



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, August 25, 2015 – 7:00PM

Mayor

Doug Daoust

City Council

David Ripma

Eric Anderson

Larry Morgan

Glenn White

Rich Allen

John Wilson

City Manager

Craig Ward

1. **PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE.**
2. **CONSENT AGENDA:**
 - 2.1 **ACCEPT MINUTES:** June 23, 2015 Regular Meeting, June 23, 2015 Work Session and July 14, 2015 Regular Meeting.
 - 2.2 **RESOLUTIONS:** Three resolutions pertaining to easements along Graham Road:
 - A. A resolution accepting a perpetual, nonexclusive utility easement along NW Graham Road from the Port of Portland
 - B. A resolution accepting a perpetual, nonexclusive utility easement along NW Graham Road from MYR Real Estate Holdings, LLC
 - C. A resolution accepting a perpetual, nonexclusive utility easement along NW Graham Road from Couch Street LLC
 - 2.3 **RESOLUTION:** A resolution approving an Intergovernmental Agreement with Multnomah County for the Community Development Block Grant Program and the HOME Investment Partnership Program for program years 2016-2018.
 - 2.4 **RESOLUTION:** A resolution correcting a clerical error in the FY 2015-2016 Budget Appropriation Record.
 - 2.5 **RESOLUTION:** A resolution confirming text of a question submitted to the voters for the Election of November 3, 2015.
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. **PRESENTATION:** Recognition of the Citizen of the Year – Norm Thomas, Youth Citizen of the Year – Soltsi Hernandez Contreras, and the Sam Cox Humanitarian of the Year – Jennifer Hoffman. Mayor Daoust

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5. **RESOLUTION:** A resolution authorizing approval of a Declaration of Cooperation for Columbia Levee Repair and Accreditation. Craig Ward, City Manager

6. **DISCUSSION:** A scope discussion with Mike Gleason on Council work planning. Mayor Daoust

7. **RESOLUTION:** A resolution accepting the recommendations of the Parks Advisory Committee and establishing, naming and funding of Visionary Park. Erich Mueller, Finance Director

8. **STAFF COMMUNICATIONS**

9. **COUNCIL COMMUNICATIONS**

10. **ADJOURNMENT**

Approved by:

Doug Daoust, Mayor

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The meeting location is wheelchair accessible. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to: 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**

Tuesday, June 23, 2015

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

Mayor Daoust called the meeting to order at 7:02pm.

PRESENT: Mayor Daoust, Councilor Anderson, Councilor Morgan, Councilor White, Councilor Allen, and Councilor Wilson.

ABSENT: Councilor Ripma (excused).

STAFF: Steve Gaschler, Acting City Manager; Ed Trompke, City Attorney; Erich Mueller, Finance Director; and Debbie Stickney, City Recorder.

GUESTS: See Attached List.

Mayor Daoust asked do we have an agenda update tonight?

Steve Gaschler replied we do not.

2. CONSENT AGENDA:

2.1 MINUTES: May 5, 2015, Work Session and May 12, 2015 Regular Meeting.

2.2 MOTION: A motion adopting the 2015-2016 City Council Goals.

2.3 RESOLUTION: A resolution continuing Workers' Compensation Coverage of Volunteers to the City of Troutdale for Fiscal Year 2015-2016.

MOTION: Councilor Wilson moved to approve the consent agenda. Seconded by Councilor Anderson. The motion did not pass unanimously so the items were voted on individually.

Agenda Item 2.1

VOTE: Mayor Daoust – Yes; Councilor White – No; Councilor Allen – No; Councilor Wilson – Yes; Councilor Anderson – Yes; and Councilor Morgan – Yes.

Motion Passed 4 – 2.

Agenda Item 2.2

VOTE: Mayor Daoust – Yes; Councilor White – No; Councilor Allen – No; Councilor Wilson – Yes; Councilor Anderson – Yes; and Councilor Morgan – Yes.

Motion Passed 4 – 2.

Agenda Item 2.3

VOTE: Mayor Daoust – Yes; Councilor White – Yes; Councilor Allen – Yes; Councilor Wilson – Yes; Councilor Anderson – Yes; and Councilor Morgan – Yes.

Motion Passed 6 – 0.

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

Ed Trompke stated because there has been an Executive Session on matters that are likely to come up here tonight I'm going to recommend that the Councilors in an abundance of caution not signal something that may have been discussed at the Executive Session. You can listen to what the people say and not respond and thank them for providing their testimony. The people testifying should not take the silence as favorable or unfavorable. It's simply that I'm recommending they not say anything so they preserve the Executive Session.

Bruce Wasson, Troutdale Resident, stated I would like to bring up the issue of the Eastwind Urban Renewal project. I would like to express my deep concern that the only people this Council is dealing with is the Yoshida Group. After their performance in December 2013 over the City of Troutdale's new facilities that they wanted to build and the way that was handled, I'm having deep reservations about the fact that they're the only ones we're dealing with. I think you could put it out for an open bid for anybody who wants to bid on it. I understand there are other parties interested in this. Also I would like to seek the assurance of this Council that whatever agreement is reached that it's put before the people of this City for their approval because it's tax dollars that are being used. There should be complete disclosure. Quite frankly, I don't trust the Yoshida Group. I want to make sure that something underhanded isn't happening here.

Ross Grami, Representative for AFSCME Local 3132 Bargaining Unit, stated we're again here to talk about bargaining and we'll likely continue to be here as we move forward. We live in a time where wealth income equality in this Country is staggering. With that being a hot button issue, an issue that we see play out on our T.V. screens every night, we see what happens in our communities and communities around the country, and it's hard to fathom why this Council and this City would be endorsing the kind of hard ball negotiations that frankly encourage those economic conditions on working people if not outright enacts them. At a time when this City is doing well, sitting on reserves of at least \$1,000,000 it is unconscionable to be cutting workers healthcare and not supplying a wage increase that puts them at their market value. We would encourage the Council to continue to get engaged in this discussion because the management of your City

continues to put proposals forth that are unacceptable to our members and would ultimately mean wage cuts for many of them.

Tatjana Heinze, Troutdale Parks Maintenance Worker, stated I've been with the City for 10 years and I work in the Parks Department. I appreciate the movement made by the City yesterday in bargaining. The fact remains that management's proposal still falls short for our employees. For employees to utilize the healthcare this proposal would mean a pay cut and a substantial one. That is something that we will not accept in a time when the economy is doing good. Troutdale cannot expect their employees to take more cuts just because of the political ideology of management and the Council. We are some of the lowest paid in the region. This not acceptable to our members. The City has an \$80,000 budget for the cost of legal negotiations and legal advice annually. The cost savings for your proposals are about \$20,000 per year. It could not be clearer what the City's priorities were if you just took the money out of our pocket and handed it to your lawyer. How embarrassed the City should be when you bring in a high priced Lake Oswego attorney to bargain cuts to our healthcare while you sit on over \$1,000,000 in reserves. Hard to be anything but very embarrassed, I would imagine.

Jodi Rogers, Troutdale Building Permit Specialist, stated I'm a 28 year employee of the City of Troutdale. When looking at healthcare it's important to point out to the Council that in a vacuum this might not seem like such a bad thing. However when you factor in Troutdale's pay being among the lowest in the entire region it becomes clear just how unsettling this proposal is. Among our comparator cities, Troutdale is the wealthiest yet it's proposal would mean that we have the lowest quality insurance and wages that are in the bottom 3 of that list. How is that right? Workers in this City should be valued. Your proposal says the opposite to us.

John Bushard, Troutdale Civil Engineer, stated last time I was here I talked about economics and again I'm coming back to talk economics just to convey the information that we have based on yesterday's bargaining session. You've heard what some of the members feel pretty strongly about and I'm just backing that up with the data that I've recalculated based on the union proposal and management proposal. Healthcare was exchanged and membership still says it's not good enough and I agree. The max out of pocket potential is too much for any one individual or family to absorb. Last time I was here I heard an echoing "how does this impact the General Fund". The bottom line for the next year for the General Fund is less than \$10,000. That's the economic impact for the union proposal in comparison to the City's. As far as the other funds; Code Specialty, Public Works, Utility Funds, and Operating Funds; it's a little under \$10,000 as well, for healthcare for a total of just is under \$20,000. When we're looking at an operating budget of \$33,000,000, that's nothing. I don't think I should be here to talk about this but I feel strongly that we think this is unacceptable. This \$20,000 doesn't pencil in my head. To wages, as the others have said, we're not market value. We've done wage reviews and found that we are 10-15% below market value of the other comparable Cities. Troutdale is the 7th wealthiest City per median income based on expenses for 2013. We're the 2nd highest of all the comparables but we're the lowest in wage. It just doesn't make sense. Every time the City has gone to fill a position they've relooked at the position and bumped it up and reclassified it 10-15% while all of the existing membership stays stagnant. We're really behind. The union's proposal is about a \$13,000 General Fund impact and the

other funds is about \$15,000. In total we're looking at about \$35,000 to \$40,000 in wages and healthcare. Later on tonight I know you're talking about Visionary Park. \$175,000 is not budgeted, it's not in the CIP Plan, I think that'll come out of General Fund money right there. Also the potential parking lot would be about \$50,000 and again it's not in the budget or the CIP. Here are these things that aren't planned for that we're just going after that the members shouldn't have to have their wages and healthcare impacted by these decisions. Thank you for your time and have a good evening.

4. MOTION: A motion to approve the Mt. Hood Cable Regulatory Commission's 2015-16 Budget.

Norm Thomas, Troutdale's Mt. Hood Cable Regulatory Commission (MHCRC) Representative, stated tonight I have with my Mary Beth Henry who is the Director for our Commission staff and also Rob Brading who is the Chief Executive Officer for MetroEast Community Media.

Norm Thomas read a statement about the MHCRC and their budget that is before the City Council. A copy of the statement is attached to the minutes as Exhibit A.

Norm Thomas stated at our last Commission meeting we approved \$1.3 million to Reynolds School District for addressing 7th and 8th grade mathematics so that they can use electronics and media to be prepared to step into their freshman year of high school. We're also working with other school districts such as Gresham/Barlow and Centennial with some grants for the future.

Mayor Daoust stated you said you trained 350 individuals. What kind of training was involved, just using the equipment?

Rob Brading replied it's about teaching people to use the equipment, field camera work, studio camera work, and helping folks put the media that they produce on sites like YouTube so that they can have the opportunity to create a wider audience. We also have a very successful youth program.

Mayor Daoust replied congratulations on getting a clean audit on your part of the budget.

MOTION: Councilor Wilson moved to approve the Mt. Hood Cable Regulatory Commissions 2015-16 budget. Seconded by Councilor Morgan.

VOTE: Mayor Daoust – Yes; Councilor White – Yes; Councilor Allen – Yes; Councilor Wilson – Yes; Councilor Anderson – Yes; and Councilor Morgan – Yes.

Motion Passed 6 – 0.

5. MOTION: A motion to consider the Parks Advisory Committee's recommendation on the location of the Trout sculpture purchased by the City.

Steve Gaschler, Public Works Director, stated Resolution #1559, a resolution establishing a public art acquisition policy, was adopted by the City Council on June 12, 2001. The City of Troutdale wishes to acquire artwork through a selection process which involves the participation of local citizens, represents the City's cultural diversity, and is appropriate to specific public sites. The City of Troutdale recognizes the need to establish a consistent policy of the selection and acquisition for artworks which may be donated or purchased through external or special funding. In accordance with the resolution the Parks Advisory Committee was asked by Council to recommend a location for a trout sculpture in one of our parks. The Committee looked at several different locations and chose the Harlow House gazebo in appreciation of the historic trout ponds formerly in this area. The Troutdale Historic Society has also approved the placement near the Harlow House gazebo and a letter is attached with the staff report to confirm that.

Marilee Thompson, Parks Advisory Committee Chair, stated thanks for having me tonight. The Art Selection Ad Hoc Committee was formed in January. They considered several sites throughout the City and thought locating it beside the gazebo that that would be an appropriate place for the sculpture. Captain John Harlow had fish ponds in that area and despite the fact that most of the ponds held carp, he did have a few ponds of lonely trout. Consequently we felt that the location at the Harlow House would honor the history of the area and it was an elegant relationship to that area.

Councilor Wilson stated I had a conversation with Erich about location of the statue. It was an understanding years ago that that property still belongs to the City and that the City sold only the house and barn to the Historical Society. I think it's an appropriate place based on the fact that it's still City property.

Councilor Morgan asked what was the cost of the fish?

Rip Caswell, local artist, replied the casting cost was \$5,000.

MOTION: Councilor Anderson moved to accept the Parks Advisory Committee's recommendation on the location of the trout sculpture purchased by the City. Seconded by Councilor White.

VOTE: Mayor Daoust – Yes; Councilor White – Yes; Councilor Allen – Yes; Councilor Wilson – Yes; Councilor Anderson – Yes; and Councilor Morgan – No.

Motion Passed 5 – 1.

6. PUBLIC HEARING / ORDINANCE (Introduction): An ordinance amending Chapter 5.04 of the Troutdale Municipal Code relating to business licenses.

Ed Trompke, City Attorney, stated the question came up some months ago about how the City's going to adapt to and address the issues of medical and recreational marijuana businesses in the City. One of the things that came up was there are currently some medical marijuana businesses in the City that nobody knows much about because they don't have business licenses in that they operate as non-profit. What I'd like to do is have

you look at Exhibit A to the staff report which is a letter dated February 14, 2014 from the Department of Justice (DOJ) giving 8 factors that most people say are the factors that DOJ considers in deciding not to prosecute medical marijuana or recreational marijuana businesses in states that have made it legal. That's not quite what it is but what this is, this is a letter of guidance from a boss's office at the DOJ to all of the other field offices of the DOJ that says if you decide you don't want to prosecute people for marijuana growing, possession, distribution, or anything then these are the factors that you should consider if you make that determination. There is no hard and fast rule that says any DOJ Attorney is bound not to prosecute. So anyone who is in business in Oregon could find themselves under a Federal indictment just as they could in Colorado, Washington, Alaska, or any other place where it's legal. It's not a guarantee but these are the 8 factors that the Feds have said are important. We put them into the business license criteria. Exhibit B is the proposed language in Section 5.04.060, determining who is required to get a business license. This requires for profit and not for profit medical marijuana dispensaries to get a license. Partly that's for safety so that the police will know where they are, so the City knows where the businesses are operating, and that they are located appropriately under the zoning ordinances. It's to get information and a handle on how to deal with this issue on a going forward basis. The 8 factors that are important are: 1) Prevent the distribution of marijuana to minors; 2) Preventing the revenue from going to criminal enterprises, gangs, and cartels; 3) Preventing the diversion of marijuana out of this state; 4) Preventing State authorized marijuana from being used as a cover or pretext for trafficking other illegal drugs or other illegal activity; 5) Requiring that people abstain from violence and the use of firearms in the cultivation and distribution of marijuana; 6) Preventing drugged driving and making other public health consequences worse; 7) Preventing growing marijuana on public lands and the public safety and environmental dangers that are posed by marijuana production on public land; and 8) Preventing marijuana possession or use on federal properties. The City isn't so concerned about the last one but if somebody does do that it's going to get them into problems with the Feds and the City probably wants to know about it. This code change will require people to certify in writing to the City that they're going to comply with all 8 of those and we've added a 9th criteria, they'll operate their business in accordance with the Oregon laws now existing or existing in the future that authorize and license the operation of medical marijuana dispensaries. House Bill 3400 is now supposed to be in final form and it's supposed to pass tomorrow in the Senate and then it goes back to the House for some final work. It will possibly require that the City do some other changes. This change again only addresses medical marijuana, it doesn't address recreational marijuana which will come later when that becomes legal in January of 2016. You don't need to worry about issuing business licenses for recreational marijuana until that becomes legal. The 2nd part of what we did was we changed the primary office from the Chief of Police to the City Manager because of the change that's going to take affect with Multnomah County providing police services. In order to keep that wholly under City control we've moved it over to the City Manager's Office and he can designate a Law Enforcement Peace Officer to perform any of the functions under this that the City Manager wants. The City Manager can still ask for any other information. We've beefed that up by saying that questions about the necessity of that information shall initially be made by the person making that request, probably the Law Enforcement Officer, subject to final resolution by the City Manager. We don't know what kinds of issues are going to come up. The ones that come to mind are how are you going to prevent distribution of marijuana to a minor? How are

you preventing these problems from arising? They can also ask questions later, during the time that someone is licensed to make sure that they're complying with their business license rules. The City Manager then reviews them and either approves, approves with conditions, or denies the business license. There are a couple of other small changes. There's a bigger change in the appeal section. It doesn't change that appeals come to the City Council, you'll still have to do that, but it clarifies and specifies the procedures involved in it. The City Council will then either approve or reverse the City Manager's decision in approving or denying an application. At these hearings any Peace Officer can testify, the City can testify, and if I recall correctly any members of the public can testify as to the problems or benefits that are coming from the application, suspension, or revocation. This is new ground and I'm sure you and the public will have questions. This is an attempt to not overly burden businesses that are complying with Oregon law but protecting the City at the same time and identifying the places where they're doing business.

Councilor Allen stated I support State rights in so much that it doesn't negatively impact other State's rights or undermines the Constitution or Bill of Rights. When I read this it looks like it's taking that into consideration. I appreciate how well written this is. I do realize that the banking sector is still not worked out yet and we have businesses that may be dealing with large sums of cash. Would we be preventing them from hiring State qualified security?

Ed Trompke replied no this doesn't prevent any of that. People who are in the illegal drug market may currently have problems banking. Problems do still exist but this shouldn't create any new problems. I understand in Colorado there were companies that store pallets full of money and bales of money in vaults in different places and I suspect we'll be seeing those kinds of businesses sprouting somewhere here in Oregon.

Councilor Allen stated when you're dealing with large sums of cash you may be inviting crime if you don't have armed security guards.

Ed Trompke replied it says to abstain from the use of violence and use of firearms in the cultivation and distribution of marijuana. That doesn't say you can't protect yourself or your money with firearms but it says you're not going to use them except when it's lawful. This is to prevent gangs from simply legalizing themselves and becoming licensed gangs. There was a house in North Portland, it was a motorcycle gang house, that dealt drugs for many years. Those folks would have a problem with this because they intimidate people with guns. That's not the intention of this, it's to keep bad guys out of the business and not stop people from protecting themselves.

Councilor Wilson stated the operations that are currently handling the medical marijuana for people by having the plants in their houses, are they going to come under the licensing rule? Is the Health Department going to release that and put it under the new rule?

Ed Trompke replied if they're a dispensary.

Councilor Wilson asked are they considered a dispensary?

Ed Trompke replied yes that would be a dispensary. That doesn't necessarily stop someone from growing their own at home.

Councilor Wilson asked for somebody operating under the Health system right now, this will change in July and fall under these guidelines?

Ed Trompke replied yes they would be required to get a business license so that the City knows what the business is, where it is, and if it is in the proper zone. It may be that they comply with some of the zoning and the City may want to change its zoning ordinances at some point to address how these work because they haven't been regulated up until now. This will identify what's out there in the field so we can resolve any problems that people have. We've heard neighbors complain about a business that is operating in the City already. This will help identify and get this person to be in compliance or move.

Mayor Daoust opened the public hearing at 7:50pm.

Paul Wilcox, Troutdale Resident, stated I have a few lines highlighted here from Exhibit A, page 1, the 1st paragraph says "enforcing the CSA against marijuana-related conduct". These priorities actually apply to black market operation also, not just businesses and dispensaries. You can be operating in the black market and still avoid these bullet points. Then on to Exhibit B, Page 3, the 2nd line, it refers to the Troutdale Police Department which no longer is an entity. Lastly in Exhibit B, Page 6, Paragraph D, "all persons operating a medical marijuana dispensary under Oregon law, whether organized or operating on a for profit or not for profit basis, must maintain a business license from the city". It sounds like Mr. Trompke was saying non-profit growers would now have to be licensed and legally zoned.

Ed Trompke replied if it's a dispensary operating on a for profit or not for profit basis. Dispensaries are defined under the State law. We're simply using that definition. Not all growers fall under the dispensary definition.

Mayor Daoust closed the public hearing at 7:55pm.

Mayor Daoust stated this is the first reading of this Ordinance. We will have a second reading at the next Council meeting.

7. RESOLUTION: A resolution providing for current FY 2014-15 Budget Transfers and Appropriation Changes.

Erich Mueller, Finance Director, stated this is the year end balancing activity that I bring to you each year at the last Council meeting in June. It helps maintain our budget compliance and avoid any audit findings. As I mentioned to you a couple of years ago I missed 1 of these categories, and we were a couple hundred thousand dollars under budget in 1 of the funds. I failed to transfer appropriations, and we were \$1,100 over budget and it resulted in us having audit issues. I'm trying to avoid that. Many of the transfers are precautionary trying to ensure that I'm dealing with things that are close to the total. Others are the routine items that have occurred over the course of the year. As mentioned in the staff report, it's been 15 months since we adopted a budget to operate

through the end of this month. Certainly circumstances change over the course of that time. Some of the items were not known about at that time and there have been changes in conditions along the way. They are outlined in the staff report and I'm hopeful that they're straight forward. The only item that is a little bit different than all of the others is the very last category, \$140,000 going from contingency in the General Fund to the Urban Renewal Agency. That is a loan and it will ultimately be repaid to the General Fund from the Urban Renewal Agency over the course of time as it collects the tax increment each year.

Councilor Allen stated these transfers seem to be things that have already been done and for the most part already approved. Are there any that relate to the future?

Erich Mueller replied there is 1, the trout statue that was talked about earlier tonight. That transfer is in this resolution. If we didn't decide to go forward with that then it would not have been necessary but that was really the only 1 that hadn't occurred yet by the time I prepared the resolution.

MOTION: Councilor Morgan moved to adopt a resolution providing for the current Fiscal Year 2014-15 Budget Transfers and Appropriation Changes. Seconded by Councilor Wilson.

VOTE: Mayor Daoust – Yes; Councilor White – Yes; Councilor Allen – Yes; Councilor Wilson – Yes; Councilor Anderson – Yes; and Councilor Morgan – Yes.

Motion Passed 6 – 0.

8. MOTION: Council nomination of a Charter Review Subcommittee.

Mayor Daoust stated we've talked about a Charter Review Subcommittee and it's in the Council Goals. I would like input from the Council by an advisory vote and see if I agree or if I will make my own recommendations to this Subcommittee. Please vote for 3 Councilors that you want to be on the Charter Review Subcommittee and then I'll make the final decision.

Councilor Morgan asked by advisory vote do you mean we'll take a piece of paper and write something down?

Councilor Allen stated since this is an important subject that affects the entire City, I'd prefer that the whole Council be involved and not to have a subcommittee.

Mayor Daoust replied I think we'll proceed the way that I've recommended.

Ed Trompke stated the Mayor has the discretion to appoint a subcommittee to work on this.

The Council wrote down their 3 recommendations and submitted them to Mayor Daoust for consideration. Copies of the written votes can be found in the meeting packet.

Mayor Daoust stated I agree with most of the recommendations. Councilor Anderson, Councilor Morgan, and Councilor Wilson will be on the subcommittee. The subcommittee is expected to involve the Council during critical times of the Charter Review and bring in citizen and public input.

9. STAFF COMMUNICATIONS

Steve Gaschler, Acting City Manager, stated I wanted to remind you that next week's meeting is going to start later with a 7:30pm start time due to a conflict with the Sheriff's Office swearing in ceremony. After that, we have a meeting scheduled on July 14th and then there is not another meeting scheduled until the August 18th Urban Renewal Meeting if needed or the August 25th Regular Council Meeting.

10. COUNCIL COMMUNICATIONS

Mayor Daoust stated next Tuesday is the swearing in ceremony of our Police Officers into the Multnomah County Sheriff's Office at 6:30pm in the Mt. Hood Community College's Visual Arts Theater. That is why we'll be delaying the Work Session to start at 7:30pm. Also for next Tuesday, there will be a groundbreaking of the Troutdale Reynolds Industrial Property (TRIP) Phase II at 9:30am on Swigert Way. There will be a lot of dignitaries there from different agencies.

Councilor White stated on the agenda tonight was supposed to be the vacation of the 238th right-of-way. I want to make sure we aren't missing out on an opportunity because I know the County Commission is planning to meet about this on Thursday. I'm curious why that was pulled?

Steve Gaschler replied it was originally put on the schedule as a placeholder months ago because at that time all I knew was that Multnomah County was going to air that in June and I wanted to make sure we reserved a spot. As the date got closer I found out that they were having their hearing on the 25th. It's our understanding that the County has to make their determination first and then they'll look to us to affirm that.

Ed Trompke stated the statute sounds like Multnomah County really does need to go first and then the City consents to it after the fact.

Councilor White stated things got heated at the last Council meeting. There was a question of how many Councilors could attend the meeting (Neighborhood Meetings) and whether it was a public meeting or not. I do want to take the time to apologize for my behavior for not being as professional as I normally am. Sometimes things get a little heated. I believe it was clear that not everyone was able to speak at that meeting. In the future I'd like to address the situation where it is a more open process where we all have a voice, and it isn't just one opinion.

Councilor Allen stated I would encourage, if you haven't already, that you call Councilor Ripma for his opinion on the subcommittee. Also, staff communications and council communications are an important point for updates and for us all to have a voice. When

meetings are shortened that's what typically gets sacrificed. I'd like to see these occur regardless and shorten the number of agenda items that we deal with in an evening if we want shorter meetings.

Councilor Wilson stated I sent everyone a copy of the Oregon City Ordinance for putting up flags in the City. We don't have a policy in place right now for that. I'd like to see that the Citizens Advisory Committee take this on, review what Oregon City is doing and their requirements for having flags put up in their downtown area.

Mayor Daoust asked are you talking about banners?

Councilor Wilson replied the flags that hang on the light poles. I'd like the Citizens Advisory Committee to take a look at that and make some kind of recommendation as far as cost, what liability insurance is needed, and what kind of flags/banners should be allowed in the downtown area. The other item that I have is that I was at the meeting about a month ago for the Springwater Parks Community District. At that meeting they were working on doing a feasibility study. They're looking for shared resources from the Cities as well as using staff time from the Cities to help push this feasibility study through. We would have to do a resolution, isn't that right?

Ed Trompke asked to join the group?

Councilor Wilson replied to say that we want to be part of the group and are willing to go through the election and be part of the district.

Ed Trompke replied correct. In order for the district to have it's boundary in the City or to incorporate City land, the City has to consent to that by a resolution.

Councilor Wilson stated also at this meeting was State Representative Carla Piluso. It is recorded with her voice saying what is good for Gresham is good for East County. Cathy Sherick says nothing comes for free. They'll need funding which means new taxes. She said taxes aren't necessarily a bad thing. They were also advised to start out with a smaller first year budget, not to try to get everything done at once, and then look at it again in 2, 3, 5, and 10 years and increase that budget. They are going to be engaging some of the non-profits so they can get monies and they don't have to go out and raise it. Some ideas are that they want to be like the Clackamas Pool System. They've also talked about the Tualatin/Beaverton Sports areas that they have. We were mentioned twice in the whole program. Once was that we have a good program for our kids. Secondly that we suggested they go seek out Gresham first before coming to us as far as forming a district. They also were giving people their marching orders to go to Cities for money for the feasibility study and staff time to help them. Everything seemed to be around Gresham. Fairview and Wood Village got mentioned once in the whole program. I think we need to have a work session on this and make a decision as to whether or not we want to move forward with them before we start allocating any resources.

Councilor Allen asked didn't we already say no?

Councilor Wilson replied there's still a big push from them wanting the Mayors and the City Councils that were there to push for this district. Mr. Trompke says we don't need a resolution to say that we don't want to be a part of it but in the end I suppose we could.

Ed Trompke stated the consent that I was talking about is something that comes up later on at the time that it gets put on the ballot to include the land that is the City of Troutdale. In order for that to happen the City has to consent to it.

Councilor Wilson stated my point is that we haven't tried alternatives within our own City. The Mayor said he wasn't as concerned about the parks at our Budget meeting because of the new charts that Erich provided as far as what our reserves and income were going to be. I don't think that in the long run we're going to get a direct benefit out of it. I have a big concern that we're not going to get direct benefit of it. If our citizens want the best parks systems and we can't do it with the budget that we have then we should go ask them if they're willing to have a fee on their utility bills to help maintain our parks.

Mayor Daoust stated we can schedule a work session on parks funding and whether we want to be a part of a feasibility study. If we can clarify what it would cost the City and what the benefits to the City would be. A feasibility study being done first would answer a bunch of questions about different methods of maintaining our parks. You're right we don't have to be part of a parks district. But I do think we need to make decisions on knowledge and information rather than trying to guess what a parks district would mean for Troutdale.

Councilor Anderson stated I want to commend Councilor White for what he said tonight. It takes a very big man to apologize and I appreciate that.

Councilor Morgan stated I got a call today from a Clark County Official that was hoping the Mayor of Troutdale, with consent from the Council, could write a letter expressing interest, at least initially, in discussing a 3rd bridge with them. They're very much interested in working with the City Council in Troutdale specifically. The Mayor has talked with other regional Mayor's about this as well. This isn't the first time this has come up and it won't be the last.

Mayor Daoust stated I can put the letter before the Council if you want to see it.

The Council would like to see the letter before it's sent.

Councilor Morgan stated secondly, there's been a lot of talk about Urban Renewal, where we're at with it, and what's going on. I see that there's a work session scheduled for July 14th. I know that Councilor's know what's going on. If it wouldn't be an inconvenience for the Council, I think we should in some capacity, discuss the details about where things are at.

Ed Trompke stated I will reach out and talk to the developers counsel to take their temperature on that. There are certain things that they'd like to keep under wraps at the moment and I'm sure there are other things that they wouldn't mind having out in the public. We should ask them before we schedule a meeting.

Councilor Allen stated I would like to know more about what's planned. It's nice if the Council's all dealing with the same information.

Mayor Daoust asked does July 14th look like we could have a work session?

Steve Gaschler replied there are 4 agenda items. It would be a long night.

Mayor Daoust stated let's tentatively schedule it for then.

11. ADJOURNMENT

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

Meeting adjourned at 8:30pm.

DRAFT

Doug Daoust, Mayor

Dated: _____

ATTEST:

DRAFT

Sarah Skroch, Deputy City Recorder

CITY OF TROUTDALE
CITY COUNCIL – Regular Meeting & Work Session
Tuesday, June 23, 2015

PLEASE SIGN IN

Name – Please Print	Address	Phone #
David Becker	Troutdale	
Norm Thomas	Troutdale	
Ross Grinn	Portland	
Tajana Heinze		
Craig Lichtenhaler		
Joie Rogers		
Kim Kesty	Portland	
Susan Howe	Troutdale	
Debbie Ward	Portland	
Michael Stewart	Vancouver	
Michael Rosenberg		
Aaron Williams	Portland	
H.C. Fong	C. OF TROUTDALE	
Shawn Anderson	city of Troutdale	
Peron Smith	Clackamas	
Mozz DEAL	Gresham	
AARON McNALLY	Portland	
Karen Clausen	Troutdale	
Da. Clark	Troutdale	
Debra Metcalister	Gresham	
Marilee Thompson	Troutdale	
John BISHOP	Portland	

Name - Please Print	Address	Phone #
Doug Lantz	Portland	
Diane Castillo-White		503-885-1405
Sushma Raghavan		
Tyler Woodard		
Nafisah Ula.		
Hubert SRP		
Anisha James		
Jaimie Swenson		
Rip Caswell		
Carol Allen		
Robert Fee	Trowdale	
Richard Goldie	T' DALE	503-661-0126
PAUL WILEX	TROWDALE	
Bene Wain	TROWDALE	

Troutdale, Tuesday, June 23, 2015, 7:00 p.m.

Exhibit A

June 23, 2015 Council Minutes

INTRODUCTION

I'm Norm Thomas your MHCRC representative and with me I have

I am here to highlight a couple aspects of the fiscal year 2015-16 MHCRC budget request and to seek your approval.

The Mt. Hood Cable Regulatory is an intergovernmental partnership among Gresham, Fairview, Portland, Troutdale, 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 services franchises with the cities and the County.

Troutdale has two cable service franchises: Comcast and Frontier.

Over this past year, the MHCRC has provided many services to our communities and residents.

I am pleased to provide you with the MHCRC's annual report. You have a copy in front of you (*NOTE: this is a handout that staff will bring to the meeting*).

The Annual Report highlights the many MHCRC accomplishments and services.

Some examples included:

- The MHCRC granted over \$2 million in 2014-15 to 11 local schools, libraries, nonprofits and local governments. The grants leveraged about \$4.1 million in matching community resources for the projects.
- The MHCRC also launched the TechSmart Initiative for Student Success in Fall 2014. Descriptions of all these grants can be found in the MHCRC's Annual Report and on the website.
- The MHCRC provided funding and franchise enforcement support to MetroEast Community Media. This past year, MetroEast produced over 2,800 hours of original local programming. They also trained over 350 residents in digital media and literacy skills.
- Affordable broadband has become more and more critical to our local public institutions. The MHCRC continued its work on the Institutional Network (or I-Net) which provides high speed broadband connectivity to 293 schools, libraries and public agencies throughout the County.

- The MHCRC addressed consumer protection issues both broadly and with individual subscribers. For example the MHCRC worked with the cable companies on issues related to clear information on subscribers' bills, use of electronic messaging to subscribers and service installation scheduling. The MHCRC assisted in the resolution of 218 complaints from individual subscribers.
- I'm happy to report that the MHCRC independent audit for FY2013-14 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.

Now on to the budget.

You have a copy of the MHCRC's FY2015-16 budget request in your meeting packet.

As you can see, the MHCRC's FY15-16 budget generally represents status quo but also has a look to the future.

The Commission projects that franchise fee revenues will remain flat in the upcoming year. The Jurisdictions' contributions for the operating budget have increased slightly to cover cost-of-living increases.

Troutdale's contribution for FY15-16 is \$17,255.

The MHCRC anticipates that FY15-16 will be a "future focus" planning year. Considering rapidly evolving technology and public policy - and our community's increasing reliance on availability of broadband - the MHCRC is turning its sights on the future.

The MHCRC intends to work with you and your city staff and our communities to identify needs and opportunities for our broadband future. The budget includes funds to assist the MHCRC in this endeavor.

In conclusion,

The MHCRC respectfully requests that the Council approve the 2015-16 proposed MHCRC Fund Budget.

I am happy to answer any questions you may have.

DRAFT

**Troutdale City Council Work Session
Troutdale City Hall – Council Chambers
219 E. Historic Columbia River Hwy.
Troutdale, OR 97060-2078**

Tuesday, June 23, 2015

1. Roll Call

Mayor Daoust called the meeting to order at 8:45pm.

PRESENT: Mayor Daoust, Councilor Morgan, Councilor White, Councilor Allen, and Councilor Wilson.

ABSENT: Councilor Ripma (excused), Councilor Anderson (excused).

STAFF: Steve Gaschler, Acting City Manager; Ed Trompke, City Attorney; Erich Mueller, Finance Director; and Debbie Stickney, City Recorder.

GUESTS: See attached.

2. Discussion: Visionary Park plans, schedule, and funding options.

Erich Mueller, Finance Director, stated in the staff report are some background materials, some of the concept layouts of the proposed Visionary Park, a visual of the statue sketch, and a process of where we are. The City has been in process of working with Multnomah County on the jurisdictional transfer of the right-of-way. We expect at some time in the coming months that we will receive that right-of-way transfer. The City has right-of-ways all over the City that aren't parks. Simply receiving the right-of-way won't magically create a park. The project costs have been very preliminarily outlined in a previous work session and budget discussion and I've included those in the brief staff report. From a funding standpoint, something we could potentially get money from the General Fund, the Parks Department, or there may be a possibility of being able to fund part of it through the new Community Enhancement Program. As it currently is described or envisioned it wouldn't be able to qualify to be paid for by the SDC fund but the SDC fund could provide financing as it has done for other projects.

Rip Caswell, Owner of Caswell Gallery, stated I see an opportunity at that corner because it has high visibility and good exposure to set an eastside gateway into Troutdale. I believe if it's done with stonework and accents, it could be a really wonderful tribute to the men who built the scenic Columbia River Highway 100 years ago. I have a passion that I really want to sculpt Sam Hill and Sam Lancaster. I think they were visionaries that left us a wonderful legacy and I think they're fitting. I'm surprised a monument hasn't yet been created in their honor. I think this Visionary Park is a great opportunity to place at that location and clean up a real eyesore in Troutdale. I understand that budgets are a concern and all of the things that you're going through. If there's a place to put it, I will personally promise that I will finish and produce that sculpture without asking for money from the City or to take anything out of your General Fund. If I could afford the land, I would do it or if I even understood how to do it. It's a complicated piece with a lot of things

happening on it. My fear is that it'll just continue to be a dilapidated eyesore. There is a building on it that I can't do anything about and it's a real hazard. If anyone was to go inside of it, it's a danger. It is adjacent to my property and I'd like to see it cleaned up and gone. I think it's a worthwhile investment. I understand there are funds in the Parks that might be able to be used. I've gifted pieces in the past, the trout on the arch, I found funders to gift the big trout in the City park, I gifted the seal on the corner of the entrance into downtown, I gifted bronzes to the City Hall, and I guess why change that policy. I'll do what I can to gift this to the City, if I have to take out a loan. I just need a place to put it and I think it'll be a wonderful tourist draw. It'll make an impact and beautify the City of Troutdale. My goal has always been to leave Troutdale better than I found it. I would like to ask for you to help me see that vision through.

Councilor Morgan stated thank you Rip for everything you've done. There's 2 ways that we're going to build to the future, through tourism and TRIP. Last week I spoke to Senator Wyden's office and Senator Merkley's office and they are hopefully going to be here for the ribbon cutting for the 100 Year Anniversary. This will tie in not only with that but also for the future. Laurie Monnes Anderson said there were funds available and there are still funds available in a Historical account to preserve art and history in the State of Oregon. My number 1 recommendation is to urge staff to call Senator Monnes Anderson's office to see how much money is available and what funds we could use for that. This is the State of Oregon's highway and they care about it deeply and preserving the arts is earmarked for this fund. I know this is a unique opportunity because it's the 100 Year Anniversary and it only happens once. I know there's been a lot of talk about delaying it but this is our opportunity to talk about how interested we are in doing that. There is money in the Parks SDC fund for parks. This might be a priority discussion for the Council. Would it be worthwhile to amend our Parks Master Plan to accommodate this? Then looking to the Enhancement Fee to see if there's any money that could be used for that. I think there's some funds available whether it be grant funds either federal, statewide, or local; as well as other funds. This is important to me and I think it's important to Troutdale.

Mayor Daoust stated related to the historical art grant that Senator Monnes Anderson brought up, I think Craig Ward has already started to look into that.

Councilor Wilson stated this project doesn't qualify for the SDC funds for Parks.

Mayor Daoust stated your recommendation is that we could fund the establishment of the park, the rock work and ground work, to get it ready for the statue either from the Parks Department and the General Fund using contingency transfer or possibly a grant from the Community Enhancement Program. It seems to me that a contingency transfer is the easiest way to fund the \$60,000 it would take to create the ground work to put a generous donation of a statue. I'm somewhat amazed that you'd be willing to donate such a costly statue to the City. I would hope we can have some recommendation on what to do with the site tonight.

Councilor Allen stated people generally want a nice place to live, especially if it comes at a good value. I see this as a project that will beautify the town and does come at a good value and still makes Troutdale an affordable place to live. The only thought that I have outside of that is that if we do plan on using any portion of Parks Funds I would like to get the thoughts of our Parks Advisory Committee (PAC) on that, even if we're looking at other funding options.

