park. I am partner with Marks Snack and Tackle. The sapling trees on the beach are

overgrown. We can no longer see the Lifeguard shack down there. We would like to know what we can do to remove some of those trees so that we can have a visual of the beach area to assist with making it safer for everyone down at the beach. The Officers are having a difficult time seeing people down there with alcohol. Also, the Lifeguards brought to our attention that there is a large stump out in the water this year. As people are going down the river they are being directed by the current into the stump and folks are having a difficult time getting out of that area. I am concerned that someone will drown there this year.

Craig Ward, City Manager, stated public works is responsible for the parks and I will discuss this with Steve Gaschler our Public Works Director. We will have to contact the Department of State Lands regarding the stump in the river. Thank you for bringing this issue to our attention.

**4. MOTION:** A motion to approve the Mt. Hood Cable Regulatory Commission's 2014-15 Budget.

Councilor Thomas stated I am Troutdale's representative on the Mt. Hood Cable Regulatory Commission (MHCRC). With me tonight is Julie Omelchuck, MHCRC's Program Manager and Rob Brading the Executive Director for Metro East Community Media. I am here to highlight a couple aspects of the fiscal year 2014-15 Commission budget request and to seek your approval.

The Commission is an intergovernmental partnership among Troutdale, Gresham, Fairview, Portland, Wood Village and Multnomah County. Each jurisdiction appoints citizen representatives to the Commission. The Commission has oversight, enforcement and public benefit responsibilities for the cable franchises. Troutdale has two cable service franchises; Comcast and Frontier.

Over this past year, the Commission has provided many services to our communities and its citizens. Some of those benefits include:

- Community grants funded over \$1.7 million in 2013 for local schools, libraries, nonprofits and local governments to use technology to support local public services. Descriptions of the 2013 grants can be found in the budget narrative.
- Two community access channels were launched in high definition (HD) format this past year; the first in the nation for community channels. MetroEast's government affairs channel, where your Council meetings are carried, is now available as both standard digital and HD channels.
- The Commission coordinated the first major upgrade of the Institutional Network backbone, on-time and within budget. Without increasing costs to our schools, libraries and local government sites, the upgrade provides much needed additional network capacity.
- The MHCRC independent audit for FY2012-13 found that the MHCRC's financial statements fairly presented the financial position of the MHCRC Fund. The full audit document is available on the MHCRC's website.

The Commission focuses its resources on the following two priorities: 1) Maintain the Commission's core responsibility of franchise management and consumer protection; and 2) Manage the franchise public benefit resources to positively impact and support our communities.

A major work load for this past year and the coming year is a comprehensive redesign of the community grants program. Over the past year and a half the Commission has engaged in a comprehensive process to realign its grant investments to have greater impact in the community. This fall, the MHCRC will launch an initiative focused on improving academic outcomes for all students in Multnomah County. The MHCRC is pleased to be working in alignment with the All Hands Raised Partnership, which includes the school districts, community groups, business leaders, elected officials, funders and others throughout Multnomah County. The MHCRC has established a framework to develop funding partnerships with each school district in Multnomah County. The MHCRC has also contracted with Portland State University, Center for Student Success, to assist with research and evaluation design in order to gauge long-term impact of grant fund investments. I look forward to coming back to Council this fall to share more specifics about the initiative.

You have been provided a copy of the MHCRC's FY2014-15 budget request in your meeting packet. The MHCRC Fund Budget is on page 11. Troutdale will receive over \$60,000 from cable franchise fees, after disbursement of funds to MetroEast and to the MHCRC operating budget. The franchise fee revenue and disbursement detail is included on page 13. Each MHCRC member contributes to the MHCRC's annual budget. Troutdale's contribution for FY14-15 is \$16,499. You may notice that the MHCRC Fund has a large Beginning Balance for FY2014-15. This is mainly due to the education funding initiative set to launch this fall. The MHCRC is combining dedicated grant funds over a couple fiscal years which will be granted in this upcoming fiscal year. This expenditure is reflected in the Community Capital Grants line item.

The MHCRC respectfully requests that the Council approve the 2014-15 proposed MHCRC Fund Budget.

Council had no questions regarding MHCRC's FY 2014-15 Proposed Budget.

**MOTION: Councilor Anderson moved to approve the Mt. Hood Cable Regulatory Commissions' 2014-15 Budget. Seconded by Councilor Wilson. Motion Passed Unanimously.**

**5. RESOLUTION: A resolution providing for current FY 2013-14 Budget Transfers and Appropriation Changes.**

Erich Mueller, Finance Director, stated this is the annual end of the year adjustments that I bring to the Council at the last meeting in June. We are moving around existing appropriations to line up the expenditures with the appropriations and the categories and

departments in which they occurred. The budget is prepared some 15 months in advance of now and frequently there are actual things that occur that we hadn't anticipated or planned on. In order to try and stay in compliance with the local budget law we are making adjustments here. Again, this is moving existing appropriations, we are not increasing appropriation. We are moving some from one particular department to another to account for an expenditure and we are also moving money from contingency appropriations to cover for items.

Erich Mueller reviewed the adjustments that are being made which are outlined in his staff report (copy included in the packet).

Councilor Allen stated as I was going through this some of the things I expected and understood the reasons why, but there were a couple of surprises in there. I just want to encourage when you start getting into larger numbers just put that in the update or something.

**MOTION: Councilor Wilson moved to adopt a resolution providing for current FY 2013-14 Budget Transfers and Appropriation Changes. Seconded by Councilor Anderson.**

**VOTE: Councilor Anderson - Yes; Councilor Thomas – Yes; Mayor Daoust – Yes; Councilor White - Yes; Councilor Allen – Yes; Councilor Wilson - Yes; Councilor Ripma - Yes.**

**Motion Passed 7- 0.**

**6. PUBLIC HEARING / ORDINANCE (Introduced 6-10-2014):** An ordinance amending the Troutdale Municipal Code Chapter 2.20 Committees and Commissions, pertaining to the membership of the Historic Landmarks Commission.

Mayor Daoust read the ordinance title. Back in 2011 we established this Commission with a membership of 7 but we didn't receive enough applications to fill the 7 positions. In 2012 we reduced the membership to 5 members. Lately we have learned of more interest to be on this committee. This ordinance would increase the membership back to 7 members keeping the membership at an odd number which helps prevent from having votes end in a tie. If we adopt this ordinance the terms for the two new positions would expire on December 31, 2017 and then become 4-year terms thereafter.

Councilor Allen stated I encourage participation by our volunteers and support this.

Mayor Daoust opened the Public Hearing at 7:26pm and asked, is there anyone here that would like to speak on this issue?

No testimony received.

Mayor Daoust closed the Public Hearing at 7:26pm.

**MOTION:** Councilor Anderson moved to adopt an ordinance amending the Troutdale Municipal Code Chapter 2.20 Committees and Commissions, pertaining to the membership of the Historic Landmarks Commission. Seconded by Councilor Wilson.

**VOTE:** Councilor Anderson - Yes; Councilor Thomas – Yes; Mayor Daoust – Yes; Councilor White - Yes; Councilor Allen – Yes; Councilor Wilson - Yes; Councilor Ripma - Yes.

**Motion Passed 7- 0.**

**7. PUBLIC HEARING / ORDINANCE (Introduction):** An ordinance adopting updated and revised Metro Urbanization Policies along with updated Metro population and employment projections into Troutdale Comprehensive Land Use Plan Goal 14 Urbanization, specific to Statewide Land Use Goal 14 Urbanization, in fulfillment of Task 6 of the City's Periodic Review Work Program.

Mayor Daoust read the ordinance title.

Craig Ward, City Manager, stated this is the final task necessary for us to complete Periodic Review, a process we began several years ago. John Morgan is a planning consultant who we employed to work on this task.

John Morgan, Consultant, stated I met with both the Citizens Advisory Committee (CAC) and the Planning Commission (PC) to go through this material.

This is an enigmatic task that the City is challenged with in that you are mandated by state law to adopt population projections as created by Metro, therefore, there is not a lot of discretion in this process. The reality is that there is a long history in this state of communities creating their own population projections, literally stealing growth from other cities or refusing to take it from other cities. About four legislative sessions back the Legislature said that these population projections would be coordinated at the county level. That subsequently has been modified in the Metro area to where they are coordinated by Metro. They are created by the professional demographic staff at Metro. The whole idea is to create scientifically based, rather than politically and aspirational based, population and employment projections. The Legislature, by statute, requires every jurisdiction to adopt these. We are here tonight to do that.

The population and employment projections created by Metro take into account a number of things. One is regional growth projections, which for the most part Metro has determined are fairly consistent with the past. We know that population projections are very cyclical and will go up and down on a micro scale, but on a macro scale they tend to be fairly consistent and predictable over time. Today Metro just released their projections for the entire Metropolitan area that will be used in the update of the Urban Growth Boundary (UGB) over the next year, and they are pretty much a perpetuation of business

as we know it which does mean that Troutdale has a market demand for growth. That is part of the projection. The second part that goes into it is available land. Troutdale has a fairly constrained supply of residential land; that comes into play. It also has a predisposition toward single-family development as opposed to multi-family development and that comes into play in terms of determining the capacity of the land inside of Troutdale for absorbing population. The second part of this analysis is on economic forecasts. The one thing that we know about Troutdale is there is a lot of land for significant employment growth compared to some of the other communities in the region.

In the staff report (copy included in the packet) I included the Metro projections. It is important to realize that when you adopt these projections you are not adopting a number, you are basically saying we hereby pledge that we will use the Metro projections when we do planning. Those may change over time, but we will use those projections. Those projections are used in two basic ways. One is to determine adequacy of land for projected growth, and secondly it is used for infrastructure master planning in order to assure that there is adequate sizing of streets, sewer, water, storm drainage, etc. to meet the needs of a growing population over twenty years. The projections (Exhibit A of the staff report) show that Troutdale grows at a pretty good rate, but it grows in a higher percentage of single-family than the surrounding area. It also shows a tremendous growth in employment compared to the surrounding area. Gresham takes the bulk of the growth and most of that is in multi-family. Troutdale far outstrips Gresham in terms of employment growth as a percentage increase. I think what the forecast tells us is that Troutdale will continue to be able grow as an employment center where a lot of the housing, especially the higher density housing, for employees will be created in the Gresham area.