Mayor Daoust stated that's a good idea. What comes to my mind is the timeline we're under. We have a window of opportunity here to get things done and how fast the PAC could address this issue given their schedule.

Councilor Wilson stated we're still paying for the arch. I feel that there are other things we should be using the money for. That's just my opinion, it's nothing against you Rip. I really appreciate everything you've done and may do in the future but I just don't feel this is the right thing to do at this point.

Councilor Morgan asked building the statue or preparing the park?

Councilor Wilson replied preparing the park.

Councilor White stated I have another angle to approach this. I know there's pressure for money and I think that's always going to be the case. To not accept Rip's gift would be like New York not accepting the Statue of Liberty because they didn't have a place to put it. I value this man, his integrity, and what he's already done for Troutdale. It wouldn't be the same town without his talent and most of us get to drive by and see it for free. Other cities would kill to have you in their community. With that said I want to throw out an idea. We've had roads that were too steep to pave and the City vacated the land and each property owner got some of the land. I think that property was probably originally part of your property but it was lost due to encroachment from the highway. I love the project because it also makes Troutdale the starting point for everyone that's going to come visit. My idea to save cost is for us to clear that land, get rid of that derelict building that has zero value, and donate the land for that sculpture. It goes back to being a part of the original property. Like how now some of the businesses are taking care of the planters. It helps the City out because we're spread pretty thin. I know you'd be an excellent steward of that land. It's not needed for anything that I can see. There are no plans to widen the scenic highway. If that works I think it would be easier for us from a financial angle to do that approach then it would be for us to come up with hard cash. I'm still willing to look at donations and funding through the fund that Laurie Monnes Anderson mentioned. I'd like your input to see if that's something that would work.

Rip Caswell replied if it was prepped to the point that all I had to do was the stonework, which would probably be the most expensive part, I can do that. It's just getting it to that point. The surveying, the sidewalks, the water issues, those are things that would be so complicated for somebody like myself to try to get permits for and try to sort through the process. I've tried to do it once before and I spent a lot of money and got into a big maze that I couldn't figure out and I had to quit. I don't ever want to go into that process again. If it means putting rocks down and building beautiful things, I can do that, the rest of it's too complicated for me.

Mayor Daoust stated it's an intriguing idea and we do need staff input on donating the land. My only thought about that would be that we would be transferring the cost of the stonework and the site prep to Rip on top of the donation he's already making.

Steve Gaschler replied the County's going to vacate that to the City at no cost, they're either going to donate some money or contribute to building the sidewalk. Typically a transfer of 1 jurisdiction to another is a liability and they usually have to pay the other jurisdiction to take it. That's where we came up with this, something to help build the park. Commissioner McKeel's office was in early on the talk about putting this park together and they fully support it. I got the impression that

the County could probably make that happen without too much trouble. The land is no cost it's just who is going to do those improvements. The estimate is about \$60,000 to clear that right-of-way, build the curbs/gutters/sidewalks, and get the foundation in place for Rip's rock work and statue. If the City wanted to transfer that ground to Rip, well I haven't researched that yet. It's an unusual circumstance to have the right-of-way line at the street edge and have the sidewalk and everything behind it be private property. I'm not saying it can't be done.

Ed Trompke stated that is unusual even for small cities. The sidewalks are in the right-of-way and often times they have an extra few feet beyond that for the utilities.

Mayor Daoust stated there may be some utility issues here that the City needs to deal with. It was my impression that the \$60,000 would cover the rock work also. There was the sidewalks, the curbs, the site prep, and the rock work and pedestal itself that would be done by the City. We'd develop everything up to the point of placing the statue on the pedestal. That's what I understood the \$60,000 to be for.

Steve Gaschler replied it's been awhile since I've looked at those numbers and I think that's correct.

Councilor Morgan stated I understand Councilor White's compromise as it relates to financing and money. What's before us is, is this a good value or not. I understand if this is viewed as fluff or a discussion about excess, I understand that but the first 5 months of last year the visitors center had 296 visitors. This year in the first 3 ½ months we've had 455 visitors. People are coming here, spending money locally, they're coming here for a reason, and next year is the 100 Year Anniversary. I understand people's hesitancy to not want to spend money on this. But either tourism is something we're going to do and we're going to do it, or we're not and we shouldn't. If the County is going to go to this length to vacate it and we're just going to punt it over to Rip, then why bother to even have it vacated? If we're not going to do this then fine, let's just be committed to not doing it and not waste the County's time or anybody else's time.

Mayor Daoust stated I get the impression that your proposal may not work. I'm fully supportive of creating the site for Rip to put the statue on. I really do think we need to do that. We're also under a tight timeline and we can't keep talking about this forever. My desire would be to have us come out of this work session with the agreement that we're going to fund this \$60,000 to prepare the site completely for Rip's statue. We've made prior decisions to move forward with the County to get the right-of-way. We got stuck in a loop where Rip was waiting for the City to make a decision on creating the park and we were waiting for Rip to say the statue would be going in. All we were doing was waiting on each other. The message from Rip is pretty clear, the statue will get done. I think the donation is a lot more than \$100,000.

Rip Caswell replied the \$100,000 is my cost out of pocket. If I was to do that for another City it would be \$200,000.

Councilor Allen stated I would support using Community Enhancement Fee money. I would support using grant money. I would support using Parks money provided that the PAC gives it a thumbs up. Or any combination thereof.

Mayor Daoust stated the PAC getting involved has been brought up before. I assume the question to put before the PAC would be, to give approval for \$60,000 to be funded by either the Parks

Department using a contingency transfer, or possibly from a grant from the new Community Enhancement Program. That's a little mushy because we haven't even talked about the Community Enhancement Program yet. It's premature to hand it over to the PAC when the Council hasn't even discussed the Community Enhancement Fund and how we're going to divvy up that money.

Councilor Wilson asked since this was brought up at the Budget meetings and wasn't voted to be put into the budget, is this really a contingency of an unknown expense? Since we did bring this up, it's a known expense, and the Budget Committee didn't pass it to be put in the budget. Now it's July 1st, we knew the expense was existing prior to July 1st, how can it be considered contingency.

Erich Mueller replied technically I think it would be considered contingency because as of this moment there has been no commitment made. There has been no decision made to make that type of an expenditure. It was a concept, a possibility. Certainly you can make the argument that it was something that was known.

Councilor White stated before we go too far, there seems to be a question of whether or not a park is allowed there.

Erich Mueller replied what I was trying to address in the staff report was the question about whether it qualified as an expenditure out of the Parks SDC Fund. It falls into a category that we're already oversubscribed in. Even if we amend the plan, we still can't justify expenditure out of the SDC fund because we're not enhancing capacity because we're already over capacity for that category of park. We could borrow from the Parks SDC fund to finance it, like we did to build the arch, but it doesn't qualify as an outright expenditure.

Mayor Daoust asked do you know how soon the PAC could address this? I'm still concerned about the timeline here.

Steve Gaschler replied I know they were going to take a month off and I don't recall if it was July or August.

Councilor Allen asked could they call one sooner to deal with this because of the time nature?

Steve Gaschler stated the PAC did have a discussion concerning this project but they didn't take any formal action that I know of.

Mayor Daoust asked would you say the PAC was in support of Visionary Park?

Rip Caswell replied yes, that's what I heard.

Councilor White asked if the City was willing to donate that land, willing to tear down the building, help out with surveying and use our expertise, or go down this path of spending \$60,000 to make it a park and building a base, what would be your preference?

Rip Caswell replied to have it ready for the sculpture. There's a lot of issues that are far beyond my scope and capacity. I'll spend the rest of my life making that property beautiful. My goal is to eventually gift it back to the City in some capacity. I want to leave a lasting legacy of beauty and

nature. That piece of ground is a gem. It houses an amazing amount of wildlife and flora and fauna. I want to be a good steward and I'd like to set it up that it's maintained in perpetuity. I plan to continue to develop it into a beautiful sculpture garden that is something to be really proud of.

Mayor Daoust stated if there's anyone in the audience that wishes to speak to us about this, you can come forward.

Diane Castillo White, Troutdale Resident, asked if you decided to spend the \$60,000, would that preclude you from getting any monies from the grants to replenish that supply or whatever other money might come in?

Mayor Daoust replied I don't think it would at all preclude us from pursuing grants, in fact it may count towards the match that a grant would require.

Diane Castillo White asked is it a possibility to ask a couple of developers around here if they'd be willing to do some of the work for free?

Mayor Daoust replied Rip has some connections with stone work people. Whether they'd be willing to do it for free, I can't say one way or the other.

Diane Castillo White stated I just mean like the ground work and excavation. Would that be an appropriate thing to ask, if a few people around town were interested in assisting?

Paul Wilcox, Troutdale Resident, stated my preference would be Councilor White's proposal. I'm personally opposed to the \$60,000 to create a Visionary Park in preparation of a private project.

Rob Canfield, Troutdale Resident, stated I did not vote to fund the arch, I voted for the City to take over the project because the Historical Society basically said they give up. I testified after I left the City Council and begged the City Council to get private donations for the arch and not to publicly fund the arch. I am opposed to spending \$60,000, I understand there's a lot of preparation for the statue itself. It's very gracious for my friend Rip to offer to donate the statue but I think the City and everybody hasn't taken enough time to look for other private sponsors to pay for the preparation of this piece of land from some of our business community. We have a lot of large corporations who I'm sure would be happy to see their name in perpetuity that they helped to prepare the site of the statue. We need to go a little bit farther in finding private donations for the \$60,000 or in-kind work as someone else has suggested so the City doesn't have to put forward hard earned tax payer dollars when I think there is plenty of private money out there to do it.

Len Otto, Boring Resident, stated I believe in Rip's project and here is a \$50 donation to go toward the statue.

Mayor Daoust stated I'm still concerned about the PAC and their timeline if we were to toss it to them to see how they would fund this. The Council does have the authority and I assume the will to determine how to fund this, or to just give direction to staff that we want to fund the \$60,000 without it going to the PAC. I'd prefer to send it to them but my only reservation is how long it'll take for them to get back to us.

Steve Gaschler replied their typical meeting is the 2nd Wednesday of each month.

Councilor Allen stated I just want to find out if it's a project that they favor or don't favor. The funding details aren't known yet.

Mayor Daoust asked can we call a special meeting of the PAC?

Steve Gaschler replied we can try. Staff will do whatever you ask us, the problem may be getting a quorum. We may have a difficult time on short notice. That's my only reservation.

Mayor Daoust stated we've heard that the PAC supports this project. Maybe we only need to ask about transferring from their contingency fund or borrowing from Parks SDC's.

Councilor Morgan stated the question that I would have is, if they're in support of spending \$60,000 from the Parks Fund depending on what we can get from grants?

Councilor Allen replied I would try grants or the Community Enhancement Fee.

Councilor Morgan stated we found out about this grant in February and we've been asking about it since then. The application for the grant takes a long time and to find out if it's been granted could be a long time. This is time sensitive. It was told to us that this grant specifically is very open and earmarked for things like this. They set aside a few million each session, each year for this specific process.

Mayor Daoust asked is there a way to poll the PAC via e-mail or phone to get some input rather than try to hold a special meeting with staff?

Steve Gaschler replied I think it would be reasonable to send an e-mail with information about the project and ask if they're supportive of it and supportive of using Parks Funds in combination with some possible grant funds and see what kind of response we get back. Once I get those back I can forward them to the whole Council. I would hope we could get that done in the next week or 2.

The Council gave staff direction to contact the PAC to see if they are in support of the Visionary Park project and also see if they support spending \$60,000 from either a contingency transfer or borrowing from the Parks SDC Fund to use while staff pursues grants and the Community Enhancement Fund to reimburse the \$60,000.

3. Discussion: Potential parking lot improvements for Property ID R320571.

Steve Gaschler, Acting City Manager, stated we've included 2 maps in your packet. In the 1st map we took out the trees to try to show you the topography of the property. The 2nd map has the trees on the property and a blue area that shows the 50 foot VECO area. I'm not sure if the Council was under the impression that all of that is the City's property but the City owned property is the square shown on the map on the south portion which is 100 feet deep by 8 feet wide. The next piece of property where the lift station is located is in the County right-of-way, the lift station is actually out in the County right-of-way. The property is pretty constrained. We've got VECO issues as well as flood elevation issue. We've got some real challenges to turn that into a parking area. If we tried to turn the City owned square into a parking lot where you can maneuver cars around, we'd be doing a lot of cutting and filling in the VECO and flood areas and it is really problematic. I'm not saying it can't be done but it'll take a lot of effort and a lot of bending some

rules to put a permanent parking lot in there. Len and I went out and walked the property last week. We talked about what it would take to be able to have some busses park there. We looked at putting a bus lane on the pavement, and there's about 12 feet you could work with. The County went over that with me today and they have some real safety concerns. If you park busses there and unload them then you'd have people crossing this fairly busy road and they didn't think putting a cross walk in was a good solution. We talked about moving the busses down to the front of the museum and unloading them there. They would be blocking part of the lane and the bicycle lane and they were not in favor of that at all. They said you probably have enough room on that property to make a pull out where they can unload out of the roadway. It'll impact the property a little bit, and push that sidewalk into the yard about 8 to 10 feet. It's their road and it's their jurisdiction. I'm not saying it can't be done but you picked a challenging piece of property to work with.

Councilor White stated I've previously brought up Glenn Otto Park. We would have seen this same map there where we put the bus station and bathrooms. It was in the flood plain, it was in the VECO, in a park, and look at it today. I'm even more encouraged after seeing this not realizing we had the additional land. When we purchased this land the statement was made that we wanted it to be used for something and not just green/open space. It could really help out during our busy season. We're banking on tourism and need places for them to park. What better spot than right across from 2 of our museums and possibly in the future, Visionary Park. I'd like to see an effort of how we can, instead of why we can't.

Mayor Daoust asked if we put a parking lot in here, what say does the County have as far as people crossing the street?

Steve Gaschler replied we would have to do the drawings and show them what we're doing and what our intent is and they'd have to issue that. They may dismiss it and say they don't think it's safe for people to be crossing that highway. It is a safety concern. If they go against the standards of the industry and an accident happens out there, they'll be held liable for it along with us. The Engineers that sign off on them have their name on the line and if they do something wrong they can lose their license and lose their ability to make a living. They'll be pretty cautious.

Mayor Daoust asked most likely they'd require a crossing?

Steve Gaschler replied they said they would not recommend a cross walk be built there. Crosswalks are for intersections and you don't see too many mid-block crossings unless you have a lot of people going across there. They doubted that a couple of busses being there would justify that.

Councilor Wilson asked what about redesigning Glenn Otto Park's parking to where you have bus parking only spots? It's not that far of a walk to get to those buildings. That would eliminate the need to build a whole new parking lot plus we've already got the lot build, we'd just need to re-line it for bus parking only.

Len Otto stated a significant portion of the people that we are attracting to this aren't quite able to walk that distance. That's the idea of needing the curb cut to allow unloading in front of the museum and I see nothing wrong with the bus parking elsewhere. The tourists aren't going to do any good unless they stop and linger. If they start at one end of town off of Exit 17 and drive on through to the highway, that isn't going to do Troutdale any good. I spent 4 years of my life,

thousands of hours of my time, I put my personal business aside, and I've donated \$1,500 to \$2,000 to this and I'm not even a resident. Troutdale needs this business. The people downtown need this business. If I can get them to stop at our museum then that's 1 place that they're going to linger. How we capitalize on that from there becomes someone else's problem because I've done my job.

Councilor White stated I wanted to remind everyone that from Drover's Trail, we were talking about connecting that to the 40 Mile Loop. The trail is actually along the east side of this road. We have to have a way for them to cross because the trail continues on up into Beavercreek Canyon and there is also Glenn Otto Park on that side of the road. I see this as a benefit not only for this Historic Highway event but all year long if we can create parking on that end of town.

Councilor Allen stated I agree that there's a number of visitors that walking isn't that easy anymore. Do you want to unload passengers in front of The Barn and then have the bus go somewhere else to stage for awhile until it's ready to pick passengers up again? If so, how many busses are we talking about?

Len Otto replied I think The Barn exhibit hall could handle about 2 bus loads at a time. Some of the busses are short and some are monstrous.

Councilor Allen asked would you need to stage them for awhile or would they be moving?

Len Otto replied they would need to be sitting there for 30-45 minutes at a time for people to see the exhibit.

Councilor Allen stated it looks like the City property could handle 1 bus. We would need part of the County property if we were going to try for 2 busses.

Steve Gaschler stated if we use our property we're probably going to be encroaching into the right-of-way for that bus parking for just a bus lane because of the topography. They don't have a problem parking 2 to 3 busses along there, that wasn't the issue. If we just do a bus lane we're staying out of the VECO issues but we still have the flood issue to deal with that. Their concern is getting the people across the road. That's where their suggestion of a drop off at the Museum comes from. The conversation I wanted us to have tonight was about the constraints, issues, and how much we want to spend. We have a short timeframe to turn this around and how much process are we going to be able to get through in that time to do Len any good. Once I hear from you what you want to look at building then we'll go back and start that process with the County to see if they're going to allow that.

Councilor Allen asked are there feasible turn around areas?

Steve Gaschler replied I think most likely Glenn Otto Park. The Tri-Met busses go through there all the time and get turned around so I don't know why we couldn't send these busses. I like the idea of maybe using Glenn Otto for parking but then on busy weekends I think it'll be hard to keep people out of the bus areas and then we'll have a policing issue. I don't know why they couldn't also turn around at the Depot Museum. Maybe that would be another place where they could stage and park. Craig said we own half of that parking lot and Eastwinds owns the other half.

Mayor Daoust asked if we want to put a parking lot in here we can, right? The County has no jurisdiction or say whether we put a parking lot in here or not.

Steve Gaschler replied if we just stick to our property which is 100 by 88 feet, you're not going to get any busses in and out of there.

Mayor Daoust stated I'm thinking for the long term, we could use an additional parking lot.

Steve Gaschler replied we'll have some real fill issues to deal with down there. I don't know how far we'll get with that.

Councilor Morgan asked Councilor White, this was your proposal instead of paying the \$5,000 for the donor party correct?

Councilor White replied I thought there was more of a need for this and also more of a citywide benefit.

Councilor Morgan asked in your opinion is this needed for the exhibit or in that area?

Len Otto replied we need something. What would you suggest if we're truly going to attract busses to this area when their first question is where can we park?

Councilor Morgan stated it would depend on the size. I know that there's been talk about having smaller tour busses that come through. They could go to Glenn Otto Park or by the Barn Museum.

Mayor Daoust stated I sense that we need more information such as cost and what it would take to do a bus turn out. We would have to re-route the sidewalks and I'm imagining it would be a substantial cost.

Councilor Wilson stated I think before we can do anything else we need more information from staff as far as costs. Also look into alternatives to parking across the street. Maybe park the bus down by the Depot Museum and when they are finished the bus can pull back out to go pick them up.

Mayor Daoust stated I kind of find it hard to believe that a bus can't park in front of the Barn Museum for 5 to 10 minutes at the most to unload people and then go park somewhere else. The County doesn't even want them stopping for 5 minutes to unload people?

Steve Gaschler replied their reply to that was you have room to get that bus out of the road, it's your property, you have control over it, we don't want to create an unsafe situation just to save some money. They don't want to be in court after there's been an accident saying we just wanted to save some money, sorry that accident occurred and someone got hurt. I think they're saying yes it's a short amount of time but it's a risky maneuver.

Councilor White stated it would be my preference to look for a safe crossing for that street since we're already bringing traffic from a trail with no safe way for them to currently cross.

Len Otto stated you don't have a true intersection between Kibling Avenue and Jackson Park Road, there is no crossing in that entire stretch.

Councilor Morgan stated I want to suggest that we give staff direction to pursue the feasibility of the cost for our specific property. Then I want to give direction to the Mayor to go give public testimony to the County Commissioners and urge them to work with us on this given the time sensitive nature of this project.

Mayor Daoust stated I don't think we've taken the parking lot off the table here so I think we need to get cost estimates for that.

Steve Gaschler asked do you envision the parking lot just being on the City owned property and using a pull out for the busses that go down along the county right-of-way?

The Council concurred with that.

Steve Gaschler stated it'll take me a little time to round up those figures. I wanted to find out what you wanted before I spent a lot of time chasing that down to find out that that wasn't even what you had in mind to start with. If we do move forward with this, having support from the County will be very helpful.

4. Adjourn

MOTION: Councilor Wilson moved to adjourn. Seconded by Councilor Morgan. Motion passed unanimously.

Meeting adjourned at 10:12pm.

DRAFT

Doug Daoust, Mayor

Dated: _____

ATTEST:

DRAFT

Sarah Skroch, Deputy City Recorder

CITY OF TROUTDALE
CITY COUNCIL – Regular Meeting & Work Session
Tuesday, June 23, 2015

PLEASE SIGN IN

Name – Please Print	Address	Phone #
David Becker	Troutdale	
Nora Thomas	Troutdale	
Ross Grinn	Portland	
Tajana Heinze		
Craig Lichtenhaler		
Joey Rogers		
Kim Kesty	Portland	
Susan Howe	Troutdale	
Debra Ward	Portland	
Michael Stewart	Vancouver	
Michael Rosenberg		
Aaron Williams	Portland	
F.C. Folz	CITY OF TROUTDALE	
Shawn Anderson	City of Troutdale	
Deeron Smith	Clackamas	
Mozz Deal	Gresham	
Aaron McNALLY	Portland	
Karen Clausen	Troutdale	
Da Cho	Troutdale!	
Debra McAllister	Gresham	
Marilee Thompson	Troutdale	
John BISHOP	Portland	

Name - Please Print	Address	Phone #
Dug Lantz	Portland	
Diane Castillo-White		503-885-1105
Sushma Raghavan		
Tyler Woodard		
Nafisah Ula		
Thubane OP		
Ancho James		
Jaimie Sorenson		
Rip Caswell		
Carol Allen		
Robert Fee	Trowdale	
Richard Goldie	T' DALE	503-661-0126
PAUL WILEX	TROWDALE	
Gene Wain	TROWDALE	

DRAFT

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

Tuesday, July 14, 2015

1. ROLL CALL, AGENDA UPDATE

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

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

ABSENT: None.

STAFF: Craig Ward, City Manager; Debbie Stickney, City Recorder; Ed Trompke, City Attorney; Steve Gaschler, Public Works Director; Erich Mueller, Finance Director; and John Morgan, Planning Consultant.

GUESTS: See Attached.

2. CONSENT AGENDA:

2.1 ACCEPT MINUTES: May 26, 2015 Regular Meeting and June 9, 2015 Regular Meeting.

Councilor White read the consent agenda.

MOTION: Councilor White moved to approve the Consent Agenda. Seconded by Councilor Anderson. Motion Passed Unanimously.

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

Rich Allen, resident, stated when we end our meetings at 9:30pm we may not get to staff and council communications and I won't know how many meetings it will be before we do get a chance, so I am speaking now under public comment. I attended the Fairview Council meeting and they have those items further up on their agenda and I would like to see the same thing happen in Troutdale so that we do get to staff and councilor communications.

Claude Cruz, West Columbia Gorge Chamber of Commerce, stated everything is coming together for SummerFest. I am planning on having one big sign for the Council. If any of you would like individual signs just let me know.

Terry Olson, resident, stated I am renting one of the apartments units from Rip. My company is Emerald Stone Masonry. For several years now Rip and I have been discussing the possibilities of collaborating together, especially with the City of Troutdale. Currently we have been proposing the idea of building a plaza and placing a monument there. There is so much opportunity to tie together the main strip to really create an aesthetic space that would continually draw interest. We approach our work from a very artistic perspective. We study nature a lot and really study the craft of working with stone. I have had the opportunity to learn the craft and develop a skill, and I have a desire to share that with the community. The City of Troutdale has already established an aesthetic and set a standard for that type of collaboration, which is very beneficial. I can see tying the corridor from the Arch down to the plaza with stone and other elements that I think would continue to create space that would draw and inspire people.

4. REQUEST: Greater Portland Inc., report by Tualatin Mayor Ogden and Matt Miller GPI Vice President for Regional Expansion.

Mayor Daoust stated Mayor Ogden was unable to attend tonight.

Craig Ward, City Manager, stated the City is a member of the Greater Portland, Inc. (GPI), which is a subscriber based organization to promote the region's economy. Mr. Miller is here to present their annual report.

Matt Miller, GPI Vice President for Regional Expansion, showed the Council a PowerPoint Presentation, attached as Exhibit A.

Councilor Allen stated when I was working to site manufacturing facilities it was wait, wait, wait, go. I didn't have time to contact each jurisdiction to see what they had to offer. The only people I dealt with were the ones that had their act together and had the information they could disseminate. I like your concept. You would be one of the few that I would actually look at as a siting option.

Matt Miller replied that is one of the value opportunities. The connectivity is more than just simply working with partners, but also coalescing our communities around what we call united development professional meetings where we talk about best practices, how we can improve permitting, how to improve all of the timing that can get in the way of business decision making on the site selection opportunity. We want to help foster that conversation.

Councilor Allen asked what size of businesses do you work with?

Matt Miller replied there is no exact size. We have worked with some as small as 2,500 square feet for a small office, upwards of 800,000 square feet for a tech manufacturing

opportunity. We look at any and all opportunity. We want to be the conduit for bringing jobs to this market and we don't want to say no to any of that.

Councilor Allen asked do you engage commercial real estate agents as well?

Matt Miller replied absolutely.

Mayor Daoust stated GPI attends the monthly Regional Mayors meetings and the Small Cities Consortium. I want to thank you for recruiting for our TRIP property. That is one way that you can help the City of Troutdale and the Port of Portland. We are competing with Denver, San Francisco, and Seattle just to bring companies to the Portland Metro Area and that is why we are a member of GPI. One thing we do need to work on is our community profile. Each city within the Portland Metro Area has a two-page community profile. Mayor Daoust asked Mr. Miller to work with Craig Ward on completing the City's community profile.

5. REPORT / RECOMMENDATION: Parks Advisory Committee recommendation to Council regarding the proposed Visionary Park.

Steve Gaschler, Public Works Director, stated at your June 30th meeting Council directed staff to see if the Parks Advisory Committee (PAC) could meet on July 8th which was a previously cancelled meeting. The PAC was able to meet and they had 100% attendance. Marilee Thompson, PAC Chair, was unable to attend your meeting tonight so Tim Seery, our Parks Superintendent, and myself are here to make this presentation. The PAC discussed the issue of Visionary Park and their recommendation to the Council is that they would like to see the Council move forward with the project and they were okay with spending \$60,000 of city funds towards the project. They are also recommending that the name Visionary Park be considered by the Council as the official name of the park because to date we have been using that name informally.

Mayor Daoust stated that is good news. We wanted the PAC to have a voice on this. Is the Council at the point of saying okay to moving ahead with Visionary Park?

Councilor Ripma replied yes, definitely.

Councilor Allen stated I accept the recommendation.

Mayor Daoust stated we have discussed this enough, and I think it is about time to give it a green light. We can spend \$60,000 on getting the park ready for the statute and call it Visionary Park.

There were no objections voiced by any members of the Council.

6. RESOLUTION: A resolution concurring in the findings-of-fact of Multnomah County Resolution 2015-075 vacating the 242nd connector right-of-way.

John Morgan, Planning Consultant, stated this is a right-of-way that was acquired by Multnomah County quite a few years ago. It is an unapproved right-of-way. Over the years the County has determined that it is an unnecessary right-of-way because the project was not feasible; it didn't provide enough public benefit. The East Metro Connections Plan was adopted by the County, Metro and the City without this connector. The Regional Transportation Plan was adopted in 2014 removing this connector and also the City's Transportation System Plan was adopted without that connector in it. To that end the County has passed their own resolution to vacate the right-of-way. Many cities have county right-of-ways within them. State law says that the county has the right to vacate those right-of-ways but the city, by resolution, must concur in the findings of fact. In other words you are not vacating the right-of-way, all you are doing is saying you agree with the reasons the county has adopted that supports their decision for the vacation. So what is before you tonight is a resolution concurring in the County's Findings-of-Fact.

Councilor Morgan stated this Connection Plan is completed, it has been signed off on and approved by the 4-Cities. It is planned to move forward.

John Morgan replied right, without that connector.

Councilor Morgan asked and the recommendation that was part of the Plan was to vacate this?

John Morgan replied yes. Essentially this is the last action that eliminates that as a project and it fulfills all those plans.

Councilor White stated this connector has been around for a long time. I understand it was originally sited as "the" connector in lieu of what we have now which is the five access points. If we vacate this one it will forever eliminate the chance of making the one that was selected to be the main corridor. Is that right?

John Morgan replied yes. It essentially creates a disbursed pattern of traffic much as it is today. ODOT has made the investment in the interchange at I-84 reflecting that very idea that there will be two main interchanges serving Troutdale rather than one brand new completely large interchange.

Councilor White asked do you know how many times this has been presented to Council?

John Morgan replied no.

Councilor White stated I believe this is the third time. It has failed two previous times.

Councilor Wilson stated I think this has been under discussion for years.

Councilor Allen stated I originally voted to use the 238th road instead of this proposed right-of-way primarily for reasons that it would be helpful to McMenamins as well as Reynolds School District to have it vacated. The East Metro Connections Plan, the idea

behind that was that each city would take a portion of the traffic and there would be improvements on each of the roads to facilitate north/south traffic. However, during this process Wood Village, I do not believe wanted to go to a four lane road on 238th. Because these roads service multiple jurisdictions and there continues to be growth to the south it puts extra demand on the roads that connect to I-84. Being that 238th would stay a three lane road instead of being a four lane road, however with safety and traffic signal improvements, I still can't help but see that further development to the south will add strain to the system and therefore also add strain to 257th which affects our ability to build. I am not in favor of vacating it at this time.

John Morgan stated maybe representatives of the County can address the issues that you have brought up in terms of maybe better understanding what the plans are now.

Councilor Allen stated it is my understanding that we can't make 238th four lanes so our only option to expand would be to use this right-of-way sometime in the future.

JoAnna Valencia, Senior Transportation Planner with Multnomah County, stated joining me is Anthony Buczek from Metro. Anthony and I were both involved as far as the East Metro Connections Plan. Anthony was the main traffic engineer and can probably address a lot of the questions.

Anthony Buczek, Traffic Engineer with Metro, stated I lead the traffic analysis for this project. There are really three reasons for the recommendation of the three lanes cross-section. The first is safety. Generally we feel that the three lane cross-section would be safer in this case. Second is traffic operations. In the analysis what we found was that the capacity constraints in this corridor don't occur in the segment in question, which is the segment on the hill. They occur at the bottom of the hill at the intersection with Halsey and at the top of the hill at the intersection of Glisan. The reason is because those are major intersections serving a variety of turning movements and conflicting movements so the traffic stream along 238th and 242nd reaches a red light fairly often in those circumstances. In between there are not a lot of conflicts because it is a woodsy hillside with only a few intersections and driveways so traffic actually moves relatively smoothly through there. What the traffic analysis found was that you can actually make it work just fine with a single lane in each direction. There was a lot of interest in keeping the uphill lane because of the concern about being stuck behind a heavy truck going up the hill slow and having cars stuck behind it. So the climbing lane was felt to be an important feature. That was added more for the issue of not slowing down traffic with a slow moving truck than it was for capacity. But even with the three lane cross-section that has been proposed, which would be a wider three lane cross-section, the capacity constraints well into the future will still remain at the Glisan and Halsey intersections. Adding the fourth lane wouldn't buy us any additional corridor capacity without doing some major capacity additions at those two intersections, and further south all the way to Burnside, and possibly Powell in Gresham. Assuming those segments are going to remain four lanes there really was not a need for the additional capacity in this segment. The third piece of that was really constructability, which wasn't felt to be feasible.

Councilor Morgan stated you mentioned that in the future there may need to be further adjustments or infrastructure needed for capacity. Do you have any estimate of how long that might be into the future, or if it will be done in the future?

Anthony Buczek replied our traffic study looked out to 2035. We typically go out about 20 years and we found that all of the intersections within our study area operate within capacity. Further south in Gresham at Burnside and Powell things didn't look as rosy, they were quite a bit over capacity. Those are the places in the East Metro Connections Plan where we found traffic issues to be a problem.

Councilor Morgan asked in your expert opinion based on all of the research, the best plan to move forward right now is the vacation of this for the three lane road?

Anthony Buczek replied in focusing on the traffic issues I wouldn't address the vacation, but my opinion is that 238th with the three lanes as proposed, which includes some lane widening through the curves and some basic pedestrian and bicycle facilities, the three lanes should be adequate through 2035.

Councilor Allen asked did you look at capacity with modifications to those two intersections in the future? I am looking out into the future and I know that once this right-of-way is given up we don't get it back. What are we going to do as construction continues to grow to the south?

Anthony Buczek replied we did not look at any additional capacity at those intersections, other than I believe that we did look at the possibility of going to left turn lanes at Glisan as a minor capacity improvement. To get to the point where we need a second lane on what we are calling the hill, we would have to go to a six lane cross-section to get the volumes in the rest of the corridor up to the level where we need four lanes on the hill. We certainly did not look at that option.

Councilor Allen asked all the way through? It seems like you would just add a left turn lane, a right turn lane and two lanes that go straight.

Anthony Buczek replied essentially the heavy part of the demand in the corridor, or the congested part, stretches from Glisan south to Powell. South of Powell the volumes drop off considerably. In this section of road there are just fewer conflicts and the traffic flow is not significantly interrupted. There is only one traffic signal at Arata Road and it is not what we would consider a major traffic signal in that the amount of time required to interrupt the flow on 238th is relatively short so the traffic on 238th gets lots of green time. The fact that there is only a single lane in the north bound direction does not degrade operations.

Councilor Allen stated I have a hard time with this because what I am hearing and what I am seeing when I stand on that corner watching traffic move are contradictions.

Anthony Buczek stated I am not going to tell you it is not busy.

Patrick Hines, Right-of-Way Specialist with Multnomah County, stated I can't speak to the transportation planning aspect for this right-of-way that the County created, but I can present some historical perspective to the best that my memory serves me. We reserved this corridor with the anticipation to support the proposal that the ODOT interchange at I-84 would be constructed at the intersection of NE 244th. There used to be an off-ramp there that went onto Sandy Blvd. There was a bit of discord between some of the local agencies. ODOT had, as I recall, approximately \$350 million to improve the intersection at I-84 and they were looking at this one corridor that would have provided connectivity from I-84 to US 26. As this option that ODOT was exploring entered into the City of Gresham, at the time I believe the City of Gresham was asking that this connector corridor be a sunken freeway with lids on Division, Stark, Burnside and a few other streets. To the best of my recollection each of the lids was about \$10 million which would have added approximately \$100 million to the project. ODOT said we don't have that and we can't support that. They explored other options and ultimately the intersection was built at 238th, which is what we have today. The County was reserving this right-of-way just in the event that the interchange was placed at 244th.

Steve Able, Attorney representing McMenamins, stated McMenamins supports the vacation of this right-of-way and there are some practical reasons for that. It cuts through what is now in the ownership of McMenamins. About two years ago McMenamins purchased those parcels and subdivided that to expand Edgefield south of Halsey. That roadway segment was there and it now bifurcates that ownership that is McMenamins and creates an obstacle for development that direction. The road being placed in that location is inconsistent with the ambiance of the Edgefield District. Secondly, what is interesting about that roadway as un-vacated is that the City would take the position if development occurs there that we need to orient buildings towards that roadway segment when we know that road is not going to get built. That is going to be a very significant obstacle to any further investment on that side of the Edgefield campus and we won't see development occur on that side of the campus simply because that road is un-vacated and located in that location. I know that it is not necessarily relevant to this conversation because that roadway segment doesn't actually carry forward past north of Halsey onto the Pig Farm site, but the last time I was before you I was talking about the Pig Farm site and our effort to purchase that land. What is interesting is if that segment continued beyond Halsey to the north through the Pig Farm site two things happen. First it runs into the most developable portion of the south part of the Pig Farm site; that is the flattest land and most available land for development and that is the area where we would likely put a hotel and the kind of development that would be consistent with the necessary flat land area. As you know we have done flood plain work so we found that part of the property in that location is suitable for that kind of development. If you go north of the tracks where that roadway would continue to go up, that is the most intensive flood plain. So we don't think that alignment makes any sense as it moves forward crossing Halsey. South of Halsey it doesn't makes much sense either. This road is actually an impediment to development on the east end of the Edgefield campus. We continue to support the vacation of that right-of-way. We participated with all of the governing bodies through this process that ultimately removed this segment from the Regional Transportation Plan and

from your Transportation System Plan. We have always been consistent in our desire to see this road taken off of the map and vacated.

Councilor White stated last time you spoke before the Council was to change the use of that property down to agricultural use primarily. That is the way I understood it.

Steve Able replied actually what it did is that it kept the General Commercial, which is what is going to be on that property, but it also allowed for the farm agricultural use at the same time. We think what will happen on those properties, because there are environmental areas, we think there will be certain locations where the development will take place which will be general commercial, but ancillary to that we have asked for and received from you the opportunity for agricultural use which could be CROPS, an orchard and small livestock for that particular parcel.

Councilor White asked are you concerned at all that by vacating this right-of-way it will be an economic limiter for that property in the future?

Steve Able replied no, and in fact it is the opposite. We think the elimination of that right-of-way actually enhances the value and the ability to develop the parcel, and it makes the parcel very prime for redevelopment.

Patricia Smith, Mayor of Wood Village, stated many years ago Mayor Thalhoffer of Troutdale, Mayor Becker of Gresham, Mayor Fuller of Wood Village and Mayor Weatherby of Fairview made an intergovernmental agreement and they did this because there was talk of putting a major road right through that right-of-way. The agreement stated that no road could be built there unless it was underground and they all signed it. We worked on this connections plan for a couple of years and it has been hard and there were words. I can understand wanting to move freight and people, but when the team of folks looked at all of these routes and decided that there was no one route to get to where people were going there were four routes and they were all spread equally. When they came up with the plan for 238th they had two plans; leave it as it was, or make it two lanes. Nobody liked that so we went with an adjustment to plan two which was to widen it and put in sidewalks and bike paths which would least affect the properties on each side of the road. It would still have the same basic roadway, still the same grade and still the same curves. Then the planners were called upon to make a fourth plan. This consisted of a five lane highway up in the air with a new interchange on Halsey to accommodate all of the traffic.

Mayor Daoust asked the 242nd right-of-way?

Patricia Smith replied yes. Can you see it now? Relaxing in the park with all the cars going over your head. I think that was a way to steer us into doing the improvements on 238th. For us to do the improvements on 238th we wanted the right-of-way to be vacated. At that time Mayor Bemis said he wanted the work started on the road first and then the right-of-way would be vacated. We said no, the right-of-way gets vacated first and then the work

will start. The right-of-way needs to be vacated because it was an agreement between all of the cities, the county and Metro. If the right-of-way is not vacated 238th will stay as it is.

Councilor Allen stated another part of history, I remember we were talking about 238th being four lanes and there was objection to that and with that objection it was voted upon to make it three lanes. However, I do believe it is in the County manual that roads that service multiple districts should be four lanes.

Patricia Smith replied the three lanes would take no property, the four lanes would take a lot of property on both sides of the road. But that wasn't in the plan; that wasn't a recommendation for the connections plan.

Councilor Allen stated I remember it being discussed at meetings.

Patricia Smith stated it was not a recommendation. I have all of the literature if you would like to read it.

Councilor Allen stated I was there.

Patricia Smith stated well it is not in the connections plan.

Mayor Daoust stated vacating the right-of-way is part of the East Metro Connections Plan. We have heard that.

Councilor White stated I understand that you voted to allow freight down that same road. The County right-of-way is wide enough without taking any land to make it four lanes. You talk about fairness in all four connectors, and I am not advocating for the sky-bridge, the five lanes, but if we let that go we lose every opportunity to ever see that road become four lanes. It is an economic limiter to your neighboring cities. It is unsafe for first responders on that road. Now that you have added freight to that road they have to merge into a bottleneck. I drove truck for years for a living. I know that road is not safe; almost everybody brings up the fact that it is not safe.

Patricia Smith asked do you know how many accidents are on that hill compared to the other roads?

Councilor White stated even one accident is too many.

Patricia Smith stated right, but there are one accidents on every road. That road is not unsafe. The accidents on that road are very few even in the winter. You can look at the statistics.

Councilor White asked what about the other three points?

Patricia Smith stated the one point that I want it vacated for is because I see pictures of that five lane bridge highway coming down my park. I want it gone because I don't want to ever see that happen.

Councilor White stated I am in agreement with you on that.

Shirley Craddick, Metro Councilor, stated the East Metro Connections Plan was a significant agreement between five jurisdictions; the four cities of East Multnomah County, Multnomah County and then Metro was the sixth jurisdiction that was involved in this. It was a corridor study that identified projects that were most important to the east part of the region. These are projects that supported economic development and community development by providing better access and mobility, increasing safety, activating employment areas, and helping people find a way between key destinations and in particular I-84 to Hwy. 26. There are now six projects that have been moved forward that are part of the East Metro Connections Plan. The first one is the 238th construction. Multnomah County is in the process of preparing to upgrade that segment of road. Another project that is in the planning phase is the Powell/Division transit and development project that will help improve transit on the Powell and Division corridor which is a significant transit corridor in the Portland Metro Region; one of the largest transit corridors in the entire area. Another project that is in the beginning stages is the Troutdale to Springwater trail; a trail that will connect the Historic Columbia River Highway trail to the Springwater trail. Another project is the Halsey Corridor which you have begun talking about. The East Metro Connections Plan was a catalyst to encouraging McMenamins to purchase the land for future economic development that is in this corridor. There is already significant benefit that we are receiving from this Plan. Agreeing tonight to the vacation of this right-of-way will be another step in the future of this project. I hope that you will agree with all of the other jurisdictions to vacate this tonight so we can move forward and begin the construction on 238th.

Councilor Morgan asked the east side competes against the west side for transportation dollars for this project, is that correct?

Shirley Craddick replied we have a very limited amount of transportation funds in the Portland Metro Region, and yes there is a lot of competition for the funds.

Councilor Allen stated I wanted to point out that it is difficult for ambulances to get down 238th. The accident doesn't necessarily have to be on 238th. 242nd is in Troutdale although 238th is a County road that services multiple jurisdictions. I am not in favor of building the 242nd extension. However, I am in favor of 238th being a four lane road just like the roads the other cities have in the East Metro Connections Plan.

Shirley Craddick stated one thing that was discussed when we had the two year discussion about the projects that we wanted to identify as part of the East Metro Connections Plan was that the benefits and burdens of development are shared equitably. Gresham wanted to have that four lane road just as you do Councilor Allen, but Wood Village didn't. People live in that city and it would have had significant impact on

the City of Wood Village. We have to look at what is in the best interest of all cities in East Multnomah County. This is the compromise that was made. In addition to that we know that it is safe. As Anthony Buczek testified, it is not the road itself, it is the two intersections (at the top and bottom of the hill) that really create the bottlenecks on that road. Adding a fourth lane is not going to significantly help traffic flow through there. The flow is already adequate, it is those two intersections that make it challenging.

Councilor Allen stated the two intersections can be modified in the future as needed. The other cities taking on more traffic does affect the other cities as well, Troutdale being one of those.

Shirley Craddick stated the work that was done for the East Metro Connections Plan showed that traffic pretty much equitably distributes itself already in the four corridors; 181st, 207th/223rd, 238th and 257th.

Councilor Allen asked are you saying that 238th can handle the same load as the roads in the other cities?

Shirley Craddick replied at this time freight can't go up 238th, but freight will be able to go up 238th once the road is widened. Gresham is already at the other end and at the bottleneck after the construction is done on 238th. The challenge that we have now is the southern end on 242nd. Gresham is working on getting funding to be able to widen 242nd between Division and Powell.

Councilor Allen stated I think driving truck I am still going to avoid 238th.

MOTION: Councilor Anderson moved to adopt a resolution concurring in the Findings of Fact of Multnomah County Resolution 2015-075 vacating the 242nd connector right-of-way. Seconded by Councilor Wilson.

VOTE: Councilor White – No; Councilor Allen – No; Councilor Wilson - Yes; Councilor Ripma - Yes; Councilor Anderson - Yes; Councilor Morgan – Yes; Mayor Daoust – Yes.

Motion Passed 5-2.

Mayor Daoust called for a break at 8:14pm and reconvened at 8:27pm.

7. RESOLUTION: A resolution calling an election to submit to the electors of the City the question of a five (5) cent per gallon motor vehicle fuels tax to be used for street maintenance and reconstruction.

Steve Gaschler, Public Works Director, stated at your June 30th meeting we discussed the fuels tax issue and street maintenance funding. After that discussion Council directed staff to bring back a resolution for your consideration. We have put that resolution together along with the election notice for your review. Our consultants, Barney and Worth, have a presentation they are going to make.

Clark Worth, with Barney and Worth, stated we want to recap some of the information you have seen in the past and give you our recommendations.

Clark Worth and Libby Barg reviewed a PowerPoint presentation, attached as Exhibit B.

Councilor Allen asked are we talking about a gas tax or a fuel tax? My understanding is that a fuel tax will effect trucks as well as automobiles. In this case will it also effect home heating oils or fuels?

Clark Worth replied motor vehicle fuels.

Councilor Allen stated so that would be automobiles as well as normally tax-exempt trucks.

Ed Trompke replied no. Motor vehicle fuels; all trucks and cars that currently pay motor vehicle taxes will pay this.

Councilor Allen stated it does not affect the weight mileage trucks is what you are saying.

Steve Gaschler replied I believe it does because it isn't collected at the pump, it is collected at the wholesaler so any fuel delivered into Troutdale will pay the tax rate at whatever the Council sets it at.

Councilor Allen stated so that is a larger sum.

Councilor Anderson stated we talked about this a few years ago. I got an email about this last week, and it was spot on, that questioned the math. We were talking about a \$0.01 per gallon gas tax that would generate \$330,000 a year two years ago. Today we are talking about a \$0.05 per gallon gas tax that will generate only \$500,000. How does the multiplier go up five times but the result in revenue only goes up one and a half? It doesn't add up.

Steve Gaschler replied I was copied on that email so I went back and looked at the meeting minutes from 2013 and at that meeting the subject was a road maintenance user fee, not a gas tax. A question was asked to Charlie Warren who was the Public Works Director at that time, what would a \$0.01 per gallon gas tax raise in the City and his answer was \$300,000 approximately. He was asked a question, it wasn't part of his presentation. I went back into his files to see what I could locate. He did not do any work that I could find or an analysis on what revenue that tax would generate. All of his work that I could find was revolving the need for the funding and the street issue you have seen many times, and he also did quite a bit of work on the user fee which Wood Village was working on at that time. He answered the question off of the top of his head to the best of his ability. I don't know where he got that number but the context of the meeting is important, and he was asked a question and he gave an answer. I can't find any documentation for that. But I will say that we hired FCS to do a financial analysis. They

are an expert in this field and their work is what we are laying as a foundation for even bringing this forward as to what amount we need. We also asked them to estimate what we can bring in and in their presentation they took a run at it but they did caution us. They said there is a lot of uncertainty in that number because no one knows how much fuel is sold in the City of Troutdale because that is not tracked by anybody. Each individual operator knows, but they don't pool that information together and there is no way for us to get it. FCS looked at fourteen other communities around the state that currently collect a motor fuels tax. That information is available from the state and you can find out how much fuel is sold in that community. Based on their analysis of that information they took a fairly conservative estimate and they feel that Troutdale should sell about 10 million gallons based on our location and our per capita compared to other cities. If you do the math \$0.01 per gallon would equal just about \$104,000 and that is how we get to the \$500,000 with a \$0.05 per gallon tax. I want to reiterate that this is just an educated guess.

Councilor Anderson stated Mr. Worth, when you brought up the focus group data tonight it showed that the public favored a fuel tax.

Clark Worth replied if they have to pay some way then they preferred the fuel tax over the other options.

Councilor Anderson asked so they did not prefer an assessment or a fee?

Clark Worth replied they dramatically did not prefer that. Although we did the focus groups on the heels of Portland's problems with the street utility fee which was well publicized and that may have colored their opinion, but they were very negative about a street utility fee.

Councilor Anderson stated we are in essence putting the burden of increasing our street funding, which we all agree we need to do, on the backs of a handful of businesses; gas stations in particular. It will affect their competitiveness; I believe that because I believe what the people pumping gas for a living are saying. How do you respond to them when we are basically saddling them with the burden of this? What would you tell them?

Ed Trompke replied I am not an expert on this but I saw the numbers that were just shown to you in the presentation (see Exhibit B), and they support entirely my experience which is that Washington has a much higher tax than Oregon does and the gas prices up there can be significantly lower. The same across the cities with and without a local fuel tax. The gas companies set the prices that the dealers have to charge. They don't get much leeway in that. Whether or not that is an anti-trust violation is a completely different story, but it is not a free market, it is driven by centralized gas companies who set the prices and the taxes are just a small piece of it.

Clark Worth stated we didn't look at the impact on individual businesses; we don't have access to their economic data. You could ask them about it but most of them say that they can't reveal the price that they buy gas at; they won't tell you their cost structure. But looking at the national research what it says is that there is no relationship between the

gas tax and the price that gasoline is sold for. From the consumers perspective there really is not that kind of impact. The idea that gas taxes are immediately going to drive up the fuel pump price \$0.05 per gallon, it isn't going to happen that way. At least the experience in all of the other cities that we looked at suggests that.

Councilor Anderson stated what I am hearing you say is that a \$0.05 per gallon gas tax will not, by itself, affect gas prices in Troutdale in comparison with Wood Village, Fairview or Sandy.

Clark Worth replied based on the experience of other cities looking nationally, you can't predict that would be the affect. You would expect it to have some effect on the individual businesses, you wouldn't expect it to have an effect necessarily on the pump price.

Councilor Wilson stated I travel in Clackamas County a lot and there are two Shell stations, and between the two stations, and they don't have a fuel tax, there is a \$0.24 difference. To me it seems they should be roughly the same price. As I travel through Troutdale there is a significant difference in the prices between the stations on Frontage Road and the station on Stark Street.

Clark Worth stated in looking at the different cities around the Northwest there is actually less variation in the prices here in Troutdale; yesterday there was a \$0.14 per gallon difference here. Most cities have a wider variation than that in the cities we looked at.

Councilor Allen stated we have missed maintenance cycles and you never get that back. I don't want to be like some of the other jurisdictions and end up having it get so bad that the public complains enough that the price tag is too high. I don't want to be there. I know that point will come with other jurisdictions and there is going to be more pressure for the state to do something to help because no one will have enough money to handle it. I am looking at what Troutdale needs to be able to do, which is finance our maintenance to get us to that point where the state finally steps in and increases the gas tax in order to prevent further degradation in the other jurisdictions. I don't know what that number is, but I know we need to do something.

Steve Gaschler stated the analysis that FCS did showed that the amount of fuel in Oregon that is sold per year is continually going down for a lot of reasons. They project that will continue. In the analysis we did we calculated that at three-quarters of a percent a year, it is not a lot but when your costs are going up and the revenue is going down it creates the huge problem that we have been talking about. One thing we need to keep in mind is that we are not solving this problem for perpetuity, it is going to buy us some time but as our costs continue to rise and that revenue source, even though we have raised that amount, it will erode over time and we will be back here at some point because it will have to go out to a vote again and I am hoping that period of time is five to ten years out. That gives people time to see that we are out there maintaining the roads and putting that money to good use and building that confidence so that when we do come back and ask do you like what we are doing, do you want to continue what we are doing, if you do it is going to take some more money and here is why.

Councilor Morgan stated I guess for me this is about leadership and it is unfortunate that we are here today talking about this because the state didn't act. We are in a situation where we have to lead and I am glad that we did move forward on this in January because what has made us unique in our area is our livability. Our roads are in good shape and our parks are in good shape for the most part. This isn't an easy thing to do, having a fuel tax. I think there is going to be an amendment to the actual cents per gallon, but to me for us to maintain or even be consistent with where we are at right now with our road maintenance we have to do something. It is difficult, but leadership is sometimes doing the right thing though it may be the hard.

Councilor Anderson stated I don't want to be those other jurisdictions either. But I also think that street maintenance should be a shared sacrifice. What I mean by that is that yes a fuel tax can be a part of that but the general fund can also be part of it. Based on some actions we took back in March we have a little extra money, we don't know exactly how much but maybe next year we will have more clarity on that. If that is not enough then perhaps we can discuss the user fee, but my personal bar on the user fee is very high and I think between the general fund and a lower fuel tax we can get to where we need to be short term.

Mayor Daoust asked is there anyone here that would like to speak to us on this topic?

Jerry Brawley stated I have been the owner of the Chevron on Frontage Road since 1977. I am a small player in Troutdale. I don't pump near as much gas as Safeway or the truck stops. \$0.05 per gallon would generate \$90,000 just on mine and I don't think I am 10% of that, based on my average monthly fuel. I don't know exactly what the other people pump. Talking about the prices, I did a quick survey on July 9th and the average price in Sandy was \$3.04 and in Troutdale it was \$3.08, so there is a \$0.04 difference and there is a \$0.03 tax difference. Gas is a commodity and people buy it based on price. A lot of people pass us up and go to Sandy because they know it is cheaper. If we have a \$0.05 or \$0.03 tax people can go down the road to Wood Village, Gresham, Portland and none of them will have that same gas tax so we are going to see a significant loss in volume and then McDonalds, Taco Bell and the others will also feel that because this whole thing feeds off of the fuel stops. You were talking about Vancouver verses Portland being about the same price, we have a big disadvantage to Vancouver. We have mini-serve and that is \$0.07 a gallon for us to pump that fuel so we have a huge disadvantage and you really can't compare that.

Councilor Anderson stated it is an assumption that on Frontage Road the bulk of the people who fuel there are not from here.

Jerry Brawley replied 20% of my business comes in the first quarter, 25% in the second, 30% the third quarter and 25% the fourth. It is not a huge number. We have a lot of regional business here. Sure this time of year we get a lot of interstate traffic, but it is not huge. Most of our business comes from surrounding areas. I think the truck stops are going to be hit a lot worse than I am because truckers really plan their trips around fuel

prices. It will hurt us; I can't fathom a \$90,000 hit. What we will do is pass it on but then we will lose between 20% and 30% of our volume if we have to pass it on because we just won't be competitive. Also, the thought that we are told what price to put on our pumps, I can sell my gas for \$10 a gallon if I wanted to. There is nobody that tells us. My invoices all show tax as a separate item. Tax is always added on.

Ed Trompke stated I misspoke. What I meant was that they charge you a price that is not necessarily the same that they charge everybody else. That is what I meant to say.

Patty, General Manager at Travel Centers TA, stated I don't know if you have thought of any other options. My biggest concern is going to be the truck drivers because they already buy the fuel permits for the road tax to enter into Oregon. It is going to affect us greatly if they are taxed even more. They will plan their trips to go to Biggs, Jubitz, wherever instead of coming here because they are not that far away. The local folks are going to go to Wood Village and the extending areas just to get gas five cents cheaper because it is going to be passed on to consumers.

Thor Ivaniff stated I work for Musket Corporation which is a subsidiary of Loves Travel Stops. This is a very important issue to us in our industry that will affect our customers who make their buying decisions based on the price of fuel including tax. Please be aware of the various unintended consequences that may be caused by such a decision. As a corporation that does business in 40 states, it is our experience and knowledge that such a tax increase would harm customers and the local community. Customers would alter their buying patterns and detour from stopping in Troutdale to purchase fuel and other items. The consequences, everyone knows that folks will go to a different station based on the price of gas. I have a longer commute and I alter my stops on a weekly basis knowing that the distance is longer, fuel is cheaper. We have a lot of truckers coming through and they are making decisions on 150 to 250 gallons at a time. I want you to be aware of that and that it is a lot of fuel and a lot of money. A lot of these folks are independent contractors and that really affects their bottom line. They have pricing services that tell them where the cheapest fuel is and if there is a higher fuel cost in that region they will bypass that area and continue to move on. A lot of these are major trucking companies that will just tell their drivers to keep on going through and plan trips accordingly. A lot of them are independents that will also plan accordingly. One of the other issues I heard in the presentation, like in California a lot of fees were not included in those figures. California instituted basically a cap and trade on January 1st and immediately on January 1st the price of gas went up about ten cents and for diesel eleven to twelve cents a gallon. That is basically a line item at the OPIS (Oil Price Information Service) and that is what the market is based off now. That is not going away; it is being passed on to consumers. A lot of them are fueling up before they enter into California because of all of those taxes and fees. We have a truck stop at the Idaho Washington border and we get a tremendous amount of business there because of the tax rate. So people do make decisions based on price. One lost truck could be fifteen to twenty-five cars. We are a proud member of the community and we ask for your attention to this matter.

Councilor Morgan asked does your company have an estimate of how much the five cents might impact you?

Thor Ivaniff replied we have 340 truck stops so as a corporation we will survive. But for a local business that hires people, a lot of those truckers and people coming through that strip use the other business and services there.

Councilor Allen asked do I need to declare a conflict of interest because when I buy fuel I buy about 160 gallons at a time?

Ed Trompke replied no.

Councilor Allen stated to give you an idea of what I do in my buying habits during the day I will look for stations that are nearby and their prices, but during the night I am just looking for a stop.

Councilor Ripma stated it is confusing that the price of gas doesn't seem to have anything to do with the level of taxation, I think that has been demonstrated. But it is obvious that the price that the business owners set their gas at to keep the customers coming, they might be able to keep the same price and the customers might not notice any difference, but the businesses are going to notice the difference because they are making up the difference. That is very troubling. That is my main concern. After studying the issue and seeing the presentation again tonight, only Eugene has a five cent gas tax in the state. I have heard a couple of Councilors mention some proposed adjustment to that. I haven't talked to anyone about that but I would welcome any other thoughts in that area.

Councilor Anderson asked Ed Trompke, Steve made mention of five to ten years. What does that mean? Does it mean that it automatically comes back up for a vote in five or ten years?

Ed Trompke replied no.

Councilor Anderson asked can this body put a sunset provision on this tax that if after so many years if nothing has changed, or something might have changed, it has to be voted on again? Can we do that?

Ed Trompke replied yes.

Councilor Wilson stated at the end of ten years I would imagine how we pay our taxes for our autos will change and we could stop the tax at that time.

Councilor Anderson asked can the Council stop it at any time?

Ed Trompke replied a Council can always stop taxing. It would take the vote of the people to impose a new tax.

Councilor Allen asked can we adjust it at a lower rate if a state tax comes into play?

Ed Trompke replied you could modify the proposal to say that it is a tax not to exceed five cents and it is to be determined by Council resolution.

Councilor Allen stated I would feel more comfortable with that considering we don't know what the state is going to do and when. I don't want to be in a position where we are getting too much.

Councilor White stated I want to reconfirm the commitment we have from our Public Works Director that we are going to stick to the basics with road maintenance, we are not planning to build rain gardens and bio-swales and take lanes down for bikes. That came up at the Mayor's Neighborhood meetings quite a bit. The citizens were even saying that they were okay with having a sidewalk on just one side of the road for example.

Steve Gaschler replied the whole gist behind this is for pavement preservation to keep the crack sealing and slurry seal going. That is the main driver. The second driver behind it is that the roads won't last forever even doing the crack sealing and slurry seal and eventually you do get into a reconstruction mode which we are talking serious money. We have 45 miles of road in Troutdale and in the next 100 years they will all probably need to be rebuilt at some point and at today's dollars that is \$45 million at \$1 million a mile. I don't know if that is enough. Now when you say no rain gardens, no sidewalks, and no bike lanes, the problem is the rain gardens are a storm water issue and we do need to address storm water. Those rain gardens are a storm water treatment issue so they may be required. If we go in and reconstruct a road and we have storm water issues we have to deal with, there may be rain gardens. On sidewalks, we have ADA issues. When we reconstruct a road we are required to make them ADA compliant which includes sidewalks and ramps. I can't promise you that those won't be issues that will be put in. We are about maintaining the quality of Troutdale streets and maintaining that asset like it should be maintain. The citizens have invested a lot of money in them. We are not out looking at building new projects, that is not what this is about at all. If you looked at the FCS analysis you did not see any road construction projects in their analysis, it was all preservation and the cost to reconstruct. I will stand behind that part of it but I don't think I can say that you won't see rain gardens or sidewalks and issues like that.

Councilor Wilson stated this says that the proceeds will support the City of Troutdale's Pavement Preservation Program. It is not necessarily 100% going to the pavement preservation, is that what this is saying? So you can use it for bio-swales and sidewalks?

Steve Gaschler replied in the reconstruction part. When we are out doing crack sealing and slurry seals we are not doing bio-swales. By state law when we go in to reconstruct a road, it is like the building codes when you do a certain amount of remodeling to a building you have to bring it up to ADA and other certain standards, we are required to do the same on street construction. If there is a substandard street and we rebuild it we are obligated to meet ADA standards and the storm water quality.

Councilor Wilson stated my question is, the money generated from the tax is not only going to support the pavement preservation, but it can be used for new construction.

Steve Gaschler replied not new construction, reconstruction. New construction is typically paid for by the developer and system development charges.

Councilor Wilson asked so shouldn't this say that it is to support pavement preservation and reconstruction?

Craig Ward stated I think what Steve is saying is that reconstructing roads when they are seriously degraded is pavement preservation. If you look at the summary in the notice of tax election, it is pretty clear to me under the third paragraph that reads, "Under Oregon law, revenue from the tax can be used only for the construction, reconstruction, improvement, repair, maintenance and operation of streets in Troutdale". It is an oversimplification of what pavement preservation means to say that it is only about slurry seals and crack seals. In some circumstances it can require a rebuild of the road and these funds can legally be used to do that.

Councilor Wilson stated I guess I don't like that paragraph.

Councilor Morgan stated I think we need to address the point about the reporting mechanism and accountability piece and articulate what we are doing. I am sure it will be defined should this pass, but just articulating what the state requires and bring people up to speed with what we are required to do for bio-swales or sidewalks because these dollars are specifically allocated or specifically required for certain things and they can't go beyond that scope. Just articulate that for the public so they know where the money is going. Showing the public what the plan is to mitigate that problem is important.

Councilor Wilson stated I think that the public is not going to see the bio-swales and the sidewalk building as part of road maintenance.

Councilor Morgan stated we should bring them up to speed about how that is part of the maintenance; that was my point.

Councilor Anderson stated listening to all of this tonight I don't get the sense that the majority of this Council is ready for a five cent tax.

MOTION: Councilor Anderson moved that we adopt a three cent per gallon gas tax that is phased in at one cent per year over three years and it sunsets in three years after full phase in and it is automatically repealed if the State of Oregon addresses the transportation funding issue.

Councilor Wilson asked and three years later it is gone?

Councilor Anderson yes, unless it is voted on again.

Mayor Daoust stated the repeal part, if the State legislature, well they would have to rule that it is more than three cents.

Councilor Anderson replied yes, we don't want to overtax.

Ed Trompke stated there is a Constitutional provision that says that no law shall be adopted that taking effect at which shall depend on any other event. That could violate it; I can't tell you for sure.

Councilor Allen asked would you be willing to go for up to three cents and that way if things change, as stated before the Council could abolish the tax whenever and then the up to three cents allows us to bring it up or down depending on what the state does? We don't know when or what they will do.

Councilor Anderson replied I am fine with that.

Mayor Daoust asked doesn't the one cent raise per year kind of address that?

Councilor Anderson replied I think what Councilor Allen is saying is that the one year phase in is fine, but if we get into year two he wants the flexibility to go up to three cents right away if needed, or down to zero. Is that what you are saying Councilor Allen?

Councilor Allen replied yes.

Councilor Anderson asked so if it is up to three cents, does that mean that we would start at three cents?

Councilor Allen replied it doesn't matter what we start at, but it gives us the ability to start at whatever we feel is necessary at the time because we don't know what the future is going to be.

Councilor Wilson stated that is why we shouldn't have a sunset on it. If nothing happens in six years and we have to put it back out for a vote, or the whole system changes, it might change in ten years. I think we ought to leave that option up to the Council instead of having it sunset.

Councilor Allen stated we may want to change it so that it is a yearly adjustment. I don't think the state would be too happy with us if we change it every other week.

MOTION WITHDRAWN: Councilor Anderson withdrew his motion.

MOTION: Councilor Anderson moved to institute a gas tax of up to three cents per gallon.

Mayor Daoust stated that is pretty vague.

Councilor Ripma asked to be set annually by Council?

Mayor Daoust stated the people have to vote on this. If we put that out for a public vote and said well maybe it will be one cent, or two cents or maybe three cents, what are they voting on?

Councilor Ripma stated they would be voting on authorizing us to do three cents and then we can do less. That's sounds okay to me.

Councilor Morgan stated the biggest thing I was trying to underscore was that five cents is not palatable. But if we make them jump from zero cents to three cents in one year it might have a market fluctuation issue. That was the phasing aspect. If there is no sunset I don't think it would preclude us from having a phase in for the business community, the citizens aspect, and for the commodity. If the state acts we can always repeal it. I think it might be good to phase it in if we are going to act on such a monumental act.

Mayor Daoust stated I think a much simpler way to go about this would be to implement a three cent per gallon tax increase phased in at one cent per year, no sunset and no repeal.

Councilor Wilson stated I am behind you on that.

Councilor Morgan stated that is what I was aiming for.

Councilor Allen stated I like Councilor Anderson's motion because it gives us maximum flexibility. If you want to start if off at some amount that is fine with me.

Mayor Daoust stated I think Councilor Anderson's is more complicated for the people to understand.

Councilor Wilson stated would you agree to a one cent per year phase in, because that is what you originally said. Would you agree that we could do it that way?

Councilor Anderson stated we could.

Councilor Morgan stated and capped at the third year.

Councilor Anderson stated I also think, like I said earlier, it is a shared sacrifice. What one cent in year one does, if that is not enough then the general fund can augment that. If two cents in year two isn't enough the same, and if three cents in year three the same. I am just trying to phase it in.

Councilor Allen stated I am fine with the phase in. I just don't know what the future is.

Councilor Ripma stated we can always repeal it.

Councilor Allen stated but if we do it up to three cents then we do what is necessary and no more, or we can phase it in if we want.

Councilor Morgan stated the whole premise is we are making a first step to get our maintenance back in order to preserve our livability, and make sure our roads are maintained. Would that be safe to say?

Steve Gaschler replied it is a good start.

MOTION WITHDRAWN: Councilor Anderson withdrew his motion.

MOTION: Councilor Anderson moved that we adopt a three cent per gallon gas tax phased in at one cent per year over three years. Seconded by Councilor Wilson.

Debbie Stickney stated before we go forward with voting on this motion we need to revise the language in the ballot title for the notice of election.

Mayor Daoust stated Council doesn't need to word-smith that. Are you working on that Ed?

Ed Trompke replied yes, but it needs to be adopted with the resolution because it is Attachment A to the resolution and Debbie will need to send it to the paper tomorrow morning.

Ed Trompke stated let me read the revised language to the Notice of Tax Election. Caption: Authorizes phase in of tax on motor vehicle fuels. Question: Shall Troutdale phase in motor vehicle fuels tax of three (3) cents per gallon over three years to maintain streets? The rest doesn't appear to need to be changed.

Councilor Morgan asked in the questions you asked the citizens, were they skeptical that the dollars might not be used for that, or they wanted clarification to where the dollars would be used or how?

Libby Barg stated it is a good idea as long as it goes toward street preservation, maintenance and you can show them that.

Mayor Daoust asked is there any rewording needed in the resolution?

Ed Trompke replied I would like another set of eyes to help review the documents.

Mayor Daoust called for a break at 9:35pm, and reconvened the meeting at 9:46pm.

Mayor Daoust stated we do have a re-worded notice of election that I would like Mr. Trompke to read.

Ed Trompke stated I will first read the changes to the resolution, and then I will read the changes to the notice of tax election which is Attachment A. The resolution title is changed to read: A resolution calling an election to submit to the electors of the City the question of a phased in three (3) cent per gallon motor vehicle fuels tax to be used for street maintenance and reconstruction.

In the findings, paragraph 6, we are changing the word "five" to "three" on the cents per gallon, so that will now read: The City of Troutdale has decided to refer a measure to the voters at the November 3, 2015 special election, which if approved would require the Council to amend the Troutdale Municipal Code to impose a three (3) cent per gallon Motor Vehicle Fuels Tax.

In Section 1 of the resolution is the question that is being submitted, which is being modified to read: "Shall Troutdale phase in motor vehicle fuels tax of three (3) cents per gallon over three years to maintain streets?"

There are no other changes to the resolution. The Notice of Election, the Caption will now read: Authorizes phase in of tax on motor vehicle fuels.

The Question in the Notice of Election will now read: Shall Troutdale phase in motor vehicle fuels tax of three (3) cents per gallon over three years to maintain streets?

Then there was a change already made in the summary (Mr. Trompke is referring to the correction provided to the Council at the start of the meeting correcting one word in paragraph four of the summary, changing "Pavement Prevention Program" to read "Pavement Preservation Program", a copy of this change can be found in the meeting packet), and we are deleting the second to last sentence in the last paragraph, and two words in the last sentence, so the paragraph will now read in its entirety: If approved, the measure will take effect on January 1, 2016.

Otherwise it is the same as the packet materials.

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

Motion Passed 7-0.

Mayor Daoust asked does the Council wish to proceed past our time limit to cover the rest of the agenda?

Council agreed to proceed.

8. PUBLIC HEARING / ORDINANCE (Introduced 6-23-2015): An ordinance amending Chapter 5.04 of the Troutdale Municipal Code relating to business licenses.

Ed Trompke, City Attorney, stated this is the second reading of the business license modification that we discussed on June 23rd. The changes would require all medical marijuana dispensaries, whether operating on a for-profit or not-for-profit basis, to obtain a business license. The reasons for adding a burden to non-profit medical marijuana where other non-profits are not required to be licensed is that there are people operating dispensaries in areas that may not be zoned appropriately for sales outlets and dispensaries. This provides a way to track those dispensaries as well as to make sure that they operate within the parameters of the Attorney General's opinion. There are eight factors that the Attorney General looks at with respect to non-prosecution of marijuana sellers in states that allow it (shown on Exhibit A of the meeting packet). The medical marijuana dispensaries are required to submit a statement that they will in fact do their best to live up to those requirements and if requested the City can ask how they are doing that and follow-up questions about specifically these matters so that the dispensaries do operate within the parameters of the law. Other than that the Police Chief is deleted as the reporting person for all business licenses and is replaced by the City Manager or designee because of the merger with the Sheriff's office for police services.

Councilor White asked would it be appropriate to make any other changes pertaining to our business code at this time?

Ed Trompke replied I think we are going to want to look at it again at the end of this year when the recreational marijuana sale rules are out from OLCC. That would probably be an appropriate time to take a broader look at this chapter. This being the second reading it probably doesn't make a lot of sense at this time, but we should do that in the next six months.

Mayor Daoust opened the Public Hearing at 9:55pm and asked if there was anyone that would like to speak to this ordinance?

No testimony received.

Mayor Daoust closed the Public Hearing at 9:55pm.

Councilor Allen stated it seems to be very well thought out and very well written.

MOTION: Councilor Wilson moved to pass an ordinance amending Chapter 5.04 of the Troutdale Municipal Code relating to business licenses. Seconded by Councilor Allen.

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

Motion Passed 7-0.

9. STAFF COMMUNICATIONS

None.

10. COUNCIL COMMUNICATIONS

Councilor White stated I know we are headed into our summer break but I am deeply concerned that we haven't had our work session on fire and I am worried that we are going to miss our opportunity to do anything. I am willing to meet on this subject during our break.

Councilor Anderson stated I agree with you. When we were asked to rank our work session priorities I think I only ranked three and fire was number one.

Councilor Allen stated public safety is important. I would agree.

Councilor Anderson asked can we have the work session immediately after the break?

Craig Ward asked approximately when?

Councilor White asked Ed, do you happen to know the details of that IGA? When are we going to miss that opportunity?

Ed Trompke replied my recollection is that the time that makes sense to give the notice is in about June of each year because of the amount of time it takes to put together all of the issues; you need to find personnel, equipment, budget process, and other pieces. You may need a bond measure even in order to buy some of the equipment.

Craig Ward stated there is no window that we miss. The window is we have to give two years notice. If we give a two year notice on the 15th of August that deadline basically to start a replacement fire service is two years later. We can take as much time or we can move as quickly as we can. We have not missed a window of opportunity. What Ed is referring to is the fact that there are a host of incremental steps that have to be satisfied and those will manifest themselves in the budget. One of the first things we would have to do is make a commitment to hire a fire chief because they would be instrumental in all of the operating decisions, protocols, hiring of staff, and all of the things we would have to do to have a fire service up and running on the date we walk away from Gresham Fire services. To hire a fire chief we will then have to have a budget that reflects the fact that

we are going to hire a fire chief, and there are other things that fall in line with that, but that is why the budget cycle is important.

Councilor White stated I am not advocating to do all of that. I was concerned that we were going to add an additional year by not having the work session. We may decide to stay with Gresham Fire for all I know after the work session.

Ed Trompke stated I was really thinking in terms of practicality with my answer; it makes sense to start it near the beginning of the budget year rather than in December or January.

Craig Ward stated I think it makes sense to start the planning process as soon as we can. We are going to need all of the time we can possibly give ourselves. If you wait until August or September I don't see that as being fatal in terms of the overall cycle because there are so many steps that have to be planned for in advance

Mayor Daoust stated we do have our summer break scheduled and August 25th will be our next scheduled regular meeting, but we may have an executive session on August 11th or 18th.

Councilor White stated I attended the ribbon cutting for the King of The Roads Exhibit that the Historical Society put on. They have done an excellent job on the exhibit. I wanted to thank the Historical Society, especially Len Otto and the Handy family for their efforts on the exhibit.

Councilor Allen stated in a free society public comment should not be discouraged, and discouragement of public comment should not be tolerated.

Councilor Wilson stated last Thursday I attended the West Columbia Gorge Chamber meeting and they have been approached by the Historical Society about taking over the office at the Depot. I would like some clarification on how that works.

Craig Ward replied the City owns the Depot and if the Historical Society is going to stop using the Depot they are free to do that. We have no written agreement that we have been able to find. I think the process is simple, a letter from the Historical Society would be a courtesy to us notifying us of when they plan on moving out and we can talk about any conditions that would be appropriate. Then we would need to have a discussion on what the Council thinks is an appropriate use for a city asset. I can understand the logic of allowing the Chamber to use it but I don't think the Council has given me any direction that indicates that we should negotiate with the Chamber about using the Depot. It is really the City's choice what happens with our assets.

Councilor Wilson stated the Director of the Chamber feels that if they were allowed to use the Depot, and they decide to move into the Depot, then they would like an MOU with the City.

Craig Ward stated we would need a lease agreement.

Councilor Ripma stated the Historical Society Board has decided to move their office to the Barn while the exhibit is open so that we have more presence there by our paid employee and our volunteers and the Board thought that maybe the Chamber might be interested in using the office space at the Depot in hope that they would also help with visitors to the Depot Museum. The Historical Society archives will still be located in the Depot.

Councilor Wilson stated I was wondering if we could explore with Fairview and Wood Village the idea of a three-city recreation program. It isn't a district so they could pull out anytime they want to but it could create more revenue coming in and it would give their citizens the opportunity to participate at the same rate as our citizens. Maybe it could be brought up at the next Mayors meeting.

August 2nd is the 12th Annual Troutdale Cruise-In in downtown Troutdale.

Councilor Ripma stated the public opening of the Historical Society's new exhibit, King of the Roads ~ Highway of the People, celebrating the 100th anniversary of the Historic Columbia River Highway is this Saturday.

Councilor Anderson stated Mayor, I would like to ask for your consideration in maybe reordering the agenda to put this portion of the meeting earlier. I would be in support of that because the intent of the 2½ hours was not to stifle anybody, it was to move us along. If anyone feels stifled that is not the perception I want to give off.

Councilor Morgan stated Councilor Wilson and I have talked to several elected officials, and we have also sent out a lot of letters, and the Chamber and the Mayor have done that to, inviting them to SummerFest and to stay after and listen to Rip Caswell and the Mayor talk about Visionary Park. A lot of the elected officials may have access to grants, availability to get other donors or maybe even some of their own political money to give this non-profit that might be formed. We don't have any money for refreshments or food for this. I don't know the proper protocol to go about this. Should we ask for money out of contingency, or if the Council could authorize us to work with staff to get a few dollars to accommodate some of the elected officials for when they are here to talk about Visionary Park. There will be a lot of guests here in town for this event. Rip is going to have some literature information about Visionary Park and I think there is going to be a banner on the shed which is where Visionary Park will be.

Council and Staff discussed this and the Council agreed to authorize up to \$300 to cover the expense for refreshments at this reception for Visionary Park; reimbursement will be made up to \$300 once receipts are provided to the City.

Mayor Daoust stated the Bite of East County will be Saturday, July 25th at Columbia Park from 12-8pm. I am a new member of the Area Commission on Transportation (ACT) and our next meeting is Thursday. Friday night is Wood Village's Night Out. I will be attending the Oregon Mayor's Association Conference in Cottage Grove 7-31 to 8-1.

11. ADJOURNMENT

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

Meeting adjourned at 10:20pm.