The CAC recommended unanimously that this work be approved by you. The PC made one change in the proposed text and that was to take out a specific reference to 2035. They thought it would be easier if it didn't have a year reference and rather just said "the Metro projections".

What is before you tonight is a proposed ordinance. Attached to that ordinance is Attachment A. Attachment A is the chapter from the Comprehensive Plan – Goal 14 Urbanization. It includes three proposed changes in the text of that chapter. At the bottom of Page 1 of 2 is a narrative that describes this process and a brief narrative discussion of the proposed growth. On Page 2 under Policies, it includes the addition of a policy that reads, "6. For planning purposes, the City shall use Metro's forecasted population and employment numbers." That one sentence is the crux of this entire process. The PC's Findings of Fact and Recommendation are included and will be adopted by reference. This work has been vetted by the staff at the Department of Land Conservation and Development (DLCDD) to make sure that it fulfills the requirements of the Periodic Review Work Task and is also consistent with state law. They will not give us a formal response until it is done. Informally they have assured me that this is exactly what is being sought in the periodic review requirements and is in compliance with state law.

Mayor Daoust asked how often does Metro do this?

John Morgan replied Metro does its UGB expansion once every five years. In that process the first thing they do, which happens in year three of the cycle, is they create the urban growth report which was issued today. This report includes these regional population projections. For the next two years the region will go through the process of deciding what to do with those projections in terms of identifying areas for expansion of the UGB if needed, determining a needed acreage of both employment and residential land and figuring out where it best goes. Craig and I have discussed there is probably a significant role for Troutdale to play in that process. The requirement to maintain a 20-year supply of buildable land is built into state law. It doesn't mean that is rolling every year, it means that about every five years you check that information and bring your land database inside the UGB up-to-date.

Councilor White asked by adopting these projected numbers, is that going to weaken our case for completing Troutdale? We are trying to gain some of the last remaining area of growth to the south of 800 acres.

John Morgan replied no it doesn't. I come back to the fact that the State said you will adopt Metro's projection. There really isn't much to do with that. Making the argument for those 800 acres then comes down to the allocation of the regional population projection. What the report says is over the 20 years the Metropolitan Region will grow by close to 700,000 people taking it from 2.3 million to 3 million over the course of 20 years. There is no reason to think that Troutdale couldn't argue that those 800 acres are an appropriate place to put some of that.

Councilor White stated to me this is exciting news. It is what we already knew about Troutdale and that is that we are poised. I think that is the type of growth that we want to see. With our available land for industry I think we are going to run into a shortage of executive type housing. I think a lot of those people would like to live in Troutdale since they will be working here. I don't know if we can influence that in any way.

John Morgan replied if by executive housing you mean mansions on 2 to 5 acre lots – that is very hard to come by inside the UGB. You will find resistance to doing that kind of development because it makes fairly inefficient use of land. If you are trying to establish an UGB for the purpose of protecting farm and forest land and creating efficiency, that really isn't a very efficient development pattern. I do know that there is opportunity, especially on steeper hillsides, to go with larger lots. There are some development tools that may come into play. Basically what Metro says, what the State Housing Rule says, is this community is required to create the opportunity for the market to create housing at an average of 8 dwelling units per acre. If you do a bunch of 1 or 2 acre lots that is fine as long as you go with some real high density housing somewhere else.

Councilor White stated you describe that 800 acres perfectly. It is kind of rolling hills, steep slopes and valleys; that would be ideal for 1 acre mansions.

Mayor Daoust stated the number on the table in the staff report that got my attention was the addition of 525 single-family residential dwellings over the next twenty years. I tried to envision where all 525 homes would go within Troutdale and I can't come up with it.

John Morgan stated that bodes well for any aspiration to expand the UGB area for Troutdale.

Mayor Daoust asked how did they come up with that number?

John Morgan replied a lot of it is assumptions on things like infill; the willingness of a person who owns a half acre lot to break it into three lots. These projections are completely dependent on the market fulfilling them, which the market may never do or it may demand more.

Councilor Anderson stated the number that jumps out to me is the jobs number. Especially the statement that Troutdale is going to create the jobs and the people who fill them will be living in Gresham. I think we could probably market ourselves and see what we can do about that. Are the bulk of these jobs industrial? What percentage?

John Morgan replied about half. The projection is about 10,000 new jobs in the area, of which half would be industrial. About 2,000 will be retail and approximately 2,300 would be in the service industry.

Councilor Allen stated I can't help but notice that during my time of service for the City the amount of planning that we end up having to go through with all of the state mandatory goals, the amount of growth that we actually realize and the effect that those plans have on real growth seems very disproportionate to me. Is there any let-up on these goals?

John Morgan replied once every six or so years, jurisdictions over 10,000 have to update their Comp Plan.

Councilor White stated a state expert has told us that due to our lack of inventory that we won't be required to do another periodic review.

Councilor Thomas stated what I noticed was the projected population. When I first came on council it was at 22,000 to 23,000 and to see it come down to 17,000 means we don't have to have quite as many people sitting on top of each other. I appreciate the fact that they have come down to a more reasonable number. I do like the projections for the potential job increases.

John Morgan stated I think the track record for Metro in the last few years has been much more spot on with market reality than in the past.

Mayor Daoust stated this is the first hearing on this ordinance. We will be bringing this up again in two weeks.

Craig Ward stated I would like for John to be in attendance for the second hearing on this ordinance. Unfortunately John is not available on July 8<sup>th</sup>, so the second hearing won't take place until August.

Mayor Daoust opened the Public Hearing at 7:50pm and asked, is there anyone here that would like to speak to us on this issue?

No testimony received.

Mayor Daoust closed the Public Hearing at 7:50pm.

## **8. STAFF COMMUNICATIONS**

Craig Ward stated a week from this Friday is Independence Day and City facilities will be closed. The Police Department will be conducting enhanced patrols for fireworks enforcement.

At this time we have a fairly light agenda for the July 8<sup>th</sup> meeting. At our last work session we talked about having an executive session on property acquisition. If it is the Council's desire we can have that executive session on property acquisition following the regular meeting.

Mayor Daoust asked on July 8<sup>th</sup>, what specifically are we going to be talking about regarding the chronic nuisance ordinance?

Councilor Thomas stated the ordinance that Ed Trompke is drafting.

Ed Trompke stated the ordinance will be tailored to the Lake Oswego code. I am working with staff in my office this week and plan to get a draft to Craig by the end of the week.

Council discussed whether this should be a work session or a regular meeting agenda item. The consensus of the Council was to schedule it on the regular meeting agenda as the first hearing, with the second hearing at the August meeting.

Mayor Daoust asked is there a work session topic for July 8<sup>th</sup>?

Craig Ward replied yes, moving municipal court and council meetings to the Police Facility.

Mayor Daoust stated we will have a regular meeting, a work session and an executive session on July 8<sup>th</sup>.

## **9. COUNCIL COMMUNICATIONS**

Councilor Anderson stated in the news this week, it has a dateline of Troutdale and it has to do with this County ordinance. The Outlook editorialized on it today. Mr. Trompke, I

want to get your take on this and what if anything should this Council be doing regarding it.

Ed Trompke replied what the Council does regarding this is policy. I will tell you what my take is of the current status of the Ross vs. Multnomah County litigation and what it means to the City. Multnomah County adopted an ordinance that is specifically permitted by the Oregon State Law for either a city or a county to adopt. It prohibits any person from carrying a weapon that is loaded in a public place with certain exceptions for hunting, concealed weapons permit holders, police officers; there a bunch of exceptions. The County is now charging one person who was arrested in the city limits with violation of that criminal County ordinance. That is unusual because ordinarily counties don't enforce their police power regulations inside city limits, they only enforce tax and similar kinds of ordinances in city limits. The statute, ORS 203.240 says that statutory counties, they are not home rule counties with their own charters, can't do that without the council's consent. They can only enforce inside the city limits with the city's consent.

The question is, can Multnomah County, which is a charter county, exercise its Home Rule Authority to enforce an ordinance in the city limits without the city's consent. It has never come up before in any kind of recorded decision. However, I don't see this case, in particular, as having any precedential effect for the City. The reason is it is a criminal statute and there are four different provisions of the Oregon Constitution that deal with home rule. Article XI section 2, prohibits the legislative assembly which otherwise has virtually unlimited powers, from adopting charters in cities, and at the same time says that any cities that do adopt their own charters under Article IV Section I(5) must obey the State Constitution and the criminal laws of the state. The State in that respect has now adopted these criminal laws and has preempted the field; there is a specific statute that says all gun laws are being preempted by the State Legislature and cities and counties only have the authority that is being delegated to them in three or four statutes that follow the preemption law. The City only has statutory authority, it doesn't have constitutional home rule authority to adopt gun control ordinances. As a result any decision in this case will only cover this particular statute. My take on the case is that it will turn on what the Legislature meant when it adopted this statute. The statute basically says cities or counties may adopt an ordinance that prohibits people from carrying loaded weapons in a public place except for the following. That is exactly word for word what Multnomah County adopted. So they are clearly entitled to adopt that ordinance, the only question is can they enforce it in the City. If they can the Multnomah County ordinance also says that it won't enforce the ordinance in any city that adopts an ordinance on the same subject. Troutdale may have done that; Troutdale has its own set of gun ordinances but it does not prohibit every person from carrying a loaded weapon in a public place. The court is going to look at that and say is that the same subject or is it a different subject because it is a little different. I can't tell you what the court will do with that.