Doug Daoust

Dated: _____

DRAFT

ATTEST:

Debbie Stickney, City Recorder

CITY OF TROUTDALE
CITY COUNCIL – Regular Meeting
Tuesday, July 14, 2015

PLEASE SIGN IN

Name – Please Print	Address	Phone #
Matt Miller	1115w Columbia St #830 Portland, OR	480-305-4411
Thor Ivanoff	17829 NW Sedgewick Ct Beaverton, OR 97111	503 928-1675
READ Alharithi		
Jaguna Valencora	1609 SE 190th	503-988-0210
PAUL MILES	TROUTDALE	
Diane C White		503-888-1405
Chude Cox	Troutdale	503 799-3667
Rip Lammell	Troutdale	
Libby Barb	Salmon	503-222-0416
CLARK WORTH	Portland	11
Anthony Buczek	600 NE Grand Ave. Portland	503-797-1674
Shirley Craddick	Metro Council	503 797 1548
BACA WALTERS		
Terry Olsen	902 E. Columbia River Gorge Hwy Troutdale, OR	Contact @ ESMasonry.com
Stephanie Jennings		
Mario Cerant:	521 SW Halsey	503 695-2555
Jerry Brawley	1260 NW Frontage Rd	503 522 9425
Jonathan Brawley	1260 NW Frontage Rd	503-522-9028
Lowell Abbott	visitor	509 413 6233
Branden Young	400 NW Frontage Rd	503-665-7741
Patrick Hinds	Multnomah County	503-988-3712
Terry Olsen	902 E. Historic C.R. H.	503-522-4692

Exhibit A

July 14, 2015 Council Minutes



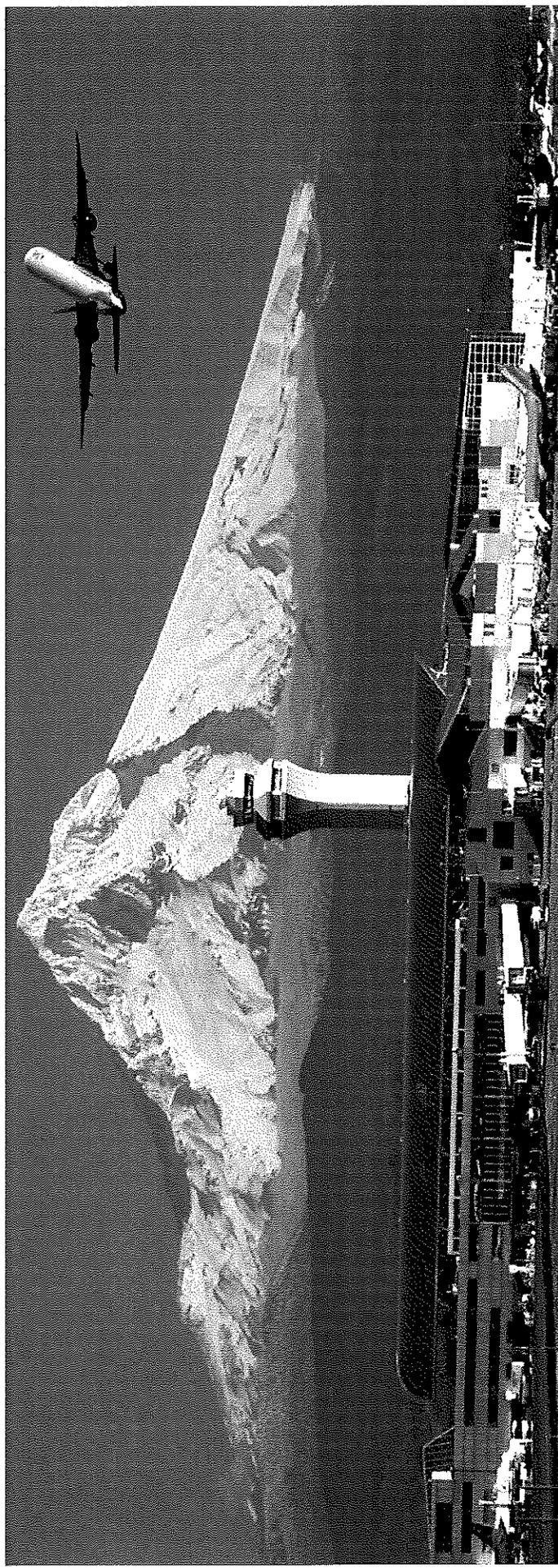
Greater Portland Inc Regional Economic Development

City of Troutdale
July 14, 2015

WHAT TO EXPECT



- Overview of GPI
- 2015 Work Plan
- GPI Services



OVERVIEW



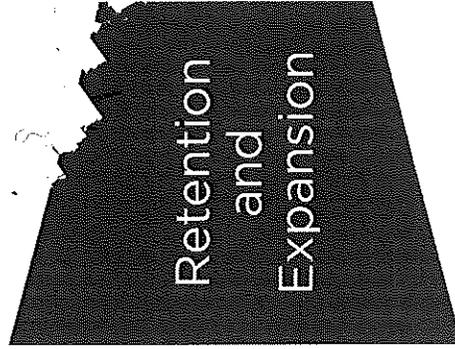
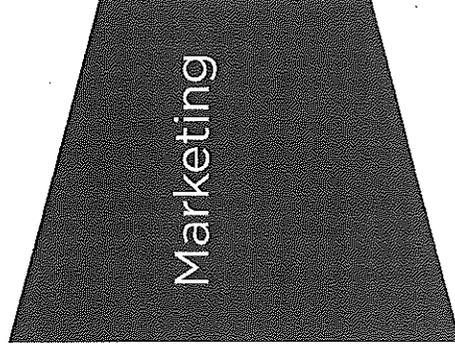
Regional Public-Private Partnership

Established in 2011 to coordinate a transparent approach to economic development

Greenlight Greater Portland now Greater Portland Inc.

Jun 29, 2011, 1:31pm PDT

Merger between publicly funded Regional Partners and privately driven Greenlight Greater Portland

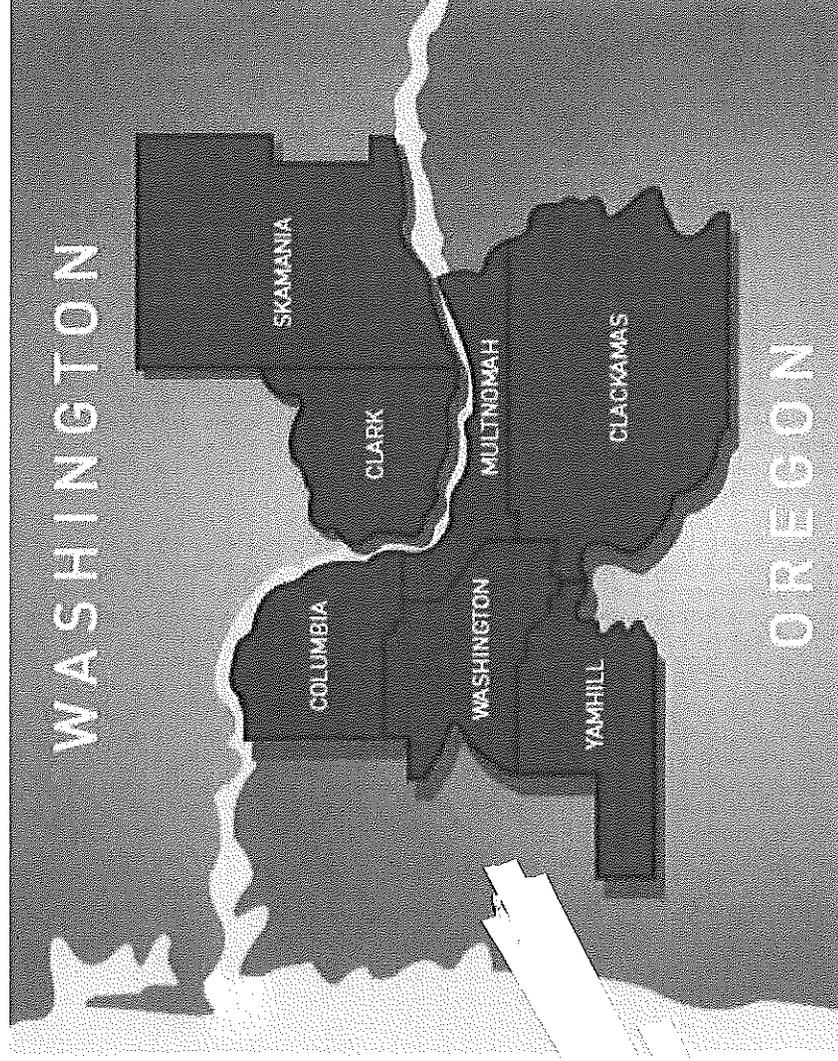


OVERVIEW



Dynamic Metro: One Region

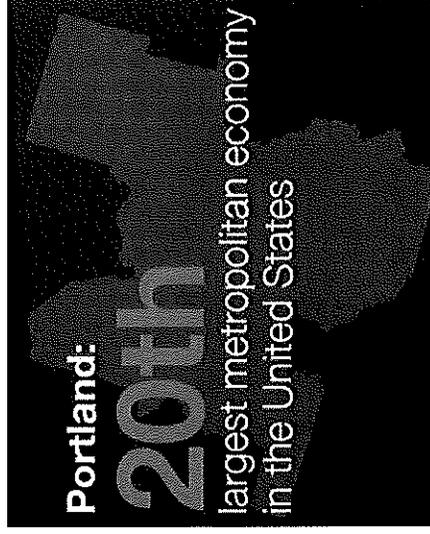
- 2.3+ million people
- 2 states
- 7 counties
- Population expected to grow by 400,000+ in next 20 years



OVERVIEW



Why a regional approach?



- Site selectors look at regions when considering a new location for their clients
- Companies and talent do not pay attention to regional boundaries
- Marketing the assets of the entire region is a far more compelling story
- Regional boundaries align with the regional workshed

2015 Work Plan



UNITING REGIONALLY TO COMPETE GLOBALLY

Build cross-border and cross-sector collaboration that leverages the region's assets, engages leadership and aligns efforts to compete in the global market.



STAY AND GROW IN GREATER PORTLAND

Develop tools and services that support local community partners in their ongoing efforts to retain and grow existing traded-sector companies in the region



CHOOSE GREATER PORTLAND

Create targeted awareness of the regional value proposition as a place for business; grow the recruitment funnel to bring traded-sector expansion and relocation projects to the region.



2015 Work Plan



UNITING REGIONALLY TO COMPETE GLOBALLY

Build cross-border and cross-sector collaboration that leverages the region's assets, engages leadership and aligns efforts to compete in the global market.



TACTICS:

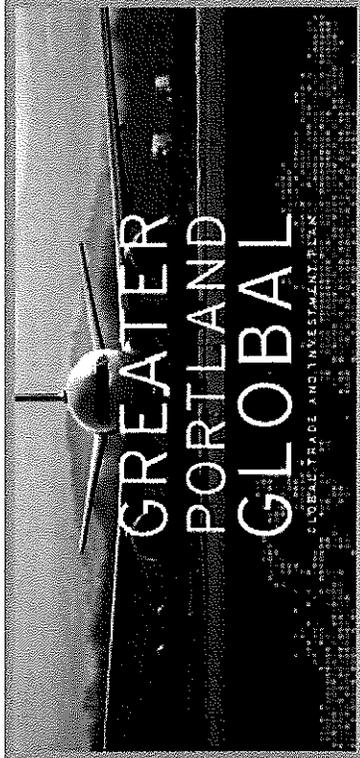
- Greater Portland 2020 Plan
- Convene Region's Civic & Business Leaders
- Regional Communications

2015 Work Plan



STAY AND GROW IN GREATER PORTLAND

Develop tools and services that support local community partners in their ongoing efforts to retain and grow existing traded-sector companies in the region



TACTICS:

- Greater Portland Global
- Business Retention & Expansion
- Economic & Fiscal Analysis

2015 Work Plan



CHOOSE GREATER PORTLAND

Create targeted awareness of the regional value proposition as a place for business; grow the recruitment funnel to bring traded-sector expansion and relocation projects to the region.



TACTICS:

- Large Site Strategy
- Industry Reports & Market Analysis
- Regional Marketing
- Lead Generation

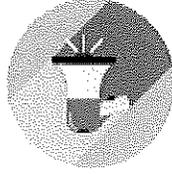
GPI SERVICES



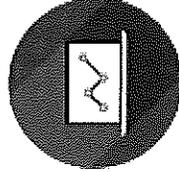
Providing expertise
and resources to
local partners within
the region



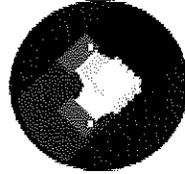
Business Development



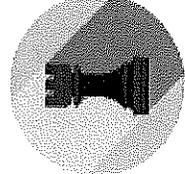
Marketing



Research + Analysis



Connectivity

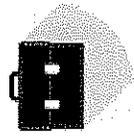


Regional Competitiveness

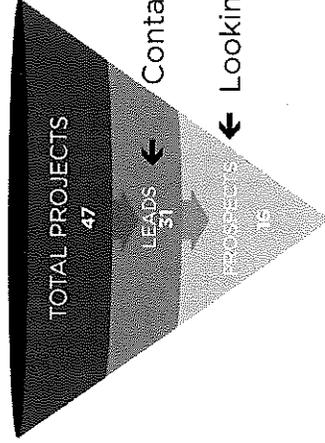
GPI SERVICES



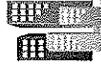
Business Development



1. Metal & Machinery
2. Clean Tech
3. Athletic & Outdoor
4. Computer & Electronics
5. Software/Media
6. Health Science & Technology

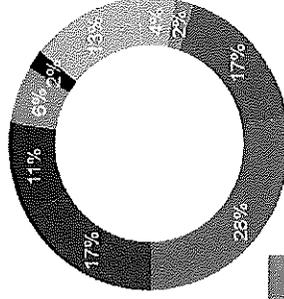


Contacted us but has not viewed specific sites
 ← Looking at options and has likely been on a site visit



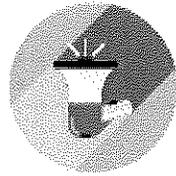
2014 GPI WINS = 4
 2014 REGIONAL WINS = 7

- Professional Services
- Software & IT
- Clean Tech
- Adv. Mfg.
- Athletic & outdoor
- Digital Media & Film
- High Technology
- Other/unknown
- Food Processing



Projects by Industry	Count
Professional Services	8
Software & IT	13
Clean Tech	8
Adv. Mfg.	5
Athletic & outdoor	3
Digital Media & Film	1
High Technology	6
Other/unknown	2
Food Processing	1
Total	47

GPI SERVICES



Marketing

the **Greater Portland** region is the **perfect balance** of **talent & value**

City of Canby

COMMUNITY HIGHLIGHTS

ABOUT CANBY

Canby is a small town with a big heart. It's a place where you can enjoy the best of both worlds: a small town feel with all the amenities of a larger city. Canby is home to a variety of businesses, including a large number of small businesses. The town is also home to a number of parks and recreational facilities. Canby is a great place to live, work, and play.

INDUSTRY HIGHLIGHTS

Canby is home to a number of key industries, including:

- Manufacturing
- Healthcare
- Education
- Retail
- Food and Beverage

CONNECTIONS

Canby is well connected to the rest of the region. It's just a short drive to the major highways and airports. Canby is also home to a number of excellent schools and healthcare facilities.

RECREATION

Canby is a great place to enjoy the outdoors. There are a number of parks and recreational facilities in the area. Canby is also home to a number of excellent restaurants and bars.

CONTACT

For more information, contact us at info@cityofcanby.com

Greater Portland's Emerging Bioscience Hub

EDUCATION ESSENTIALS

The Oregon Center for Bioscience is a leading research and education center in the Pacific Northwest. The center is home to a number of excellent educational programs, including a number of graduate and postgraduate programs. The center is also home to a number of excellent research facilities. The center is a great place to live, work, and play.

CONTACT

For more information, contact us at info@oregoncenterforbioscience.com

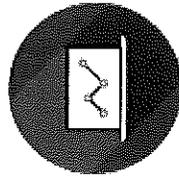
Greater Portland's Emerging Bioscience Hub

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Research & Analysis

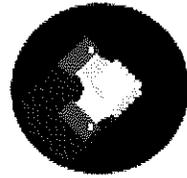
SAMPLE ANNUAL BUSINESS OPERATING COSTS

Metro Area	Employee Payroll	Fringe and Mandated Benefits	Utilities	Building / Lease Payments	Property Tax	Total Operating Cost
Portland	\$36,236,800	\$10,296,539	\$245,328	\$375,969	\$170,011	\$47,324,647
Denver	\$36,842,650	\$9,951,295	\$219,967	\$342,805	\$335,923	\$47,692,640
Riverside-San Bern.	\$37,587,100	\$10,700,837	\$326,530	\$399,822	\$152,379	\$49,166,658
San Diego	\$37,959,450	\$10,807,498	\$397,673	\$428,478	\$154,172	\$49,747,872
Seattle	\$38,605,650	\$12,001,622	\$255,159	\$413,241	\$159,852	\$51,435,525
San Jose	\$43,481,700	\$12,361,185	\$401,016	\$542,023	\$180,694	\$56,966,618

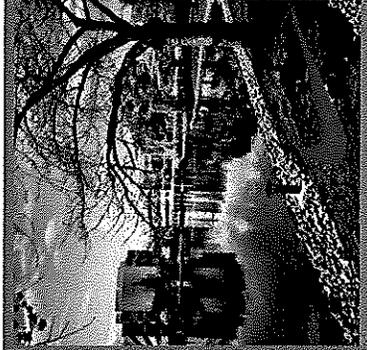
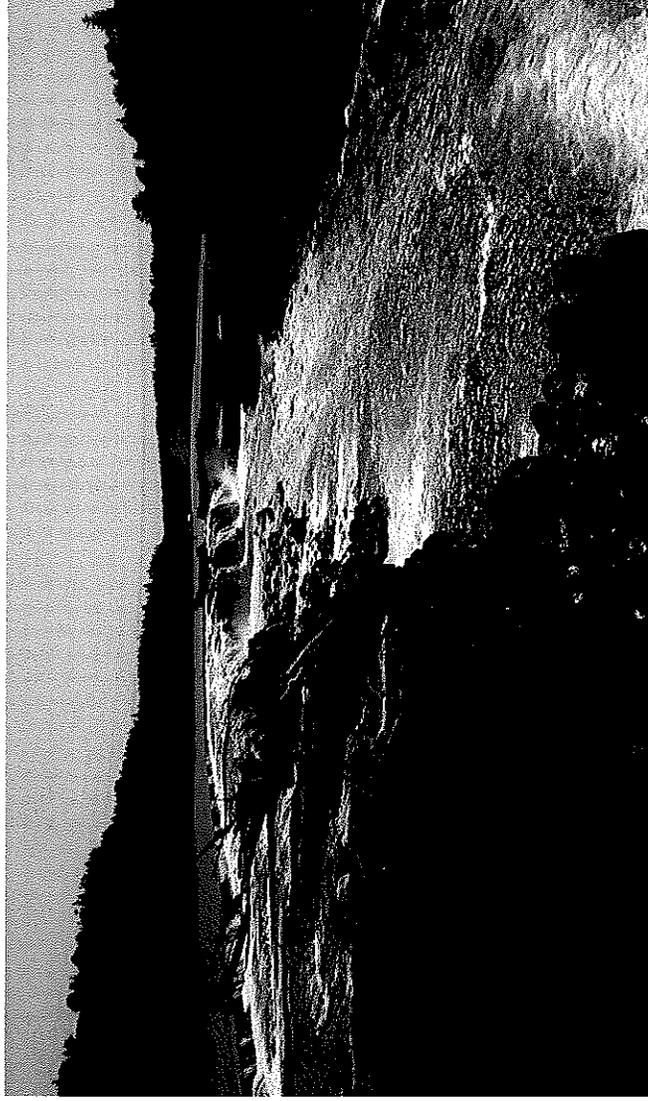
See detailed tables for sources.

The annual estimated business operating costs table summarizes the annual cost of labor, utilities and facilities for selected metropolitan areas. Detailed calculations and source of costs of doing business for labor, utilities and facilities are provided in the following tables, which include costs such as worker's comp, unemployment insurance, health insurance, gas and electricity, annual real estate (lease or purchase) and taxes.

GPI SERVICES



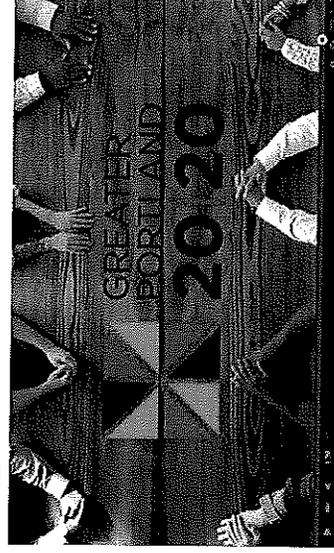
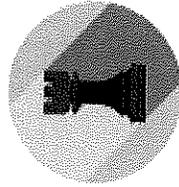
Connectivity



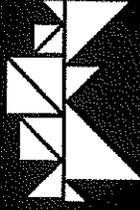
GPI SERVICES



Regional Competitiveness



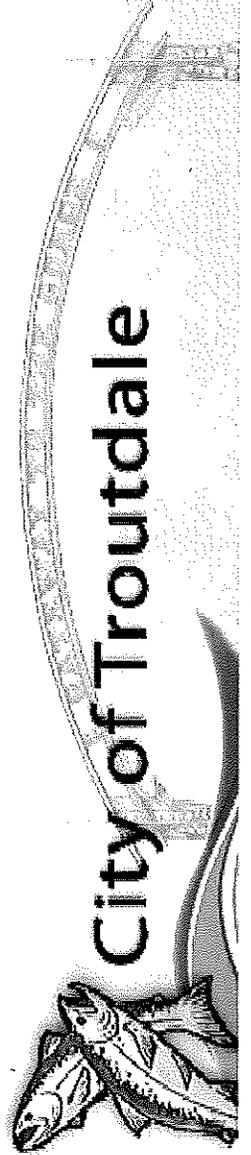
GREATER
PORTLAND



Thank You!

**City of Troutdale
Motor Vehicle Fuels Tax**

**July 14, 2015
City Council Meeting**



City of Troutdale

Troutdale Street Fund – Situation

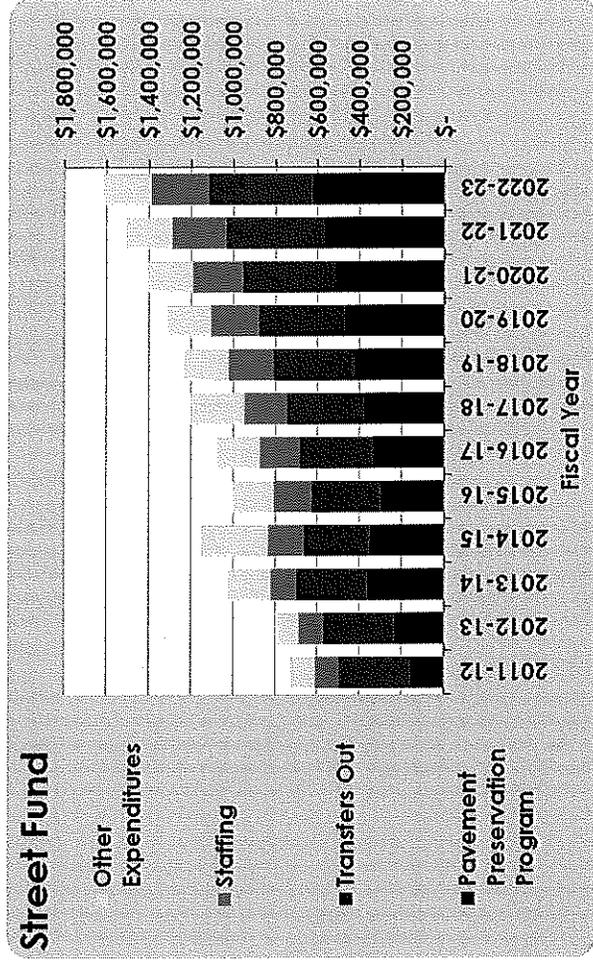
Across Oregon, transportation funding sources and amounts aren't sustainable.

- Troutdale Street Fund revenues come primarily from State Highway Fund – flat/declining revenues around \$900,000/year

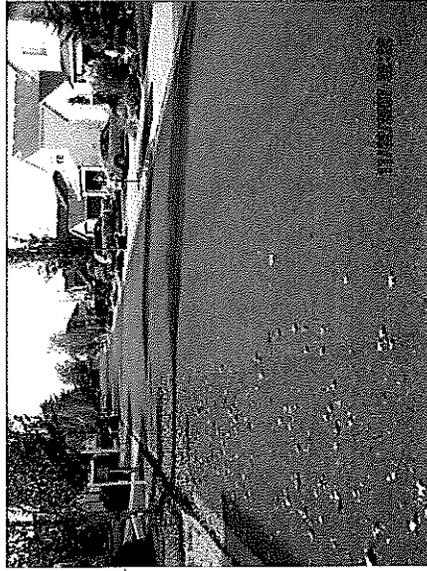
- Current funding needs are \$1 million per year, expected to exceed \$1.6 million by 2022-23

- Street Fund balance declining since 2012-13 (down \$270,000 this year)

- Troutdale studied alternative revenue sources to close the gap



New Revenues Would Support Pavement Preservation Program



Preservation avoids
need for more costly
rehabilitation and
reconstruction



Pavement
preservation
includes crack seals
slurry seals,
overlays

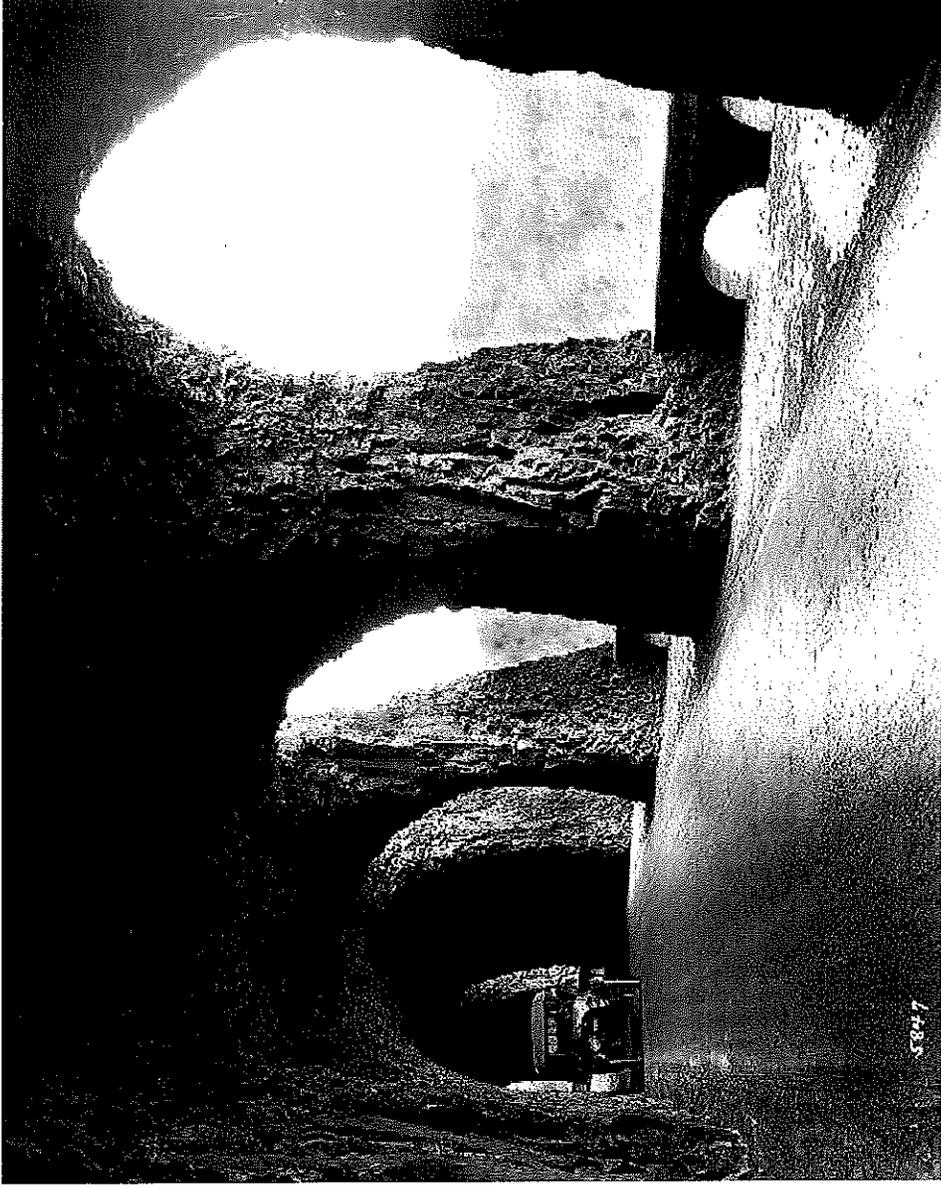
** Every \$1 spent on preservation saves \$3 - \$5 for rehabilitation
or \$8 - \$12 for reconstruction*



Funding Solutions

- ✓ Transportation Utility Fee: enacted by City Council
- ✓ Local Option Vehicle Registration Fee (counties only)
- ✓ **Local Option Gas Tax: requires voter approval**

Oregon Pioneered the Gas Tax in 1919



Current Gasoline Tax Rates*

Federal Gas Tax: 18.4¢/gal

No increase since 1993

State Gas Tax:

No increase (1993-2011)

Oregon	30.0¢/gal
California	39.5¢/gal
Washington	37.5¢/gal
Multnomah County	3.0¢/gal

All State Revenues – fuel, registration, license (equivalent per gallon):

Oregon	41.9¢/gal
California	\$1.19/gal
Washington	\$1.07/gal
Idaho	71.5¢/gal

*Source: Oregon Department of Revenue



City of Troutdale

2015 Legislature:

State Transportation Package is ~~Stuck~~ ^{Dead!}

- \$343.5 million compromise included \$208 million for state and local roads
- 4¢ gas tax increase would raise \$103.2 million/year
- Troutdale's share*
 - 2016 \$61,500 per year
 - 2017 \$123,000 per year
- Meanwhile in Washington:
 - + 11.7¢/gal over 3 years
 - + \$16.1 billion transportation bill

* Assumes current distribution formula retained

"We worked hard to find a way to address them as a package, but no solution emerged that accomplished that to the satisfaction of all parties."

– Governor Kate Brown

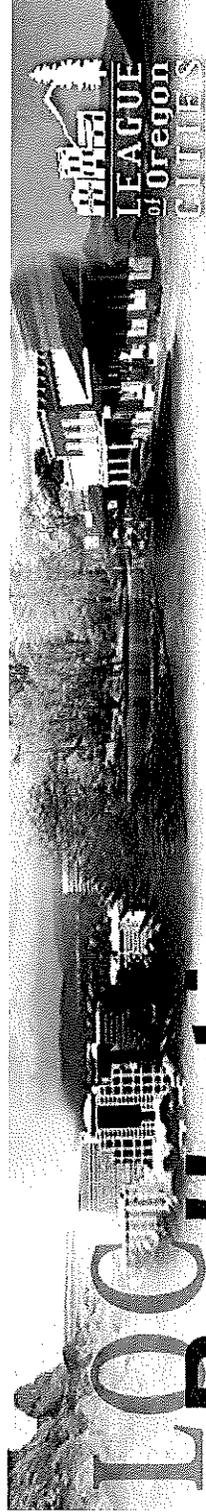
"The votes just aren't there"

– Senate President Peter Courtney



Update:

2015 Legislature took \$4 million from cities to fund DMV IT Upgrade



July 10, 2015

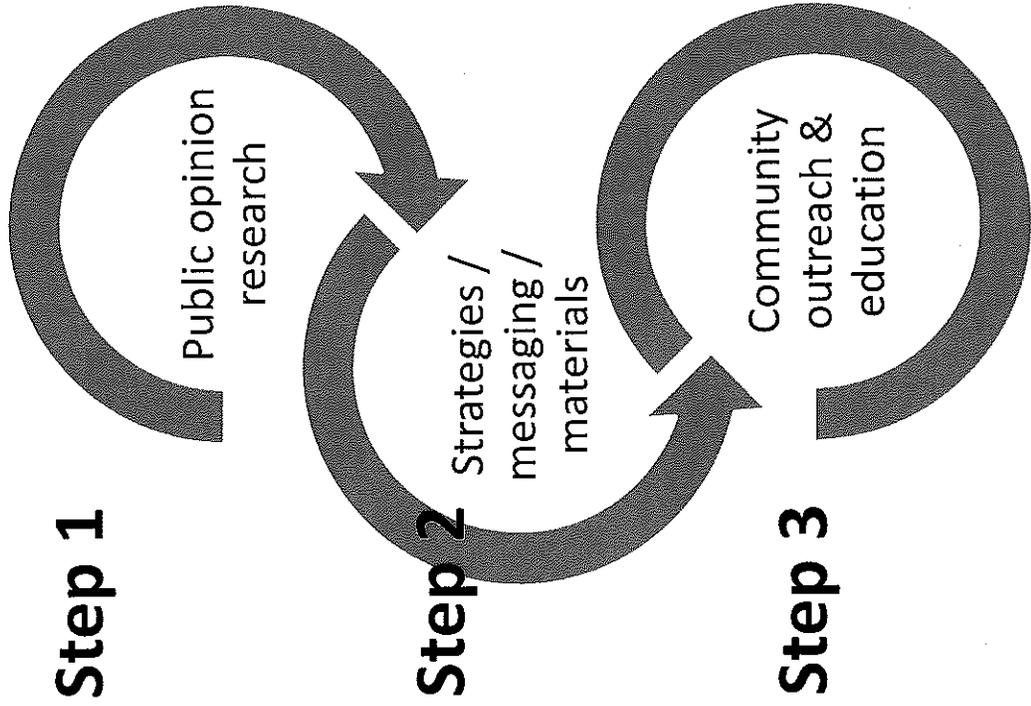
Bulletin

Cities to Help Fund DMV Upgrade

Cities and counties have emerged from the 2015 legislative session with less money from the state Highway Trust Fund than they had before the session started. This is a result of the failure to pass a comprehensive transportation package, as well as an off-the-top allocation to the Oregon Department of Transportation (ODOT) to pay for an upgrade to the Oregon Department of Motor Vehicles (DMV) information technology software and hardware. Moreover, cities and counties will also help fund the cost recovery of merchant fees which will be incurred with the onset of credit and debit card transactions by DMV.



Engaging the Community



What do voters think?

- ✓ Stakeholder interviews (includes fuel retailers)
- ✓ Focus groups
- ✓ Community survey

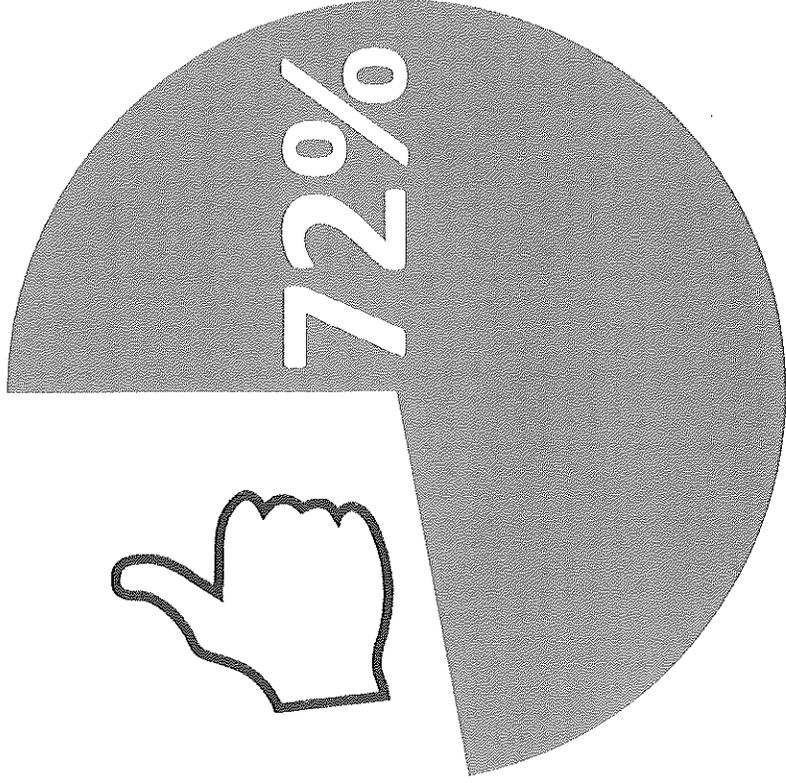


What Citizens are Saying

- Generally happy with the condition of streets and other local infrastructure.
- There's good recognition of Troutdale's road maintenance practices.
- Don't know how road maintenance is currently funded.
- Open to solving Troutdale's shortfall by reprioritizing spending or finding new revenues.
- **The local option gas tax is the preferred source if funds are needed.**
- "Best advice": effectively communicate the need and how the money will be used.



**72% of Oregonians say road maintenance is important
and would support some increase in tax dollars.**



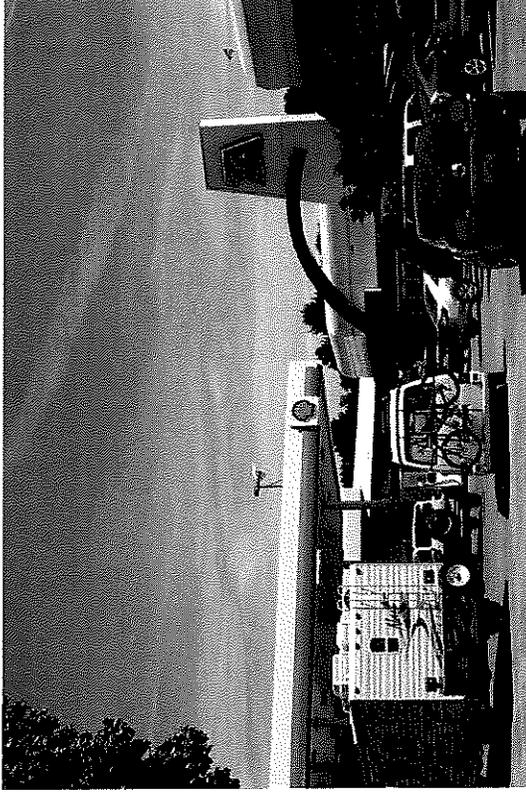
2013 Oregon Values & Beliefs Study-DHM Research



City of Troutdale

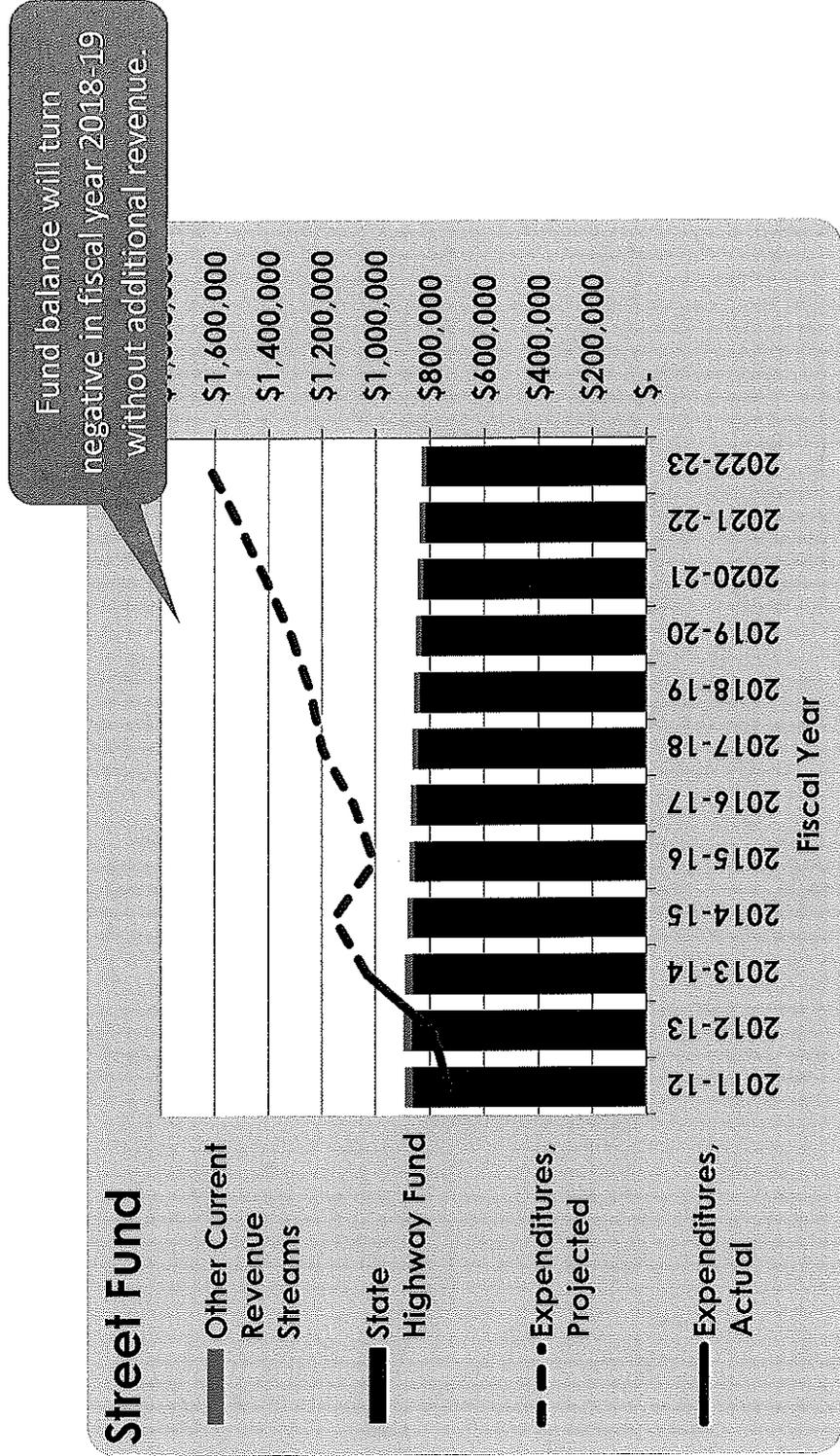
Outreach to Gasoline Dealers

- Contacted 7 gasoline dealers:
5 multi-state, 2 local
- Their questions:
 - How much? When?
 - Tax administered by Troutdale or State?
 - How will funds be used?
- Strongly support dedicating proceeds for road maintenance
- Concerns:
 - Remaining competitive with nearby cities:
prefer Federal or State increase
 - Loss of local customers
- Customer profile:
 - 1/3 of annual business is in June - August
 - Summer customers: 60% are “travelers” 40% are “regulars”
(from Troutdale, Cascade Locks, Skamania County, Sandy)
 - Rest of year 50/50 split



Local Option Gas Tax—Tax Rate

5¢ per gallon tax is needed to cover Troutdale's funding gap for the foreseeable future.