The bottom line on it is, I don't see it as having any precedential effect; I don't see it as opening the door for the County to then say we are going to adopt a zoning ordinance and we are going to overlay it on the City of Troutdale and you are going to have to live with it. This is separate from the kind of home rule charter authority that Metro has

because Metro's charter and home rule authority seems broader. The one case on that point does seem to say that Metro's charter says it will adopt a functional plan which can overrule cities in the civil arena regarding zoning and other land use arenas. The city, county and Metro home rule rules are all different which makes it even more complicated to try and explain when there is very little case law.

What can the City do? The City can, if it wants to, intervene in the litigation. The trial is coming up July 9<sup>th</sup> and that is somewhat problematic because we would have to get the motion to intervene, have it heard and then file briefs to cite any factual evidence that needs to be put in and get witnesses to put in any factual evidence. There may be some and there may not be. It is unlikely but you never know until you really dig into a case. One step back from that might be that the City decides it wants to file an amicus brief (friend of the court) which says that the City looks at the law this way and we think the court should look at it the same way also because the City does have an interest in enforcing its ordinances and the City Council may believe that the City's gun ordinances do occupy the field and therefore the County's shouldn't be applied in the City; and we also believe that the Legislature intended, when it adopted these statutes back in 1973, that any ordinances adopted pursuant to the statute shouldn't apply in the City if they are adopted by a county. It's a matter of legislative intent and that means digging into the old typed manuscripts of the legislative committee hearings from the 1970's and finding out what they talked about at the time. I wouldn't be surprised if there is something in there that says that the consent of the city council is required because that is what the lawyers think that home rule division of authority requires; for the county to apply criminal laws in cities requires consent. Everyone has thought that since about 1967 when the Attorney General came out with his first opinion on the subject; there was two or three of them in 1967-68 and they generally say that city councils have to agree before the county ordinances will apply. It has just never come up in court so we don't have any real solid ruling on it. All of that research would need to be done whether it is an amicus brief or an intervention in the case.

Are there other things the City Council could do? The City could consider making a statement that it does or does not believe that it's occupied the field with its ordinances. I don't know what kind of weight that might carry, but it might. On a going forward basis, the Council has directed staff to negotiate with the Multnomah County Sheriff's Office (MCSO). You might want to bring this up in the negotiations because it is an unanswered question of whether the MCSO would feel compelled to charge people in the City with County ordinance crimes, or not. If it could be built into the contract, maybe it does and maybe it doesn't; that is a negotiation point. Also possible is to consider an agreement with the District Attorney's (DA) Office, who actually does the charging. The officers arrest and cite people but the DA's Office has all of the discretion to charge. It looks to me like under County Home Rule, Article VI Section 10, the County can't direct the DA's Office on how to charge so they can simply ignore those if the DA's Office believes or has any reason to believe that it is not the intention of the Legislature to make those ordinances chargeable in the city limits. It is complicated. There are a lot of things to talk about, but the DA's Office might be amenable to an Intergovernmental Agreement that would discuss that. It is too early to say at this point what anybody might think about it.

If you want to get involved in the litigation, either through intervention or through an amicus brief, you probably need to act very quickly. Discuss it tonight and direct staff as to what to do. If not, then you would simply sit back and watch what happens with the litigation and hope the court gets it right.

Mayor Daoust stated I have thought about this a lot and I have gone back and forth on whether the City should get involved in this particular court case. Reading between the lines and talking with people, both the City Attorney and our Chief of Police, I am inclined not to get involved with this court case. I just don't want this particular subject of gun control to be put on a stage and talking about home rule, which is a completely large discussion point of whether the County has the right to tell cities what to do; that is a discretion in itself. I feel real uncomfortable with using gun control, especially after what happened here, and putting Troutdale on the stage as possibly being viewed as getting in the way of anybody trying to discuss the gun control issue. I am afraid it might turn into that.

Councilor Allen stated wouldn't we need to have involvement in the case if we wanted to appeal?

Ed Trompke replied yes. If you want to appeal it the City would have to intervene and become a party to the case, or else hope that the other parties appeal and then you could get involved with an amicus brief.

Councilor Allen stated to me it is less about gun control and more about does the County have the ability to intervene in our ordinances, and if so then everything we do from that point forward could be changed. That would be concerning to me.

Mayor Daoust stated I think that is the extra step that you are jumping to that the City Attorney addressed already; it would not set a precedent because it is strictly in the criminal arena.

Ed Trompke stated and specifically in gun control; it would be limited to this set of criminal statutes that deal specifically with possession of fire arms. It is a specific preemption of all local authority in one statute with a re-delegation back to the cities and counties in equal amounts for either to adopt certain kinds of ordinances in four or five different statutes; different ordinances are allowed but nothing else is allowed with no discussion as to whether cities or counties trump each other in doing that. This case will only decide, in my opinion, what those statutes mean, specifically the gun control statutes.

Councilor Allen stated the second part of this is more about the tragedy that we have just been through and it being compounded by this new case, and from what I know this isn't really the type of person we want to go after. I find it kind of concerning. Maybe the Chief knows more details than I do. I think he knows more about the particular issue, but maybe not about how the town feels about him.

Councilor White stated to me this wouldn't set precedents on the gun control issue.

Ed Trompke stated yes it would.

Councilor White stated that greatly concerns me. I think we have no choice but to get involved. I think the Troutdale ordinance, whatever happens in Troutdale should be dealt with on our set of rules that we have in place. (Inaudible due to train whistle) If the Judge goes a different direction we will have no say; we won't have an opportunity to get involved.

Mayor Daoust stated I don't know that to be true. Right now our police do not enforce the Multnomah County ordinance. They arrested this guy under state law, which is all that the Police Chief said he needs to deal with gun issues in the City. The Chief prefers to just see the court case run its course and see what kind of decision the Judge makes as to what laws our Troutdale Police Department should enforce.

Councilor Ripma asked Ed, would the argument that we would make if we had a policy wanting to not have this become a precedent even for gun laws against our freedom to do what we want, would those arguments be made in this case anyway whether we intervened or not? Isn't the defendant going to argue that point? Are there other parties that are intervening in some way or another?

Ed Trompke replied the civil case is five Multnomah County residents, one is a Troutdale resident, arguing that the statutes are not allowed to be enforced in the cities that the residents live in. The criminal case, I don't know what is going to happen with that. The DA's Office may not even continue the charge, they may simply prosecute on the state law charge. As the Chief said, the state law is plenty to charge somebody under to punish them for doing something wrong with a firearm. If I remember correctly, the person is alleged to have been carrying a weapon concealed in a backpack or some kind of a satchel in violation of the concealed carry statute.

Councilor Ripma asked could the County Commissioners direct the DA to pursue the county code or not?

Ed Trompke replied oddly enough no. When county home rule was adopted the DA's were not part of the Executive Department, they were part of the Judicial Department and the explanation in the 1958 Voters Pamphlet says this measure requires that no charter affect the selection ten year compensation powers or duties of judges or DAs; this is to ensure uniformity in the organization of the Judicial branch of government. So they can't tell DAs how to do their job.

Councilor Ripma stated that is good. Is the civil case and criminal case both going?

Ed Trompke replied yes.

Councilor Ripma asked if we intervened would we intervene in one or the other or both?

Ed Trompke replied it would be in the civil case, which is the Ross vs. Multnomah County case. The other case is simply proceeding through the criminal system and I have no idea what stage it is at other than the person has been charged.

Councilor Ripma stated I do not think we should intervene. We have a stake in this but it could be costly and of uncertain value. I am not saying that Ed and his firm wouldn't do the best job, but I think the arguments that we want made will be made. I agree with Mayor Daoust that it is not the right issue. I don't think it would have any long-term effect on our ability to govern our lives any more than we have lost already. Think of Item #7 in our packet tonight where we were invited to have a hearing and vote yes on an ordinance. It happens all the time. I don't mean to belittle this, but I think it is a very divisive issue. I think the issues at stake here are not as enormous as might be thought. I also think that the Judge will rule correctly; that the county ordinance doesn't apply. Just because of the long assumption, based not just on guess work but on careful readings of our Constitution and ordinances. I would prefer we stay out of it.

Councilor Thomas stated it is unfortunate the events that happened a few weeks ago. For me it is really more about the City maintaining its right to govern itself. I would prefer to see us file a briefing with the court. It does give us some options later on that we may not have otherwise. One of the comments I have heard from other people about this is why have a city council if somebody can just come in and step on you. I would want to make sure that we kept it separate. To me it is really about what the City's rights are under our own charter. It's not so much that there is a criminal case going on with a very unfortunate incident. It would be difficult to keep those separate because of the emotion behind both of these issues. We have a vested interest as a home rule city to be able to understand and know the laws that we want to have in place. We have had situations in the past, for example the Sellwood Bridge. This City Council stood up and said no we aren't paying for it. So the County went to the Legislature and changed the laws and now we have to pay for it. At least it went through a process and it wasn't just dictated to us.

Councilor Allen asked how much effort do we have to go through just to maintain the right to appeal since we don't have any idea how this is going to unfold?

Ed Trompke replied you would have to intervene in the case, appear, and file some briefs, and an oral argument and talk to the Judge about it. You would have to lose in order to appeal. There is probably 25-30 hours of work to put together a well thought out, well documented argument and present it to the court, assuming we get the intervention. You file a motion to intervene and the Judge considers it and the other side gets to argue yes or no. I would bet that the Judge would say that I don't want to delay this because it has been around a long time. Given the limited amount of time it would be a substantial amount of resources to get it done; it's not impossible but it is a fair amount of work.

Councilor Anderson stated I share Councilor Thomas' concern but I have to think that if the home rule issue comes into play every home rule city in Multnomah County will be up in arms over this. That is my issue with this. I trust our Chief and I trust you Ed. I just think

we sit this one out. They got our attention. I think this is an important subject that we needed to spend this time on because this is a big-time issue for us. But we don't have to be pioneers of everything; we don't have to react right away as much as some of us want to. I wanted to but then I heard people smarter than me saying that might not be the prudent thing to do. If I trust our staff, our Attorney and our Chief, I have to go with their recommendation even though part of me just wants to go get them on this one, but I don't think that would be the smartest thing to do.

Councilor Allen asked wouldn't it be a considerable effort, even if all of the cities don't like it, to change it after words?

Councilor Anderson replied the issue, as Ed pointed out, is the firearms issue. My issue with it is more along the lines of what Councilor Thomas said, and what you touched on Councilor Allen. These issues don't conjoin, but if they ever were to it would render us useless. I think we do a pretty good job managing the affairs of this City as elected officials and I certainly don't want to see that challenged. I think we all have our City's best interest at heart on everything. For policies to come in from elsewhere and to have our authority superseded, I don't think we are the only ones that would stand up and object to that and that is the issue that Councilor Thomas brought up. That is my overriding concern with this. I just don't get the sense that it is going to happen.

Councilor Allen stated it would only be the cities that the ordinances don't align with the County's. For me it is less about firearms and more about our ability to have a say in our own town.

Councilor Anderson stated I agree with that. I am just going to go off of what Mr. Trompke's advice was, that it is not precedential. The gun issue here will be compartmentalized; it won't mean the plastic bag bans, etc. It doesn't mean that Portlandcentric policies will migrate there way out here under County authority regardless of what we have to say about it. That is not what I heard from Mr. Trompke tonight.

Councilor Thomas stated my first thought was that I don't want to be forced to do things that the City of Portland has done. But what it really came down to was whether or not we can maintain our home rule authority and not have the County dictate certain things that our citizens don't necessarily want. We have run up against that issue as Councilor Ripma mentioned about Item #7 which we were invited to vote yes. Those types of things do come down not only from the County, but from Metro and others. We get a fair amount of unfunded mandates. We do get a lot of those that we have no control over, but it would be nice to maintain the control of what we are supposed to have control over.

Councilor Anderson stated I agree with you. I just don't think this issue at this time and this venue is the right way of doing it.

Mayor Daoust stated Bruce McCain is going to be in charge of making the arguments and he is probably going to focus a lot on home rule, I would guess.

Ed Trompke stated he and I have traded a couple of emails and he seems to be focusing on that. I haven't communicated with him since I really sat down with this yesterday and decided that I didn't think it really was a true home rule issue, it is much more statutory – 166-170 statutes. But I don't know what his legal theory is.

Mayor Daoust stated I have seen Bruce McCain in action and if anybody is going to argue for home rule Bruce can do a really good job at that.

Councilor Allen asked can we at least provide assistance?

Mayor Daoust stated we have somebody already in this trial that is going to make the argument for us.

Councilor Allen asked can we at least provide assistance so that he has the best chance?

Mayor Daoust asked what assistance are you talking about?

Councilor Allen replied instead of taking the full 30 hours, at least correspond with our attorney.

Mayor Daoust asked like an amicus brief?

Councilor Allen stated Ed would know best how he could assist Bruce without being full-blown into it.

Mayor Daoust stated from what I understand an amicus brief would be a lower investment in time.

Ed Trompke stated and it could be limited in scope and not address all of the issues that would have to be addressed in an intervention. We could pick out which pieces of it that are of concern to the City.

Councilor Allen stated I think our concern is the right to govern ourselves.

Ed Trompke stated in criminal statutes as well as the civil statutes.

Councilor Allen replied right.

Councilor White stated I think Councilor Thomas hit it right on the head. I was present at Multnomah County when they passed their gun ordinance and I spoke against it. It was very one-sided and emotionally driven. Their numbers were very misleading because a lot of the gun deaths were suicide and they never made that public. I think this case is already decided. I think it will set the precedent that the Multnomah County governance, which I feel violates the Second Amendment, will become the standard for us here in Troutdale. When you think about 30 hours to get involved in this, that is a drop in the bucket compared to what has already been spent on gun control and protecting our rights.

I think it is well worth the money to get involved and I think we are not doing our job if we don't get involved. We are taking an awful big risk. I can already assure you after going through that experience that it's not going to go well for Ross. That is my opinion.

Councilor Ripma stated I don't agree. I think our rights as a city will end up being upheld.

Councilor White stated it is going to set the precedent Councilor Ripma; I guess you are okay with that.

Councilor Ripma stated it is exactly that that I don't want to get into. My opinion is this is not the place to draw the line and worry about the County passing ordinances. To pick this one when it has such limited precedential value and such high emotional content, I just don't agree this is the place.

Mayor Daoust stated I don't agree either. I think there is too much of a perception issue with this hot issue for us to get involved in this case. It will turn into a gun control issue; that is what the perception will be. I know how much we want to argue with control of our own city and we probably all agree with that, but the perception of this case will quickly turn to gun control. If we are going to get involved with this case and we are saying we don't want to do what the County wants to do with gun control, as bad as that ordinance may be, the perception will be that the Troutdale City Council wants to get in the way of that. That is the part that I am uncomfortable with.

Councilor White stated the ordinance is poorly written; it was emotionally written. That is why MCSO said they wouldn't enforce it and that is why Chief Johnson and Chief Anderson have said they wouldn't enforce it.

Mayor Daoust stated yes the Chief did say that. Chief Anderson said he would not have the City intervene or get involved with this case.

Councilor Allen stated we do need to make some changes to our own ordinances. Does this prevent us from doing that?

Mayor Daoust replied I don't think so.

Councilor White stated it won't matter though; the precedent will be set.

Ed Trompke stated I didn't want to suggest this but the Council could assert its home rule authority to the maximum amount allowed by law and say that no County or Metro ordinance will be enforced in the City without the consent of the Council except to the extent the Constitution requires. Then you would live with the Constitutional minimum amount of interference with the City.

Mayor Daoust asked no matter which way the case goes?

Ed Trompke replied if the court case goes that way then what you would have is the County having adopted an ordinance under a statute that says a city or county may adopt an ordinance to regulate, restrict, or prohibit the possession of loaded firearms in public places. You would have said that it doesn't impact inside the City limits except as the Constitution requires and they would have adopted something that says it does and then you would square it off and some court would have to decide it down the road.

Mayor Daoust asked so that is an ordinance we can adopt with a general statement like that?

Ed Trompke replied yes. It would go to the Constitutional maximum for the City to exercise as much independent authority as allowed under the Constitution. You could do that and it would apply in every aspect. This didn't seem like the best result because all it does is kick the can down the road. I was waiting to see if there was a general consensus here but there seems to be division in the City Council.

Councilor Allen stated since we don't know whether the can needs to be addressed or not, kicking it down the road would be preferable to me.

Councilor Anderson stated I would agree.

Mayor Daoust stated from the switch that just occurred, it sounds like we probably would not get involved with this particular case, but adopt something that gives us the control that we want. This would be a better approach.

Councilor Wilson stated I agree with that.

Councilor White stated I feel like we are throwing Ross over to the wolves.

Ed Trompke stated what I would do is communicate to him the final draft of this. His trial is the day after your next meeting. This ordinance would not be in effect unless you declare it an emergency and then it could be in effect on July 9<sup>th</sup> when he goes to trial and he could put it in front of the Judge.

***There was a consensus of the Council to direct staff to prepare an ordinance with an emergency finding for Council to consider at their July 8<sup>th</sup> Council meeting.***

Councilor Thomas stated I had a request a couple of weeks ago from a family that I know that has a sight impaired child. They asked if beepers could be installed at 257<sup>th</sup> and Stark Street. I talked with Craig Ward who forwarded the information to Steve Gaschler, our Public Works Director. The County installed the beepers last week. I am very appreciative of the expedited manner in which this was handled. The family is also very appreciative. They now feel that their child can cross the street safely at that intersection.

The 4<sup>th</sup> of July weekend is coming up. I hope everyone has fun, but also be safe.

I would encourage staff to see what can be done at Glenn Otto to take care of the safety issue brought up earlier tonight.

Councilor White stated last Tuesday, along with my fellow Councilors and the Mayor, we attended the candlelight vigil at Reynolds. I wanted to thank Andrea Watson for the well-organized event. It was very touching. There was 2,000 candles lit. It started the healing process.

Councilor Allen stated I was impressed with our staff, our community and the communities around us that have supported us; I'm very appreciative.

I am not sure I got an answer; what we decided on earlier, does that kick the can very far down the road? Is there a decision that is going to happen on the 9<sup>th</sup>? I am not sure that we are so concerned as a Council to marry ourselves to this issue as much as we don't want the County telling us how to rule ourselves in the future.

Ed Trompke replied kicking the can down the road to the point where you adopt some kind of an ordinance that says, the authority of the city extends to the greatest extent allowed under the Oregon Constitution and includes non-enforceability of ordinances of other home rule counties within the City except with the consent of the Council. It says that the Council has to consent otherwise other home rule entity's ordinances are not enforceable within the City unless required by the Constitution.

Councilor Allen asked and there is nothing on the 9<sup>th</sup> that would squelch that?

Ed Trompke replied the Judge could ignore it. It would seem to me that under any well-considered interpretation of law, if this is in effect on the date of the trial the Judge would have to say I can't say what happened up until this was adopted, but after this was adopted its not enforceable on the City because you have two co-equal governments one saying it is enforceable and the other saying it is not.

Craig Ward asked is there unanimous direction from the Council to bring forward an emergency ordinance on July 8<sup>th</sup>?

There was unanimous consensus.

Councilor Wilson stated I also had a chance to talk to Andrea Watson. Over the summer the school district is going to have movies at Reynolds High School, and the libraries will be open at the elementary and middle schools. They are going to have a lot of interaction with the kids and schools to bring more closure.