Local Option Gas Tax—Tax Rate

Opinion research found little pushback at the level of 5¢/gal

- Stakeholder interviews
- Focus groups
- Community survey



Maintaining Troutdale's Streets—and Saving Money
Community Survey, June 2015

The Mayor and City Council are considering how best to pay for the city's ongoing road maintenance. Troutdale received enough money from its share of the state gas tax to keep up with road maintenance needs, but as the city has grown and the streets have aged, the state funds are no longer enough. Without additional funding the city will have to cut back on maintenance. That would cause our streets to degrade and cost much more to repair than investing up-front. The city wants to hear from you about the benefits of maintaining our streets and ways to continue the cost saving road maintenance program.

1. How would you rate the condition of Troutdale's streets?
 Very good Good Fair Very poor Not sure

2. How is the city of Troutdale doing maintaining streets?
 Very well Well Poorly Very poorly Not sure

3. The City Council is considering a local gas tax to continue to pay for street maintenance. Following are some reasons the city council is considering a gas tax. Please rank the reasons you think are most important on a scale of 1 (not important) to 5 (very important).

All proceeds would be dedicated to maintain our local Troutdale streets. Streets in your own neighborhood will be maintained and repaired. Every \$1 spent on road maintenance saves up to \$22 for reconstruction. A large percentage of the local gas tax would be paid by people who don't live in Troutdale, but buy fuel here. A local gas tax could be elected only through a vote of the people. At 5¢ per gallon, the average motorist would pay only 23¢ per month or 10¢ per day. Maintenance saves money and keeps neighborhoods livable.

	Not Important	1	2	3	4	5	Very Important
1. Streets in your own neighborhood will be maintained and repaired.	<input type="checkbox"/>						
2. Every \$1 spent on road maintenance saves up to \$22 for reconstruction.	<input type="checkbox"/>						
3. A large percentage of the local gas tax would be paid by people who don't live in Troutdale, but buy fuel here.	<input type="checkbox"/>						
4. A local gas tax could be elected only through a vote of the people.	<input type="checkbox"/>						
5. At 5¢ per gallon, the average motorist would pay only 23¢ per month or 10¢ per day.	<input type="checkbox"/>						
6. Maintenance saves money and keeps neighborhoods livable.	<input type="checkbox"/>						

4. Do you see any drawbacks to a local option gas tax to pay for street maintenance in Troutdale?

5. What questions do you have about a local gas tax for Troutdale?
 What is the current condition of our streets? How will the money be spent?
 Where would maintenance occur? I don't have any questions.
 Another question.

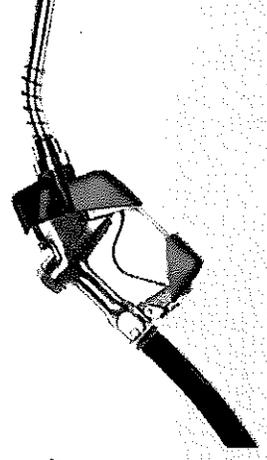
6. If you want to receive updates on Troutdale's street maintenance program and funding solution please provide your name and email address:
 Name: _____ Email: _____

ONLINE: www.surveymonkey.com/s/MaintainingStreets
 Mail To: City of Troutdale
 Attn: Troutdale's Streets
 342 SW Fourth Street
 Troutdale, OR 97160

Effect at the Pump

Revenue Generated	Number of Fillups	Cost to consumer
\$500K/yr.	5¢ x 20 gallons x 3 fillups	= \$3.00/month (10¢ per day)

Average monthly fuel cost: \$180/month = \$6.00/day

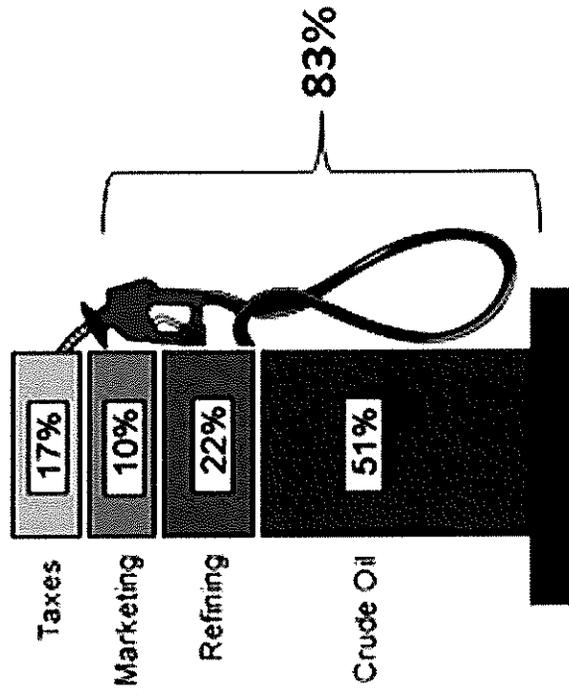


Gasoline Pricing – It’s Complicated!

- Gasoline prices fluctuate wildly
- There are great disparities within the same region due to zone pricing strategies.
- Even in one small area, there are wide differences between different grades: (20¢ to 48¢/gal in Troutdale)
- Loyalty programs discount up to 50¢/gallon
- Taxes account for a small percentage of the total retail price
- Taxes are collected at the state level, with the burden apportioned by the wholesale gasoline suppliers.

Taxes are a relatively small portion of the price

Regular Gasoline (May 2015)
Retail Price: \$2.72/gallon

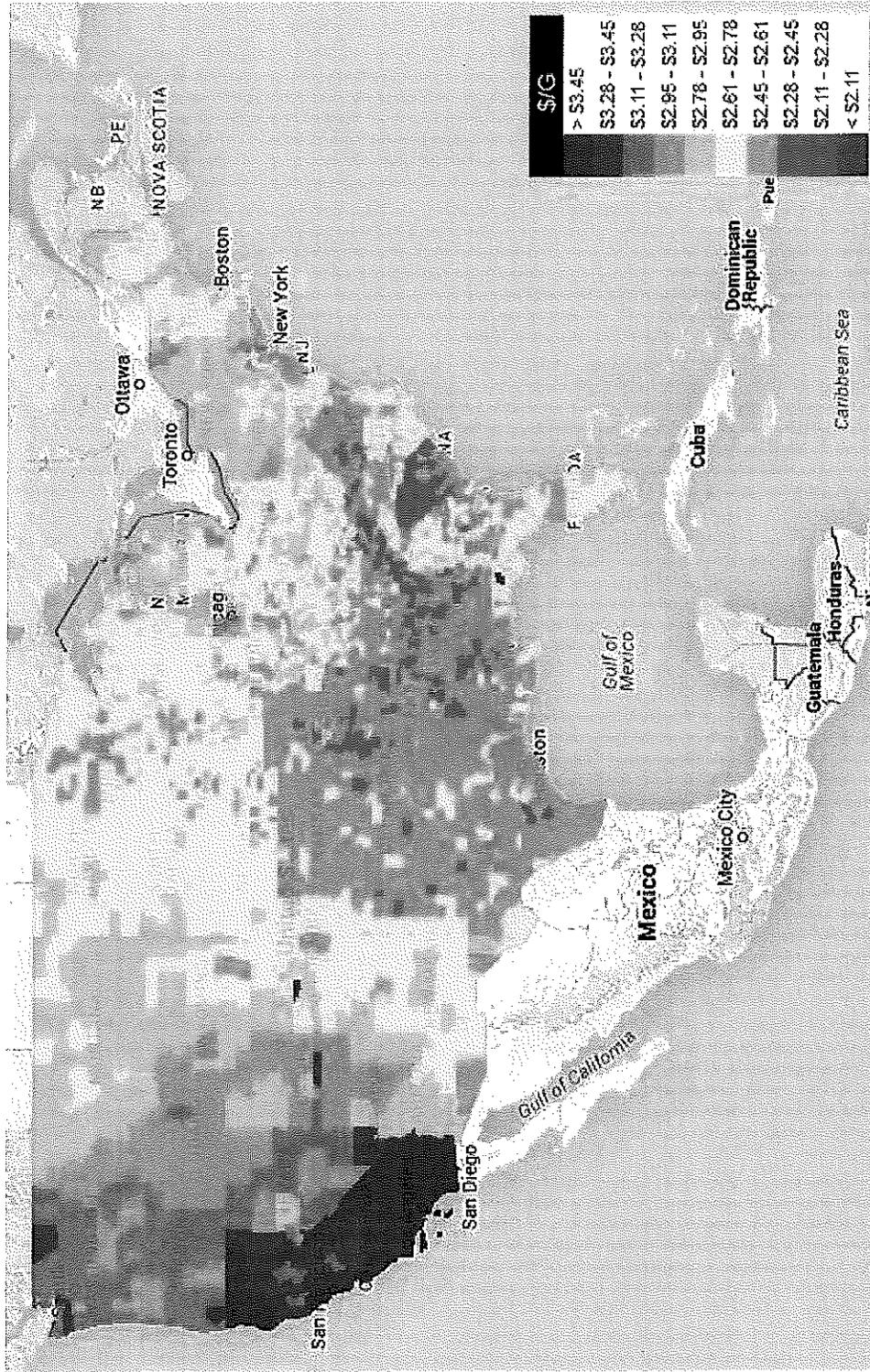


U.S. Energy Information Administration



City of Troutdale

USA National Gas Price Heat Map

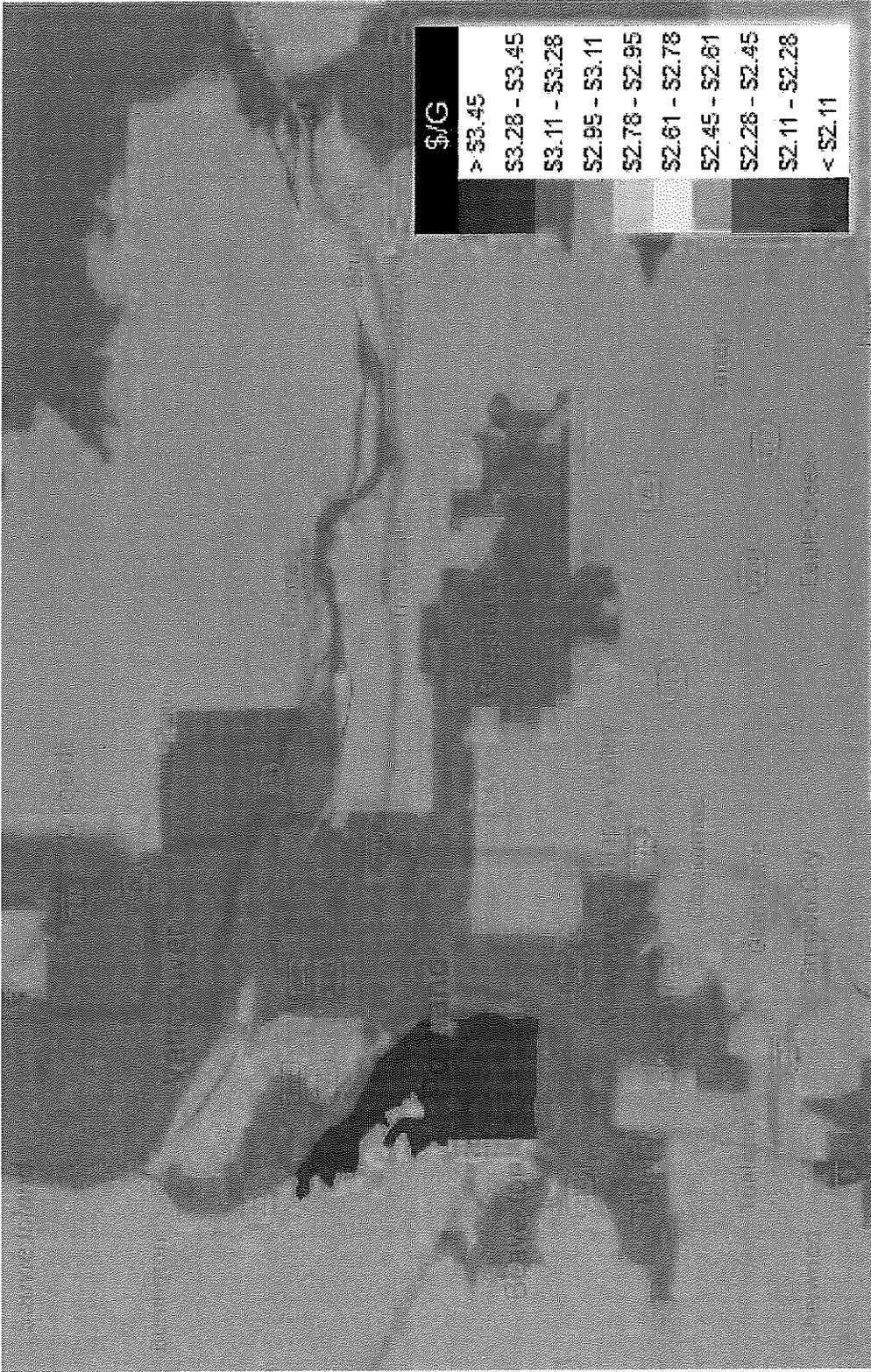


GasBuddy.com

City of Troutdale



Local Area Gas Price Heat Map



 GasBuddy.com

 City of Troutdale

Gasoline Pricing – It's Complicated!

Troutdale Gas Stations*

Station	Regular	Price Difference	Regular to Premium Difference
1	\$3.05	0	+30¢
2	\$3.05	0	+30¢
3	\$3.07	+2¢	+20¢
4	\$3.07	+2¢	+20¢
5	\$3.09	+4¢	+48¢
6	\$3.13	+8¢	+33¢
7	\$3.19	+14¢	+28¢

Lowest price in Metro area \$2.92/gal

*July 13, 2015

http://www.motortrend.com/gas_prices/33/oregon/multnomah/troutdale/#ixzz3e70PZ1fw



City of Troutdale

Gasoline Pricing – Comparisons

Regular (per gallon)*

City	Low	High	Tax
Eugene	\$2.89	\$3.29	5¢/gal
Cottage Grove	\$3.07	\$3.29	3¢/gal
Sandy	\$3.03	\$3.25	No local tax
Clackamas	\$2.95	\$3.79	No local tax
Hood River	\$2.97	\$3.29	3¢/gal
The Dalles	\$3.04	\$3.29	3¢/gal
Vancouver	\$2.95	\$3.29	+7.5¢ state tax
Camas	\$2.99	\$3.29	+7.5¢ state tax

*July 14, 2015



City of Troutdale

Recommendations: Rate and Timing

- ✓ Develop proposed language for a Troutdale local option gas tax of 5¢ per gallon.
- ✓ Place measure on the **November 2015** Special Election ballot.

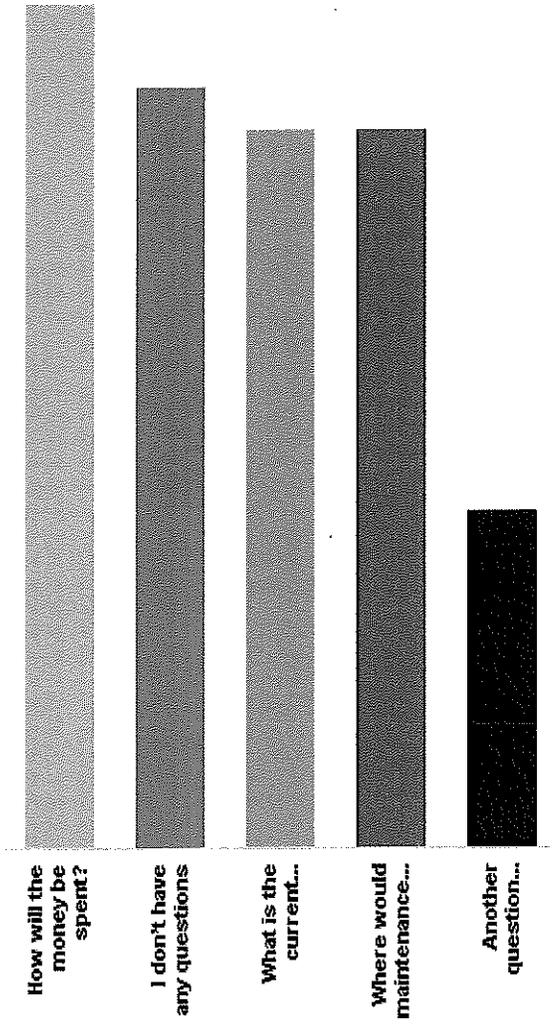
2016 “Year of the Ballot Initiative”



Recommendation: Public Education

- ✓ Continue robust public education program until Election Day.

Q5 What questions do you have about a local gas tax for Troutdale?



City of Troutdale Community Survey: June 2015



Recommendation: Public Accountability

Oregon Constitution, Article IX, Section 3a

Taxes on motor vehicle fuel must “be used exclusively for the construction, reconstruction, improvement, repair, maintenance, operation and use of public highways, roads, streets and roadside rest areas in this state.”

- ✓ Develop a public reporting system to track gas tax revenues and program expenditures, to ensure accountability.



Election Notice

Ballot Title

- Caption (10 words)
- Question (20 words)
- Summary (175 words)

Resolution

Staff Report





Council Deliberations

Troutdale - Mid 1920s

— Oregon Historical Society



Next Steps

- ✓ July – November Continue Public Education
- ✓ July Draft Ballot Title
- ✓ July 14 City Council Approval
- August 10 Filing Deadline
- August 17 Deadline: Voters Pamphlet
- November 3 Election Day





CITY OF TROUTDALE



STAFF REPORT

SUBJECT / ISSUE: Three resolutions accepting three perpetual, nonexclusive utility easements along NW Graham Road from the Port of Portland, MYR Real Estate Holdings LLC, and Couch Street LLC

MEETING TYPE:
City Council Regular Mtg.

MEETING DATE: August 25, 2015

STAFF MEMBER: Travis Hultin, Chief Engineer

DEPARTMENT: Public Works

ACTION REQUIRED
Consent Agenda/Resolution

ADVISORY COMMITTEE/COMMISSION RECOMMENDATION:
Not Applicable

PUBLIC HEARING
No

Comments:

STAFF RECOMMENDATION: Adopt all three resolutions; accept all three easements

EXHIBITS: None; Easement documents attached to proposed resolutions, respectively

Subject / Issue Relates To:

Council Goals

Legislative

Other (describe)
Street improvement project

Issue / Council Decision & Discussion Points:

- ◆ These easements are needed to facilitate the construction of the NW Graham Road improvements
- ◆ The Port of Portland is executing the road construction in partnership with the City
- ◆ The City is and will ultimately be the owner/operator of Graham Road, including the completed roadway improvements
- ◆ The Port of Portland has coordinated these easement acquisitions on behalf of the City, and the Port of Portland is compensating property owners for these easements where indicated
- ◆ The property owners have agreed to the easement terms and have executed the easement agreements

Reviewed and Approved by City Manager:

BACKGROUND:

The Port of Portland, in collaboration with Troutdale and other State and regional partners, is on the cusp of commencing construction of a major transportation improvement project in Troutdale, specifically improving NW Graham Road to commercial/industrial standards, appurtenant to the regionally significant Troutdale Reynolds Industrial Park subdivision and brownfield redevelopment project. The planned road improvements necessitate the construction of slopes along the roadway and space for improved utility systems along the road, some of which will require easements from the abutting properties. These easements primarily provide space for slopes needed to support the roadway improvements and for improved utility system that will run along the roadway.

The City is and will ultimately be the owner/operator of Graham Road, including the pending improvements. Therefore, the needed permanent easements must be granted to the City.

The Port of Portland completed all of the required surveying and document preparation for these easements with guidance, review and oversight by City staff. The Port also negotiated with the subject property owners and is providing compensation to those property owners where compensation was indicated. Two of the property owners are private parties. The third is the Port of Portland. The Port is receiving no monetary compensation for the easement they are granting to the City.

The subject property owners have agreed to the easement terms (and compensation where applicable) and executed the easement agreements.

There are three resolutions associated with this Staff Report; each very similar, but each requiring a separate resolution to accept.

PROS & CONS:

Pros:

- Provides easements necessary to complete and maintain the NW Graham Road street improvements and associated utility systems.

Cons

- None

Current Year Budget Impacts	<input type="checkbox"/> Yes (describe)	<input checked="" type="checkbox"/> N/A
Future Fiscal Impacts:	<input type="checkbox"/> Yes (describe)	<input checked="" type="checkbox"/> N/A
City Attorney Approved	N/A	<input type="checkbox"/> Yes
Community Involvement Process:	<input type="checkbox"/> Yes (describe)	<input checked="" type="checkbox"/> N/A

RESOLUTION NO.

A RESOLUTION ACCEPTING A PERPETUAL, NONEXCLUSIVE UTILITY EASEMENT ALONG NW GRAHAM ROAD FROM THE PORT OF PORTLAND

THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:

1. The Port of Portland is constructing improvements to NW Graham Road in partnership with the City of Troutdale
2. The Port of Portland is the owner of the real property identified by State ID #'s 1N3E24C-00500, 1N3E24C-00900, 1N3E25B-01300, 1N3E24-00401, 1N3E24C-01500, and 1N3E24C-01300
3. A utility easement from the Port of Portland to the City of Troutdale on the above referenced properties is necessary to complete and maintain the improvements
4. The Port has prepared and executed the necessary easement documents
5. The Port is not requesting or receiving monetary compensation from the City for the grant of this easement

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

Section 1. The City of Troutdale accepts the Utility Easement from the Port of Portland, included herewith as Attachment A.

Section 2. This resolution is effective upon adoption

YEAS:

NAYS:

ABSTAINED:

Doug Daoust, Mayor

Date _____

Debbie Stickney, City Recorder

Adopted:

After recording, return to:

City Recorder
City of Troutdale
104 SE Kibling Avenue
Troutdale, OR 97060

2015-133

UTILITY EASEMENT AGREEMENT

This Public Utility Easement Agreement ("AGREEMENT") is entered into by the PORT OF PORTLAND, a Port District of the State of Oregon, ("GRANTOR"), and the CITY OF TROUTDALE, an Oregon municipal corporation ("GRANTEE"), as of the date the GRANTOR signs the Certificate of Grantor.

RECITALS

A. GRANTOR owns the property described in this Agreement under paragraph 10 (the "Easement Area"). GRANTOR also owns other real property adjacent to and in the vicinity of the Easement Area.

B. GRANTEE is a municipal corporation in the State of Oregon which owns and operates public utilities.

C. On behalf of the GRANTEE, the Port of Portland will construct roadway, utilities, and related improvements, including slope, drainage, and water conveyance systems on Northwest Graham Road, and in so doing, will access and use the Easement Area.

D. The purpose of this Agreement is for GRANTOR to grant a road slope easement to GRANTEE for GRANTEE's access to and use of the Easement Area.

EASEMENT GRANTED

1. **Grant.** For consideration other than money, the receipt and sufficiency of which is acknowledged and accepted by the parties, GRANTOR hereby grants to GRANTEE, and GRANTEE hereby accepts from GRANTOR, a perpetual nonexclusive easement to construct, install, operate, maintain, repair, replace, and/or modify components of public utility systems including, but not solely limited to, water, sanitary sewer, transportation, and storm water systems at the location described on attached Exhibit "A" and shown and described on attached Exhibit "B".

2. **Limitations.** GRANTOR shall not construct, install, nor place any structure, pavement, or vegetation within the Easement Area except for shallow-root grasses and low-growing shrubs (but not trees), fences as permitted by applicable City regulations, and sidewalks or driveways. Any damages to GRANTEE's utilities caused by GRANTOR's construction, installation, or placement of shallow-root grasses, low-growing shrubs, fences, sidewalks, driveways, or any unauthorized structures, pavement or vegetation, within the Easement Area shall be repaired or replaced by GRANTOR, or by the GRANTEE at the GRANTOR's expense, as determined by the GRANTEE.

3. **Use and Access.** GRANTOR shall allow GRANTEE unrestricted access to the Easement Area at all times to properly construct, install, operate, maintain, repair, replace, and/or modify its utilities. Any loss, damage, or destruction caused by GRANTEE to GRANTOR's property in accessing the Easement Area or in performing the aforementioned actions, whether or not such loss, damage or destruction was to GRANTOR's shallow-root grasses, low-growing shrubs, fences, sidewalks or driveways that are allowed in accordance with paragraph 2, shall be the responsibility of GRANTOR.

4. **Binding Effect, Run with the Land.** This Agreement shall run with the land as to all real property burdened and benefited, and shall inure to the benefit of GRANTOR, GRANTEE and their respective successors and assigns.

5. **Attorney Fees.** In the event legal action is commenced in connection with this Agreement, the prevailing party in such action shall be entitled to recover its reasonable attorney fees and costs incurred in the trial court and any appeal therefrom. The term "action" shall be deemed to include action commenced in the Bankruptcy Court of the United States and any other court of general or limited jurisdiction. The reference to "costs" includes, but is not limited to, deposition costs (discovery and otherwise), witness fees (expert and otherwise), out-of-pocket costs, title search and report expenses, survey costs, surety bonds and any other reasonable expenses.

6. **Severability.** If any portion of this Agreement shall be invalid or unenforceable to any extent, the validity of the remaining provisions shall not be affected thereby.

7. **Integration.** This Agreement constitutes the entire, final and complete agreement of the parties pertaining to this utility easement, and supersedes and replaces all other written and oral agreements heretofore made or existing by and between the parties or their representatives insofar as the Easement Area is concerned. Neither party shall be bound by any promises, representations or agreements except as are expressly set forth herein.

8. **Governing Law.** This Agreement shall be construed in accordance with and governed by the laws of the state of Oregon. The parties agree to venue in Multnomah County, state of Oregon.

9. **Nonwaiver.** Failure by either party at any time to require performance by the other party of any of the provisions in this Agreement shall in no way affect the party's rights under the Agreement to enforce the provisions in this Agreement, nor shall any waiver by a party of the breach of the provisions in this Agreement be held to be a waiver of any succeeding breach or a waiver of this nonwaiver clause.

CERTIFICATE OF GRANTOR

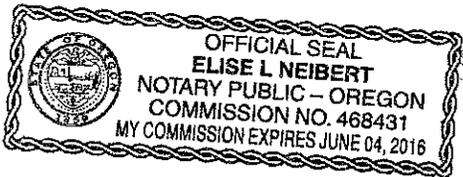
I, Bill Wyatt, the authorized representative of the owner of the property described above, hereby certify that the foregoing easement is granted to the City of Troutdale.

Dated this 24 day of June, 2015.

W
PORT OF PORTLAND
by: [Signature] ON BEHALF OF?
Print Name: BILL WYATT
Title: EXECUTIVE DIRECTOR

STATE OF OREGON)
) ss.
COUNTY OF MULTNOMAH)

This instrument was acknowledged before me on June 24, 2015, by Curtis as Deputy Exec. Dir. of the Port of Portland. Robinhold



[Signature]
Notary Public for Oregon
My commission expires: June 4, 2016

CERTIFICATE OF GRANTEE

I, _____ Recorder of the City of Troutdale, hereby certify that the foregoing easement was accepted by the City Council of the City of Troutdale on the ____ day of _____, 2015 by Resolution No. _____.

Dated this _____ day of _____, 2015.

City Recorder

APPROVED AS TO FORM:

By: _____
City Attorney

STATE OF OREGON)
) ss.
COUNT OF MULTNOMAH)

Personally appeared the above named City Recorder and acknowledged the foregoing instrument to be the voluntary act and deed of the CITY OF TROUTDALE.

Notary Public for Oregon
My commission expires: _____, 2015

EXHIBIT A

PARCEL 1 SLOPE EASEMENT

A TRACT OF LAND SITUATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 24 AND THE NORTHWEST ONE-QUARTER OF SECTION 25, TOWNSHIP 1 NORTH, RANGE 3 EAST, WILLAMETTE MERIDIAN, CITY OF TROUTDALE, MULTNOMAH COUNTY, OREGON LYING WITHIN THE TROUTDALE AIRPORT, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT A 4-1/4 INCH DIAMETER BRASS DISK IN CONCRETE AT THE NORTHWEST CORNER OF SAID SECTION 25; THENCE, ALONG A LINE BETWEEN SAID NORTHWEST CORNER OF SECTION 25 AND THE NORTHEAST CORNER OF THE D.F. BUXTON DLC No. 59, NORTH 89°44'45" EAST, 584.15 FEET TO A POINT OF NON-TANGENCY ON THE NORTHWESTERLY RIGHT OF WAY LINE OF NW GRAHAM ROAD AND THE TRUE POINT OF BEGINNING; THENCE, ALONG SAID RIGHT OF WAY LINE AND RUNNING 89.44 FEET ALONG THE ARC OF A 285.44-FOOT NON-TANGENT RADIUS CURVE TO THE LEFT, CONCAVE TO THE SOUTHEAST, THROUGH A CENTRAL ANGLE OF 17°57'12" (THE LONG CHORD BEARS SOUTH 23°49'24" WEST, 89.08 FEET) TO A POINT OF TANGENCY; THENCE, CONTINUING ALONG SAID RIGHT OF WAY LINE, SOUTH 14°50'48" WEST, 112.86 FEET; THENCE, DEPARTING SAID RIGHT OF WAY LINE, NORTH 75°09'12" WEST, 5.00 FEET; THENCE NORTH 14°50'48" EAST, 112.86 FEET TO A POINT OF CURVATURE; THENCE 112.68 FEET ALONG THE ARC OF A 290.44-FOOT RADIUS CURVE TO THE RIGHT, CONCAVE TO THE SOUTHEAST, THROUGH A CENTRAL ANGLE OF 22°13'41" (THE LONG CHORD BEARS NORTH 25°57'39" EAST, 111.97 FEET) TO A POINT OF NON-TANGENCY; THENCE, ALONG A RADIAL LINE, SOUTH 52°55'31" EAST, 5.00 FEET TO THE NORTHWESTERLY RIGHT OF WAY LINE OF NW GRAHAM ROAD AND A POINT OF NON-TANGENCY; THENCE, ALONG SAID NORTHWESTERLY RIGHT OF WAY LINE AND RUNNING 21.30 FEET ALONG THE ARC OF A 285.44-FOOT RADIUS CURVE TO THE LEFT, CONCAVE TO THE SOUTHEAST, THROUGH A CENTRAL ANGLE OF 04°16'29" (THE LONG CHORD BEARS SOUTH 34°56'15" WEST, 21.29 FEET) TO THE TRUE POINT OF BEGINNING, CONTAINING 459 SQUARE FEET MORE OR LESS.

THE BEARINGS IN THIS DESCRIPTION ARE BASED UPON PARTITION PLAT No. 2012-46, MULTNOMAH COUNTY PLAT RECORDS.

PARCEL 2 SLOPE EASEMENT

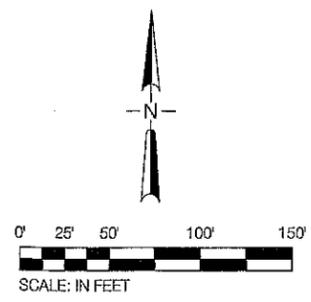
A TRACT OF LAND SITUATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 24, TOWNSHIP 1 NORTH, RANGE 3 EAST, WILLAMETTE MERIDIAN, CITY OF TROUTDALE, MULTNOMAH COUNTY, OREGON, LYING WITHIN THOSE TRACTS OF LAND OWNED BY THE PORT OF PORTLAND, RECORDED OCTOBER 23, 1963 IN DEED BOOK 2192, PAGE 268 AND RECORDED AUGUST 11, 1982 IN DEED BOOK 1611, PAGE 893, MULTNOMAH COUNTY DEED RECORDS AND TRACT "A", "TROUTDALE REYNOLDS INDUSTRIAL PARK", RECORDED MAY 3, 2011 IN BOOK 1302, PAGES 46-58, MULTNOMAH COUNTY PLAT RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

PUBLIC UTILITY EASEMENT

BEGINNING AT THE SOUTHWEST CORNER OF PARCEL 1, PARTITION PLAT No. 1990-23, MULTNOMAH COUNTY PLAT RECORDS; THENCE, ALONG THE SOUTH LINE OF SAID PARCEL 1, NORTH 89°45'52" EAST, 4.00 FEET; THENCE, DEPARTING SAID SOUTH LINE, SOUTH 24°12'11" EAST, 7.60 FEET; THENCE SOUTH 05°24'36" WEST, 40.10 FEET; THENCE SOUTH 12°49'21" WEST, 83.16 FEET; THENCE SOUTH 01°00'02" WEST, 60.16 FEET; THENCE NORTH 79°40'32" WEST, 14.90 FEET TO THE EAST RIGHT OF WAY LINE OF NW GRAHAM ROAD; THENCE, ALONG SAID EAST RIGHT OF WAY LINE, NORTH 10°19'28" EAST, 96.10 FEET TO A POINT OF CURVATURE; THENCE 141.37 FEET ALONG THE ARC OF A 830.00-FOOT RADIUS CURVE TO THE LEFT, CONCAVE TO THE WEST, THROUGH A CENTRAL ANGLE OF 09°45'31" (THE LONG CHORD BEARS NORTH 05°26'42" EAST, 141.20 FEET) TO A POINT OF CUSP ON THE WEST LINE OF SAID PARCEL 1, PARTITION PLAT No. 1990-23; THENCE, ALONG THE WEST LINE OF SAID PARCEL 1, SOUTH 00°14'08" EAST, 49.70 FEET TO THE TRUE POINT OF BEGINNING, CONTAINING 1,673 SQUARE FEET MORE OR LESS.

THE BEARINGS IN THIS DESCRIPTION ARE BASED UPON PARTITION PLAT No. 2012-46, MULTNOMAH COUNTY PLAT RECORDS.

GRAPHIC SCALE - FOR REFERENCE ONLY



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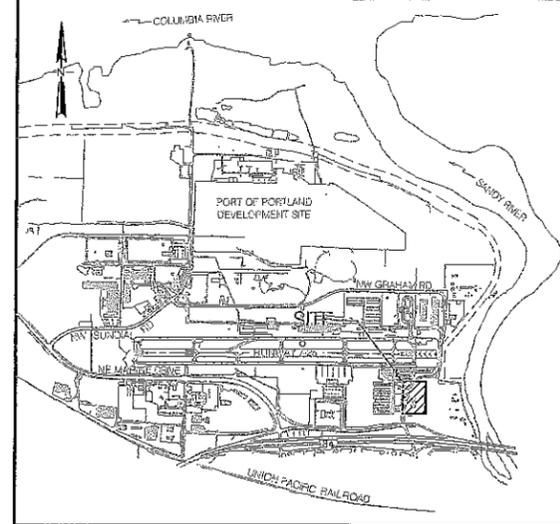
COMMENCING AT A 4-1/4 INCH DIAMETER BRASS DISK IN CONCRETE AT THE NORTHWEST CORNER OF SAID SECTION 25; THENCE, ALONG A LINE BETWEEN SAID NORTHWEST CORNER OF SECTION 25 AND THE NORTHEAST CORNER OF THE D.F. BUXTON D.L.C. No. 59, NORTH 89°44'45" EAST, 584.15 FEET TO A POINT OF NON-TANGENCY ON THE NORTH-WESTERLY RIGHT OF WAY LINE OF NW GRAHAM ROAD AND THE TRUE POINT OF BEGINNING; THENCE, ALONG SAID RIGHT OF WAY LINE AND RUNNING 89.44 FEET ALONG THE ARC OF A 285.44-FOOT NON-TANGENT RADIUS CURVE TO THE LEFT, CONCAVE TO THE SOUTHEAST, THROUGH A CENTRAL ANGLE OF 17°57'12" (THE LONG CHORD BEARS SOUTH 23°49'24" WEST, 89.08 FEET) TO A POINT OF TANGENCY; THENCE, CONTINUING ALONG SAID RIGHT OF WAY LINE, SOUTH 14°50'48" WEST, 112.86 FEET; THENCE, DEPARTING SAID RIGHT OF WAY LINE, NORTH 75°09'12" WEST, 5.00 FEET; THENCE NORTH 14°50'48" EAST, 112.86 FEET TO A POINT OF CURVATURE; THENCE 112.68 FEET ALONG THE ARC OF A 290.44-FOOT RADIUS CURVE TO THE RIGHT, CONCAVE TO THE SOUTHEAST, THROUGH A CENTRAL ANGLE OF 22°13'41" (THE LONG CHORD BEARS NORTH 25°57'39" EAST, 111.97 FEET) TO A POINT OF NON-TANGENCY; THENCE, ALONG A RADIAL LINE, SOUTH 52°55'31" EAST, 5.00 FEET TO THE NORTHWESTERLY RIGHT OF WAY LINE OF NW GRAHAM ROAD AND A POINT OF NON-TANGENCY; THENCE, ALONG SAID NORTHWESTERLY RIGHT OF WAY LINE AND RUNNING 21.30 FEET ALONG THE ARC OF A 285.44-FOOT RADIUS CURVE TO THE LEFT, CONCAVE TO THE SOUTHEAST, THROUGH A CENTRAL ANGLE OF 04°16'29" (THE LONG CHORD BEARS SOUTH 34°56'15" WEST, 21.29 FEET) TO THE TRUE POINT OF BEGINNING, CONTAINING 459 SQUARE FEET MORE OR LESS.