Next Friday is July 4<sup>th</sup>, make sure you come to downtown to see all the flags that the Boy Scouts will be putting up.

Councilor Ripma stated I share the Council's views on the recent event and on the 4<sup>th</sup> of July.

Mayor Daoust stated there was a public service for Emilio Hoffman on Sunday at Good Shepard Church. It was very well-attended.

When it comes to getting involved with the high school there is an opportunity for all of us to get involved with a particular activity called Challenge Day. I was involved with that a year or two ago. Councilor Anderson and Craig Ward have participated. This is a proven program across the country. It allows the students a venue where they can express their feelings. I would encourage all of you to get involved.

Mayor Daoust read a statement into the record (copy attached as Exhibit A) pertaining to subcommittees of the Council for the purpose of assisting staff with contract negotiations.

Ed Trompke stated it is the deliberations that the Attorney General focuses on, which means that as city councilors you can't deliberate with the staff as to what is supposed to be accomplished, and you can't reach a consensus with the staff. You can have your own opinions and you can state your own opinions. Don't try to sway the staff as to what they are doing, where they are going with it; they will do what they are instructed to do. We are trying to keep everybody in a transparent process and trying to keep the public informed, but at the same time allow for frank and informal discussions at the level they need to be had when negotiating agreements.

Councilor Thomas stated the last half of the last statement in the first paragraph that reads, "...and oversee city staff on the same individual basis." I am not sure what that is intended to mean.

Ed Trompke replied when a person is at the meetings they are there as an individual, they are not there as a city councilor to oversee and direct staff as to how to proceed. That would be considered a deliberation if you are instructing people as to policy issues.

Councilor Thomas stated it was a bit confusing. I didn't want it to be read as though I am in charge of city staff.

Ed Trompke stated it means just the opposite.

Mayor Daoust stated there are reasons for doing this and part of it is because we have, as a Council, interjected ourselves into some of these negotiation sessions that typically this Council has never been in before. We created this ourselves. In order to stay clean with the Public Meetings Law, that is why we need to make sure that everybody understands that if the Council is going to be involved in stuff like this with staff we need to stay clean.

Mayor Daoust updated the Council on the following:

- The Historic Columbia River Hwy. reopened today.
- I attended the Annual Meeting of the West Columbia Gorge Chamber of Commerce. The Chamber is on a better path than they were before. I am very

impressed with the Chamber and the leadership that they have now. They are attracting more membership.

- The Sandy River Bridge dedication is scheduled for this Thursday at 10am.
- Officer Jeff Potter was involved in a bad motorcycle accident and is in ICU. Council agreed to have the Mayor send Officer Potter a card on behalf of the Council.

**10. ADJOURNMENT:**

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

Meeting adjourned at 9:05pm.

\_\_\_\_\_  
Doug Daoust, Mayor

Dated: \_\_\_\_\_

**DRAFT**

**ATTEST:**

\_\_\_\_\_  
Debbie Stickney, City Recorder



# Exhibit A

June 24, 2014 Minutes

## June 24, 2014, Regular Council Meeting

### Agenda Item #9 - Council Communications

#### Report of Mayor Daoust Re: Intergovernmental Negotiations

As you know, I have asked members of the Council to form a subcommittee of the Council to assist city staff with one or more contract negotiation sessions with the Multnomah County Sheriff's Office. Councilors Allen and Anderson have agreed to participate, and the Sheriff's Office has agreed to participate. The Councilors will participate as individuals—they will not seek consensus of the Council to bring into the negotiations, will not develop a consensus position for the staff during negotiations, nor will they develop a consensus position to recommend to the City Council after the negotiations are over. Rather, the Councilors will monitor these discussions on an individual basis, and oversee city staff on the same individual basis.

The reason for this is that the state's Attorney General has taken the position that "if members of a committee, subcommittee, or advisory group are charged to form their recommendations individually, rather than collegially through a quorum requirement, the Public Meetings Law does not apply" which will make it much easier to facilitate negotiations, and to discuss sensitive matters in a frank and informal way. The public will be well served, and will have ample opportunity to participate in meaningful ways. Members of city staff will remain responsible for developing a recommendation for the Council, but will not act as a group that takes votes, or requires a quorum to act. Staff will bring recommendations to Council at a later date for discussion and action.

Looking ahead, we have also asked Council President Norm Thomas to participate in a similar role, in discussions with the cities of Gresham, Fairview, Troutdale, and Wood Village, for purpose of renewing arrangements for fire and emergency medical services. As Council is aware, those services are provided within Troutdale under an intergovernmental agreement that will expire June 30, 2015.

As Mayor, I am appointing myself to also serve a similar role in the purchase and sale agreement with East Wind Development, for the old Sewer Treatment Plant site, assisting city staff with one or more agreement negotiation sessions.

What this means for the Councilors named:

- You can be at the table during negotiation sessions.
- You can discuss it at the Council meeting, and you can vote on it at Council mtg.
- You cannot try to achieve consensus or sway the deliberations within the staff committee
- You can talk to other councilors about the negotiations, but not in a quorum.



# CITY OF TROUTDALE



## STAFF REPORT

**SUBJECT / ISSUE:** A Resolution Approving An Intergovernmental Agreement With The Port Of Portland For Cost Sharing Of The NW Graham Road Improvements.

<p><b>MEETING TYPE:</b> City Council Regular Mtg.</p>	<p><b>MEETING DATE:</b> July 8, 2014  <b>STAFF MEMBER:</b> Erich Mueller <b>DEPARTMENT:</b> Finance</p>
<p><b>ACTION REQUIRED</b> Consent Agenda/Resolution</p> <p><b>PUBLIC HEARING</b> No</p>	<p><b>ADVISORY COMMITTEE/COMMISSION RECOMMENDATION:</b> Not Applicable</p> <p><u><b>Comments:</b></u></p>
<p><b>STAFF RECOMMENDATION:</b> Adopt resolution as proposed.</p>	
<p><b>EXHIBITS:</b> A. The proposed IGA in its substantial form</p>	

**Subject / Issue Relates To:**

Council Goals                       Legislative                       Other:

Goal: **ENCOURAGE ECONOMIC DEVELOPMENT** - Other: **Capital Improvement Plan**

**Issue / Council Decision & Discussion Points:**

- ◆ Support for the Port of Portland access and infrastructure improvements to the 235 acres of the TRIP phase II site.
- ◆ Economies of scale and efficiency, as well as continuity of infrastructure design, from constructing improvements along the entire length of NW Graham Road from NW Sundial Road to North Frontage Road in a single project
- ◆ Part of a larger collaborative effort project between the Oregon Department of Transportation, the Port of Portland and the City of Troutdale.
- ◆ The road improvements will significantly enhance employment, freight mobility, and community livability.
- ◆ Implements project identified in the City's Streets and Storm Drainage Capital Improvement Plans

Reviewed and Approved by City Manager:

## **BACKGROUND:**

The Port of Portland is partnering with the Oregon Department of Transportation and the City of Troutdale for funding and construction of several related projects to enable the build-out of the remainder of Troutdale Reynolds Industrial Park (TRIP). All project elements – the Troutdale Interchange modernization, Graham Road reconstruction, Swigert Way extension, and the 40-Mile Loop trail connection – are consistent with regional land-use and transportation planning goals.

Of these several related projects, the City is participating with the NW Graham Road reconstruction and upgrades, and stormwater infrastructure improvements. The City has for the past several years budgeted \$1.1 million, half from each of two SDC funds: the Street Improvement Fund and the Storm Sewer Improvement Fund. Both are funds which FedEx paid into and which will now benefit from the improvements to NW Graham Road.

NW Graham Road is a 1.5-mile long City roadway that connects the Interstate 84 (“I-84”) freeway with the TRIP site. It is the shortest route to and from the freeway, making it vital for truck traffic, but its poor condition severely limits its use.

Much, but not all, of NW Graham Road is included in the TRIP phase II development site, and the Port of Portland is responsible for the improvement costs for that portion. The City’s share of the cost for this project is associated with the portion of NW Graham Road outside of the TRIP II site.

NW Graham Road will be upgraded and brought to a state of good repair by strengthening and widening the roadway base to a performance standard suitable for truck weights and volumes associated with TRIP’s build out. A stormwater system will be added to convey runoff from the roadway. Landscaped water quality swales and structural best management practices will be used for water quality treatment. This is especially important due to the proximity of the Columbia and Sandy Rivers.

Economies of scale and efficiency from constructing improvements along the entire length of NW Graham Road, from NW Sundial Road to North Frontage Road, in a single project managed by the Port will reduce costs for both jurisdictions. The City has repeatedly committed to provide these funds as local match under past joint grant applications.

## **SUMMARY:**

The several infrastructure development projects underway and planned for the TRIP II site will provide critical elements of road, bicycle, pedestrian, trail, and stormwater improvements that will enable additional businesses and jobs, transportation options, recreational opportunities, and natural habitat restoration. With the completion of these several related projects the TRIP site will become an even more valuable, balanced community asset.

The resolution authorizes the City Manager to sign an IGA with the Port for project cost sharing on NW Graham Road improvements.

**PROS & CONS:**

- A. Approve the proposed resolution to support the cost efficient improvements to NW Graham Road.
- B. Not approve the proposed resolution and forgo the cost sharing savings and undermine the development process by the Port for access improvement to TRIP.

<b>Current Year Budget Impacts</b> <input checked="" type="checkbox"/> Yes ( <i>describe</i> ) <input type="checkbox"/> N/A First Year: \$550,000 fully budgeted
<b>Future Fiscal Impacts:</b> <input type="checkbox"/> Yes ( <i>describe</i> ) <input checked="" type="checkbox"/> N/A Future Years: \$550,000 budgeted remaining balance
<b>City Attorney Approved IGA</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> N/A
<b>Community Involvement Process:</b> <input type="checkbox"/> Yes ( <i>describe</i> ) <input checked="" type="checkbox"/> N/A

**INTERGOVERNMENTAL AGREEMENT BETWEEN THE PORT OF PORTLAND AND  
THE CITY OF TROUTDALE**

**PAYMENT FOR NW GRAHAM ROAD IMPROVEMENTS**

**THIS AGREEMENT** is made and entered into by and between the PORT OF PORTLAND, acting by and through its Executive Director, hereinafter referred to as "Port," and the CITY OF TROUTDALE, hereinafter referred to as "City," acting by and through its elected officials, all herein referred to individually or collectively as "Party" or "Parties."

**RECITALS**

A. NW Graham Road is a part of the City of Troutdale ("City") road system. Port is designing, and constructing improvements to the City road as shown in Exhibit A.

B. Subject to obtaining all required governmental approvals, the Port desires to complete certain improvements to that portion NW Graham Road fronting the Port's Troutdale Reynolds Industrial Park ("TRIP") as contemplated in the tentative plat approval of the TRIP II Subdivision (City File 12-031).

C. The City has allocated the amount of One Million One Hundred Thousand Dollars (\$1,100,000) to complete improvements to a portion of NW Graham not fronting TRIP, between NW Sundial Road and North Frontage Road.

D. The Parties recognize the economies of scale and efficiency from constructing improvements along the entire length of NW Graham Road from NW Sundial Road to North Frontage Road as shown on attached Exhibit A, in a single project managed by the Port.

E. The Parties wish to enter into this agreement to provide for City payment of One Million One Hundred Thousand Dollars (\$1,100,000) to the Port for construction of improvements to NW Graham Road as shown in Exhibit A, hereafter known as the Project.

**NOW THEREFORE**, the premises being in general as stated in the foregoing Recitals, it is agreed by and between the Parties hereto as follows:

**TERMS OF AGREEMENT**

1. Based on the final Project design, the Port will submit a Public Works Permit to City for its review and approval for construction of certain improvements on NW Graham Road between NW Sundial Road and North Frontage Road, as further described on attached Exhibit A ("Project"). The Port's commencement of the Project is contingent upon receipt of City's approval of the Public Works Permit and any other required governmental approvals.

2. The City will pay to the Port the amount of One Million One Hundred Thousand Dollars (\$1,100,000) toward construction of the Project ("City Project Payment"), payable in two (2) equal installments as provided in this Section. City will pay to the

Port the first installment of the City Project Payment, in the amount of Five Hundred Fifty Thousand Dollars (\$550,000) within thirty (30) days following receipt of a copy of the Port's notice to proceed to the Port's contractor to construct the Project. City will pay to the Port the remaining installment of the City Project Payment, in the amount of Five Hundred Fifty Thousand Dollars (\$550,000) within thirty (30) days following the date upon which the City has issued a notice of final completion for the Project.

3. This Agreement shall become effective on the date all required signatures are obtained and shall terminate upon completion of the Project and City's payment in full of the City Project Payment to the Port.

4. This Agreement and attached exhibit constitute the entire agreement between the Parties on the subject matter hereof. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Agreement.

5. This Agreement may be executed in several counterparts (facsimile or otherwise) all of which when taken together shall constitute one agreement binding on all Parties, notwithstanding that all Parties are not signatories to the same counterpart. Each copy of this Agreement so executed shall constitute an original.

**THE PARTIES**, by execution of this Agreement, hereby acknowledge that its signing representatives have read this Agreement, understand it, and agree to be bound by its terms and conditions.

**PORT OF PORTLAND**, by and through its  
Executive Director

**CITY OF TROUTDALE**, by and through  
its elected officials

By \_\_\_\_\_  
Bill Wyatt, Executive Director

By \_\_\_\_\_  
Craig Ward, City Manager

Date \_\_\_\_\_

Date \_\_\_\_\_

**APPROVED AS TO LEGAL  
SUFFICIENCY FOR THE PORT**

**APPROVED AS TO LEGAL  
SUFFICIENCY**

By \_\_\_\_\_  
Port Counsel

By \_\_\_\_\_  
City Counsel

Date \_\_\_\_\_

Date \_\_\_\_\_

**Port Contact:**

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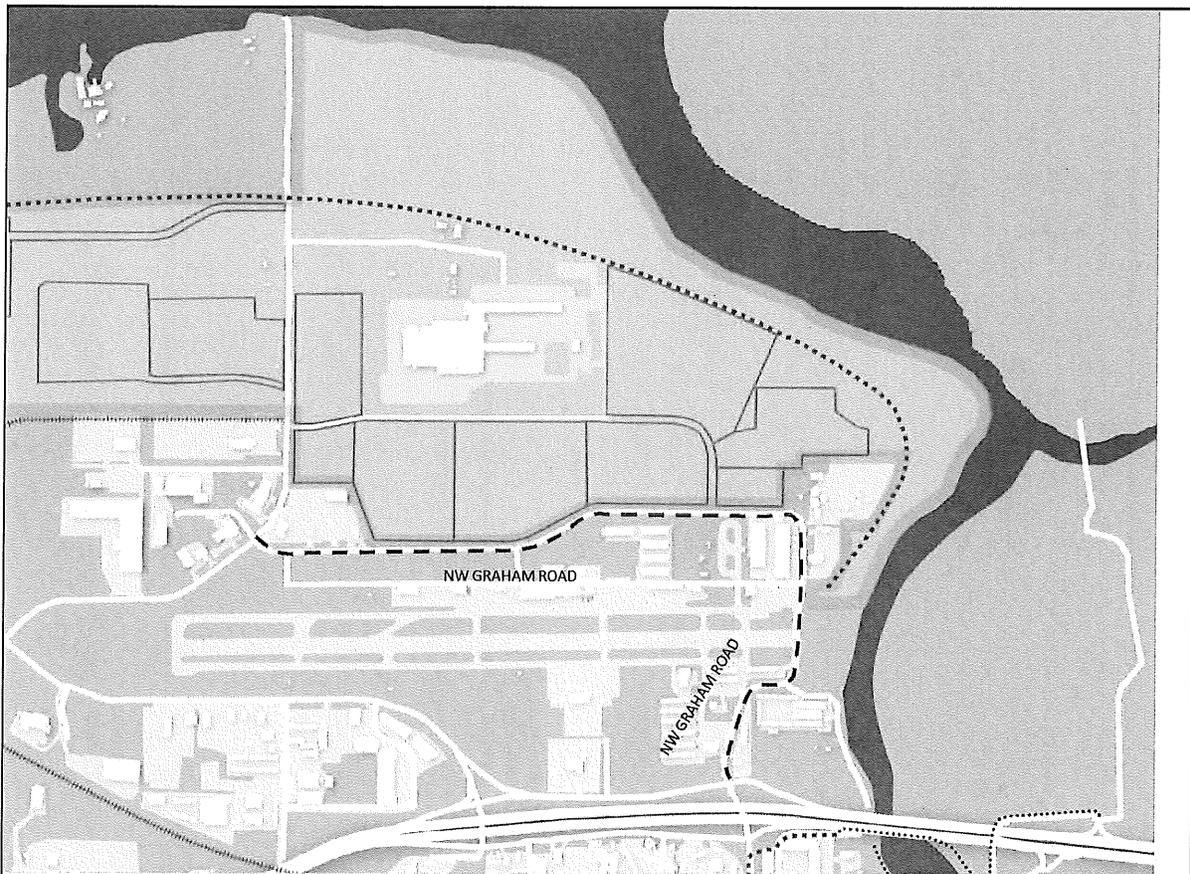
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**Exhibit A –PROJECT DESCRIPTION**  
**Port of Portland**  
**NW Graham Road Improvements**

NW Graham Road is a 1.5-mile long roadway that connects North Frontage Road with NW Sundial Road. It is adjacent to Troutdale Reynolds Industrial Park (TRIP). The design for NW Graham Road will address strengthening the roadway base and widening where necessary to a performance standard suitable for truck weights and volumes associated with industrial use. The specific design vehicle will be determined in the design phase of this work. The design will also include sidewalks, utilities, storm water conveyance and treatment and street lighting as necessary.

**Map of Project Location (Red Dashed Line)**



## **RESOLUTION NO.**

### **A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE PORT OF PORTLAND FOR COST SHARING OF THE NW GRAHAM ROAD IMPROVEMENTS.**

#### **THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:**

1. The majority of the City street, NW Graham Road, is located in the Port of Portland's Troutdale Reynolds Industrial Park ("TRIP") phase II.
2. NW Graham Road is in need of significant repair and upgrade to support the Port's TRIP phase II development, including wider lanes to accommodate freight traffic, sidewalks for pedestrians, bike lanes to accommodate bike travel, and appurtenant storm drainage improvements.
3. The City and Port have over the past few years jointly pursued funding opportunities for transportation upgrades in the TRIP site.
4. The City has repeatedly pledged and budgeted \$1.1 million as part of local match qualifying funding for upgrades to portions of NW Graham Road as part of larger proposed projects.
5. Subject to all required permits the Port is currently designing, and preparing to construct improvements to NW Graham Road as contemplated in the tentative plat approval of the TRIP II Subdivision.
6. The Parties recognize the economies of scale and efficiency from constructing improvements along the entire length of NW Graham Road from NW Sundial Road to North Frontage Road in a single project managed by the Port.
7. The Parties wish to enter into an Intergovernmental Agreement (IGA) to provide for City payment to the Port toward construction of improvements to the portions of NW Graham Road which extend beyond the TRIP site.

#### **NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TROUTDALE:**

Section 1. Agrees now that the City enter into an IGA with the Port of Portland for the budgeted cost sharing of constructing improvements to Graham Road.