THE BEARINGS IN THIS DESCRIPTION ARE BASED UPON PARTITION PLAT No. 2012-46, MULTNOMAH COUNTY PLAT RECORDS.

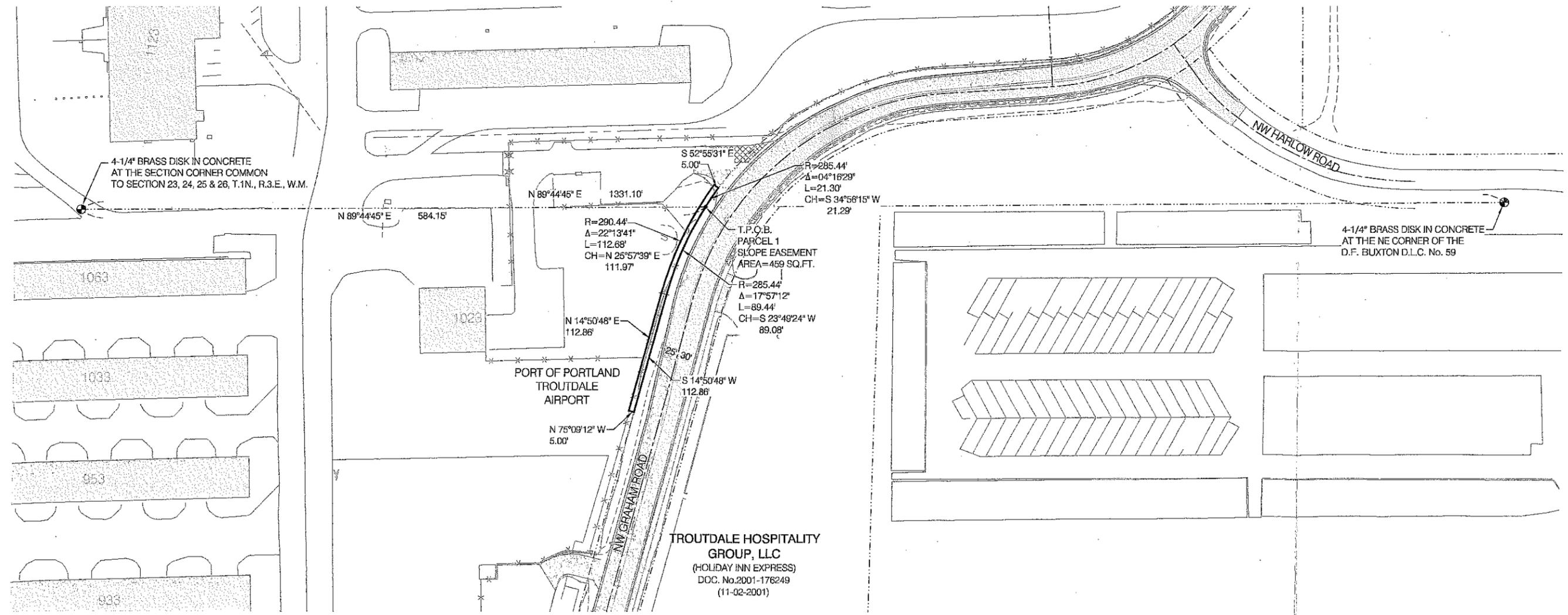
NOTES:

THE PURPOSE OF THIS DRAWING IS TO SHOW THE LIMITS OF THE SLOPE EASEMENT FOR THE NW GRAHAM ROAD IMPROVEMENT PROJECT SLATED FOR CONSTRUCTION IN 2015-2017.

BACKGROUND IS FOR INFORMATIONAL PURPOSES ONLY.



VICINITY MAP
N.T.S.

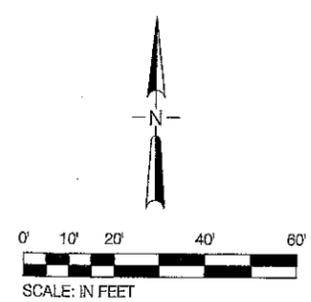


CAN YOU SEE THE AIRPLANES? THE ADJACENT SAMPLES SHOW THREE DIFFERENT LEVELS OF SHADING. SETTINGS FOR VIEWING AND PRINTING CONTENT ARE OPTIMIZED WHEN ALL THREE PLANES ARE VISIBLE. THIS GUIDANCE IS PROVIDED FOR REFERENCE ONLY.

<p>NO. DATE BY REVISIONS</p>				<p>APPROV. CKD NO. DATE BY REVISIONS</p>						<p>PORT OF PORTLAND PORTLAND, OREGON</p>		<p>REGISTERED PROFESSIONAL LAND SURVEYOR OREGON JULY 25, 1986 CHRISTOPHER M. VANDERWEE 2719 SIGNED: 06-09-15 EXP: 6/30/2016</p>		<p>DESIGNED BY: C. VANDERWERF DRAWN BY: P. SHIELDS CHECKED BY: R. ALDERSERBAES DATE: MAR, 2015 SCALE: 1" = 50'</p>		<p>TROUTDALE REYNOLDS INDUSTRIAL PARK PHASE TWO PUBLIC IMPROVEMENTS - GRAHAM ROAD SLOPE EASEMENT TROUTDALE AIRPORT PROPERTY</p>			
<p>PRINTED: 6/9/2015 8:56:57 AM VANDEC r:\survey\plat\2010_ean\1284-trip phase 2 tentative plat\trip ph 2 plat\graham easements.dwg</p>				<p>20130025 DESIGN NUMBER</p>		<p>101844 PROJECT NUMBER</p>		<p>TRIP DEVELOPMENT MANAGER</p>		<p>TYPE: EP DRAWING NO.: TRIP 2015-8</p>		<p>SHEET NO.: 1/2 DISC. SHY. NO.: SU-1</p>							

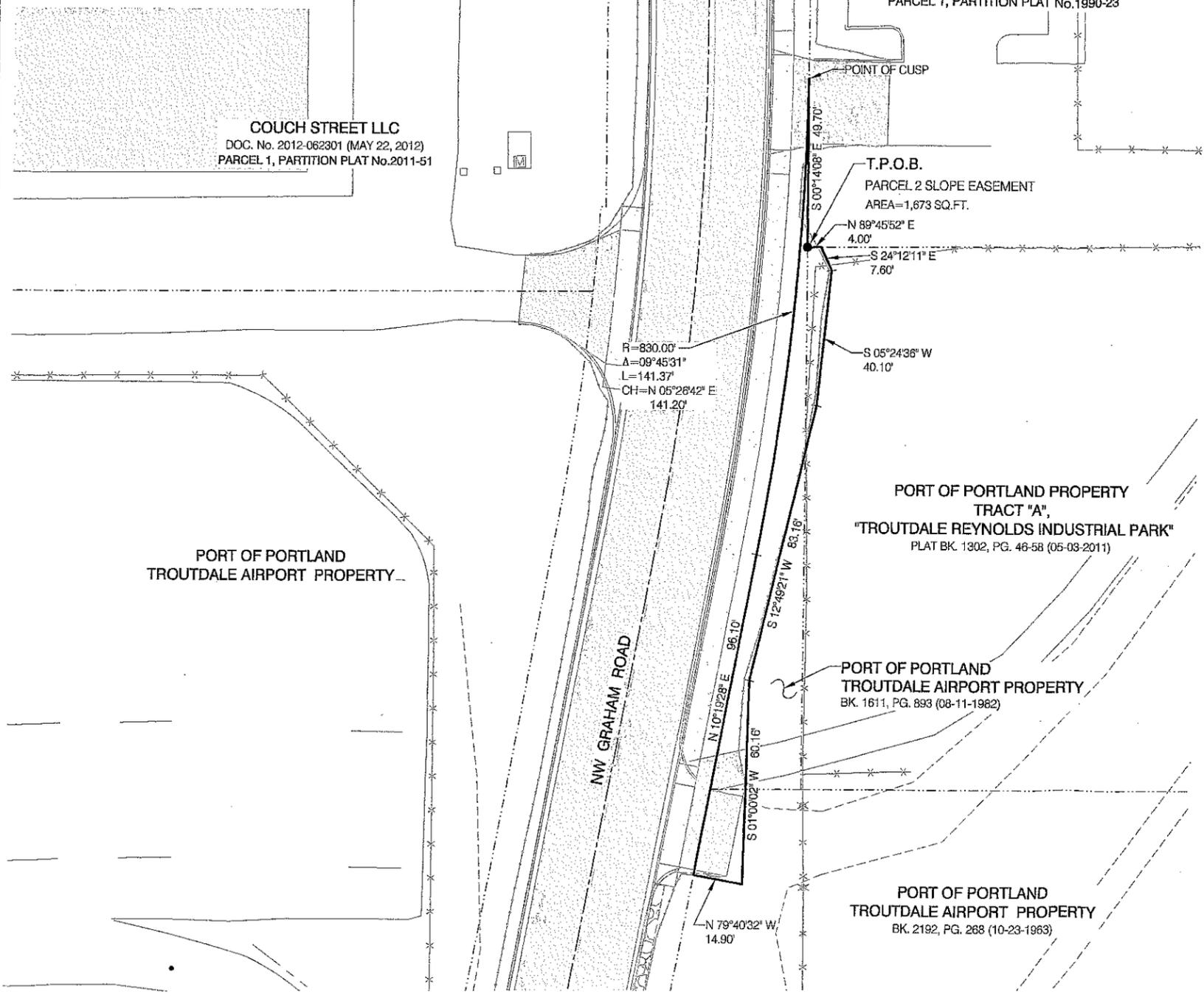
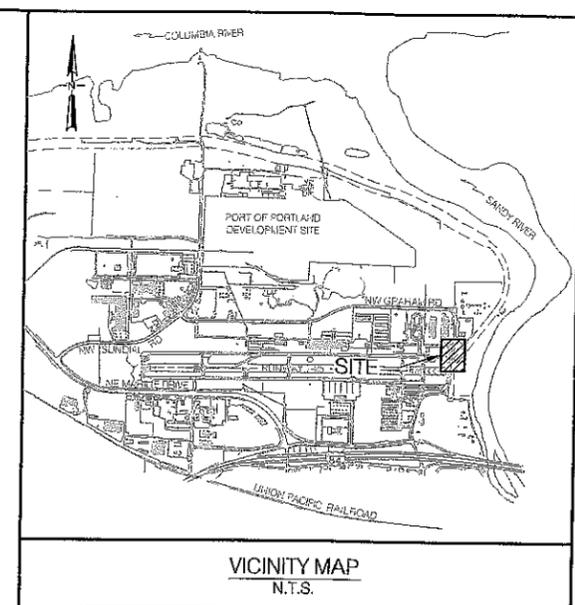
DRAWING SCALE IS REDUCED 50% WHEN SHEET SIZE IS 11" x 17".

CAN YOU SEE THE AIRPLANES? THE ADJACENT SAMPLES SHOW THREE DIFFERENT LEVELS OF SHADING SETTINGS FOR VIEWING AND PRINTING DRAWING CONTENT ARE OPTIMIZED WHEN ALL THREE PLANES ARE VISIBLE. THIS GUIDANCE IS PROVIDED FOR REFERENCE ONLY.



COUCH STREET LLC
 DOC. No. 2012-062301 (MAY 22, 2012)
 PARCEL 1, PARTITION PLAT No.2011-51

MYR REAL ESTATE HOLDINGS, LLC
 DOC. No. 2014-044058 (05-09-2014)
 PARCEL 1, PARTITION PLAT No.1990-23



NOTES:
 THE PURPOSE OF THIS DRAWING IS TO SHOW THE LIMITS OF THE SLOPE EASEMENT FOR THE NW GRAHAM ROAD IMPROVEMENT PROJECT SLATED FOR CONSTRUCTION IN 2015-2017.
 BACKGROUND IS FOR INFORMATIONAL PURPOSES ONLY.

PARCEL 2 SLOPE EASEMENT

A TRACT OF LAND SITUATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 24, TOWNSHIP 1 NORTH, RANGE 3 EAST, WILLAMETTE MERIDIAN, CITY OF TROUTDALE, MULTNOMAH COUNTY, OREGON, LYING WITHIN THOSE TRACTS OF LAND OWNED BY THE PORT OF PORTLAND, RECORDED OCTOBER 23, 1963 IN DEED BOOK 2192, PAGE 288 AND RECORDED AUGUST 11, 1982 IN DEED BOOK 1611, PAGE 893, MULTNOMAH COUNTY DEED RECORDS AND TRACT 'A', TROUTDALE REYNOLDS INDUSTRIAL PARK, RECORDED MAY 3, 2011 IN BOOK 1302, PAGES 46-58, MULTNOMAH COUNTY PLAT RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT THE SOUTHWEST CORNER OF PARCEL 1, PARTITION PLAT No. 1990-23, MULTNOMAH COUNTY PLAT RECORDS; THENCE, ALONG THE SOUTH LINE OF SAID PARCEL 1, NORTH 89°45'52" EAST, 4.00 FEET; THENCE, DEPARTING SAID SOUTH LINE, SOUTH 24°12'11" EAST, 7.60 FEET; THENCE SOUTH 05°24'38" WEST, 40.10 FEET; THENCE SOUTH 12°48'21" WEST, 83.16 FEET; THENCE SOUTH 01°00'02" WEST, 60.16 FEET; THENCE NORTH 79°40'32" WEST, 14.90 FEET TO THE EAST RIGHT OF WAY LINE OF NW GRAHAM ROAD; THENCE, ALONG SAID EAST RIGHT OF WAY LINE, NORTH 10°19'28" EAST, 96.10 FEET TO A POINT OF CURVATURE; THENCE 141.37 FEET ALONG THE ARC OF A 830.00-FOOT RADIUS CURVE TO THE LEFT, CONCAVE TO THE WEST, THROUGH A CENTRAL ANGLE OF 09°45'31" (THE LONG CHORD BEARS NORTH 05°28'42" EAST, 141.20 FEET) TO A POINT OF CUSP ON THE WEST LINE OF SAID PARCEL 1, PARTITION PLAT No. 1990-23; THENCE, ALONG THE WEST LINE OF SAID PARCEL 1, SOUTH 00°14'08" EAST, 49.70 FEET TO THE TRUE POINT OF BEGINNING, CONTAINING 1,673 SQUARE FEET MORE OR LESS.

THE BEARINGS IN THIS DESCRIPTION ARE BASED UPON PARTITION PLAT No. 2012-46, MULTNOMAH COUNTY PLAT RECORDS.

NO.	DATE	BY	REVISIONS	APPVD	CKD	NO.	DATE	BY	REVISIONS	APPVD	CKD

PORT OF PORTLAND
PORTLAND, OREGON

20130226
DESIGN NUMBER

101844
PROJECT NUMBER

REGISTERED PROFESSIONAL LAND SURVEYOR

DESIGNED BY C. VANDERWERF

DRAWN BY P. SHIELDS

CHECKED BY R. ALDERSEBAES

DATE MAR. 2015

SIGNED: Christopher M. Vanderwerf
 JULY 25, 1985
 CHRISTOPHER M. VANDERWERF
 2719

SCALE 1" = 20'

TROUTDALE REYNOLDS INDUSTRIAL PARK

PHASE TWO PUBLIC IMPROVEMENTS - GRAHAM ROAD SLOPE EASEMENT

TROUTDALE AIRPORT PROPERTY

SUBMITTED BY RYAN PARKER
TRIP DEVELOPMENT MANAGER

TYPE EP

DRAWING NO. TRIP 2015-8

SHEET NO. 2/2

DISC. SHT. NO. SU-2

RESOLUTION NO.

A RESOLUTION ACCEPTING A PERPETUAL, NONEXCLUSIVE UTILITY EASEMENT ALONG NW GRAHAM ROAD FROM MYR REAL ESTATE HOLDINGS LLC

THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:

1. The Port of Portland is constructing improvements to NW Graham Road in partnership with the City of Troutdale
2. MYR Real Estate Holdings LLC is the owner of the real property identified by State ID # 1N3E24C-01601
3. A utility easement from MYR Real Estate Holdings LLC to the City of Troutdale on the above referenced property is necessary to complete and maintain the improvements
4. The Port has prepared the necessary easement documents and MYR Real Estate Holdings LLC has executed the easement agreement
5. The Port is providing compensation to the property owner in accordance with the easement agreement

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

Section 1. The City of Troutdale accepts the Utility Easement from MYR Real Estate Holdings, LLC, included herewith as Attachment A.

Section 2. This resolution is effective upon adoption

YEAS:
NAYS:
ABSTAINED:

Doug Daoust, Mayor

Date _____

Debbie Stickney, City Recorder
Adopted:

After recording, return to:

City Recorder
City of Troutdale
104 SE Kibling Avenue
Troutdale, OR 97060

UTILITY EASEMENT AGREEMENT

This Public Utility Easement Agreement ("AGREEMENT") is entered into by MYR REAL ESTATE HOLDINGS, LLC, a limited liability company authorized to do business in Oregon ("GRANTOR"), and the CITY OF TROUTDALE, an Oregon municipal corporation ("GRANTEE"), as of the date the GRANTOR signs the Certificate of Grantor.

RECITALS

A. GRANTOR owns the property described in this Agreement under paragraph 10 (the "Easement Area"). GRANTOR also owns other real property adjacent to and in the vicinity of the Easement Area.

B. GRANTEE is a municipal corporation in the State of Oregon which owns and operates public utilities.

C. On behalf of the GRANTEE, the Port of Portland, a Port District of the State of Oregon ("Port"), will construct roadway and related improvements, including slope and drainage upgrades, on Northwest Graham Road, and in so doing, will access and use the Easement Area.

D. The purpose of this Agreement is to grant a road slope easement to GRANTEE for access and use of the Easement Area.

EASEMENT GRANTED

1. **Grant.** For TEN THOUSAND THREE HUNDRED SEVENTY DOLLARS (\$10,370.00), paid to the GRANTOR by the Port, the full consideration that GRANTOR acknowledged and received, GRANTOR hereby grants to GRANTEE, and GRANTEE hereby accepts from GRANTOR, a perpetual nonexclusive easement for the Easement Area so that GRANTEE may construct, install, operate, maintain, repair, replace, and/or modify components of public utility systems including, but not solely limited to, water, sanitary sewer, transportation, and storm water systems.

2. **Limitations.** GRANTOR shall not construct, install, nor place any structure, pavement, or vegetation within the Easement Area except for shallow-root grasses and low-growing shrubs (but not trees), fences as permitted by applicable City regulations, and sidewalks or driveways. Any damages to GRANTEE's utilities caused by GRANTOR's construction, installation, or placement of shallow-root grasses, low-growing shrubs, fences, sidewalks, driveways, or any unauthorized structures, pavement or vegetation, within the Easement Area shall be repaired or replaced by GRANTOR, or by the GRANTEE at the GRANTOR's expense, as determined by the GRANTEE.

3. **Use and Access.** GRANTOR shall allow GRANTEE unrestricted access to the Easement Area at all times to properly construct, install, operate, maintain, repair, replace, and/or modify its utilities. Any loss, damage, or destruction caused by GRANTEE to GRANTOR's property in accessing the Easement Area or in performing the aforementioned actions, whether

or not such loss, damage or destruction was to GRANTOR's shallow-root grasses, low-growing shrubs, fences, sidewalks or driveways that are allowed in accordance with paragraph 2, shall be the responsibility of GRANTOR.

4. **Binding Effect, Run with the Land.** This Agreement shall run with the land as to all real property burdened and benefited, and shall inure to the benefit of GRANTOR, GRANTEE and their respective successors and assigns.

5. **Attorney Fees.** In the event legal action is commenced in connection with this Agreement, the prevailing party in such action shall be entitled to recover its reasonable attorney fees and costs incurred in the trial court and any appeal therefrom. The term "action" shall be deemed to include action commenced in the Bankruptcy Court of the United States and any other court of general or limited jurisdiction. The reference to "costs" includes, but is not limited to, deposition costs (discovery and otherwise), witness fees (expert and otherwise), out-of-pocket costs, title search and report expenses, survey costs, surety bonds and any other reasonable expenses.

6. **Severability.** If any portion of this Agreement shall be invalid or unenforceable to any extent, the validity of the remaining provisions shall not be affected thereby.

7. **Integration.** This Agreement constitutes the entire, final and complete agreement of the parties pertaining to this utility easement, and supersedes and replaces all other written and oral agreements heretofore made or existing by and between the parties or their representatives insofar as the Easement Area is concerned. Neither party shall be bound by any promises, representations or agreements except as are expressly set forth herein.

8. **Governing Law.** This Agreement shall be construed in accordance with and governed by the laws of the state of Oregon. The parties agree to venue in Multnomah County, state of Oregon.

9. **Nonwaiver.** Failure by either party at any time to require performance by the other party of any of the provisions in this Agreement shall in no way affect the party's rights under the Agreement to enforce the provisions in this Agreement, nor shall any waiver by a party of the breach of the provisions in this Agreement be held to be a waiver of any succeeding breach or a waiver of this nonwaiver clause.

10. **Easement Area.** The Easement Area is more particularly described on Exhibit "A" and shown and legally described on Exhibit "B", attached hereto.

CERTIFICATE OF GRANTOR

I, Mindie McIFF, owner or the authorized representative of the owner of the property described above, hereby certify that the foregoing easement is granted to the City of Troutdale.

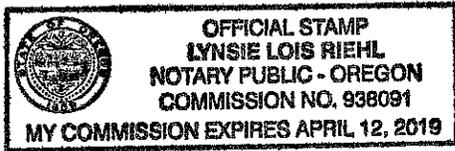
Dated this 8th day of JULY, 2015.

MYR REAL ESTATE HOLDINGS, LLC, an Oregon limited liability company

By: Mindie McIFF
Print Name: Mindie McIFF
Member

STATE OF OREGON)
) ss.
COUNTY OF MULTNOMAH)

This instrument was acknowledged before me on July 8, 2015, by Mindie McIFF as authorized representative of MYR Real Estate Holdings, LLC.



Lynsie Riehl
Notary Public for Oregon
My commission expires: April 12, 2019.

CERTIFICATE OF GRANTEE

I, _____ Recorder of the City of Troutdale, hereby certify that the foregoing easement was accepted by the City Council of the City of Troutdale on the ____ day of _____, _____ by Resolution No. _____.

Dated this _____ day of _____, _____.

City Recorder

APPROVED AS TO FORM:

By: _____
City Attorney

STATE OF OREGON)
) ss.
COUNTY OF MULTNOMAH)

Personally appeared the above named City Recorder and acknowledged the foregoing instrument to be the voluntary act and deed of the CITY OF TROUTDALE.

BEFORE ME: _____
Notary Public for Oregon
Commission Expires: _____

EXHIBIT A

PARCEL 1 SLOPE EASEMENT

A TRACT OF LAND SITUATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 24, TOWNSHIP 1 NORTH, RANGE 3 EAST, WILLAMETTE MERIDIAN, CITY OF TROUTDALE, MULTNOMAH COUNTY, OREGON LYING WITHIN PARCEL 1, PARTITION PLAT No. 1990-23, MULTNOMAH COUNTY PLAT RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE NORTHWEST CORNER OF SAID PARCEL 1 ON THE EAST RIGHT OF WAY LINE OF NW GRAHAM ROAD; THENCE, ALONG SAID EAST RIGHT OF WAY LINE, SOUTH 00°14'08" EAST, 96.36 FEET TO THE TRUE POINT OF BEGINNING; THENCE, DEPARTING SAID EAST RIGHT OF WAY LINE, NORTH 89°45'52" EAST, 5.00 FEET; THENCE SOUTH 00°14'08" EAST, 364.14 FEET; THENCE NORTH 77°34'59" WEST, 5.12 FEET TO SAID EAST RIGHT OF WAY LINE; THENCE, ALONG SAID EAST RIGHT OF WAY LINE, NORTH 00°14'08" WEST, 363.01 FEET TO THE TRUE POINT OF BEGINNING, CONTAINING 1,818 SQUARE FEET MORE OR LESS.

THE BEARINGS IN THIS DESCRIPTION ARE BASED UPON PARTITION PLAT No. 2012-46, MULTNOMAH COUNTY PLAT RECORDS.

PARCEL 2 SLOPE EASEMENT

A TRACT OF LAND SITUATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 24, TOWNSHIP 1 NORTH, RANGE 3 EAST, WILLAMETTE MERIDIAN, CITY OF TROUTDALE, MULTNOMAH COUNTY, OREGON LYING WITHIN PARCEL 1, PARTITION PLAT No. 1990-23, MULTNOMAH COUNTY PLAT RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT THE SOUTHWEST CORNER OF SAID PARCEL 1; THENCE, ALONG THE WEST LINE OF SAID PARCEL 1, NORTH 00°14'08" WEST, 25.83 FEET; THENCE, DEPARTING SAID WEST LINE, SOUTH 09°02'14" EAST, 26.14 FEET TO THE SOUTH LINE OF SAID PARCEL 1; THENCE, ALONG THE SOUTH LINE OF SAID PARCEL 1, SOUTH 89°45'52" WEST, 4.00 FEET TO THE TRUE POINT OF BEGINNING, CONTAINING 52 SQUARE FEET MORE OR LESS.

THE BEARINGS IN THIS DESCRIPTION ARE BASED UPON PARTITION PLAT No. 2012-46, MULTNOMAH COUNTY PLAT RECORDS

RESOLUTION NO.

A RESOLUTION ACCEPTING A PERPETUAL, NONEXCLUSIVE UTILITY EASEMENT ALONG NW GRAHAM ROAD FROM COUCH STREET LLC

THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:

1. The Port of Portland is constructing improvements to NW Graham Road in partnership with the City of Troutdale
2. Couch Street LLC is the owner of the real property identified by State ID # 1N3E24C-00102
3. A utility easement from Couch Street LLC to the City of Troutdale on the above referenced property is necessary to complete and maintain the improvements
4. The Port has prepared the necessary easement documents and Couch Street LLC has executed the easement agreement
5. The Port is providing compensation to the property owner in accordance with the easement agreement

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

Section 1. The City of Troutdale accepts the Utility Easement from Couch Street LLC, included herewith as Attachment A.

Section 2. This resolution is effective upon adoption

YEAS:
NAYS:
ABSTAINED:

Doug Daoust, Mayor

Date _____

Debbie Stickney, City Recorder
Adopted:

After recording, return to:
City Recorder
City of Troutdale
104 SE Kibling Avenue
Troutdale, OR 97060

UTILITY EASEMENT AGREEMENT

This Public Utility Easement Agreement ("AGREEMENT") is entered into by COUCH STREET LLC, a limited liability company authorized to do business in Oregon ("GRANTOR"), and the CITY OF TROUTDALE, an Oregon municipal corporation ("GRANTEE"), as of the date the GRANTOR signs the Certificate of Grantor.

RECITALS

A. GRANTOR owns the property described in this Agreement under paragraph 10 (the "Easement Area"). GRANTOR also owns other real property adjacent to and in the vicinity of the Easement Area.

B. GRANTEE is a municipal corporation in the State of Oregon which owns and operates public utilities.

C. On behalf of the GRANTEE, the Port of Portland, a Port District of the State of Oregon ("Port"), will construct roadway, utilities, and related improvements, including slope, drainage, and water conveyance systems on Northwest Graham Road, and in so doing, will access and use the Easement Area.

D. The purpose of this Agreement is to grant a utility and road slope easement to GRANTEE for access and use of the Easement Area.

EASEMENT GRANTED

1. **Grant.** For FIVE THOUSAND FIVE HUNDRED FIFTY SIX DOLLARS (\$5,556.00), paid to the GRANTOR by the Port, the full consideration that GRANTOR acknowledged and received, GRANTOR hereby grants to GRANTEE, and GRANTEE hereby accepts from GRANTOR, a perpetual nonexclusive easement for the Easement Area so that GRANTEE may construct, install, operate, maintain, repair, replace, and/or modify components of public utility systems including, but not solely limited to, water, sanitary sewer, transportation, and storm water systems.

2. **Limitations.** GRANTOR shall not construct, install, nor place any structure, pavement, or vegetation within the Easement Area except for shallow-root grasses and low-growing shrubs (but not trees), fences as permitted by applicable City regulations, and sidewalks or driveways. Any damages to GRANTEE's utilities caused by GRANTOR's construction, installation, or placement of shallow-root grasses, low-growing shrubs, fences, sidewalks, driveways, or any unauthorized structures, pavement or vegetation, within the Easement Area shall be repaired or replaced by GRANTOR, or by the GRANTEE at the GRANTOR's expense, as determined by the GRANTEE.

3. **Use and Access.** GRANTOR shall allow GRANTEE unrestricted access to the Easement Area at all times to properly construct, install, operate, maintain, repair, replace, and/or modify its utilities. Any loss, damage, or destruction caused by GRANTEE to GRANTOR's property in accessing the Easement Area or in performing the aforementioned actions, whether or not such loss, damage or destruction was to GRANTOR's shallow-root grasses, low-growing shrubs, fences, sidewalks or driveways that are allowed in accordance with paragraph 2, shall be the responsibility of GRANTOR.

4. **Binding Effect, Run with the Land.** This Agreement shall run with the land as to all real property burdened and benefited, and shall inure to the benefit of GRANTOR, GRANTEE and their respective successors and assigns.

5. **Attorney Fees.** In the event legal action is commenced in connection with this Agreement, the prevailing party in such action shall be entitled to recover its reasonable attorney fees and costs incurred in the trial court and any appeal therefrom. The term "action" shall be deemed to include action commenced in the Bankruptcy Court of the United States and any other court of general or limited jurisdiction. The reference to "costs" includes, but is not limited to, deposition costs (discovery and otherwise), witness fees (expert and otherwise), out-of-pocket costs, title search and report expenses, survey costs, surety bonds and any other reasonable expenses.

6. **Severability.** If any portion of this Agreement shall be invalid or unenforceable to any extent, the validity of the remaining provisions shall not be affected thereby.

7. **Integration.** This Agreement constitutes the entire, final and complete agreement of the parties pertaining to this utility easement, and supersedes and replaces all other written and oral agreements heretofore made or existing by and between the parties or their representatives insofar as the Easement Area is concerned. Neither party shall be bound by any promises, representations or agreements except as are expressly set forth herein.

8. **Governing Law.** This Agreement shall be construed in accordance with and governed by the laws of the state of Oregon. The parties agree to venue in Multnomah County, state of Oregon.

9. **Nonwaiver.** Failure by either party at any time to require performance by the other party of any of the provisions in this Agreement shall in no way affect the party's rights under the Agreement to enforce the provisions in this Agreement, nor shall any waiver by a party of the breach of the provisions in this Agreement be held to be a waiver of any succeeding breach or a waiver of this nonwaiver clause.

10. **Easement Area.** The Easement Area is more particularly described on Exhibit "A" and shown and legally described on Exhibit "B", attached hereto.

CERTIFICATE OF GRANTOR

I, JOHN MITCHELL, owner or the authorized representative of the owner of the property described above, hereby certify that the foregoing easement is granted to the City of Troutdale.

Dated this 29TH day of JULY, 2015

COUCH STREET LLC, an Oregon limited liability company

By: John Mitchell

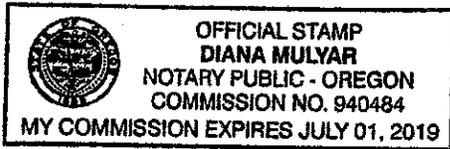
Print Name: JOHN MITCHELL
Member

STATE OF OREGON)
 Washington) ss.
COUNTY OF MULTNOMAH)

This instrument was acknowledged before me on 29th July, 2015, by Dr. John Mitchell as managing member of Couch Street LLC.

Diana Mulyar
Notary Public for Oregon

My commission expires: July 1st, 2019.



CERTIFICATE OF GRANTEE

I, _____ Recorder of the City of Troutdale, hereby certify that the foregoing easement was accepted by the City Council of the City of Troutdale on the ____ day of _____, _____ by Resolution No. _____.

Dated this _____ day of _____, _____.

City Recorder

APPROVED AS TO FORM:

By: _____
City Attorney

STATE OF OREGON)
) ss.
COUNT OF MULTNOMAH)

Personally appeared the above named City Recorder and acknowledged the foregoing instrument to be the voluntary act and deed of the CITY OF TROUTDALE.

BEFORE ME: _____
Notary Public for Oregon
Commission Expires: _____

EXHIBIT A

SLOPE EASEMENT

A TRACT OF LAND SITUATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 24, TOWNSHIP 1 NORTH, RANGE 3 EAST, WILLAMETTE MERIDIAN, CITY OF TROUTDALE, MULTNOMAH COUNTY, OREGON LYING WITHIN PARCEL 1, PARTITION PLAT No. 2011-51, MULTNOMAH COUNTY PLAT RECORDS, DESCRIBED AS FOLLOWS;

COMMENCING AT THE NORTHWEST CORNER OF SAID PARCEL 1 SAID POINT BEING ON THE SOUTH RIGHT OF WAY LINE OF NW GRAHAM ROAD; THENCE, ALONG SAID SOUTH RIGHT-OF-WAY LINE, NORTH 89°44'37" EAST, 107.53 FEET TO A POINT OF CURVATURE; THENCE, CONTINUING ALONG SAID SOUTH RIGHT OF WAY LINE AND RUNNING 54.15 FEET ALONG THE ARC OF A 150.00-FOOT RADIUS CURVE TO THE RIGHT, CONCAVE TO THE SOUTHWEST, THROUGH A CENTRAL ANGLE OF 20°41'05" (THE LONG CHORD BEARS SOUTH 79°54'50" EAST, 53.86 FEET) TO THE TRUE POINT OF BEGINNING; THENCE, CONTINUING ALONG SAID SOUTH RIGHT OF WAY LINE, 161.78 FEET ALONG THE ARC OF A 150.00-FOOT NON-TANGENT RADIUS CURVE TO THE RIGHT, CONCAVE TO THE SOUTHWEST, THROUGH A CENTRAL ANGLE OF 61°47'50" (THE LONG CHORD BEARS SOUTH 38°40'23" EAST, 154.06 FEET) TO A POINT OF NON-TANGENCY; THENCE, DEPARTING SAID SOUTH RIGHT OF WAY LINE AND RUNNING ALONG A RADIAL LINE, SOUTH 82°13'32" WEST, 6.00 FEET TO A POINT OF NON-TANGENCY; THENCE 155.31 FEET ALONG THE ARC OF A 144.00-FOOT NON-TANGENT RADIUS CURVE TO THE LEFT, CONCAVE TO THE SOUTHWEST, THROUGH A CENTRAL ANGLE OF 61°47'50" (THE LONG CHORD BEARS NORTH 38°40'23" WEST, 147.89 FEET) TO A POINT OF NON-TANGENCY; THENCE, ALONG A RADIAL LINE, NORTH 20°25'42" EAST, 6.00 FEET TO THE TRUE POINT OF BEGINNING, CONTAINING 951 SQUARE FEET MORE OR LESS.

THE BEARINGS IN THIS DESCRIPTION ARE BASED UPON PARTITION PLAT No. 2012-46, MULTNOMAH COUNTY PLAT RECORDS.

UTILITY EASEMENT

A TRACT OF LAND SITUATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 24, TOWNSHIP 1 NORTH, RANGE 3 EAST, WILLAMETTE MERIDIAN, CITY OF TROUTDALE, MULTNOMAH COUNTY, OREGON LYING WITHIN PARCEL 1, PARTITION PLAT No. 2011-51, MULTNOMAH COUNTY PLAT RECORDS, DESCRIBED AS FOLLOWS;

COMMENCING AT THE SOUTHEAST CORNER OF SAID PARCEL 1 SAID POINT BEING ON THE WEST RIGHT OF WAY LINE OF NW GRAHAM ROAD; THENCE, ALONG SAID WEST RIGHT OF WAY LINE, 25.09 FEET ALONG THE ARC OF A 770.00-FOOT NON-TANGENT RADIUS CURVE TO THE LEFT, CONCAVE TO THE WEST, THROUGH A CENTRAL ANGLE OF 01°52'00" (THE LONG CHORD BEARS NORTH 04°27'54" EAST, 25.08 FEET) TO A POINT OF NON-TANGENCY; THENCE NORTH 89°46'00" EAST, 1.51 FEET; THENCE NORTH 00°14'08" WEST, 426.15 FEET TO THE TRUE POINT OF BEGINNING; THENCE, DEPARTING SAID WEST RIGHT OF WAY LINE, SOUTH 89°45'52" WEST, 11.14 FEET; THENCE NORTH 00°14'08" WEST, 7.00

PUBLIC UTILITY EASEMENT

FEET; THENCE NORTH 89°45'52" EAST, 11.14 FEET TO SAID WEST RIGHT OF WAY LINE; THENCE, ALONG SAID WEST RIGHT OF WAY LINE, SOUTH 00°14'08" EAST, 7.00 FEET TO THE TRUE POINT OF BEGINNING, CONTAINING 78 SQUARE FEET MORE OR LESS.

THE BEARINGS IN THIS DESCRIPTION ARE BASED UPON PARTITION PLAT No. 2012-46, MULTNOMAH COUNTY PLAT RECORDS.



CITY OF TROUTDALE



STAFF REPORT

SUBJECT / ISSUE: A resolution approving an Intergovernmental Agreement with Multnomah County for the Community Development Block Grant Program and the HOME Investment Partnership Program for program years 2016-2018.

<p>MEETING TYPE: City Council Regular Mtg.</p>	<p>MEETING DATE: August 25, 2015 STAFF MEMBER: John Morgan DEPARTMENT: Planning</p>
<p>ACTION REQUIRED Consent Agenda/Resolution PUBLIC HEARING No</p>	<p>ADVISORY COMMITTEE/COMMISSION RECOMMENDATION: Not Applicable <u>Comments:</u></p>
<p>STAFF RECOMMENDATION: Approval</p>	

EXHIBITS:

A. Proposed Intergovernmental Agreement

Subject / Issue Relates To:

Council Goals Legislative Other (describe)
 Cooperation with adjoining agencies toward community benefit

Issue / Council Decision & Discussion Points:

- ◆ Authorization will continue the City's participation in the Community Development Block Grant (CDBG) program.
- ◆ While the City's average income is too high to participate, our total population may be used toward allowing adjoining communities their participation.
- ◆ The City will participate in the selection process of project funding.

Reviewed and Approved by City Manager:

BACKGROUND:

Multnomah County has asked that the City of Troutdale continue participation in the CDBG consortium. While the average income of Troutdale is too high to directly receive benefits, the City is able to receive indirect benefits from Fairview and Wood Village projects.

The City has been part of this intergovernmental agreement since 1984. Each IGA has been for three years and therefore has been renewed every three years over the last three decades.

PROS & CONS:

Pros:

- Allows Troutdale to help select CDBG projects in adjoining cities.
- Helps cooperation between Cities.
- Benefits citizens of all cities.

Cons

- Requires additional staff time, albeit a very small amount, toward the selection process.

Current Year Budget Impacts <input type="checkbox"/> Yes (<i>describe</i>) <input checked="" type="checkbox"/> N/A
Future Fiscal Impacts: <input type="checkbox"/> Yes (<i>describe</i>) <input checked="" type="checkbox"/> N/A
Community Involvement Process: <input type="checkbox"/> Yes (<i>describe</i>) <input checked="" type="checkbox"/> N/A

INTERGOVERNMENTAL AGREEMENT

between

MULTNOMAH COUNTY and CITY OF TROUTDALE

for the

**COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM and
HOME INVESTMENT PARTNERSHIP PROGRAM**

PROGRAM YEARS 2016 - 2018

This Agreement is entered into between Multnomah County (COUNTY), a political subdivision of the State of Oregon, and the City of Troutdale (CITY), a municipal corporation of the State of Oregon within Multnomah County, for the cooperation of units of local government under the authority of ORS 190.010. It will become effective upon adoption by the parties and will continue until terminated as provided herein.