Section 2. Designates the City Manager or Finance Director (each a "City Official") or a designee of the City Official, to act on behalf of the City, and without further action by the City Council the City Official is hereby authorized, empowered and directed to sign the IGA on behalf of the City, and any and all other required and necessary documents to implement the intent of the agreement.

Section 3. The City Official is hereby authorized to execute, acknowledge and deliver the IGA in substantial conformity with Exhibit A of the Staff Report, including any other supporting and implementing documents, and to take any other action as may be advisable, convenient, necessary, or appropriate to give full force and effect to the terms and intent of the IGA, and the execution thereof by any such City Official shall be conclusive as to such determination.

Section 4. Further, consistent with intent of the IGA, and in the best interest of the City, the City Official is authorized to determine, execute, acknowledge and deliver any subsequent addendums, extension, revisions, modification, or successor documents of the IGA, and the execution thereof by any such City Official shall be conclusive as to such determination.

Section 5. The Finance Director is authorized to disburse funds, subject to annual appropriations, as necessary to fulfill the IGA obligations, and is further directed to implement all such actions necessary to ensure budgetary compliance.

Section 6. This Resolution shall be effective upon adoption.

**YEAS:**  
**NAYS:**  
**ABSTAINED:**

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**Doug Daoust, Mayor**

---

**Date**

---

**Debbie Stickney, City Recorder**  
**Adopted:**



# CITY OF TROUTDALE



## STAFF REPORT

**SUBJECT / ISSUE:** A Resolution Approving An Intergovernmental Agreement (IGA) With Multnomah County To Provide Services To Older Adults.

**MEETING TYPE:**  
City Council Regular Mtg.

**MEETING DATE:** July 8, 2014

**STAFF MEMBER:** Erich Mueller  
**DEPARTMENT:** Finance

**ACTION REQUIRED**  
Consent Agenda/Resolution

**ADVISORY COMMITTEE/COMMISSION RECOMMENDATION:**  
Not Applicable

**PUBLIC HEARING**  
No

**Comments:**

**STAFF RECOMMENDATION:** Adopt resolution as proposed.

**EXHIBITS:**

A. FY 2014-15 IGA with Multnomah County for services to older adults.

**Subject / Issue Relates To:**

Council Goals                       Legislative                       Other (describe)

Goal: **FISCAL PRIORITIZATION AND BUDGET ACCOUNTABILITY - PROMOTE FISCAL SOLVENCY** - Promote pooling of resources with neighboring jurisdictions

**Issue / Council Decision & Discussion Points:**

- ◆ Continue support for the Multnomah County Aging and Disability Services Division (ADSD) and aging network partners.
- ◆ Provide continuity of the range of supportive services to older adults that help them remain independent, healthy, and active, while gaining economies of scale and efficiency from joining with other East County organizations.
- ◆ Routine renewal of an existing IGA with Multnomah County.

Reviewed and Approved by City Manager:

**BACKGROUND:**

Multnomah County Aging and Disability Services Division (ADSD) and aging network partners, with financial support from the City of Troutdale, provide a range of supportive services to older adults that help them remain independent, healthy, and active. Seniors in the City of Troutdale receive a broad-range of services including health promotion activities, case management, access to information, family caregiver support, transportation services, in-home care and activities designed to help reduce isolation. The financial support provided by the City of Troutdale leverages additional funding and support provided by a number of other partners in East Multnomah County, including: YWCA-East; Loaves & Fishes, Inc.; Ride Connection; Gresham Senior Center; City of Fairview; and Multnomah County.

These services are provided through an IGA with Multnomah County which is to be renewed annually. The attached IGA is the renewal for FY 2014-2015, and funding was include in the recently adopted City budget.

**SUMMARY:**

The resolution authorizes the City Manager to sign an IGA with Multnomah County to renew and continue the City support for senior services in East County.

**PROS & CONS:**

- A. Approve the proposed resolution to support the cost efficient delivery of services to seniors and leverage additional funding and support provided by a number of other partners in East Multnomah County.
- B. Not approve the proposed resolution and forgo the cost sharing, and reduce services to seniors.

<b>Current Year Budget Impacts</b> <input checked="" type="checkbox"/> Yes ( <i>describe</i> ) <input type="checkbox"/> N/A Has been included in the adopted budget.
<b>Future Fiscal Impacts:</b> <input checked="" type="checkbox"/> Yes ( <i>describe</i> ) <input type="checkbox"/> N/A If renewed.
<b>City Attorney Approved IGA</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> N/A
<b>Community Involvement Process:</b> <input type="checkbox"/> Yes ( <i>describe</i> ) <input checked="" type="checkbox"/> N/A

**INTERGOVERNMENTAL AGREEMENT**

**Contract Number \_\_\_\_\_**

This Agreement is made and entered into pursuant to the authority found in ORS Chapter 190 by and between the City of Troutdale, hereinafter referred to as CITY, and Multnomah County, hereinafter referred to as COUNTY.

**SECTION I. INTRODUCTION**

The purpose of this agreement is to initiate a partnership between COUNTY and the cities of East Multnomah County, including Fairview and Troutdale, with the goal to better serve older adults who live in East Multnomah County. The term of this Agreement shall be from July 1, 2014 through June 30, 2015.

**SECTION II. RECITALS**

- A. WHEREAS, CITY desires to offer opportunities to access services to its residents, including senior adults;
- B. WHEREAS, COUNTY, as the designated Area Agency on Aging (AAA) for Multnomah County, has the responsibility to plan, coordinate and conduct a comprehensive social service delivery system for elderly residents within the boundaries of Multnomah County in accordance with provisions of the Area Plan required through the Older Americans Act of 1965, as amended;
- C. WHEREAS, COUNTY through the Department of County Human Services the Aging and Disability Services Division (ADSD) Area Plan for 2013-2017 maintains sub-planning and service area districts within COUNTY boundaries;
- D. WHEREAS, COUNTY provides funding for information and assistance, outreach, case management/options counseling, access to other needed services such as transportation and in-home services, outreach, and focal point development and operation. COUNTY makes arrangements with other East County jurisdictions for proportionate funds to support access services for East County residents;
- E. WHEREAS, East Multnomah County, including the CITY and adjacent cities and communities has been designated such a sub-planning and service area district;
- F. WHEREAS, East County Senior Coalition has been designated the citizens advisory committee for the East Multnomah County Senior Services District;
- G. WHEREAS, the CITY and COUNTY have identified priority areas that create natural links between COUNTY senior support services and CITY;
- H. WHEREAS, COUNTY policy regarding District Centers is to contract with private non-profit organizations for the delivery of District Center services;
- I. WHEREAS, COUNTY is currently providing District Center and Nutrition services for the East Multnomah County District through a contract with multiple community partners; and
- J. WHEREAS, COUNTY provides some services directly and other services through contracts with private non-profit organizations, for the purposes of this Agreement, when COUNTY is referenced it is understood to include COUNTY and partner organizations funded by COUNTY to deliver services.

Multnomah County Contract #

**THEREFORE, CITY and COUNTY agree as follows.**

**SECTION III. AGREED/CITY AND COUNTY**

- A. COUNTY and CITY will create a partnership to (1) provide services and activities that help elderly CITY residents to remain in their own homes and communities through a system of information, outreach activities and services; and (2) to engage in other community partnerships to coordinate a broad array of services and activities which enhance life for senior citizens who live in East Multnomah County.
- B. The parties mutually agree that the administrative authority for COUNTY shall be the Division Director of Aging Disability Services Division, Department of County Human Services and the administrative authority for CITY shall be the City Manager.

**SECTION IV. AGREED/COUNTY**

- A. COUNTY shall perform, within the boundaries of the East County Senior Services District, all services to the elderly prescribed by the Area Plan as approved by the State of Oregon, including services available through the Older American Act of 1965, as amended, Oregon Project Independence, and Title XIX, Medicaid. These services shall include:
  - 1. Information and assistance
  - 2. Case management/options counseling
  - 3. Arrangement for services such as:
    - a. in-home care
    - b. adult day care
    - c. respite care
    - d. transportation
  - 4. Outreach to the isolated, frail and vulnerable seniors
  - 5. Legal services
  - 6. Meals
  - 7. Protective services for adults
  - 8. Housing alternatives
  - 9. Supplemental nutrition assistance and medical assistance for low-income elderly residents
- B. COUNTY shall provide leadership to address issues of concern to older adults, in accordance with the provision of the Older Americans Act. This will include development and implementation of single-entry point access to services and community partnerships working towards the development of a highly visible multipurpose senior service and activity center, referred to as a Focal Point, centrally located in the East County area.
- C. COUNTY will hold intact the AAA policy of contracting for Older Americans Act services and developing and implementing a single entry system.
- D. COUNTY agrees to provide an annual report.

**SECTION V. AGREED/CITY**

- A. CITY will work cooperatively with other East Multnomah County entities to optimize resources to meet the needs of older residents.

Multnomah County Contract #

- B. CITY shall designate a person or person to represent the CITY in ongoing cooperative planning and program coordination.

SECTION VI. COMPENSATION – METHOD OF PAYMENT

- A. CITY agrees to provide \$3,000 to COUNTY annually as a proportionate share of Senior Information, Assistance and Outreach activities to senior residents of the CITY Area.
- B. Upon receipt of an invoice, CITY shall make a single payment to COUNTY for annual funding in accordance with the following schedule:
  - January 31<sup>st</sup> \$3,000
- C. COUNTY will waive indirect costs for the Older Americans Act, Oregon Project Independence funds and CITY funds now and in the future. COUNTY will not deliver these funds from services to pay indirect costs. COUNTY will charge indirect costs on Title XIX Administrative dollars and any new Federal and State dollars as allowed.
- D. COUNTY shall support the AAA policy of allocating funds and services, for non-restricted funding sources, to the designated sub-planning and service area districts through an allocation formula based on the in-need elderly population within COUNTY boundaries.