The circumstances surrounding the making of this Agreement are as follows:

- A. WHEREAS, the Congress of the United States has enacted the National Affordable Housing Act of 1990 and the Housing and Community Development Act of 1974 with amendments made by the Housing and Urban-Rural Recovery Act of 1983, and the Housing and Community Development Act of 1987, and the Department of Housing and Urban Development has adopted regulations pursuant thereto (hereinafter jointly referred to as the "Act").
- B. WHEREAS, the Congress has found and declared that the Nation's cities, towns and small urban communities face critical social, economic and environmental problems.
- C. WHEREAS, the Congress has further found and declared that the future welfare of the Nation and the well-being of its citizens depend on the establishment and maintenance of viable urban communities as social, economic and political entities.
- D. WHEREAS, the primary objective of the Act is the development of viable urban communities, by providing decent housing and a suitable living environment and expanding economic opportunities principally for persons of low and moderate income.
- E. WHEREAS, consistent with this primary objective, the Federal assistance provided in this Act is for the support of community development activities which are directed toward the following specific objectives:
 - (1) The elimination of slums, blight and the prevention of blighting influences and the deterioration of property and neighborhood and community facilities of importance to the welfare of the community, principally persons of low and moderate income.
 - (2) The elimination of conditions which are detrimental to health, safety, and public welfare, through code enforcement, demolition, interim rehabilitation assistance, and related activities.
 - (3) The conservation and expansion of the Nation's housing stock in order to provide a decent home and a suitable living environment for all persons, but principally those of low and moderate income.
 - (4) The expansion and improvement of the quantity and quality of community services, principally for persons of low and moderate income, which are essential for sound community

development of viable urban communities.

- (5) A more rational utilization of land and other natural resources and the better arrangement of residential, commercial, industrial, recreational, and other needed activity centers.
- (6) The reduction of the isolation of income groups within communities and geographical areas and the promotion of an increase in the diversity and vitality of neighborhoods through the spatial de-concentration of housing opportunities for persons of lower income and the revitalization of deteriorating or deteriorated neighborhoods to attract persons of higher income.
- (7) The restoration and preservation of properties of special value for historic, architectural, or aesthetic reasons.
- (8) The alleviation of physical and economic distress through the stimulation of private investment and community revitalization in areas with population out-migration or a stagnating or declining tax base.
- (9) The conservation of the Nation's scarce energy resources, improvement of energy efficiency, and the provision of alternative and renewable energy sources.

- F. WHEREAS, it is found that certain of these objectives are pertinent to the concerns and needs of the COUNTY and its communities.
- G. WHEREAS, on February 6, 1984 the COUNTY and the CITY entered into an intergovernmental agreement wherein they agreed to join together with other units of general local government to qualify the COUNTY as an urban county for federal Housing and Community Development block grant funds.
- H. WHEREAS, on November 17, 1986, October 12, 1989, October 31, 1991, July 14, 1994 and August 7, 1997, August 2, 2000, August 1, 2003, August 7, 2006, July 31, 2009, and July 12, 2012 the COUNTY and the CITY renewed the intergovernmental agreement to continue the County's urban county qualification.
- I. WHEREAS, this agreement was scheduled to terminate on June 30, 2015.
- J. WHEREAS, continued eligibility for block grant funds as an urban county depends on continuation of such intergovernmental agreements.
- K. WHEREAS, the Department of Housing and Urban Development has specified the minimum provisions, which must be included within any intergovernmental agreement, into which local governments enter to qualify for urban county eligibility.

NOW, THEREFORE, providing that Multnomah County can continue to meet necessary criteria for participation in the Community Development Block Grant Program (CDBG) and the HOME Investment Partnership Program (HOME) as an urban county and in consideration of the mutual promises made herein and the mutual benefits received hereunder, the parties agree as follows:

- (1) The CITY and the COUNTY agree to cooperate in undertaking, or assist in undertaking, community renewal and lower income housing activities, specifically urban renewal and publicly assisted housing.
- (2) The CITY authorizes the inclusion of its population for purposes of the Act; and joins together with other units of general local government to qualify the COUNTY as an urban county for

Housing and Community Development Act block grant funds.

- (3) The CITY may not apply for grants under the Small Cities or State CDBG Programs from appropriations for fiscal years during the period in which it is participating in the urban county's CDBG program.
- (4) The CITY may not participate in a HOME consortium except through the urban county, regardless of whether the urban county receives a HOME formula allocation.
- (5) The COUNTY, as the applicant, assumes full responsibility, including final decision-making, and also assumes all obligations of an applicant as specified in the Act and the regulations there under.
- (6) For the purposes of updating the Community Development and Housing Plan and Annual Community Development Program for an additional three (3) years as required by Title I of the Act, a Policy Advisory Board is hereby retained which shall advise the COUNTY on program policies and project selection.

Said Policy Advisory Board shall be composed of one (1) representative or a designated alternate from each unit of general government executing these intergovernmental agreements. Each such representative shall have one (1) vote on said board. Each such representative shall be a public official or employee of said unit of government.

- (7) The COUNTY and CITY agree to take all required actions to comply with the provisions of Section 109 and Section 104(b) of Title I of the Housing and Community Development Act of 1974, as amended; Title I of the National Affordable Housing Act of 1990; the National Environmental Policy Act of 1969; Title VI of the Civil Rights Act of 1964; Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988; Executive Order 11988, Section 3 of the Housing and Urban Development Act of 1968; and other applicable civil rights laws.
- (8) The COUNTY shall not fund any activities in the CITY or in support of the CITY that does not affirmatively further fair housing within its own jurisdiction or that impedes the COUNTY'S actions to comply with its fair housing certification.
- (9) The CITY supports the COUNTY'S adoption and enforcement of a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations.
- (10) The CITY supports the COUNTY'S adoption and enforcement of a policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within its jurisdiction.
- (11) Pursuant to 24 CFR 570.501(b), the CITY is subject to the same requirements applicable to sub-recipients, including the requirement of a written agreement set forth in 24 CFR 570.503.
- (12) The COUNTY and CITY will cooperatively undertake the necessary actions, as determined by the COUNTY, to carry out a community development program and approved Consolidated Plan, and/or meet other requirements of the CDBG and HOME programs and other applicable laws.
- (13) The CITY may not sell, trade, or otherwise transfer all or any portion of such funds to another such metropolitan city, urban county, unit of general local government, or Indian tribe or

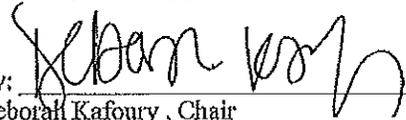
insular area that directly receives CDBG funds in exchange for any other funds, credits or non-Federal considerations, but must use such funds for activities eligible under title 1 of the Act.

- (14) This agreement shall remain in full force and effect from the date of execution for the program years commencing on July 1, 2016 through June 30, 2019 inclusive, and any additional time as may be required for the expenditure of related block grant funds or income generated from such funds, provided that the COUNTY qualifies as an urban county under, and block grant funding is allocated to the COUNTY pursuant to, the Act. The COUNTY and the CITY may not terminate or withdraw from this Agreement while the Agreement remains in effect.
- (15) This agreement will automatically be renewed for participation in successive three-year (3) qualification periods. The County will provide a 60 day notice prior to the renewal date. The agreement will be renewed, unless the COUNTY or the CITY provides written notice it elects not to participate in a new qualification period.

IN WITNESS WHEREOF, the undersigned parties have executed this Agreement this ____ day of _____, 2015.

MULTNOMAH COUNTY

CITY OF TROUTDALE

By: 
Deborah Kafoury, Chair
Board of County Commissioners

By: _____
Doug Daoust, Mayor
City of Troutdale

I hereby find that the terms and provisions of this Intergovernmental Agreement are fully authorized under State and local law and that the Agreement provides full legal authority for the County to undertake or assist in undertaking essential community development and housing assistance activities, specifically urban renewal and publicly assisted housing.

REVIEWED:

Approved via email by Patrick W. Henry 4.8.15
Patrick W. Henry, County Attorney

RESOLUTION NO.

A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH MULTNOMAH COUNTY FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM AND THE HOME INVESTMENT PARTNERSHIP PROGRAM FOR PROGRAM YEARS 2016-2018.

THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:

1. The U.S. Department of Housing and Urban Development funds Community Development Block Grant and HOME Investment Partnership Programs, which provide needed funding primarily for low and moderate income residents.
2. An Urban County consortium consisting of unincorporated Multnomah County, Fairview, Maywood Park, Wood Village, Lake Oswego, and Troutdale was formed in 1984 to implement these programs.
3. Participation in that consortium must be renewed periodically, and the current agreement was scheduled to terminate on June 30, 2015.
4. The City of Troutdale desires to continue its participation in the consortium.

NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TROUTDALE

Section 1. The Mayor is authorized to sign an Intergovernmental Agreement, which is in substantial conformity to that which is attached to the Staff report as Exhibit "A", with Multnomah County for the Community Development Block Grant Program and the HOME Investment Partnership Program for Program Years 2016-2018.

Section 2. This resolution is effective upon adoption.

**YEAS:
NAYS:
ABSTAINED:**

Doug Daoust, Mayor

Date _____

Debbie Stickney, City Recorder
Adopted:



CITY OF TROUTDALE



STAFF REPORT

SUBJECT / ISSUE: A Resolution Correcting A Clerical Error In The FY 2015-2016 Budget Appropriation Record.

MEETING TYPE: City Council Regular Mtg.	MEETING DATE: August 25, 2015 STAFF MEMBER: Erich Mueller DEPARTMENT: Finance
ACTION REQUIRED Consent Agenda/Resolution PUBLIC HEARING No	ADVISORY COMMITTEE/COMMISSION RECOMMENDATION: Not Applicable <u>Comments:</u>

STAFF RECOMMENDATION: Adopt the resolution as proposed.

Subject / Issue Relates To:

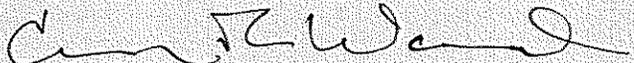
- Council Goals
 Legislative
 Other (describe)

Issue / Council Decision & Discussion Points:

- ◆ No change in the budget total requirements
- ◆ Correction of clerical error in the budget adoption resolution
- ◆ Maintains Budget Law compliance and avoids an audit finding

BACKGROUND:

In preparation of the budget adoption resolution I made an error listing a line item appropriation in the Street Improvement Fund, the total requirements are correct, the sub-categories were incorrect. The budget is correct and unchanged, it is just the resolution which lists the incorrect amount.

Reviewed and Approved by City Manager: 

There is NO change to the budget. Tonight's correcting resolution does NOT increase spending, transfer resources or appropriations approved for staff use, it simply corrects the documentation.

My error overstated the sub-category of unappropriated and understated the appropriations sub-category for the Street Improvement Fund, and the error also effected the overall budget sub-categories totals.

SUMMARY:

Tonight's consent agenda resolution will simply correct the documentation record such that, the Budget Committee Approved Budget, the Local Budget Law required published budget, resolution, budget document and appropriation amounts are all in agreement.

PROS & CONS:

- A. Approve the proposed resolution to correct the resolution record and maintain compliance with the Local Budget Law requirements.
- B. Not approve the proposed resolution and ensure audit findings and non-compliance with the Local Budget Law requirements.

<p>Current Year Budget Impacts <input type="checkbox"/> Yes (<i>describe</i>) <input checked="" type="checkbox"/> N/A None, corrects the resolution to match the published budget</p> <p>Future Fiscal Impacts: <input type="checkbox"/> Yes (<i>describe</i>) <input checked="" type="checkbox"/> N/A</p> <p>Community Involvement Process: <input type="checkbox"/> Yes (<i>describe</i>) <input checked="" type="checkbox"/> N/A</p>
--

RESOLUTION NO.

A RESOLUTION CORRECTING A CLERICAL ERROR IN THE FY 2015-2016 BUDGET APPROPRIATION RECORD

THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:

1. The budget for FY 2015-2016 was adopted by the City Council on June 9, 2015 by Resolution No. 2292.
2. The adoption and appropriation resolution contained a recap typographical error incorrectly stating appropriations in the Street Improvement Fund.
3. The budget is correct and remains unchanged, correction of the clerical error will correct the documentation record, and will ensure the budget document, the published budget, resolution, and appropriation amounts are in agreement to properly comply with the Local Budget law.

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

Section 1. That the Section 2, page 4, of the budget adoption Resolution No. 2292 for Fiscal Year 2015-2016, the Street Improvement Fund lines, Contingency appropriation, is changed to the correct amount of \$137,146, and the Unappropriated Fund Balance is changed to the correct amount of \$0, and the Total Fund Appropriations line is changed to the correct amount of \$787,146.

Section 2. That the Section 1, page 1, of the budget adoption Resolution No. 2292 for Fiscal Year 2015-2016, the total unappropriated fund balances is changed to correct total amount of \$4,868,139 and total appropriated sum is changed to correct amount of \$28,489,814, and the total requirements of \$33,357,953 remains unchanged.

Section 3. That the Section 2, page 6, of the budget adoption Resolution No. 2292 for Fiscal Year 2015-2016, Total Appropriation-All Funds line is changed to correct amount of \$28,489,814, and the Total Unappropriated Fund Balances line is changed to correct amount of \$4,868,139 and Total Requirements-All Funds line of \$33,357,953 remains unchanged.

Section 4. Upon adoption, this Resolution shall be effective as of July 1, 2015.

YEAS:
NAYS:
ABSTAINED:

Doug Daoust, Mayor

Date _____

Debbie Stickney, City Recorder
Adopted:



CITY OF TROUTDALE



STAFF REPORT

SUBJECT / ISSUE: A resolution confirming text of a question submitted to the voters for the election of November 3, 2015.

MEETING TYPE:
City Council Regular Mtg.

MEETING DATE: August 25, 2015

STAFF MEMBER: Ed Trompke
DEPARTMENT: Legal

ACTION REQUIRED
Ordinance - Adoption

ADVISORY COMMITTEE/COMMISSION RECOMMENDATION:
Not Applicable

PUBLIC HEARING
No

Comments: None.

STAFF RECOMMENDATION: Adopt the resolution as proposed.

EXHIBITS: 1) resolution

Subject / Issue Relates To:

Council Goals Legislative Other:

Issue / Council Decision & Discussion Points:

◆ Shall Council clarify a procedural detail from an earlier session?

BACKGROUND:

On July 14, 2015, Council approved written text of a ballot title to submit to the voters. Staff's oral reading of the written title may have omitted words intended to be read. This resolution confirms that Council's written text is authoritative.

SUMMARY:

While no persons have questioned the text of the measure, this resolution embodies staff's interest in promoting as much clarity as possible.

Current Year Budget Impacts Yes (describe) N/A

Future Fiscal Impacts: Yes (describe) N/A

Community Involvement Process: Yes (describe) N/A

Reviewed and Approved by City Manager:

RESOLUTION NO.

A RESOLUTION CONFIRMING TEXT OF A QUESTION SUBMITTED TO THE VOTERS FOR THE ELECTION OF NOVEMBER 3, 2015

THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:

1. On July 14, 2015, the City Council received a presentation from staff members recommending the council submit the question of a motor vehicle fuels tax to the voters, and the council heard from members of the public on this proposal; and
2. During this public hearing the Council developed changes to the text and directed staff to conform the caption, question and summary stated in the Resolution and Notice of Tax Election to these edits. City staff members rewrote the Resolution and Notice of Tax Election, and then presented the written revised Resolution and Notice of Tax Election to Council; and
3. In the course of adoption, staff read the language of the caption, question, and summary to the Council; in so doing staff may have omitted words from the summary which were intended to be read and included. However, Council examined the written revised Resolution and Notice of Tax Election, and approved the written language; and
4. The City Council confirms that it intended to pass, and did pass, the version of the ballot measure embodied in the written Notice of Tax Election, which subsequently has been printed in the newspaper pursuant to Oregon law, a copy of which Notice of Election is attached.

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

Section 1. The City Council ratifies the caption, question, and summary of the ballot measure, as printed in the newspaper on July 17, 2015 as the text Council approved on July 14, 2015.

Section 2. This resolution takes effect immediately upon its adoption by the City Council.

YEAS:
NAYS:
ABSTAINED:

Doug Daoust, Mayor

Date _____

Debbie Stickney, City Recorder

Adopted:

Notice of Tax Election

Troutdale Motor Vehicle Fuels Tax

Caption (10 words)

AUTHORIZES PHASE IN OF TAX ON MOTOR VEHICLE FUELS

Question (20 words)

Shall Troutdale phase in motor vehicle fuels tax of three (3) cents per gallon over three years to maintain streets?

Summary (175 words)

This measure authorizes the City of Troutdale to collect a tax on motor vehicle fuels sold within the city. The tax will be one (1) cent per gallon in 2016, two (2) cents in 2017 and three (3) cents per gallon thereafter.

The proceeds would be dedicated to support ongoing maintenance of Troutdale's streets. The maintenance of local streets is currently paid with Troutdale's share of state gas tax funds, which are declining and no longer enough to support the City's cost-saving preventative maintenance program.

Under Oregon law, revenue from the tax can be used only for the construction, reconstruction, improvement, repair, maintenance and operation of streets in Troutdale.

The proceeds will support the City of Troutdale's Pavement Prevention Program, which performs ongoing preventative maintenance to avoid more costly street reconstruction and replacement.

Troutdale City Council will also adopt by resolution a public reporting system to track tax revenues and program expenditures to assure accountability, with reports made available to the public.

If approved, the measure will take effect on January 1, 2016.



CITY OF TROUTDALE



STAFF REPORT

SUBJECT / ISSUE: A Resolution Approving the Declaration of Cooperation in Support of the Columbia River Levee Repair and Accreditation Oregon Solutions Process

<p>MEETING TYPE: City Council Regular Mtg.</p>	<p>MEETING DATE: August 25, 2015 STAFF MEMBER: Craig Ward DEPARTMENT: Executive</p>
<p>ACTION REQUIRED Resolution PUBLIC HEARING No</p>	<p>ADVISORY COMMITTEE/COMMISSION RECOMMENDATION: Not Applicable <u>Comments:</u></p>
<p>STAFF RECOMMENDATION: Approve.</p>	

EXHIBITS: N/A

Subject / Issue Relates To:

- Council Goals
 Legislative
 Other (describe)

Economic development of the areas protected by the levee of the Sandy Drainage Improvement Company.

Issue / Council Decision & Discussion Points:

- ◆ The certification of the levee in Troutdale managed by the Sandy Drainage Improvement Company (SDIC) will expire in 2017. It is therefore vital that the engineering assessments and other tasks necessary to prove that the SDIC levee qualifies for recertification be promptly conducted, which is the sole scope of the declaration.
- ◆ The declaration has already been adopted by many other jurisdictions, so it is not amendable to editing. Only Fairview and Troutdale have not endorsed the declaration.
- ◆ The declaration is **non-binding** in its current form. A binding Intergovernmental Agreement (IGA) has been drafted and is expected to come before all of the member jurisdictions this Fall.

Reviewed and Approved by City Manager: 

- ◆ The study phase affecting the five levee segments on the south side of the Columbia River from the Willamette River to the Sandy River, including the segment in Troutdale managed by the SDIC, will be financed by both cash contributions and a loan to Multnomah County from the Oregon Infrastructure Finance Authority. Shares are based on relative acres of area protected by the levee system.
- ◆ Multnomah County and the Port of Portland have collaborated to reduce the proposed financial obligations to Fairview and Troutdale to the amounts shown in the declaration.
- ◆ The planned second study phase will likely be followed by subsequent declarations, IGA's and loans in order to conduct the repairs necessary to recertify the SDIC levee under the National Flood Insurance Program (NFIP). Failure to recertify the levee will result in disqualifying the properties protected by the levee from the NFIP, with potentially devastating impacts on the economic viability of protected properties, which for Troutdale includes most of our industrial properties.
- ◆ Until the assessment phase is completed it is unknown what repairs will be necessary in order to qualify the SDIC levee's for recertification, or their costs. As the SDIC levee was the last constructed and has the fewest development properties immediately adjacent to the levee of the five levee segments, it is hoped it will require the simplest improvements, if any, to accomplish recertification.

BACKGROUND:

The Columbia River Levee Repair and Accreditation Oregon Solutions Project Team is a cross-sector regional team working together to address the FEMA accreditation, U.S. Army Corps of Engineers (USACE) approval, and safety of the Columbia River levees.

The first phase of the Oregon Solutions process (Phase I) , which began in December of 2013, focused on identifying what issues or shortcomings in the levee system need to be addressed in Peninsula Drainage District No. 1 (PEN 1) and Peninsula Drainage District No. 2 (PEN 2). The Oregon Solutions Team participants also engaged in a learning process, about both the FEMA accreditation requirements and USACE Rehabilitation and Inspection Program (RIP).

The second phase expands the project's geographic scope to complete similar assessments for the Multnomah County Drainage District (MCDD) and the Sandy Drainage Improvement Company (SDIC), and also complete physical inventories that will set the stage for evaluating alternative solutions to the issues and shortcomings identified in all five districts. All five districts are likely to be mapped as a unit by FEMA.

The Declaration of Cooperation establishes principles and commitments for how the signatory agencies agree to guide our efforts during the next phase of this project:

- Commitment to move forward. We commit to work together to keep the accreditation process moving forward in a way that is expeditious and timely yet sensitive to the impacts that levee repair and accreditation decisions will have on many and varied stakeholders.
- Recognize the area's regional economic importance. We will work as regional partners to achieve a level of flood protection that recognizes the economic importance of the area protected by the levees to the metro region, while also being economically prudent.

- Importance of public outreach. We understand the critical need to inform and frequently update and hear from the public and community groups about the accreditation process, and the impacts it may have (both positive and negative).
- Ecological valuation. We will identify and explore levee system solutions that recognize the ecological potential for the area.
- Historical Significance. We will also work to engage all communities with historical ties to the system in a collaborative discussion through public outreach and communication.
- Early collaboration with regulatory agencies. We will work proactively with federal, state and local agencies to identify and address regulatory concerns.

Project Goals: In the second phase of the process affecting Troutdale over the next 12-18 months will focus on the following objectives:

- Develop inventories of the specific economic, community, and environmental resources protected by the regional levee system.
- Complete engineering assessments in SDIC and the other eastern levee segment.
- Maintain active status in the USACE's RIP.
- Begin a review of potential climate change impacts on Columbia River elevation levels.
- Implement a communications strategy with the general public and targeted audiences such as neighborhood groups about the project.
- Develop a process and criteria for evaluation and selection of preferred solutions.

A major consideration in taking this step is the indication by FEMA that accreditation and mapping is likely to be done for all five Multnomah County districts at the same time. In addition, there are potential cost savings through coordinating remediation alternatives including consideration of certifying and accrediting the perimeter levee of a single system and not include the cross levees between the separate districts.

The interim governance structure will include:

- a. The Columbia River Levee Oregon Solutions Team will be the main forum for regional collaborative recommendations to the appropriate jurisdictions on levee repair alternatives and related policies.
- b. Individual jurisdictions shall retain their current authorities and responsibilities; and will retain the primary responsibility to maintain their levee systems and continue in the USACE's RIP program.
- c. A Technical Advisory Committee shall provide review and advice on technical matters to the Oregon Solutions Team but will not make decisions.
- d. A Communications and Outreach Committee shall be charged with designing and implementing strategies for communicating with the general public and specific stakeholder groups, as necessary.

A Steering Committee will deliberate on administrative matters (meeting agendas, budgets, contracts, etc.) and at times make recommendations to the larger Oregon Solutions Team, framing policy issues for decision-making by the larger Columbia Levee Oregon Solutions.

Work Products: Major additional budget expenses anticipated for the next phase of the project include:

- Develop inventories of the specific economic, community, and environmental resources protected by the regional levee system.
- Complete engineering assessments in SDIC and the other levee segments.
- Begin development and evaluation of solutions throughout the levee system to meet FEMA and USACE requirements.
- Maintain active status in the USACE's RIP.
- Begin a review a potential climate change impacts on Columbia River elevation levels.
- Implement a communications strategy with the general public and targeted audiences such as neighborhood groups about the project.
- Oregon Solutions process management and facilitation
- Comprehensive economic study of all four districts and the impact of losing accreditation

The Declaration does not constitute commitment of financial resources for the activities listed above. During Phase II, separate intergovernmental agreements or memorandums of understanding between the major jurisdictions for how to fund the necessary activities, including State IFA assistance will be developed.

Troutdale's initial proposed financial obligation to the IFA loan was \$224,278, and Fairview's allocation was \$123,908, plus FY16 cash expenses of \$13,426 and \$7,099, respectively, assuming that the State will provide an additional \$50K each to MCDD and SDIC. On August 20, the Board of County Commissioners received a staff request to appropriate FY16 County funds from contingency for a supplemental appropriation in connection with the project, now called "Levee Ready Columbia". After (1) the Board takes such action, and (2) all parties to the IGA have signed the IGA, and (3) the County has entered into the loan agreement with the IFA, then the County and the Port of Portland would prepay 50% of Troutdale and Fairview's allocated IFA loan commitments and all of both cities share of FY16 cash expenses. If the County Commission acts as recommended, then once the preconditions noted above are satisfied, Troutdale will be obligated to repay the IFA loan for \$112,139 plus interest over a seven (7) year period beginning in FY18 (roughly \$17,000/yr.), and Troutdale would have no initial cash match obligation.

SUMMARY:

The Declaration is non-binding and will therefore not directly commit Troutdale to support a multijurisdictional IGA necessary to receive the IFA loan that will finance the assessments necessary to document the repairs and improvements pursuant to recertifying the Columbia River levees, including but not limited to, the segment managed by the SDIC. However, Troutdale's reaction to the Declaration will be interpreted as an indicator for Troutdale's intention to partner in the subsequent binding IGA authorizing Multnomah County's IFA loan application.

PROS & CONS:

- A. Approve the proposed resolution to partner with the SDIC, Multnomah County, the Port of Portland and various public entities in evaluating the SDIC levee pursuant to recertifying the levee for the Corps of Engineers and the National Flood Insurance Program.
- B. Not approve the proposed resolution, with the expectation that the SDIC or others will assume the financial obligation.

<p>Current Year Budget Impacts: <input type="checkbox"/> Yes (describe) <input checked="" type="checkbox"/> N/A</p> <p>Future Fiscal Impacts: <input checked="" type="checkbox"/> Yes (describe) <input type="checkbox"/> N/A Staff currently estimates that Troutdale would owe about \$17,000/yr. beginning in FY18 for 7 years IF we sign the subsequent IGA.</p> <p>Community Involvement Process: <input type="checkbox"/> Yes (describe) <input checked="" type="checkbox"/> N/A A public involvement process is being planned, but has not yet occurred.</p>

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE THE COLUMBIA RIVER LEVEE REPAIR AND ACCREDITATION PHASE I TO PHASE II DECLARATION OF COOPERATION ON BEHALF OF THE CITY OF TROUTDALE

THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:

1. The Columbia River Levee Repair and Accreditation Oregon Solutions Project Team is a cross-sector regional team working together to address the FEMA accreditation, U.S. Army Corps of Engineers (USACE) approval, and safety of the Columbia River levees.
2. The first phase of the Oregon Solutions process (Phase I) , which began in December of 2013, focused on identifying what issues or shortcomings in the levee system need to be addressed in Peninsula Drainage District No. 1 and Peninsula Drainage District No. 2.
3. The second phase expands the project's geographic scope to complete similar assessments for the Multnomah County Drainage District (MCDD) and the Sandy Drainage Improvement Company (SDIC), and also complete physical inventories that will set the stage for evaluating alternative solutions to the issues and shortcomings identified in all four districts, as well as the Sauvie Island Drainage Improvement Company.
4. The Declaration of Cooperation establishes principles and commitments for how the signatory agencies agree to guide their efforts during the next phase of this project. It does not commit the City financially or legally at this time.

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

Section 1. The City Manager is authorized to sign the Columbia River Levee Repair and Accreditation Phase I to Phase II Declaration of Cooperation on behalf of the City of Troutdale.

Section 2. This resolution shall be effective upon passage.

**YEAS:
NAYS:
ABSTAINED:**

Doug Daoust, Mayor

Date _____

Debbie Stickney, City Recorder

Adopted:

COLUMBIA RIVER LEVEE REPAIR AND ACCREDITATION

Phase I to Phase II

DECLARATION OF COOPERATION

Introduction and Purpose of this Declaration

The Columbia River Levee Repair and Accreditation Oregon Solutions Project Team is a cross-sector regional team working together to address the FEMA accreditation, U.S. Army Corps of Engineers (USACE) approval, and safety of the Columbia River levees.

The first phase of the Oregon Solutions process (Phase I) , which began in December of 2013, focused on identifying what issues or shortcomings in the levee system need to be addressed in Peninsula Drainage District No. 1 (PEN 1) and Peninsula Drainage District No. 2 (PEN 2). The Oregon Solutions Team participants also engaged in a learning process, about both the FEMA accreditation requirements and USACE Rehabilitation and Inspection Program (RIP).

Over the next 12-18 months our next phase of work (Phase II) will expand our geographic scope to complete similar assessments for the Multnomah County Drainage District (MCDD) and the Sandy Drainage Improvement Company (SDIC), and also complete physical inventories that will set the stage for evaluating alternative solutions to the issues and shortcomings identified in all four districts. We will also incorporate similar work in the Sauvie Island Drainage Improvement Company, as all five districts are likely to be mapped as a unit by FEMA.

This is an appropriate time for the Oregon Solutions Team to ratify its goals for the next phase and how it wants to work together. A Declaration of Cooperation that all parties sign will help clarify expectations for this next phase, including the following:

- Overall goals, principles, and commitments for how we will work together
- Geographic scope
- Interim governance structure – how decisions will get made
- Public outreach and involvement
- Funding issues and tasks

While this document is *not* a legally-binding agreement, it is intended as a good-faith representation of the intent and commitments of the signing parties at this time, to help facilitate the regional collaboration on this important project. However, in *no* event shall this document be used as the basis for any claim by one party against the other.

More importantly, it is intended to serve as a guidance document as the parties move forward to collaboratively make decisions related to levee repair and accreditation.

Phase I Accomplishments

1. The Columbia River Levee Repair and Accreditation Project was designated as an Oregon Solutions project by the Governor. While the primary focus of this project has been the levee systems in the Peninsula 1 and Peninsula 2 drainage districts in Portland, the initial intent was to utilize lessons learned from this process for subsequent flood safety efforts for others statewide.

2. A primary focus of Phase I was to identify the minimum requirements for Certification pursuant to FEMA accreditation of the levee systems in Pen 1 and Pen 2. Cornforth Consultants were retained to conduct an engineering assessment, and identified four areas requiring attention in order to meet the minimum acceptable standards for accreditation by FEMA:
 - The BNSF and UP railroad embankments form the west side of PEN 1. Although limited access to the railroad embankments prevented thorough analysis of soil stability, historical data shows that soil removed from the St. Johns cut covers the original trestle system supporting the railroad. While the USACE has recognized the embankment as serving a levee function and has improved or reinforced the embankment over the years, both railroad companies have stated it is against their national policy to sign the required operation and maintenance agreement to achieve accreditation.

- Two low spots near the Interstate 5 interchange at North Marine Drive. These do not meet the required height at the northeast corner of the cross levee for PEN 1 / PEN 2.
 - A low spot at the northeast corner of PEN 2. This spot fails to meet the required height. This low spot is located on vacant Port of Portland property.
 - The Peninsula Drainage Canal Cross-Levee that forms the east side of PEN 2. Instability due to narrow, steep embankments on this levee could cause the levee to fail during certain high water events. The cross-levee is narrow in width and has steep walls.
3. Cornforth Consultants subsequently completed an additional modeling analysis of the levee systems using the US Army Corps of Engineers (USACE) authorized design level flood analyses. (i.e. a more protective, higher flood level standard)

In general, the new analyses using the USACE "authorized design" water surface elevations did not find any significant problems beyond those identified in the earlier FEMA 1-percent-annual-chance flood event analyses. For many of the levee sections in PEN 1 and PEN 2, the design water surface elevation approaches a 0.2-percent-annual-chance flood event elevation (500-year flood). The bottom line: addressing the issues identified under the earlier analyses in PEN 1 and PEN 2 could result in those levees being protective at the higher level, exceeding the minimum FEMA accreditation standards.

The only notable exception was in PEN 1, Reach 1-11, along the Columbia Slough, which protects the Portland International Raceway. In this reach, the levee has a calculated Factor of Safety (FS) of 1.3, slightly below the USACE's minimum FS of 1.4. However, because the FS is still significantly above a value of 1, USACE representatives stated that a reasonable approach to Reach 1-11 would be to note it as a 'focus area' during a high water event in the District's operation and maintenance manual in order to

provide extra inspection and reconnaissance to this section of levee. Additionally, the analysis found that the PEN 1 floodwall met USACE stability standards under the USACE authorized design water surface elevation.

4. The Oregon Solutions Team has also attempted to better understand the potential impact on levee repair options that the NOAA Biological Opinion may have on the National Flood Insurance Program in Oregon.
5. Last, the USACE has provided guidance on their current view of the key levee repairs or actions needed to keep the PEN 1 and PEN 2 districts active in the Corps' Rehabilitation and Inspection Program (RIP).
6. In June of 2014, the Oregon Infrastructure Finance Authority provided a 7-year low-interest loan for \$1.4 million, to complete the Cornforth engineering evaluation of the flood control systems in PEN 1 and PEN 2. Commitments were received from the PEN 1 District, PEN 2 District, City of Portland, Port of Portland, and Metro to pay off the loan. The City of Portland acted as the recipient of the loan and provided the administrative support.
7. The USACE and MCDD initiated a Planning Assistance to States (PAS) study for \$200,000 to develop alternatives and initial design of a solution to the railroad levee issues.
8. The Oregon Solutions Team has sponsored several opportunities to learn from other communities that have been through this. A panel discussion was held on May 20, 2014 and Scott Shapiro from Sacramento spoke to a statewide audience in November 2014. Both sessions were videotaped and are posted on the project's Oregon Solutions website.

Next Phase principles and commitments for how we will work together

We agree to the following principles and commitments to guide our efforts during the next phase of this project (in addition to the attached Oregon Solutions Team Ground Rules, attached, adopted in December 2013):

- a. Commitment to move forward. We commit to work together to keep the accreditation process moving forward in a way that is expeditious and timely yet sensitive to the impacts that levee repair and accreditation decisions will have on many and varied stakeholders.
- b. Recognize the area's regional economic importance. We will work as regional partners to achieve a level of flood protection that recognizes the economic importance of the area protected by the levees to the metro region, while also being economically prudent.
- c. Importance of public outreach. We understand the critical need to inform and frequently update and hear from the public and community groups about the accreditation process, and the impacts it may have (both positive and negative).
- d. Ecological valuation. We will identify and explore levee system solutions that recognize the ecological potential for the area.
- e. Historical Significance. We will also work to engage all communities with historical ties to the system in a collaborative discussion through public outreach and communication.
- f. Early collaboration with regulatory agencies. We will work proactively with federal, state and local agencies to identify and address regulatory concerns.

Next Phase Project Goals

In Phase I, the Oregon Solutions Team investigated the issues and deficiencies in meeting minimum FEMA accreditation standards for PEN 1 and PEN 2 through the Levee Engineering Assessment. Additional modeling was conducted to assess the USACE authorized design and existing levels of protection.

In the next phase, 12-18 months, our work will focus on the following objectives:

- Develop inventories of the specific economic, community, and environmental resources protected by the regional levee system.
- Complete engineering assessments in MCDD, SDIC, and SIDIC consistent with those done for PEN 1 and PEN 2. .
- Maintain active status in the USACE's Rehabilitation and Inspection Program (RIP).
- Begin a review of potential climate change impacts on Columbia River elevation levels.
- Implement a communications strategy with the general public and targeted audiences such as neighborhood groups about the project.
- Develop a process and criteria for evaluation and selection of preferred solutions. That process will include at least the following considerations for how best to meet the goals:
 - i. Impacts to surrounding public and private property owners including recognition of historical community impacts of the levee system
 - ii. Ecosystem function including environmental, wildlife and habitat values
 - iii. Consistency with existing neighborhood and community plans
 - iv. Current and future economic stability
 - v. Broader community benefits such as recreation, transportation and access
 - vi. Protection of key public (and other) infrastructure

By the end of this phase we will be ready to outline solution alternatives in each of the districts.

Expanding the Geographic Scope.

We will begin during the next phase to incorporate other districts in Multnomah County into a larger regional effort, as Multnomah County Drainage District, Sandy Drainage Improvement Company, and Sauvie Island Drainage Improvement Company will soon be facing similar needs for re-certification and accreditation.

A major consideration in taking this step is the indication by FEMA that accreditation and mapping is likely to be done for all five Multnomah County districts at the same time. In addition, there are potential cost savings through coordinating remediation alternatives including consideration of certifying and accrediting the perimeter levee of a single system and not include the cross levees between the separate districts.

We expand the geographic scope of the project to also benefit from potential administrative savings, cross-district learning, and relationships with federal agencies. At the same time, we will be sensitive and make every effort to not have the expansion result in unnecessary delays to action for specific districts or alternative solutions.