SECTION VII. MISCELLANEOUS PROVISIONS

- A. **Severability.** Should any Section, or portion thereof, of this Agreement be held unlawful and unenforceable by any court of competent jurisdiction, or any administrative agency having jurisdiction over the subject matter, such decision shall apply only to the specific Section or portion thereof directly specified in the decision. All other portions of the Agreement as a whole shall continue without interruption for the term hereof.
- B. **Termination.** All or part of this contract may be terminated by mutual consent by both parties, or upon 60 days written notice by either party, delivered to the designated contact person.
- C. **Insurance.** Each party shall each be responsible for providing workers' compensation insurance as required by law. Neither party shall be required to provide or show proof of any other insurance coverage.
- D. **Adherence to Law.** Each party shall comply with all federal, state and local laws and ordinances applicable to this agreement.
- E. **Non-Discrimination.** Each party shall comply with all requirements of federal and state civil rights and rehabilitation statutes and local non-discrimination ordinances.
- F. **This is the entire agreement.** This Agreement constitutes the entire agreement between the parties. This Agreement may be modified or amended only by the written agreement of the parties.



## **RESOLUTION NO.**

### **A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH MULTNOMAH COUNTY TO PROVIDE SERVICES TO OLDER ADULTS**

#### **THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:**

1. The City desires to offer opportunities to access services to its residents, including senior adults;
2. Multnomah County, through its Department of County Human Services the Aging and Disability Services Division (ADSD) Area Plan for 2013-2017 maintains a sub-planning and service area district within the City;
3. Multnomah County provides funding for information and assistance, outreach, case management, options counseling, access to other needed services such as transportation and in-home services, outreach, and focal point development and operation; and
4. The City contracts with the County to provide the aforementioned services to residents of the City through an Intergovernmental Agreement (IGA).

#### **NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TROUTDALE**

Section 1. Agrees now that the City enter into an IGA with Multnomah County for services provided to older adults in FY 2014-2015.

Section 2. Designates the City Manager or Finance Director (each a "City Official") or a designee of the City Official, to act on behalf of the City, and without further action by the City Council the City Official is hereby authorized, empowered and directed to sign the IGA on behalf of the City, and any and all other required and necessary documents to implement the intent of the agreement.

Section 3. The City Official is hereby authorized to execute, acknowledge and deliver the IGA in substantial conformity with Exhibit A of the Staff Report, including any other supporting and implementing documents, and to take any other action as may be advisable, convenient, necessary, or appropriate to give full force and effect to the terms and intent of the IGA, and the execution thereof by any such City Official shall be conclusive as to such determination.

Section 4. Further, consistent with intent of the IGA, and in the best interest of the City, the City Official is authorized to determine, execute, acknowledge and deliver any subsequent addendums, extension, revisions, modification, or successor documents of the IGA, and the execution thereof by any such City Official shall be conclusive as to such determination.

Section 5. The Finance Director is authorized to disburse funds, subject to annual appropriations, as necessary to fulfill the IGA obligations, and is further directed to implement all such actions necessary to ensure budgetary compliance.

Section 6. This Resolution shall be effective upon adoption.

**YEAS:**  
**NAYS:**  
**ABSTAINED:**

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**Doug Daoust, Mayor**

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**Date**

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**Debbie Stickney, City Recorder**  
**Adopted:**



# CITY OF TROUTDALE



## STAFF REPORT

**SUBJECT / ISSUE:** An Ordinance Adopting A New Chapter Of The Troutdale Municipal Code Chapter 1.06, "Home Rule Authority" And Exercising The Home Rule Authority Of The City Of Troutdale Under The Oregon Constitution, And Declaring An Emergency.

**MEETING TYPE:**  
City Council Regular Mtg.

**MEETING DATE:** July 8, 2014

**STAFF MEMBER:** Ed Trompke  
**DEPARTMENT:** Legal

**ACTION REQUIRED**  
Ordinance - Adoption

**ADVISORY COMMITTEE/COMMISSION RECOMMENDATION:**  
Not Applicable

**PUBLIC HEARING**  
Yes

**Comments:**

**STAFF RECOMMENDATION:** Adopt the ordinance as proposed.

**EXHIBITS:** None

**Subject / Issue Relates To:**

- Council Goals                       Legislative                       Other:

**Issue / Council Decision & Discussion Points:**

- ◆ Multnomah County has adopted an ordinance that purports to apply within the City of Troutdale (MCC 15.064), and which is the subject of a challenge in the Circuit Court of Oregon in Multnomah County July 9, 2014
- ◆ City must consent to the exercise of authority by another local government within the City.
- ◆ It is necessary to preserve the authority of the City to govern the City to the greatest extent allowed under the constitutions, statutes and common law of the United States and Oregon.

Reviewed and Approved by City Manager:

## **BACKGROUND:**

Multnomah County has adopted an ordinance that purports to apply within the City of Troutdale (MCC 15.064), which is the subject of a challenge in the Circuit Court of Oregon in Multnomah County, and the challenge is scheduled for a hearing on the merits on July 9, 2014.

At their June 24, 2014 meeting the City Council held an extended discussion expressing their concerns regarding of the content of the Multnomah County ordinance. However, apart from the specific subject of the county ordinance, the Council's greatest concern was the potential erosion of City local control that the county ordinance more broadly represents.

The Council reached a clear and strong consensus that the City must take a position protecting its Home Rule Authority to the greatest extent allowed by the constitutions, statutes and common law of the United States and Oregon.

Council directed the City Attorney to draft and present at the July 8, 2014 Council meeting an ordinance for adoption to preserve the authority of the City to govern the City to the greatest extent allowed, with immediate effect prior to the scheduled court hearing of July 9, 2014.

The City charter generally requires ordinances be adopted only after hearings at two separate Council meetings, and to be effective thirty days after adoption. However, the adoption of an ordinance after one public hearing and to become effective immediately, is possible, subject to meeting the procedural requirements specified by the charter.

Section 30 B and C of the Troutdale Charter, allow an ordinance to take effect immediately upon its adoption after only one public hearing if the ordinance:

- is adopted by all council members present,
- contains findings on the need for immediate adoption,
- has been distributed to the council and made available for public inspection at least twenty-four hours prior to its adoption, and
- the reasons for the emergency are clearly stated in a separate section of the ordinance.

## **SUMMARY:**

The proposed ordinance has been prepared to comply with the procedural requirements of the charter for immediate adoption, and to protect the City's Home Rule Authority to the greatest extent allowed by the constitutions, statutes and common law of the United States and Oregon.

## **ORDINANCE NO.**

### **AN ORDINANCE ADOPTING A NEW CHAPTER OF THE TROUTDALE MUNICIPAL CODE CHAPTER 1.06, "HOME RULE AUTHORITY" AND EXERCISING THE HOME RULE AUTHORITY OF THE CITY OF TROUTDALE UNDER THE OREGON CONSTITUTION, AND DECLARING AN EMERGENCY.**

#### **THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:**

1. Article XI section 2, and Article IV section 1(5) of the constitution of Oregon describe the home rule powers that may, in a city charter, be reserved to the people of cities in Oregon; and
2. Whereas, Section 5 of the Charter of the City of Troutdale provides that "The city has all the powers that the constitutions, statutes, and common law of the United States and of this state now or hereafter expressly or impliedly grant or allow the city"; and
3. Whereas, the City desires to declare and clarify that it alone may exercise those exclusive and concurrent powers granted or allowed to it, except, as provided in the constitution, where statutes preempt its authority in favor of the exercise state power, or unless the City consents to the exercise of authority by another local government within the City.
4. Whereas, Multnomah County has adopted an ordinance that purports to apply within the City of Troutdale (MCC 15.064), which is the subject of a challenge in the Circuit Court of Oregon in Multnomah County, and the challenge is scheduled for a hearing on the merits on July 9, 2014. This ordinance is necessary, and its immediate effectiveness is necessary to preserve the authority of the City to govern the City to the greatest extent allowed, when the court makes a decision at or after the hearing scheduled for July 9, 2014.

#### **NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TROUTDALE:**

Section 1. Title 1, GENERAL PROVISIONS, of the Troutdale Municipal Code is amended to add a new chapter, 1.06, Home Rule Authority, to read as follows:

#### **Chapter 1.06 HOME RULE AUTHORITY UNDER THE OREGON CONSTITUTION**

**1.06.010 Purpose**

The authority of the City of Troutdale extends to the greatest extent allowed by the constitutions, statutes and common law of the United States and Oregon. To that effect:

- A. Governance of the City of Troutdale rests, to the greatest extent allowed, in the people and City Council of the City.
- B. No ordinance of any county or other local government (whether under home rule, statutory or other authority), shall be enforceable within the City of Troutdale, except (a) with the express consent of the electors of the City or City Council (and only to the extent of such consent), or (b) as required by the constitution of Oregon.
- C. State laws that are required by the constitution of Oregon to apply in the city, shall apply in the city. Other state laws shall apply only with the consent or acquiescence of the city.
- D. This section is intended, and shall be construed to reserve to the City of Troutdale, exclusive jurisdiction over all matters that the City may regulate.

Section 2. Multnomah County has adopted an ordinance that purports to apply within the City of Troutdale (MCC 15.064), which is the subject of a challenge in the Circuit Court of Oregon in Multnomah County, and the challenge is scheduled for a hearing on the merits on July 9, 2014. This ordinance is necessary, and its immediate effectiveness is necessary to preserve the authority of the City to govern the City to the greatest extent allowed, when the court makes a decision at or after the hearing scheduled for July 9, 2014.

Section 3. For the reasons set forth in the findings above, the Council hereby declares an emergency. In accordance with Section 30 C of the Troutdale Charter, this ordinance shall take effect immediately upon its adoption.

**YEAS:**  
**NAYS:**  
**ABSTAINED:**

\_\_\_\_\_  
**Doug Daoust, Mayor**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Debbie Stickney, City Recorder**  
**Adopted:**