Next Phase Governance

We recognize that longer-term and more formal governance-structure changes may be required for governance on future levee issues and that revisions to *this* interim governance structure may even be required as we learn more. Nevertheless, for purposes of being able to move forward without costly delays, we believe agreement on the interim governance structure is critical.

a. **The Columbia River Levee Oregon Solutions Team**, designated by the Governor and which has been co-convened by Multnomah County Commissioner Jules Bailey and Portland Mayor Charlie Hales, will continue to be the main forum for regional collaborative recommendations to the appropriate jurisdictions on levee repair alternatives and related policies.

b. **Individual jurisdictions** shall retain their current authorities and responsibilities; e.g. the City of Portland shall be the jurisdiction officially recognized by FEMA to request re-accreditation for levees within the Portland City limits; similarly, PEN 1 and PEN 2 shall retain the primary responsibility to maintain their levee systems and continue in the USACE's RIP program.

c. **A Technical Advisory Committee** shall provide review and advice on technical matters to the Oregon Solutions Team. It will not make decisions, but may be asked

to provide technical information and recommendations. This Technical Advisory Committee may in turn charge sub-committees with membership that will be designed to provide the needed technical expertise and perspectives. Among the specific tasks for the Technical Advisory Committee in Phase II will be:

- Providing technical review and vetting of consultant work (including development or review of Scopes of Work for consultants)
- Helping frame technical issues or technical aspects of programmatic/policy decisions that will be before the Oregon Solutions Team
- Developing and reviewing alternatives for levee improvements

d. **A Communications and Outreach Committee** shall be charged with designing and implementing strategies for communicating with the general public and specific stakeholder groups, as necessary. This team will include communications staff from each of the government agencies on the Columbia Levee Oregon Solutions Team and will be open to equal participation from members of any other Oregon Solutions Team partner. The team will coordinate communications across agencies and direct the communications and engagement work of the Oregon Solutions Team.

g. **A Steering Committee** will be formed to deliberate on administrative matters (meeting agendas, budgets, contracts, etc.) and at times make recommendations to the larger Oregon Solutions Team. Among the tasks for the Steering Committee will be:

- Framing questions for the Technical Advisory Committee
- Framing policy issues for decision-making by the larger Columbia Levee Oregon Solutions Team
- Helping identify who has regulatory or legal responsibility/authority on a particular issue.
- Making some purely administrative decisions to move the project forward

- Delegating, for purposes of administrative efficiency, certain tasks such as review of contractor change orders, to one of the participating jurisdictions.
 - Note: Any policy decisions or recommendations affecting multiple stakeholders will be reserved for the full Oregon Solutions Team, rather than the Steering Committee.
- i. Participants in the Steering Committee will include:
1. City of Portland
 2. Multnomah County
 3. Peninsula 1 Drainage District
 4. Peninsula 2 Drainage District
 5. Multnomah County Drainage District #1
 6. Metro
 7. East Columbia Neighbors Assn.
 8. Bridgeton Neighbors Assn.
 9. Port of Portland
 10. State of Oregon Regional Solutions Center
 11. Sandy Drainage Improvement Company
 12. Sauvie Island Drainage Improvement Company
 13. City of Gresham
 14. City of Fairview
 15. City of Troutdale

Public Outreach and Involvement

Effective public outreach and public involvement will be critical to the success of next phase(s) of this project. Property owners, residents, business owners, employees, recreationalists, environmentalists, and tax payers are a just a sample of the varied audiences that may be interested in, and affected by, the Levee Repair and Improvement project. The Columbia Levee Oregon Solutions Team intentionally includes representatives from many of these groups but

will need to also make a collective effort to communicate with and provide opportunities to hear from both the general public and affected groups. This effort will include communication and public involvement tasks such as:

- Identification of community values to be used in evaluating levee repair or improvement alternatives
- Creating and maintaining partnerships with neighborhood associations, community groups, community leaders, business groups, conservation and environmental groups,
- Ensuring communication and engagement efforts are inclusive of historically underrepresented groups
- Developing and implementing communication strategies including installation of signage, earned media strategies, social media strategies, and public events
- Partnering with non-partisan, academic, or otherwise independent policy and research organizations
- Implementing public involvement strategies such as surveys, design charrettes, and/or focus groups
- Managing communications and outreach contractors to assist with media relations, design, and branding

Funding for Phase II

Major additional budget expenses anticipated for the next phase of the project include:

- Develop inventories of the specific economic, community, and environmental resources protected by the regional levee system.
- Complete engineering assessments in MCDD, SDIC, and SIDIC consistent with those done for PEN 1 and PEN 2.
- Begin development and evaluation of solutions throughout the levee system to meet FEMA and USACE requirements.
- Maintain active status in the USACE's Rehabilitation and Inspection Program (RIP).
- Begin a review a potential climate change impacts on Columbia River elevation levels.

- Implement a communications strategy with the general public and targeted audiences such as neighborhood groups about the project.
- Oregon Solutions process management and facilitation
- Comprehensive economic study of all four districts and the impact of losing accreditation

Signature to this document does not constitute commitment of financial resources for the activities listed above. During Phase II we will develop separate Intergovernmental agreements or memorandums of understanding between the major jurisdictions for how to fund the necessary activities. We anticipate applying for State IFA assistance.

Legal authorities, constraints, and responsibilities

This interim governance approach has been informed by the current legal context, summarized in the attached Legal Subcommittee report: *Background on Flood Protection*. The Legal Subcommittee Report has been reviewed by the affected jurisdictions and, while not inclusive of *all* legal authorities and responsibilities related to levee accreditation or maintenance, it is generally accepted as providing an appropriate context for the interim governance approach outlined in this Declaration of Cooperation.

City of Portland,

Multnomah County

Peninsula 1 Drainage District

Peninsula 2 Drainage District

Bridgeton Neighborhood Association

East Columbia Neighborhood Assn.

Metro

Port of Portland

Audubon Society of Portland

Columbia Slough Watershed Council

Oregon Governor's Office

Multnomah County Drainage District

Oregon Dept. of Environmental Quality

Oregon DLCD

Columbia Corridor Association

Jubitz

Federal Emerg. Management Admin.

U.S. Army Corps of Engineers

City of Gresham

City of Troutdale

City of Fairview

Sauvie I. Drainage Improvement. Co.

**OREGON SOLUTIONS COLUMBIA RIVER LEVEE REPAIR AND ACCREDITATION
PROJECT**

LEGAL SUBCOMMITTEE REPORT: BACKGROUND ON FLOOD PROTECTION

PURPOSE

The Portland metropolitan area that borders the Columbia River, commonly known as the Columbia Corridor, is currently protected from flooding through an extensive system that includes a 27-mile levee running along the Columbia River, Sandy River, and the Columbia Slough, interior drainage components, and pump stations ("Flood Protection System"). The primary purpose of the system is to ensure the continued safety of the people, businesses, and other assets of the region.

The purpose of this document is to provide background on flood protection in the Columbia Corridor. It is an informational tool on flood protection authorities, standards, and tasks upon which decision-makers may rely as part of their policy analysis. Also, it can provide a framework within which decision-makers may agree to work cooperatively and collaboratively to address flood protection issues in the Columbia Corridor.

This document does not constitute a legally-binding commitment by any entity—nothing in this document is intended, and may not be construed as intending, to commit any entity to any tasks specified herein ,or otherwise, concerning flood protection.

The governmental jurisdictions are:

- a. Multnomah County Drainage District No. 1
- b. Peninsula Drainage District No. 1
- c. Peninsula Drainage District No. 2
- d. Sandy Drainage Improvement Company
- e. City of Fairview
- f. City of Gresham
- g. City of Portland
- h. City of Troutdale

- i. Metro
- j. Multnomah County
- k. Port of Portland
- l. State of Oregon—Oregon Water Resources Commission

FLOOD PROTECTION AUTHORITY

1. Peninsula Drainage District No. 1 ("PEN 1"), Peninsula Drainage District No. 2 ("PEN 2"), Multnomah County Drainage District No. 1 ("MCDD"), and Sandy Drainage Improvement Company ("SDIC") (collectively, "Drainage Entities").

1.1 PEN 1, PEN 2, and MCDD are drainage districts formed under ORS Chapter 547 and are subject to ORS 548, "for the purpose of having such lands reclaimed and protected by drainage or otherwise from the effects of water, for sanitary or agricultural purposes, or when the same may be conducive to the public health, convenience and welfare or of public utility or benefit." (ORS 547.005)

1.2 SDIC is a drainage improvement corporation ("DIC") organized under ORS 554 and is directed by its articles of incorporation to construct, operate, and maintain flood control facilities and a system of sloughs, canals, ditches, and waterways to drain benefited properties and make water available for irrigation of benefited properties, for both sanitary and agricultural purposes. ORS 554.080; ORS 554.110.

1.3 The Drainage Entities are special purpose entities under ORS 198, are creatures of statute, and have only those powers enumerated in the statutes.

1.4 PEN 1, PEN 2, and MCDD lack the authority to expand upon or enhance their statutorily-enumerated powers through police-power regulations with the force and effect of law.

1.5 SDIC is a public corporation, but has it been held to be more akin to private non-profit corporations and to have no police powers in the usual sense, although a DIC can enact regulations applicable to its members. ORS 554.080(6).

1.6 The sole funding method available to the drainage districts for operations and debt is via assessment of property owners with the districts. ORS 547.455-.510. Such assessments are levied and collected in the same manner as property taxes. This is also the primary method available for funding DICs. ORS 554.080(8); ORS 554.130. DICs are also authorized to enact and enforce "rates, tolls, fees, fines, and chargers" for the maintenance and operation of the corporation (although SDIC has never done so). See ORS 554.080(7).

1.7 PEN 1, PEN 2, and MCDD are authorized the issuance of general obligation bonds payable from assessments for not more than 40 years. ORS 547.555-580. Such bonds are "subject to approval by the electors of the district." ORS 547.555(1). There is some question as

to whether a property owner is an "elector" within the meaning of the Ballot Measure 5 exception applicable to bonded indebtedness approved by the electors.

1.8 DICs may also issue bonds backed by assessments. ORS 554.160, 554.220. DIC assessments are not subject to compression under Measure 5.

2. City of Fairview, City of Gresham, City of Portland, and City of Troutdale (singularly, "City" and collectively, the "Cities").

2.1 Each City is a municipal corporation operating under a home rule charter pursuant to Or. Const. Art. IV, section 1(5); Article XI, Sec. 2. Each City has broad authority over all matters that it determines to be of municipal concern, except as expressly preempted by state statute and as limited in their home rule charters.

2.2 In addition to its broad home rule authority, each City has authority over land use planning, zoning, and development review within its jurisdictional boundaries, subject to compliance with state and regional requirements. See ORS Chapter 227. Cities also have express authority to assume the assets and responsibilities of any drainage district through annexation or partial annexation. ORS 222.510 to 222.580, as applied by ORS 547.755. (Before a City may withdraw territory from a drainage district, however, it must obtain approval from three-quarters of the district voters in the area to be annexed to the City.)

2.3 Each City has multiple funding sources and capabilities, subject to state preemption and regulation and the specific restrictions in their home rule charters.

2.4 The City of Portland owns Portland International Raceway and Heron Lakes Golf Club in PEN 1.

3. Metro.

3.1 Metro is a metropolitan service district operating under a home rule charter pursuant to Or. Const. Art. XI, Section 14. Metro has broad authority over all matters that it determines to be of metropolitan concern, except as expressly preempted by state statute or as limited by its Charter.

3.2 In addition to its broad home rule authority, Metro has authority over the Metropolitan Urban Growth Boundary ("UGB") and certain functional planning matters of regional concern.

3.3 Metro has broad funding authority under its Charter, but the Charter also contains certain limitations on that authority.

3.4 Metro owns the Portland Expo Center in PEN 1.

4. Multnomah County.

4.1 Multnomah County is a political subdivision of the State of Oregon established pursuant to ORS 201.260 and operating under a home rule charter pursuant to Or. Const. Art. VI, sec. 10. Multnomah County has broad authority over all matters that it determines to be of County concern, except as expressly preempted by state statute or as limited by its Charter.

4.2 In addition to its broad home rule authority, the County has authority over land use planning, zoning and development review within its jurisdiction boundaries outside of city boundaries, subject to compliance with state and regional requirements. See ORS Chapter 215. By intergovernmental agreement, the County has delegated that authority to cities for unincorporated areas within the Metropolitan Urban Growth Boundary ("UGB"). (All of the Drainage Entities are within the UGB.) In addition, the County has express statutory authority to exercise the powers of a dike district (ORS 551.160) and to exercise authority over drainage and flood control under ORS Chapter 549.

4.3 Multnomah County has broad funding authority under its Charter, subject to state preemption and regulation and the specific restrictions in their home rule charters.

4.4 Multnomah County owns roads and structures within MCDD and SDIC.

5. Port of Portland (the "Port").

5.1 The Port is a port district operating under its own enabling act, ORS Chapter 778. In addition, it may exercise most of the powers of port districts generally under ORS Chapter 777. See ORS 778.008. The purpose of the Port is to "promote the maritime, shipping, aviation, commercial, and industrial interests of the port" and is granted the power to "do any other acts and things which are requisite, necessary or convenient in accomplishing the purpose described or in carrying out the powers granted to it by law." ORS 778.015.

5.2 The Port may levy taxes and issue general obligation bonds pursuant to ORS 778.030 to 070 and revenue bonds per ORS 778.145 to 778.175. The Port also receives significant revenues from its commercial port operations. See ORS 778.025.

5.3 The Port owns real property in PEN 1, the Portland International in MCDD, and the Troutdale airport in SDIC, which impacts the nature of the authority that it may have exercise with respect to these districts.

6. Oregon Water Resources Commission

6.1 The Water Resources Commission has general authority over state water resources pursuant to the authorities of ORS Chapter 537.

6.2 The Water Resources Commission has authority to participate in federal flood control projects pursuant to ORS 549.605 through ORS 549.645.

7. Intergovernmental Authority.

7.1 Intergovernmental Agreements. Pursuant to ORS 190.010 to 190.030, any unit of government may enter into an intergovernmental agreement ("IGA") with one or more other units of government for the performance of any functions or activities that the units of government has the authority to perform. A unit of government performing the functions or activities of another is "vested with all powers, rights and duties relating to those functions and activities that are vested by law in each separate party to the agreement." MCDD, for example, administers all of the Drainage Entities pursuant to IGAs with PEN 1, PEN 2, and SDIC.

7.2 Intergovernmental Entities. Units of government can create an independent entity by IGA to perform certain functions and services. ORS 190.080. Such an entity can issue revenue bonds and enter into financing agreements, but may not levy taxes or issue G.O. bonds. ORS 190.080(2).

FLOOD PROTECTION STANDARDS

1. U.S. Army Corps of Engineers ("USACE").

1.1 Under the federal Flood Control Acts of 1936 and 1950, the Drainage Entities are obligated to operate and maintain the levee system in accordance with USACE's flood control regulations. In addition, PEN 1 is contractually obligated to USACE to do the same.

2. Federal Emergency Management Agency ("FEMA").

2.1 FEMA implements the National Flood Insurance Program ("NFIP"), which designates flood-prone areas as Special Flood Hazard Areas and requires flood insurance for properties in those areas as a condition of receiving any federal funding and assistance.

2.2 The NFIP applies to a "Community," which is defined as a state or a political subdivision that has "zoning and building code jurisdiction over a particular area having special flood hazards" and, specifically, "authority to adopt and enforce floodplain-management regulations in the areas within its jurisdiction." 42 USC § 4003(a)(1); 44 CFR § 59.1.

Accordingly, the Cities and Multnomah County are Communities under the NFIP. The Drainage Entities, Metro, and the Port of Portland are not Communities under the NFIP.

2.3 If a Community relies on a levee system to avoid the Special Flood Hazard Area designation, then such a levee system must be accredited by FEMA as providing the appropriate level of flood-protection. The accreditation can be sought by a Community or "other party seeking recognition of such a levee system." 44 CFR § 65.10(a). As part of this accreditation process, either the Community or the Drainage Entities (as the levee system operator) could provide levee data that has been certified by a qualified engineer or by USACE. Under the NFIP, and to the extent an accreditation is sought, the only affirmative duty of the Drainage Entities is to provide a maintenance plan to FEMA. 44 CFR § 65.10(b).

MAJOR FLOOD PROTECTION TASKS

Flood protection in the Columbia Corridor faces a complex and changing regulatory landscape at local, state, and federal levels. This section describes aspects and tasks that are essential to an effective and efficient operation of the Flood Protection System in order to ensure the continued integrity of the system and the safety of the public and in light of the changing regulations. It is an informational tool that decision-makers can rely on in their policy analysis and evaluation of participation in a cooperative and collaborative process to address flood protection issues in the Columbia Corridor.

Nothing in this section or the document is intended, and may not be construed as intending, to commit any entity to any tasks or operational aspects specified herein.

1. Regulatory Tasks.

1.1 Adopt zoning and building code jurisdiction over a particular area having special flood hazards.

1.2 Adopt zoning and building codes to control development affecting the operation and maintenance of the Flood Protection System.

1.3 Adopt authority to enforce floodplain-management regulations in areas that the Flood Protection System serves.

1.4 Secure additional property rights, including easements and rights-of-way, necessary to operate, maintain, and protect the Flood Protection System.

1.5 Monitor and enforce against violations of the Drainage Entities' property rights, including easements and rights-of-way.

2. Operation and Maintenance Tasks.

2.1 Routinely inspect and investigate the adequacy (informally and formally) of the Flood Protection System by staff, USACE, and FEMA to comply with the standards of USACE and FEMA.

2.2 Dredge interior drainage ways.

2.3 Manage and pump influent stormwater from the interior drainage system.

2.4 Comply with other applicable laws in the operation and maintenance of the Flood Protection System, including but not limited to the Endangered Species Act, the Clean Water Act, the National Environmental Policy Act, and the Rivers and Harbors Act. This may include administrative consultation with the regulating agency, as well as capital improvements to the Flood Protection System.

2.5 Provide adequate administrative staffing for operation and maintenance.

3. Funding Tasks.

3.1 Provide adequate funding to adopt and enforce zoning and building codes, floodplain management regulations, and property rights.

3.2 Provide adequate funding to carry out operation and maintenance.

3.3 Provide adequate funding to investigate and make capital improvements to the Flood Protection System to comply with the standards of USACE and FEMA.

4. **FEMA Accreditation**

The following is a list of general steps to involve in a FEMA accreditation of a levee should a Community, or any other entity, chooses to pursue it.

4.1 Certification of the levee system by a professional engineer or by USACE.

(a) Investigate and evaluate the current condition and identify deficiencies

(b) Design and collaborate on best approaches to address deficiencies

(c) Implement repairs to address deficiencies

(d) Professional engineer or USACE "certifies" that levee meets accreditation

standards and submits certified documentation to FEMA

(e) FEMA accredits the system

4.2 Evaluate the cost and benefit of accreditation status

4.3 Evaluate financial options to fund accreditation

4.4 Evaluate governance options to seek and manage the accreditation process

Five Models on Governance From Other Jurisdictions

Many communities across the country rely on levees for flood protection. A number of these communities have dealt with issues concerning accreditation of their levee systems through various governance structures. The following is a list of a few models for illustrative purposes to inform decision-makers in their policy analysis and consideration. It is not an exhaustive list and does not seek to establish any preferred model.

1. Type I— Existing Structure.

1.1 This is the current structure in which the Drainage Entities are merely "maintenance entities" with limited and narrow statutory and funding authorities.

1.2 There are inadequate statutory and funding authorities to deal with the larger accreditation problem.

2. Type 2 —Joint Powers Authority ("JPA") or Intergovernmental Agreements (IGAs)

2.1 This was the approach taken in the Sacramento area. Pursuant to California's Joint Exercise of Powers Act, entities can agree to form a third party agency that makes use of their overlapping powers. There is lots of flexibility in California about the formation of JPAs, so they are common. This is similar to Oregon, allowing for local government agencies to entered into an IGA to perform "* * * any or all functions and activities that a party to the agreement, its officers or agencies, have authority to perform." ORS 190.010.

2.2 In California, and like the Drainage Entities, local maintenance districts were created without adequate funding or authorities to deal with the larger accreditation problem. JPAs were formed to deal with the issue.

2.3 Example: Sacramento Area Flood Control Agency ("SAFCA") is represented by five entities that include Reclamation Districts, a city, and two counties with representatives on the board of directors.

2.4 The advantage of a JPA is the reduction in distraction by other organizational issues. For example, a focused attention in SAFCA led to \$1 billion in flood control improvements including legislative appropriations, local funds, and bonds passed.

2.5 Authorities of JPA.

(a) Powers are limited to those powers held in common by the agencies, including things like funding mechanisms and eminent domain power.

(b) Authorities are not delegated from the participating entities to the JPA, but it is governed by participant entities.

(i) Actions by the JPA do not necessarily require approval from participant boards

(ii) Alternatively, veto power or approval requirements can be designated in the agreement which creates the entity.

(c) Regarding minority veto power:

(i) In the SAFCA example, 4 out of 7 city council members and all of the County Supervisors serve on the board of directors, giving them effective veto power in the JPA .

(ii) Depends on political considerations and how the various entities relate to one another.

3. Type III—JPA With Delegated Powers to a Member Agency

3.1 The legal structure is the same as above, but the JPA entity contracts with one of its members for all staffing.

3.2 By example, the West Sacramento Area Flood Control Agency ("WSAFCA") contracts with the City to provide the staffing to carry out the JPA functions.

3.3 This type of entity can lose focus because it is restricted by the limitations of the contracting entity—e.g. people's time and resources.

4. Type IV –Legislative Repurposing of an Existing Special District

4.1 An example is Southwest Illinois Flood Protection District in the Chicago area, where three to four cities are involved.

4.2 This district was formed when USACE had revoked certification and FEMA began to talk about accreditation.

4.3 They pursued a legislative fix that gave an old existing district new authority to manage the problem.

5. Type V—Land Use Authority Takes Over

5.1 An example is at the Trinity River Project, which is a flood control project and redevelopment along the river. The City took it over as a redevelopment project and managed in the flood control project.

5.2 The advantage of this model is that it avoided distraction by creating a dedicated department within the City.

6. Type VI – New Legislatively-Created District

6.1 Southeast Louisiana Flood Protection Authority is an example of such a newly created entity.

6.2 The legislature created a third party entity with representation from other existing flood protection entities.

6.3 The original entities still exist but the new entity overlays with new responsibilities.

6.4 The legislature hoped that the other entities would eventually be subsumed by the new one.



Team Member Ground Rules

The Project partners in the Oregon Solutions process are committed to the following “ground rules” for how they conduct their business with one another:

General Principles

- We agree to approach problems with creativity and with open minds.
- We each have a unique perspective and contribution to make.

Ground Rules

1. We recognize that the best outcome depends upon cooperation and collaboration by all entities at the table.
2. We commit to openly communicate ideas, potential contributions, and concerns, and also to engage in respectful, active listening to each other.
3. We will focus on the future we would like to create rather than past problems and past history of issues.
4. We will work toward an agreement that is fair and constructive for everyone. When consensus is not possible, we will acknowledge and accept our differences and work toward the best possible outcome.
5. We agree to commit to the agreed-upon solution, in whatever way we can. If we, individually, are unable to make a commitment for our organization, we will work to identify what will make that commitment possible.
6. We commit to building trust by doing what we say we will do.
7. We agree to notify each other before taking outside actions that might impact the process.
8. We agree to attend all meetings or designate an alternate and we will be responsible for keeping the alternate updated. We are responsible for keeping any group entity that we are affiliated with “up to speed.” If we have suggestions for an agenda, we will contact one of the Co-Conveners or project manager well in advance of the meeting.

Note: **Public participation** will be allowed with the consent of the Co-Conveners. Generally, the Project Team will be given priority in all discussion, and in some situations it will be limited to just the Project Team. All meetings are open to the public. Communications with the press and other media are most representative when they come on behalf of the whole Project Team.



CITY OF TROUTDALE



STAFF REPORT

SUBJECT / ISSUE: A Resolution Accepting the Recommendations of the Parks Advisory Committee, and Establishing, Naming and Funding of Visionary Park.

MEETING TYPE:
City Council Regular Mtg.

MEETING DATE: August 25, 2015

STAFF MEMBER: Erich Mueller
DEPARTMENT: Finance

ACTION REQUIRED
Resolution

ADVISORY COMMITTEE/COMMISSION RECOMMENDATION:
Approval from Parks Advisory Committee

PUBLIC HEARING
No

Comments:

STAFF RECOMMENDATION: Approve the proposed resolution.

EXHIBITS: A. Visionary Park Concept layout
B: Sam Lancaster statue concept

Subject / Issue Relates To:

Council Goals Legislative Other:

“Put concerted effort into finishing Visionary Park before June 2016, in time for the 100-year Celebration of the Historic Columbia River Highway. Add it to Parks Master Plan and CIP list. Support other community, Chamber, and Troutdale Historical Society events related to this once-in-a-lifetime event.”

Issue / Council Decision & Discussion Points:

- ◆ Support for the Historic Columbia River Highway Centennial Celebration
- ◆ Public involvement and funding concerns
- ◆ Scope and limit of City responsibility for Visionary Park and Lancaster statue
- ◆ Budget approval and staff direction
- ◆ Officially name the park Visionary Park

Reviewed and Approved by City Manager:

BACKGROUND:

The Columbia River Highway is the first scenic highway in the United States. The highway was conceived of by Sam Hill, who hired Sam Lancaster as his chief engineer for the project. The highway was dedicated in 1916 and was the first highway in the US constructed primarily for sightseeing.

The Troutdale Historical Society has been planning and working toward the centennial anniversary of the Historic Columbia River Highway for the past few years, which has in part resulted in their recent "*King of the Roads*" exhibit.

In June 2014, a group of residents, the Visionary Friends of Troutdale, and renowned local artist Rip Caswell began discussions for a proposed Visionary Park, with a statue of the Sam Hill and Sam Lancaster builders of the Historic Columbia River Highway.

Public Discussion Timeline:

At each of the prior seven public meetings noted below, informal support has been expressed by elected officials, committee members, and members of the public, for the concept of the Visionary Park and Lancaster statue. Over the past year the project scope and estimated cost have evolved.

November 25, 2014 Rip discussed the idea with the Council at the work session on Mayor's Arts Initiative, where the location concept layout and statue drawings were presented.

The vision and project costs were discussed at the mid-year Budget Committee work session December 2, 2014.

The Council discussed further the concept at their February 24, 2015 meeting, and directed staff to proceed with obtaining the jurisdictional transfer of the right-of-way from Multnomah County for location of the statue.

The Budget Committee again discussed the project at their April 27, 2015 meeting.

June 23, 2015 Council work session included discussion of the potential park plans, schedule and funding needs and options. The Council requested the position of the Parks Advisory Committee (PAC) on the proposed park and funding the park using Parks SDCs or contingency. Rip indicated that he was prepared to donate the Lancaster statue for the park and to complete the stonework

July 8, 2015 the PAC discussed the proposed new park, the name Visionary Park and the preliminary cost. The PAC unanimously approved recommending to the City Council creating the new park, naming it Visionary Park, and spending up to \$60,000 for its construction before the June 2016 centennial celebration.

At the July 14, 2015 City Council meeting Steve Gaschler, Public Works Director, reported the Parks Advisory Committee's unanimous recommendation to create a new park named Visionary Park, and to spend up to \$60,000 for its construction before the June 2016 centennial celebration. As the Council had discussed the matter at some length June 23, 2015, they quickly reached a consensus to accept the PAC recommendations and move forward with the project.

While the Council reached a consensus to accept the PAC recommendation to prepare for the donation of the statute, subsequent to the meeting concerns were expressed regarding the informal approval process and potential cost increases should the project scope expand.

Project Costs:

Throughout the numerous previous public discussions above, a variety of project costs have been discussed and have ranged widely depending on the degree of the City's role in the project.

Visionary Park project preliminary cost estimates previously discussed in 2014 include: Sculpture \$100,000, Site engineering, design, and construction \$60,000, and project contingency of \$15,000 totaling \$175,000.

Current Status:

To date staff has proceeded based on the numerous Council statements of support at the public discussions mentioned above. However, while the discussions have been positive and supportive of the project, the only formal approval on the record has been from the PAC.

The proposed resolution tonight provides for a more formal record of approval, staff direction and authorization. The resolution also seeks to more clearly define the scope and limit of the City's responsibility for the park and statue project.

Project Scope:

At present the project scope includes:

- a) City obtaining the jurisdictional transfer of the right-of-way from Multnomah County; and
- b) Council consensus to accept the PAC recommendations and spend \$60,000 to prepare the site for the donation of the statute.

There have been varying descriptions of what the \$60,000 would include. It is necessary to more specifically define the scope of work to be accomplished by the City within the \$60,000 expenditure. Rip has indicated he would need the site prepared to the point that all that is left for him to complete is the stonework and placing statue on top of the pedestal. Other descriptions have referenced the City providing the stonework.

At present the “**site preparation**” scope and limit of up to \$60,000 is defined to include only:

- Contractor mobilization and demobilization, traffic control, construction admin
- grading, construction and storm water permits
- Engineering planning and site design
- site work, excavation and removal
- utility line locate and repositioning
- curb and gutter construction
- storm water control facilities
- foundation and pedestal
- stonework
- lighting
- signage
- sidewalks
- landscaping

As the statute specifications have yet to be established, (including weight, pedestal diameter and height), the costs for the required volume and type of materials are unknown. The costs for the project **may not** be able to be paid within the \$60,000 authorization, if the size, scale and volume of the project components expand beyond the quantities which the cost estimate was based. Gaps in expectations for the project scope remain.

Costs specifically **NOT** included in the \$60,000 budget are the demolition of the garage which straddles the right-of-way line, and any commemorative marker or plaque.

Concerns have been raised comparing this project to the Arch project. Both projects were driven by community interests rather than being traditional City initiated, planned and managed projects. While the Arch was well received when completed, the final cost was beyond what many had expected as the expectations for the project continued to be expanded. The Visionary Park project has been discussed for more than a year and the project description and City's role has continued to evolve. The resolution tonight is, in part, intended to specifically define and limit the scope of work to be accomplished by the City. Keeping project expectations clear and realistic will hopefully avoid dissatisfaction over the project.

SUMMARY:

We do not know all the information we would like, but are proceeding based on the best information we have at this stage. To keep the project moving forward for its construction before the June 2016 centennial celebration, the resolution authorizes the \$60,000 for site preparation costs, and directs the City Manager to negotiate a written agreement with Rip to establish the site specifications, agreement to donate the statue, and his removal of the garage straddling the right-of-way line.

PROS & CONS:

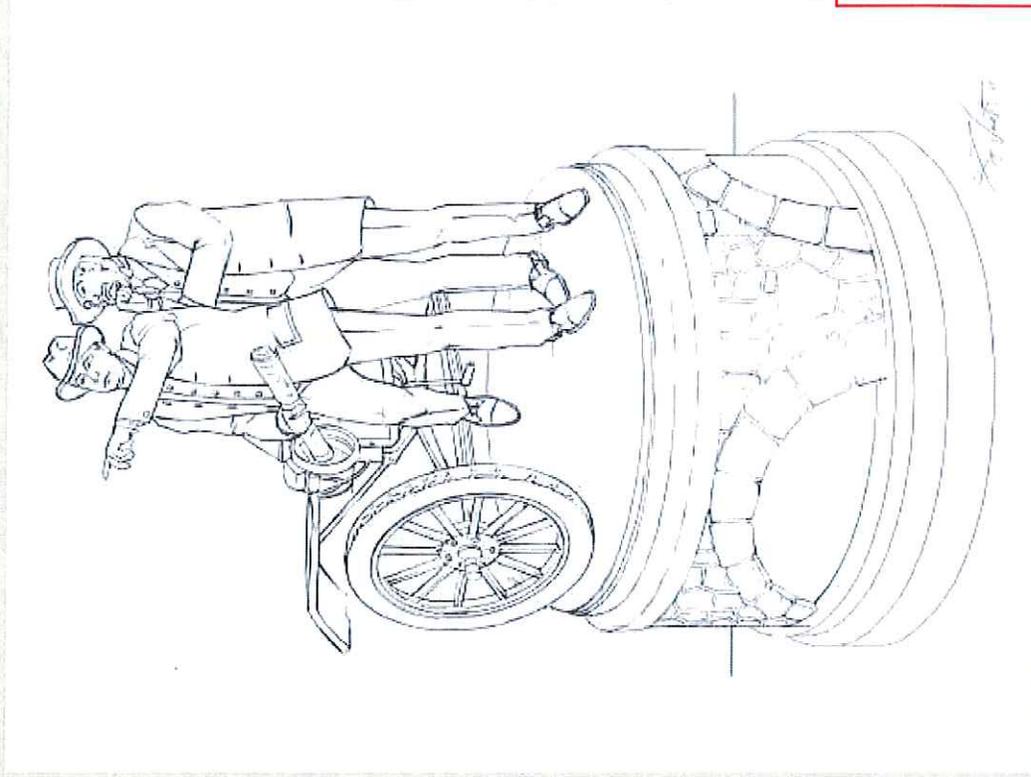
- A. Approve the resolution providing formal approval of the new park, park name and site preparation funding.
- B. Not approve the resolution and reject the PAC recommendations and suspend preparation for Visionary Park and potentially miss the construction season for project completion prior to the June 2016 centennial celebration.

Current Year Budget Impacts: Yes, increase in Parks Department expenditures by \$60,000

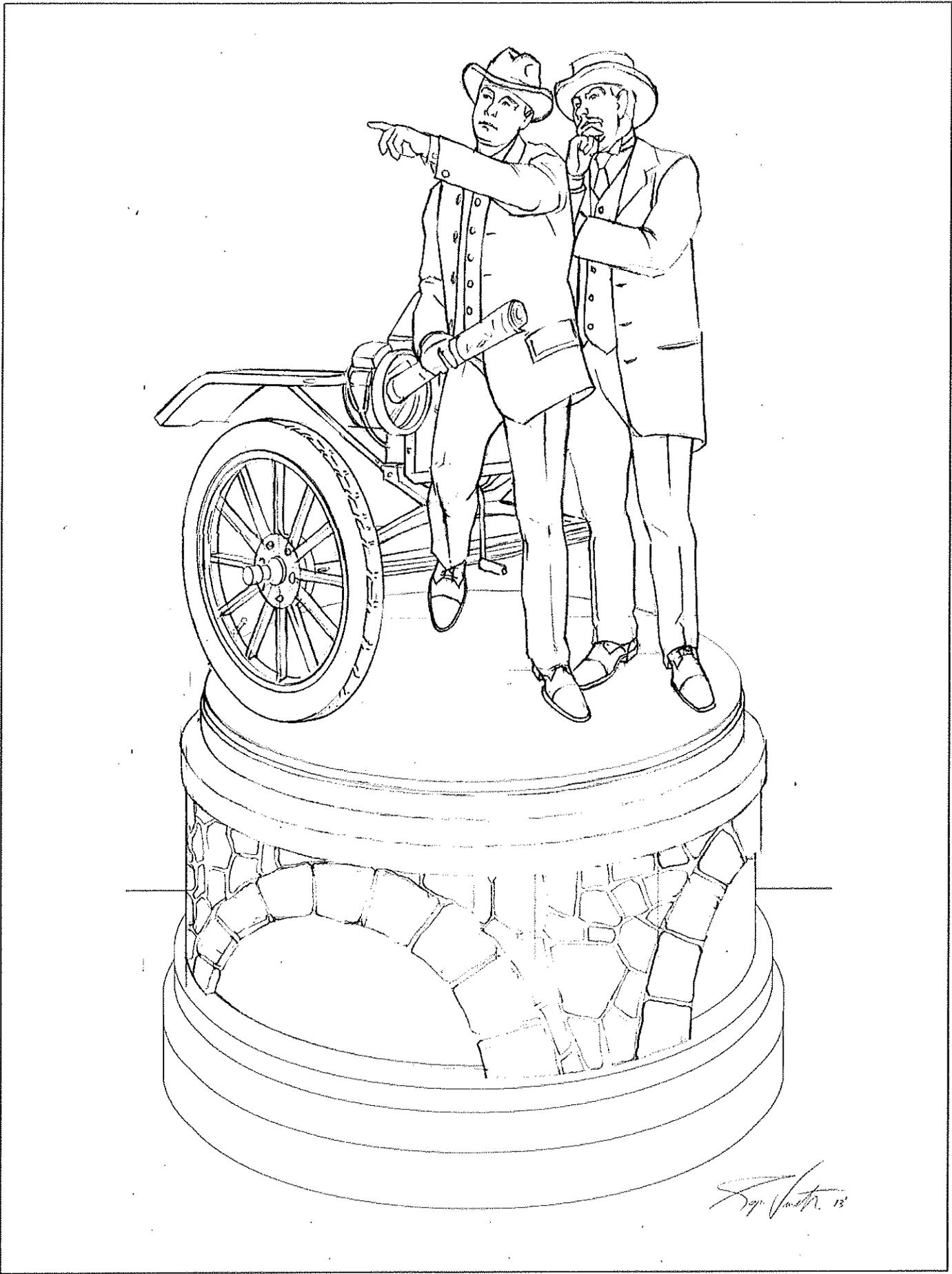
Future Fiscal Impacts: Yes, some small additional Parks Department maintenance, ongoing electrical utility expense for lighting

Community Involvement Process: Yes, discussed several times by the Council, Budget Committee, and the Parks Advisory Committee during the past year.

Sam Hill & Sam Lancaster



- 100 Year Centennial of the scenic highway.
- Celebrating Troutdale's visionaries
- by: Rip Caswell -



RESOLUTION NO.

A RESOLUTION ACCEPTING THE RECOMMENDATIONS OF THE PARKS ADVISORY COMMITTEE, AND ESTABLISHING, NAMING AND FUNDING OF VISIONARY PARK.

THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:

1. The Historic Columbia River Highway (HCRH) is the first U.S. scenic highway which was dedicated in 1916, and is an important part of the City.
2. The Troutdale Historical Society has been planning and working toward the June 2016 centennial anniversary of the HCRH.
3. A group of residents, the Visionary Friends of Troutdale, and renowned local artist Rip Caswell have proposed Visionary Park, with a statue of the Sam Hill and Sam Lancaster builders of the HCRH.
4. Citizens and elected officials have over the past year discussed in seven public meetings the need to recognize the centennial anniversary of the HCRH, and the evolving concept of Visionary Park which would support that need.
5. The City Council has recognized and expressed support for the concept, and has adopted a goal to put concerted effort into finishing Visionary Park before June 2016, in time for the centennial celebration of the HCRH.
6. The proposed park site is in the Multnomah County right-of-way of the HCRH, and the County has expressed a willingness to transfer the right-of-way to the City.
7. Renowned local artist Rip Caswell has offered to donate a commemorative statue of Sam Hill and Sam Lancaster builders of the HCRH, for the park site.
8. The City, Historical Society, visionary friends, and Rip Caswell recognize the benefits of collaborating on the project and desire to move forward as time is of the essence for the necessary preparations in advance of the upcoming June 2016 HCRH Centennial Celebration.
9. The Parks Advisory Committee has considered and recommended to the Council approval of the Visionary Park project.

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

Section 1. Establishes a City park at mile marker zero the intersection of the East Historic Columbia River Highway and Southeast Jackson Park Road, in the right-of-way adjacent to SECTION 25 1N 3E, TL 1800.

Section 2. Designates this new City park, "Visionary Park," and directs staff to prepare the necessary revisions to the Parks Master Plan for adoption at the next Plan document update, to include the new park.

Section 3. Directs and authorizes staff to petition Multnomah County for the jurisdictional transfer of the necessary right-of-way from Multnomah County to the City.

Section 4. As time is of the essence for the necessary preparations in advance of the upcoming Centennial Celebration of the Historic Columbia River Highway, staff are authorized and directed to obtain the necessary right-of-way permit from Multnomah County to begin construction work at the site, in advance of completing the jurisdictional transfer.

Section 5. Designates the City Manager, Public Works Director 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 on behalf of the City, any and all required and necessary documents to implement the intent of the resolution.

Section 6. Consistent with intent of the resolution, and in the best interest of the City, the City Official is hereby authorized to execute, acknowledge and deliver the jurisdictional transfer of the right-of-way petition, 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 resolution, and the execution thereof by any such City Official shall be conclusive as to such determination.

Section 7. The City Official is authorized and directed to negotiate on behalf of the City, an agreement with Rip Caswell addressing the site preparation specifications and requirements, and the donation of the Hill and Lancaster statue.

Section 8. Approves the Visionary Park site preparation in substantial conformity with the project site preparation scope defined in the Staff Report.

Section 9. Approves the estimated budget of up to \$60,000 for the project scope expenditures for site preparation in substantial conformity with the project scope defined in the Staff Report.

Section 10. The Finance Director is authorized to disburse funds, subject to annual appropriations, as necessary to fulfill the resolution obligations, and is further directed to implement all such actions necessary to ensure budgetary compliance.

Section 11. The City Official is authorized to determine, execute, acknowledge and deliver any subsequent permits, addendums, extensions, revisions, modification, or successor documents of the jurisdictional transfer of the right-of-way process and procedure, and the execution thereof by any such City Official shall be conclusive as to such determination.

Section 12. This Resolution shall be effective upon adoption.

YEAS:
NAYS:
ABSTAINED:

Doug Daoust, Mayor

Date

Debbie Stickney, City Recorder
Adopted: