



CITY OF TROUTDALE

“Gateway to the Columbia River Gorge”

AGENDA

CITY COUNCIL – REGULAR MEETING

Troutdale Police Community Center – Kellogg Room
234 SW Kendall Court
Troutdale, OR 97060-2078

Tuesday, September 8, 2020 – 7:00PM

Mayor
Casey Ryan

City Council
David Ripma
Randy Lauer
Jamie Kranz
Glenn White
Nick Moon
Zach Hudson

City Manager
Ray Young

City Recorder
Sarah Skroch

Meeting Participation During COVID-19 Social Distancing Order

Watch on T.V: City Council Regular Meetings will be broadcast live on Comcast Cable Channel 30 (HD Channel 330) and Frontier Communications Channel 38 and replayed on the weekend following the meeting - Friday at 4:00pm and Sunday at 9:00pm.

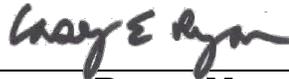
Watch on Zoom: Submit an email to info@troutdaleoregon.gov by 5:00pm on Monday, September 7th to request to be sent an invitation to watch via Zoom.

Submit Written Public Comment: Written public comment can be submitted via email to info@troutdaleoregon.gov and must be received by 5:00pm on Monday, September 7th.

In-Person Public Attendance: Members of the public may attend the meeting in person. Attendees will be required to wear a mask and be spaced a minimum of 6 feet apart. The number of people in the room shall not exceed 25.

1. **PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE.**
2. **PUBLIC COMMENT:** Public comment on non-agenda and consent agenda items is welcome at this time. *Public comment on agenda items will be taken at the time the item is considered. Public comments should be directed to the Presiding Officer, and limited to matters of community interest or related to matters which may, or could, come before Council. Each speaker shall be limited to 5 minutes for each agenda item unless a different amount of time is allowed by the Presiding Officer, with consent of the Council.*
3. **CONSENT AGENDA:**
 - 3.1 **MINUTES:** June 30, 2020 City Council Work Session and July 14, 2020 City Council Regular Meeting.
 - 3.2 **RESOLUTION:** A resolution approving an Intergovernmental Agreement with the City of Portland for the receipt and distribution of Federal CARES Act Coronavirus Relief Funds.
 - 3.3 **RESOLUTION:** A resolution authorizing the City Manager to sign a master agreement with the University of Oregon for participation in the Sustainable City Year Program.
4. **REQUEST:** Funding request for Fall Festival of Arts.
Ellen Green, Cascadia Art Association
5. **REPORT:** Buxton and East Historic Columbia River Highway traffic control updates.
Fred Ostler, Public Works Director.
Ian Cannon, Multnomah County Transportation & Carrie Warren, Multnomah County Transportation

6. **PUBLIC HEARING / ORDINANCE (Introduced 8/25/20):** An ordinance amending Chapter 12.07 of the Troutdale Municipal Code revising the City's legal authority to implement the federally mandated sanitary sewer pretreatment program.
Ryan Largura, Environmental Specialist
7. **PUBLIC HEARING / ORDINANCE (Introduced 8/25/20):** An ordinance adopting text amendments to Chapters 1, 3, 4, 8, and 9 of the Troutdale Development Code.
Chris Damgen, Community Development Director
8. **PUBLIC HEARING / ORDINANCE (Introduction):** An ordinance amending Troutdale Municipal Code Section 2.20 relating to Committees and Commissions. *Ray Young, City Manager*
9. **RESOLUTION:** A resolution approving the 2020 Council Priorities and Tactical Direction.
Ray Young, City Manager
10. **STAFF COMMUNICATIONS**
11. **COUNCIL COMMUNICATIONS**
12. **ADJOURNMENT**



Casey Ryan, Mayor
Dated: September 1, 2020

City Council Regular Meetings will be replayed on Comcast Cable Channel 30 (HD Channel 330) and Frontier Communications Channel 38 on the weekend following the meeting - Friday at 4:00pm and Sunday at 9:00pm.

Further information and copies of agenda packets are available at: Troutdale City Hall, 219 E. Historic Columbia River Hwy. Monday through Friday, 8:00 a.m. - 5:00 p.m.; on our Web Page www.troutdaleoregon.gov or call Sarah Skroch, City Recorder at 503-674-7258.

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

DRAFT

MINUTES
CITY COUNCIL – WORK SESSION
Troutdale Police Community Center – Kellogg Room
234 SW Kendall Court
Troutdale, OR 97060-2078

Tuesday, June 30, 2020 – 6:30PM

1. Roll Call

Mayor Ryan called the meeting to order at 6:34pm.

PRESENT: Mayor Ryan, Councilor Ripma, Councilor Lauer, Councilor Kranz, Councilor White, Councilor Moon and Councilor Hudson.

ABSENT: None.

STAFF: Ray Young, City Manager and Sarah Skroch, City Recorder.

GUESTS: Mike Abbate, Abbate Designs LLC

2. Discussion: Discussion of Potential Tactical Approaches to Council Goals.

<0:00:31>

Mike Abbate, Abbate Designs LLC, stated the 3 goals for the meeting are to review Council goals established in February, discuss different tactical approaches and get Council's direction as to which approaches they would like staff to invest time in in the coming fiscal year. Council was given ground rules for the meeting (attached as Exhibit A to these minutes).

<0:05:18>

Mike Abbate explained the 3 colored cards they were given: the green card means you can support the idea, the yellow card means you can support the idea with some modifications, and the red card means you adamantly oppose the idea. He went over the 2020 Troutdale City Council Priorities in Exhibit A to the staff report.

<0:12:27>

Ray Young, City Manager, discussed the possibly of consolidating goals 1 and 3 and stated there is no city owned property on any river except the Urban Renewal Area. Even though the word Columbia River is in there, the City doesn't own any property on the Columbia River. It seems to be the same parcel of the Urban Renewal Area.

<0:15:52>

Mike Abbate asked Council, for the purposes of identifying next steps for staff, should item 1 and item 3 be combined into one or kept separate.

Ray Young pointed out it would have to be reworded because it says city owned property. It would have to be a separate goal with wording that reflects that its other entity owned property.

Councilor Kranz stated there is also the river property where Sugarpine is located on the Sandy River.

<0:17:48>

Councilor Ripma stated negotiating a high-quality development agreement for the URA is the Council's number one priority. That's where the City's emphasis needs to be and its way more urgent.

Mike Abbate stated the Council's rankings reflect that.

Councilor Lauer stated he agrees with what Councilor Ripma said but also to go so far as in number 3 to say maybe Council could consider rezoning that land north of Troutdale.

<0:19:12>

Councilor Moon stated it sounds like keeping number 1 and 3 separate is well established by Council.

Mike Abbate asked Council who is in favor of keeping numbers 1 and 3 as separate items.

Councilor Lauer stated he's fine with consolidating 1 and 3 but not losing emphasis on number 1. If Council wants to develop a plan for city owned riverfront properties, that can be tied in in negotiating high-quality development agreements for the URA. He suggested consolidating 1 and 3 and getting rid of the Columbia River for right now and leave it as the Sandy.

Councilor Kranz stated she likes what Councilor Lauer said.

<0:21:01>

Mike Abbate stated there were 5 votes for keeping them separate and then Councilor Lauer's idea of consolidating them but put the emphasis on number 1 to negotiate high-quality development agreements in the URA. Council was asked about consolidating them into one overall statement, but the focus and the emphasis would be on negotiating high-quality development agreements in the URA.

Council agreed unanimously.

Mike Abbate asked Council if modifying number 3 to say, develop a plan for riverfront properties along the Sandy and Columbia River.

Council agreed.

<0:23:17>

Mike Abbate gave a brief overview of Exhibit B to the staff report and explained item number 1 is #5 on the Council's overall scoresheet (Exhibit A to the staff report) and it is to determine how to best consolidate the location of the functions of city government with options a, b, c and d.

Councilor Kranz stated another option may be a lease to buy situation for the City.

Councilor Ripma stated he thinks option a can be dropped because it's already been tried, and options c and d are more or less the same direction to staff.

Councilor Moon stated he is in favor of option b because it's economical and it accomplishes the goal of getting the City functioning more effectively and doesn't really require a big outlay of cash or bond.

<0:27:40>

Mike Abbate explained, in Exhibit B each item has choices that Council wants staff to focus on. There might be more than one option to consider.

Councilor Lauer suggested exploring option b and Councilor Kranz's option of lease to buy. He stated he doesn't mind continuing with the current decentralized temporary solution, but the problem is that it's temporary and he would like to have an idea as to where the City staff is going in the near future. He would like the current Council to find a solution.

Councilor Kranz stated she does not want it deferred to the next Mayor and Council in January.

Councilor Ripma stated he is not in favor of having the City staff start looking for lease locations to consolidate City Hall.

<0:31:49>

Councilor White stated he doesn't think the voters would understand City staff moving into another leased space. The idea is to get a permanent location. A lease is a waste of money and the old City Hall site has a lot of potential.

Mike Abbate asked if an amendment with an option to buy affects Councilor White's thinking.

Councilor White stated he would have to hear all the options before he could answer that question.

<0:34:20>

Mayor Ryan reminded Council that 2/3 of the voters said, do not spend any City money or voters' money on the old City Hall. He stated he could get behind moving from one lease to the next.

<0:37:24>

Councilor Moon stated he thinks it would be cheaper to consolidate into a larger lease because city staff is spread out and there are multiple leases. Typically, when there is more square footage the lease rate might be less plus saving staff time by having them all in one location.

Councilor Ripma stated he favors a civic building that is owned by the City and he wants the building saved.

Councilor Hudson stated he thinks Council can trust city staff to help make a determination of what is more cost effective and what makes financial sense.

Councilor White stated he hoped that Council's goals would be unanimous.

<0:42:38>

Mike Abbate asked Council if they would support the idea of option b and c.

1b – Pursue new leased space to consolidate most City “City Hall” functions in a single location, perhaps with a least to buy option.

1c – Continue current decentralized “temporary” solution.

Green – 5, Yellow – 1, Red – 1

Councilor Ripma stated he's worried that pursuing new lease space is going to take over the goal. He doesn't want staff pursuing new lease space right now.

Mike Abbate asked Councilor Ripma if there was a condition that you would propose that would change this to a green card?

Councilor Ripma responded combining c and d.

<0:44:50>

Ray Young stated, for staff, it isn't an issue specifically of money. It's an issue of management and team cooperation and saving of time and communication between all the staff members. Staff is spread out and it's harder to work together, it's harder to lead a team that is spread out and it's difficult for the citizens to know which direction to go to get information. Bremik Construction has approached staff about the possibility of lease optioning the second floor of their second building that's unbuilt. Dean Hurford has the lot on the corner of 257th and Columbia River Highway that he would like to develop and

wondered if the City would be interested in looking at that lot as a possible place to put a City Hall as a lease option. Staff won't pursue them unless Council directs them to do so.

<0:49:22>

Councilor Kranz stated the idea of consolidating is to increase efficiency. She's excited for the opportunity to see what staff can pursue.

<0:50:35>

Mike Abbate stated he'd like to see who supports or does not support each option for Item 1 – Determine how to best consolidate the location of the functions of city government:

1a – Bond levy to build new City Hall.

Green – 0, Yellow – 0, Red – 7

1b – Pursue new leased space to consolidate most City “City Hall” functions in a single location, perhaps with a least to buy option.

Green – 5, Yellow – 0, Red – 2

Councilor White stated the Bremik building was pursued but it's at a market rate. The lease space paid now is a little over a dollar a square foot and the market rate is \$23 or \$24 a square foot. The City has a great deal now.

1c – Continue current decentralized “temporary” solution.

Green – 2, Yellow – 4, Red – 1

1d – Refer to new Mayor and City Council in January 2021.

Green – 2, Yellow – 0, Red – 5

<0:54:51>

Mayor Ryan stated the Council is asking the city staff to pursue and to bring options back to the Council. The Council is making determinations for 50 plus people and what's best for them. The Council needs to listen to the employees and let them have a voice and pursue it.

<0:56:20>

Mike Abbate stated he'd like to see who supports or does not support each option for Item 2a – Explore options for existing City Hall property:

2a(a) – Continue to mothball building indefinitely. Develop a cost estimate per annum.

Green – 2, Yellow – 0, Red – 5

2a(b) – List the property for sale to any interested development without conditions.

Green – 2, Yellow – 2, Red – 3

<0:58:24>

Councilor Lauer stated he's not keen on the "without conditions" part.

Mayor Ryan agrees with Councilor Lauer, he's not against putting it up for sale, but without conditions makes him nervous.

2a(c) – List for sale the property to any interested development who would restore and keep the building.

Green – 4, Yellow – 2, Red – 0

<1:01:27>

Councilor Hudson suggested adding an option e, which would be to explore repurposing the old City Hall building for city use potentially as a library, a community center or as something that keeps it in the City and costs less than moving the City Hall functions into it.

Ray Young stated that was one of the proposals that staff presented to Council last year with a budget for it and it was about a \$2.5 million cost to restore it to basic use.

Councilor Kranz stated she doesn't think looking at the community aspect and the City still holding the deed makes sense for the City.

<1:03:21>

Councilor Ripma stated he likes Councilor Hudson's proposal. It is a city building and it's owned by the citizens. He thinks for a couple million dollars, Zach might be right, the Council could do it without going to the citizens. He stated the City owes it to the voters to keep the building.

Mayor Ryan cautioned the Council about being careful with the voters' money.

<1:05:51>

2a(d) – Raze the building and pursue either a sale of the property, or a bond levy to construct a new city hall as per 1a.

Green – 0, Yellow – 0, Red – 7

**2a(e) – Repurposing old city hall for City use other than a city hall function.
(Newly added)**

Green – 3, Yellow – 0, Red – 4

Council decided to take options 2a(a) and 2a(d) off the list and discuss options 2a(b), 2a(c) and 2a(e).

<1:09:09>

Councilor Lauer stated he gives a yellow for option 2a(b) because he doesn't like the "without conditions" portion. He would love option 2a(b) if it included some conditions.

Councilor Kranz stated the goal should be to have staff given direction to look at the options for sale. She would like to see what all the options are before Council makes a decision.

Councilor Ripma stated he was thinking the goal could be direction to staff to either list it or try to sell it but explore options to save the building.

<1:13:42>

Mike Abbate stated it might be a possibility of rewording option 2a(b) to give staff direction to explore options for sale in terms of conditions related to repurposing the building or Council could ask staff to explore the options of selling it, including conditions of preserving or restoring or salvaging the building.

Ray Young stated he is happy to do whatever Council tells staff to do with the building. His job is to make sure Council makes an informed decision.

Councilor Ripma stated it seems that Council could direct staff to explore developments repurposing the building or saving the building for possible city use.

Mike Abbate suggested asking staff to pursue options for sale, including making recommendations as for the conditions that might be applied related to repurposing the building. Then staff could go out and do a market scan, see if there are people who might be interested in doing it and renovating it.

Councilor Ripma stated that would be an okay goal.

<1:22:42>

Councilor Lauer stated he would like to come up with something viable to send to staff. He doesn't want to keep rehashing the fact of keeping the old City Hall building because that ship has sailed. He doesn't support repurposing the building and returning it to the City Hall.

<1:27:24>

Mike Abbate asked if 2a(b) would achieve some support if in the offer for sale there was an incentive that was offered to the purchaser, if they retained and repurposed the building, as part of the conditions. In other words, asking the marketplace to invest in the building.

Councilor Ripma stated he could go along with the idea. He realizes the building will be modified to some extent if it's used for any other purpose. He asked if there is anything wrong with having staff, as an alternate part of exploring options, asking them to explore other city uses.

<1:28:52>

Councilor Kranz stated the simple cost factor is the challenge. It's too much of a cost burden for the City.

Ray Young stated the basic, cheapest remodel to make the building structurally sound and usable for anything is over \$2 million.

Mike Abbate suggested exploring the options for sale to a developer with some conditions and incentives for redeveloping the building.

2a(b) – Exploring the options for sale to a developer with some conditions and incentives for redevelopment the building. (Reworded)

Green – 6, Yellow – 0, Red – 1

Councilor White stated the city owns the property at the old City Hall location. A City Hall and a library could be put on that property with parking.

<1:32:30>

Councilor Kranz asked how much it would cost to keep the building site, independent of the parking lot, and demolish the building.

Ray Young replied the City has not gotten a bid on keeping the building site and demolition without Council direction.

Mayor Ryan stated the City is 10 years behind on this and it's time for Council to think bigger.

<1:37:28>

Mike Abbate stated we've come close to a consensus on these first 2 items with a 5-2 for 1(b) with some modifications, pursue new leased space to consolidate most City "City Hall" functions in a single location with an option to buy; and a 6-1 for 2a(c) explore the options for sale of the property to a developer with some conditions and incentives for redevelopment the building.

Ray Young stated it sounds like the value is that it's more important to save the building than to put city staff in it.

Councilor Ripma replied yes.

<1:38:44>

Mike Abbate continued on to Item 2b – promote economic development with businesses in the city to attract new businesses on page 2 of Exhibit B.

2b(a) – Develop a plan to attract new businesses to Troutdale within focused geographic areas with clear parameters.

Green – 7, Yellow – 0, Red – 0

2b(b) – Discount some or all commercial SDC's for specific businesses and areas.

Green – 4, Yellow – 3, Red – 0

Councilor Lauer stated he's all for discounting some SDC's, but not all.

Councilor Hudson stated he would like to add that Council should be able to look at what is being discounted and why as part of the decision.

Councilor Kranz stated she agrees with Councilor Lauer and Councilor Hudson.

<1:41:04>

Mike Abbate asked Council who would support 2b(b) with the change of removing the word all and understand staff will come back with a proposal for the discounts on SDCs.

2b(b) – Discount some commercial SDC's for specific businesses and areas. (Reworded)

Green – 7, Yellow – 0, Red – 0

Mike asked Ray Young if the city has the capacity to do options 2b(c) – create a dedicated website for promotion of business and location of available space and property; and 2b(g) – consider creating an Economic Development strategic task force with MHCC, Reynolds

School District, employers, business owners and developers to identify current gaps in workforce skills, expected skills in demand, opportunities for internships, apprenticeship, and job-training programs, etc.

<1:42:04>

Ray Young replied no capacity at this time to do 2b(c), the City is already working on 2b(d) with the Main Streets Program and Town Center Plan, he's not sure of the ability to do the existing land-use development codes because that department is very busy for the next year, 2b(f) is something the City can do through the economic director, and the task force of option 2b(g) would have to fall after all the other options in this section.

Councilor Ripma suggested 2.b. be a, b and d and go to the next item due to the others being too big of jobs or other circumstances.

Mike Abbate asked how many people would support Councilor Ripma's suggestion of asking staff to focus on a, b and d.

2b – Promote Economic Development with businesses in the city to attract new businesses. (modified to only focusing on the following)

2b(a) – Develop a plan to attract new businesses to Troutdale with focused geographical areas with clear parameters.

2b(b) – Discount some commercial SDC's for specific businesses and areas.

2b(d) – Create a storefront improvement grant program to help businesses improve their exterior façade, subject to City approvals.

Green – 7, Yellow – 0, Red – 0

<1:45:04>

Mike Abbate continued with Item 2c – marketing and tourism promotion of Troutdale on page 2 of Exhibit B.

Ray Young stated the City has a new Economic Director, Marlee Boxler, and she needs time to get on her feet and the City has a lot to do this year with economic development in town and it doesn't necessarily include taking on new endeavors.

<1:46:31>

Mike Abbate stated to focus on 2c(c) – create an economic development and tourism department within the City, because the City has done it and wait until the economic director gets a chance to weigh in on 2c(a) and 2c(b).

2c – Marketing and Tourism Promotion of Troutdale. (modified to only focusing on the following)

2c(d) – Create and economic development and tourism department within the City.

Green – 7, Yellow – 0, Red – 0

Mike Abbate continued with Item 2d – propose ways to improve public safety on page 3 of Exhibit B.

2d(a) – Monitor effectiveness of new Community Resource Officer by CAC or reconstituted Public Safety Committee.

Green – 6, Yellow – 1, Red – 0

Mayor Ryan stated he doesn't want item 2d(a) to go to the CAC because he would like to start a separate Public Safety Committee.

Councilor Ripma stated he would prefer the CAC look at it. The City had a Public Safety Committee and it ended up being people who supported the police and it died out and spots couldn't be filled on the committee. He thinks the community resource officer is doing the necessary steps.

Councilor Kranz stated she agrees with Mayor Ryan and would like to add the idea of having a Public Safety and Equity Committee.

<1:51:04>

Mayor Ryan stated he would like to reimagine the Public Safety Committee than it was in the past. It's important to have a dedicated committee looking at equity and the relationship with Sheriff's Office. It's important for citizens to feel like the City is engaged and listening to them.

2d(a) – Monitor effectiveness of new Community Resource Officer by CAC or Public Safety and Equity Committee. (Reworded)

Green – 7, Yellow – 0, Red – 0

2d(b) – Hire consultant to survey city and suggest improvements.

Green – 1, Yellow – 0, Red – 6

2d(c) – Assign CAC to regularly monitor, review and suggest improvements in LE activity and crime stats.

It was determined that this was not needed, would be included with 2d(d).

2d(d) – Establish a new Citizen’s Public Safety and Equity Committee to recommend a course of action and priorities for the 2021-2022 fiscal year.

Green – 7, Yellow – 0, Red – 0

2d(e) – Create public forums to discuss public safety in Troutdale with residents and businesses.

This item was removed, concerns can be brought up at Council meetings or Public Safety and Equity Committee meetings.

Mike Abbate stated there was support to move forward with 2d(a) and 2d(d).

<1:57:41>

Mike Abbate continued with Item 6 – negotiate high-quality development agreements for URA (8. Develop a plan for City-Owned riverfront properties along Sandy and Columbia Rivers) on page 3 of Exhibit B.

6(a) – Create staff position/department to focus on Economic Development.

This item has already happened.

6(b) – Push to design, fund, and finish Sandy River trail.

Green – 6, Yellow – 1, Red – 0

Councilor White suggested pushing Metro to help fund it.

Ray Young stated the City is pushing Metro to help fund it.

6(c) – Create framework plan for the URA property.

This item is already in process with the Town Center Committee.

6(d) – Hire a consultant as needed to support new Economic Development department. (Reworded)

Green – 7, Yellow – 0, Red – 0

<2:01:04>

Mike Abbate continued with Item 7 – improve communication and collaboration with stakeholders such as Reynolds School District, Metro, County and State, Fairview, Wood Village, and Gresham on page 4 of Exhibit B.

Ray Young stated staff meets monthly with the city managers of the other 3 cities, good relations and communicate with Metro on a regular basis, Reynolds has been a struggle and staff continues to try, the State has been very good.

7(a) – Regular schedule of Administrative “check in” meetings.

7(b) – Regular schedule of Mayor information meetings with Partners.

Green – 7, Yellow – 0, Red – 0

Councilor Lauer stated it’s important to pursue a relationship with the Reynolds School Board on an ongoing basis and thinks it should be listed as a separate item.

7(f) – Pursue strengthened relationship with Reynolds School District. (Newly added, this replaces 7(c) – Regular schedule of Joint Board/Council meetings)

Green – 7, Yellow – 0, Red – 0

Mayor Ryan suggested Ray Young continue to fight the battle and bring in the City of Fairview and the City of Wood Village.

<2:09:01>

Mike Abbate continued with 7(d) – pursue consolidation of Fire Service into one district. Gresham, Troutdale, Fairview, Wood Village, and Corbett.

Ray Young stated there are still 5 years left in the current contract with Gresham. Gresham had to cut \$1.7 million from their fire service budget because their budget is getting tight. There will be continuing pressure on their fire budget which will impact all of it. Gresham is going to have to start pursuing a very large capital project to rebuild and reconstruct and put new fire stations out there to bring it into the 21st century. It’s never too early to think about what’s going to happen next when Troutdale needs to look at fire service for the citizens.

Councilor White stated he thinks this conversation is going to happen whether it’s a Council goal or not. He likes the idea of a Troutdale fire department and possibly collaborating with Wood Village and Fairview.

<2:12:16>

Mike Abbate stated that was moved off the list last time because there are 5 years left on the contract and the bandwidth isn’t there this year to jump into it much.

Councilor Lauer stated it’s never too early to start thinking of this and maybe explore consolidation or the beginnings of a consolidation or Troutdale’s own fire department.

**7(d) – Explore other Fire Service option including consolidation of Fire Service into one district with neighboring cities or an individual fire department.
(Reworded)**

Green – 7, Yellow – 0, Red – 0

7(e) – Pursue consolidation of Troutdale, Fairview, and Wood Village.

Green – 0, Yellow – 0, Red – 7

<2:16:08>

Councilor Ripma stated 1 and 2a are the only ones that were not unanimous, and they shouldn't be on the Council goal list.

Councilor Kranz stated those goals were Council's number 1 and 2 priorities in February.

Councilor Hudson stated he thinks that even though they weren't unanimous Council does need to go ahead with them. Staff needs to do something and he's comfortable with staff doing the will of the majority.

3. Adjourn

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

Meeting adjourned at 8:58pm.

Casey Ryan, Mayor
Dated:

DRAFT

ATTEST:

Kenda Schlaht, Deputy City Recorder

Ground Rules

1. All views are heard (I will call on you)
2. Listen to understand, not to reply
3. Everyone fully participates, but no one dominates
4. Be brief, be clear, be done
5. Disagree without being disagreeable
6. Assume best intentions of others,
as you would have them think of you
7. Focus on issues, ideas and behaviors, not people
8. Speak for yourself
9. Have a forward-positive outlook
10. I am your neutral facilitator

DRAFT

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

Tuesday, July 14, 2020 – 7:00PM

1. PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE

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

PRESENT: Mayor Ryan, Councilor Ripma, Councilor Lauer, Councilor Kranz, Councilor White, Councilor Moon and Councilor Hudson.

ABSENT: None.

STAFF: Ed Trompke, City Attorney; Chris Damgen, Community Development Director, Kenda Schlaht, Deputy City Recorder; Fred Ostler, Public Works Director and Marlee Boxler.

GUESTS: See Attached.

Mayor Ryan asked for agenda updates.

Chris Damgen, Acting City Manager, replied agenda item #7 will be deferred to a subsequent meeting.

2. PUBLIC COMMENT: Public comment on non-agenda and consent agenda items is welcome at this time.

None.

3. CONSENT AGENDA:

3.1 MINUTES: May 26, 2020 City Council Regular Meeting; June 9, 2020 City Council Regular Meeting and June 23, 2020 City Council Regular Meeting.

3.2 RESOLUTION: A resolution authorizing the Mayor to sign letter of support for a Three-City Transportation Growth Management Grant Application.

3.3 RESOLUTION: A resolution extending and expanding the temporary sewer system development charge subsidy for development of new and expanded food and beverage establishments.

3.4 RESOLUTION: A resolution approving a 2nd amendment to the task order with the Sandy Drainage Improvement Company for the joint North Troutdale Stormwater Master Plan.

3.5 RESOLUTION: A resolution approving a quitclaim deed for a Portland General Electric Company easement interest in certain real property located in the Urban Renewal Plan area.

3.6 RESOLUTION: A resolution approving a quitclaim deed for a sanitary sewer utility easement interest in certain real property located in the Urban Renewal Plan area.

MOTION: Councilor Ripma moved to approve the consent agenda. Seconded by Councilor Moon.
Motion Passed 7-0.

4. PUBLIC HEARING / ORDINANCE (Introduction and Adoption): An ordinance to Adopt emergency temporary limitations on the commissions and fees third-party ordering and delivery services may charge restaurants during the COVID-19 emergency.

<Track 1 - 0:06:02>

Mayor Ryan gave a brief overview of the staff report.

Mayor Ryan opened the public hearing at 7:19pm.

Mayor Ryan closed the public hearing at 7:19pm.

MOTION: Councilor Ripma moved to adopt the ordinance to adopt emergency temporary limitations on the commissions and fees third-party ordering and delivery services may charge restaurants during the COVID-19 emergency. Seconded by Councilor Ripma.

VOTE: Councilor Ripma - Yes; Councilor Lauer – Yes; Councilor Kranz – Yes; Mayor Ryan – Yes; Councilor White – Yes; Councilor Moon – Yes and Councilor Hudson – Yes.

Motion passed 7-0.

5. RESOLUTION: A resolution authorizing a loan from the Brownfields Redevelopment Fund and entering into a financing contract with the Oregon Business Development Department to finance Troutdale Urban Renewal Projects.

<Track 1 - 0:20:48>

Erich Mueller, Finance Director, gave a brief overview of the staff report.

MOTION: Councilor Moon moved to approve the resolution authorizing a loan from the Brownfields Redevelop Fund and entering into a financing contract with the Oregon Business Development Department to finance Troutdale Urban Renewal Projects. Seconded by Councilor Lauer.

VOTE: Councilor Ripma - Yes; Councilor Lauer – Yes; Councilor Kranz – Yes; Mayor Ryan – Yes; Councilor White – Yes; Councilor Moon – Yes and Councilor Hudson – Yes.

Motion passed 7-0.

6. REQUEST: A request for Council support for a disc golf course to be located on the Urban Renewal Site as well as possible financial support from the City.

<Track 1 - 0:24:16>

Chris Damgen gave a brief overview of the staff report. The disc golf community has assured the City that they would be largely responsible for maintaining the property, which they can do through an agreement in place with the City.

<Track 1 - 0:29:10>

Steve Zebrowski stated the \$8000.00 will cover baskets and offer services to move baskets when the URA location needs to be vacated. The disc golf community petitioned downtown businesses in Troutdale and almost everyone supported the course and knows the league would bring business to downtown.

Jason Hardin stated the disc golf community has a lot of support from their members and it's a tight knit community.

Chris Damgen stated there is still an active DEQ approval and permit process. Any potential motion for funding support tonight should be conditioned that it must receive approval from DEQ to have access to city funding.

<Track 1 - 0:35:30>

Erich Mueller stated the overall site clean up process is in the documentation and the review of the final report has been submitted by the environmental engineers. It is expected next month to get the first round of edits that DEQ will request and then it will go back through another review process, then published in the Secretary of State's journal for a month for public comment and then DEQ will finally issue a certificate of completion indicating the City has complied with the requirements of the perspective purchaser agreement that the agency entered into.

Councilor Lauer stated he wants to make sure there are people who will be held accountable for the maintenance and upkeep of the property.

Chris Damgen replied the City has agreements in place for general access to the property that is handled through the parks department.

Jason Hardin stated it would be as easy as asking and volunteers would be there to clean and do the upkeep.

Steve Zebrowski stated he would be willing to agree to whatever terms the City would like to write out.

Councilor Lauer stated he is concerned with garbage and people parking for longer periods of time than allowed and who will be responsible for those issues. He doesn't want City employees maintaining it and keep it orderly.

Councilor Kranz stated she is in support of the course and it's a good addition to Troutdale, but she is nervous about not having the approval from DEQ before funds are disbursed. She asked about hours of operation.

Jason Hardin replied that it would have the normal city park rules and hours.

Councilor Ripma asked where the funds would come from.

<Track 1 - 0:49:10>

Erich Mueller replied it would be something the City funds out of contingency.

Councilor White stated he supports the disc golf course, but he prefers there be a permanent location.

MOTION: Councilor Moon moved to approve financial support for the disc golf course in the Urban Renewal site of an amount up to \$8000.00 subject to DEQ approval. Seconded by Councilor Kranz.

VOTE: Councilor Ripma - Yes; Councilor Lauer – No; Councilor Kranz – Yes; Mayor Ryan – No; Councilor White – Yes; Councilor Moon – Yes and Councilor Hudson – Yes.

Motion passed 5-2.

7. ~~REPORT: A report on Potential Improvements & Jurisdictional Transfer for Historic Columbia River Highway.~~

Deferred to a subsequent meeting.

8. UPDATE: Town Center Plan – Opportunity Sites & Transportation

<Track 1 - 1:03:00>

Chris Damgen gave a brief overview of the staff report and presented Council with a PowerPoint presentation (attached as Exhibit A to these minutes).

9. REPORT: A report by the City Attorney on City Firearms Laws.

<Track 1 - 1:35:10>

Ed Trompke gave a brief overview of the staff report and related his recommendation to the City as, don't get involved in long and expensive battles over gun issues. Let the legislature look at it and watch and encourage the legislature to take whatever action it is going to take in the session in January.

<Track 1 - 1:38:25>

Councilor Hudson stated there's nothing that would prevent the City from adopting the same measures that the County has adopted. If the County can do so, then the City is also able to do so.

Ed Trompke replied that doesn't necessarily mean it's going to work. For example, where the County has adopted the crime of endangering a child by allowing access, that seems to fall almost entirely if not entirely under the storage of firearms. Storage is one of the words that is expressly preempted.

<Track 1 - 1:41:54>

Councilor Hudson stated the storage issue is a separate question than the regulation of open carry with a loaded weapon. Open carry with a loaded weapon is something that municipalities can and do regulate.

Ed Trompke stated that is correct and probably the only area that the City could adopt something.

<Track 1 - 1:45:40>

Councilor Ripma stated his feeling is in view of the limited potential legal benefit, possibly zero and the controversial nature of taking this up, his preference is not to take it up.

Councilor Hudson stated he still doesn't understand, the County asserted its right to regulate open carry with an armed weapon and it has that right. Troutdale asserted its home rule saying that its gun regulations and only its gun regulations should apply to Troutdale. That seems to put Troutdale in the situation where there would be a protracted legal disagreement. If Troutdale were to adopt the same regulation against loaded open carry as the County, he thinks it would make it much easier for law enforcement to be consistent between communities. It would also reduce confusion as far as what the prosecutor should do and what the judge should do. He doesn't see the potential of legal action against Troutdale at all.

<Track - 1:47:04>

Ed Trompke stated the potential for legal action against the City would come from someone who doesn't have a concealed carry permit who would say they have the right to walk around with a loaded firearm. Those kinds of people exist and adopting something is like poking a bear.

Councilor Hudson stated his concerns are that a person can walk around the outlet mall with an AR-15 simply because they can and the City would really appreciate the ability for police to intervene when somebody gets out of their car with an AR-15 loaded or not to be able to closely monitor the situation and not have the excuse of not being able to be stopped. It would seem more responsible from the City's point of view to assert that this is something the City doesn't want in the community. The alternative might be that the City finds itself like the Walmart in Houston where somebody decides he can do it therefore he is going to and cause mass panic or end up with a terrible situation where the sheriffs deputy is called about someone with an AR-15 walking into a store and the deputy finds himself uncertain whether or not they can respond.

<Track 1 - 1:52:05>

Councilor Moon stated it's so ludicrous to think that if somebody walked into a store with an AR-15 and that the cops would sit there and say they need to call the Council and check the code book to see if it's okay.

Councilor Lauer stated he agrees with Councilor Moon. He finds it hard to believe that if someone were to call the police about a person with an AR-15 that the sheriff is going to just sit in his car seat and not respond. He stated he doesn't support it.

Councilor Kranz stated she supports the spirit of what Councilor Hudson is bringing up in terms of public safety for our community and she doesn't know exactly where the direction is going to have a punishment piece.

Mayor Ryan stated the County already has rules on the book. The district attorney assumes the rules are enforceable for the cities. This is just more government overreach by Troutdale. He stated he agrees with Councilor Lauer and Councilor Moon.

Councilor Hudson explained this has nothing to do with seeking publicity. His intention is being proactive and preventative and preventing a problem before it happens in Troutdale.

10. RESOLUTION: A resolution to refer amendment of City Charter Chapter VI Elections, Section 23 to the electors of the City.

<Track 1 - 1:59:10>

Ed Trompke gave a brief overview of the staff report and explained a couple of issues on the report. He stated he may have misspoken as to what the CAC actually reported and for the Council's reference he's referring the Council to something early on in the packet in the minutes of the June 23, 2020 meeting there's an exhibit B right after the disc golf materials and there is a question, the question at CAC wasn't whether they approved or disapproved Top 3 voting but rather should the voters be provided with the opportunity to make the determine of which method they preferred going forward. So, to the extent that there is any misstatement in his staff report or materials he apologizes and refers them to their own recollections and to the minutes of the prior meeting as to what the CAC actually did report back. He stated he was directed to prepare a resolution to refer this as a referral to the voters. The state laws say it's a referral, not a referendum even though the election is a referendum to refer Section 23. He drafted new language for Section 23 that candidates for City Council positions shall not run for specific positions, which is the current case, but all candidates shall run against all others. Electors may cast the number of votes that's equal to the number of positions to be filled ordinarily that will be 3 every other year but occasionally it's possible there will be a 4th or a 5th. If a Councilor resigns or dies or leaves the city in the first year and a half of their term, then the Council appoints an interim Council member who then must stand for election in November of that year. The 3 candidates receiving the greatest numbers of votes will be elected to fill 3 open full-term positions in each election. After the top 3 get the long positions, any positions for 2-year terms will be filled with candidates receiving the next greater number of votes in decreasing order. There are 2 matters in the resolution. One is to refer that to the people and the second is to adopt the ballot title. There are 3 pieces to the ballot title; the caption which is 10 words, the question which is 20 words and the summary which is 150 words maximum. You would be adopting those to send to have the City Elections Official to refer that to the County Elections Official for inclusion in the voter's pamphlet. That's what appears in the voter's pamphlet along with an explanatory statement.

<Track 1 - 2:07:27>

Councilor Ripma stated the Council agreed to refer this to the Citizens Advisory Committee (CAC) and the CAC had 2 monthly meetings to discuss the topic. They had a professor come in, they discussed it at length and the CAC did not recommend putting it to the voters by a vote of 8-3. This subject has been discussed 8 times since the end of 2019.

Councilor White stated if this is what the people want then the signatures should be gathered.

Councilor Kranz stated she is in support of putting it out to the voters.

Councilor Lauer stated when this first came up there were 5 separate issues that were brought up to Council and he was in support of many of them being sent off to the voters to have them decide. He didn't want to send them one by one. He wanted to send them all or none, but now they're being brought up one by one and he thinks there's an opportunity now to send them off and have the citizens decide what they want to do.

Councilor Ripma stated there are reasons why Council shouldn't refer it to the voters, the best one being Council doesn't think it's a good idea. It reduces accountability of the Councilors.

<Track 1 - 2:18:31>

Paul Wilcox, Troutdale resident, stated he wants to correct a typo in the summary, second paragraph, second line down. The first word should be vote rather than voter. On the explanatory statement, the first paragraph says, "The Charter has been amended several times since 1994." It's only been amended twice in the entire time that Councilor Ripma has been on Council. The very last paragraph on the explanatory statement it states what the CAC said. He thinks it should be deleted entirely from the explanatory statement because their report was whether to put it to the voters, not whether they like the system or not.

<Track 1 - 2:21:27>

Ed Trompke stated he is going to change the word voter to vote in the ballot title as Paul stated and change a word in the explanatory statement that says, "the CAC opposed adoption of such proposal" to "the CAC opposed referral of a proposal such as this."

<Track 1 - 2:23:28>

Chris Damgen went over staff communications (see Agenda Item #11).

<Track 1 - 2:28:04>

Sam Bennett, Troutdale resident, stated he wanted to chime in on the CAC recommendation on the election process. The committee was assigned to inspect this option of voting and they did their homework on it. He stated it feels like a kick in the face to be ignored when they voted 8-3 to not to go to the voters. They had their reasons for voting that way. This isn't the first time the CAC has been tasked by the City to evaluate something and then have it not come to fruition. He's disappointed that Council has ignored the work of the CAC again.

<Track 1 - 2:29:45>

Tanney Staffenson, Troutdale resident, stated the Budget Committee recently voted to increase the stipend for the Mayor and Council members. One of the reasons that was done

was to cover some of the out of pocket costs that Council has on a regular basis. It's not so much of a financial hardship to be on Council. A comment was made that there shouldn't be someone not able to be on Council because it's a financial hardship. He doesn't think that's in the best interest of the City. With a system of voting like Top 3, the City is probably going to ask everybody to run a campaign. A campaign for a Councilor can run up to \$10,000.00. A stipend won't cover that amount. He thinks in some ways it's adding an additional burden to Councilors.

<Track 1 - 2:39:10>

Mayor Ryan called for a temporary adjournment.

<Track 2 - 0:00:05>

Mayor Ryan reconvened the meeting

MOTION: Councilor Moon moved to approve the resolution to refer amendment of City Charter Chapter IV Elections, Section 23 to the electors of the City of Troutdale with the addition of Mr. Trompke's 2-word amendments. Seconded by Councilor Hudson.

VOTE: Councilor Ripma - No; Councilor Lauer – Yes; Councilor Kranz – Yes; Mayor Ryan – Yes; Councilor White – No; Councilor Moon – Yes and Councilor Hudson – Yes.

Motion passed 5-2.

11. STAFF COMMUNICATIONS

<Track 1 - 2:23:28>

Chris Damgen provided the following staff communications:

- Next Council meeting is August 25th
- Three City Council meeting on Wednesday, July 29th, RSVP to Sarah Skroch if you would like to attend on Zoom
- The URA Trail and Park design has begun its 60% design effort
- Movies in the Park has been canceled for this year
- New COVID-19 restrictions go into effect July 15th

12. COUNCIL COMMUNICATIONS

<Track 2 - 0:01:22>

Councilor Ripma explained that Sharon Nesbit was present at the work session for Council goals and she was not allowed to do public comment. She gave him a statement relevant to the City Hall issue. She is on board with the goal adopted. Her comment is, "The concrete block and Troutdale City Hall, nearly a century. In 1925 Troutdale's last major fire started in the Larsson Livery Stable Garage which is the site of the former Calcagno Winery. It tore through that block and bumped up against the supposedly fireproof brick Weinhard building and burned off the top floor of that structure, which is now a vacant lot, and swept up the hill taking out about 9 or 10 homes. Residents managed to save the Troutdale General Store, which is now Troutdale Vision, and the Tiller Hotel. Troutdale City Hall, built in 1922, was new and escaped

the fire because it was upwind from the blaze. Disgusted with fire losses, a 1910 fire had done similar damage, the owners of the businesses in that block decided to rebuild in concrete. The entire block was known as the Concrete Block. The building still stands including the Taste of Village is also on it. The former Post Office and apartment building now are all still there. In studying the historic southside of Troutdale's Main Street the concrete block with Troutdale City Hall just across Kibling Street is the oldest in-tact block of old Troutdale. When Troutdale City Hall was open and functioning the east end of Troutdale's main drag was a lively and functioning district. Since the closing of City Hall, activity now dead ends at the former Calcagno building, however, things will change. Across the highway, restoration of the Troutdale Rail Depot and Plaza should draw visitors further east and ultimately around the bend to the art museum district and on to the river and Glenn Otto Park. It seems an ideal time to match the Depot restoration with new life on the southside, a refurbished renovated City Hall, either publicly or privately done and a celebration and recognition of the Concrete Block featuring a historic marker about Troutdale's fires. A 100-year old business block is worth recognizing. Creative minds should have an opportunity to find new uses for a renovated City Hall. A library has been mentioned, a community meeting place or any number of other uses dreamed up by the same kind of genius it took to create a hotel out of an old poor farm. The City has always skirted any kind of historic designation for City Hall methods that might be useful. The new branding calls Troutdale historic but the City has failed to live up to that. The loss to the northside have been considerable in recent years. Revitalizing old City Hall for a new use and recognizing the historic value of the Concrete Block would make a difference.

Mayor Ryan stated Sharon Nesbit had a nice piece in the Outlook and he enjoyed reading it and it was a good message.

Councilor White complimented Chris Damgen and his team for the outstanding presentation on the Town Center Plan.

13. ADJOURNMENT

MOTION: Councilor Lauer moved to adjourn. Seconded by Councilor Hudson. Motion passed unanimously.

Meeting adjourned at 9:57pm.

Casey Ryan, Mayor
Dated:

DRAFT

ATTEST:

Kenda Schlaht, Deputy City Recorder

CITY OF TROUTDALE

City Council – Regular Meeting
7:00PM

Tuesday, July 14, 2020

PLEASE SIGN IN

| Name – Please Print | Address | Phone # |
|---------------------|-----------|--------------|
| Tammy Staffordson | Troutdale | 503-319-7532 |
| Sam Barnett | Zoom | |
| Jeff Hagerty | " | |
| Paul Wilcox | " | |
| Suzanne Ludwig | " | |
| Cheryl Russell | " | |
| Steve Zebrowski | " | |
| Jason Hardin | " | |
| John Nearing | Zoom | |
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Town Center Plan Update

Presentation to City Council

July 14, 2020

Troutdale Town Center Committee

Chris Damgen, Community Development Director

Marlee Boxler, Associate Planner

Arini Farrell, Associate Planner

Discussion Items

- **Background Information**
 - Shifting roles at the City
 - Public feedback and establishment of Town Center Vision
 - designation of Opportunity Sites & Corridors
- **Opportunity Sites**
- **Key Corridors**
- **URA/The Confluence (recap)**
- **Future long-range planning efforts**
- **Metro participation & partnership opportunities**

Shifting Roles at the City

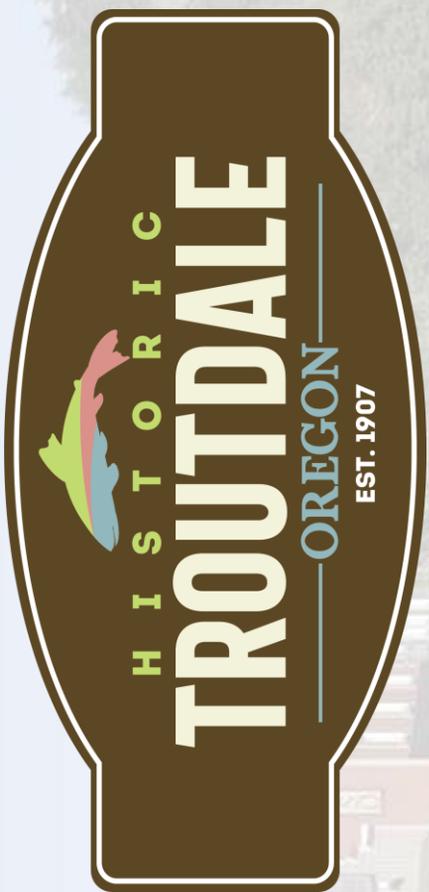
- City is playing more active role in economic & tourism dev.
- Establishment of an Economic Development Coordinator position
 - Marlee Boxler
 - Implementation of the Town Center Plan
 - Assistance with development prospects for opportunity sites
- Establishing Town Center Committee as a standing committee
 - Town Center Alliance (could be spun off as a non-profit entity)
- Consideration of creating a Main Street program
 - Economic development
 - Community promotion (branding/marketing)
 - Community design efforts

Background: Metro 2040 Growth Concept

- **Town centers** provide services to tens of thousands within a two- to three-mile radius. One- to three-story buildings for employment and housing are characteristic. Town centers have a strong sense of community identity and are well served by transit.
- **Main streets** are similar to town centers: a traditional commercial identity but on a smaller scale with a strong sense of the immediate neighborhood. They feature good access to transit.
- **Corridors** are streets that serve as major transportation routes for people and goods. Extensively served by transit.

Troutdale Town Center

- Metro 2040 Growth Concept – Town Center, Main St & Corridor
- First Town Center Plan – 1998
- Project Timeline:
 - Creation of Committee: 2017
 - Public Outreach: 2017-2019
 - Vision-Setting: early 2019
 - Opportunity Site formation: late 2019
 - Plan Draft: current
 - Approval: early fall 2020



- Concurrent Projects:
 - Economic Analysis: 2018 (with Main Streets on Halsey)
 - Community Branding: late 2019-early 2020
 - Site Suitability & Code Audit: 2020 (with Main Streets on Halsey)
 - Downtown Parking Study: delayed

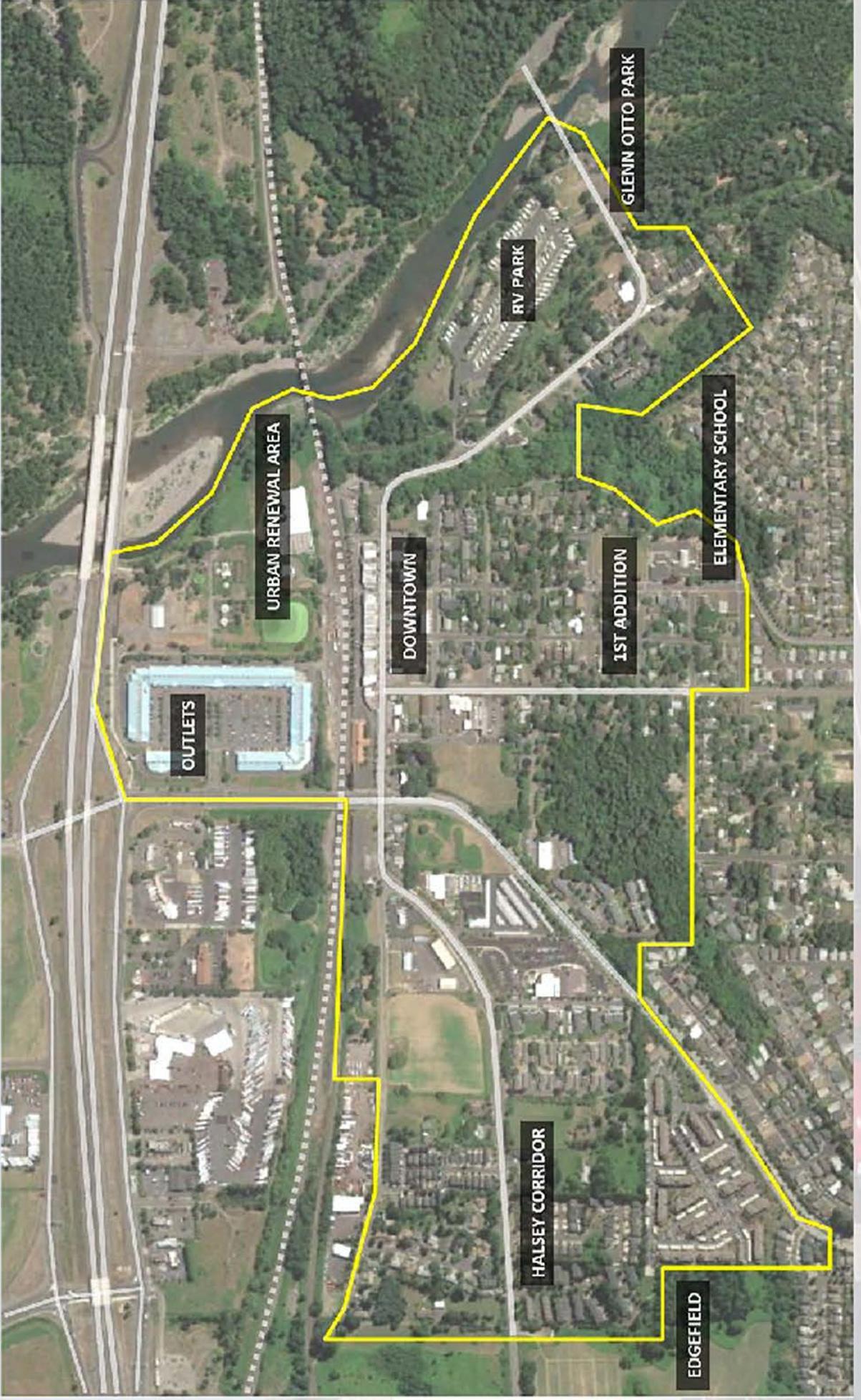


Town Center Plan Contents

- Past & Present Analysis
- Land Use Planning
 - Statewide Land Use Goals – interfaces with our Comp Plan
- Transportation Planning
- Socio-Economic Topics
- Branding & Marketing
- Implementation Strategy
 - Full strategy delayed due to COVID-19
 - initial steps taken – economic development role
- Opportunity Sites & Corridors
 - Urban Renewal Area / The Confluence
 - 12 Other Sites





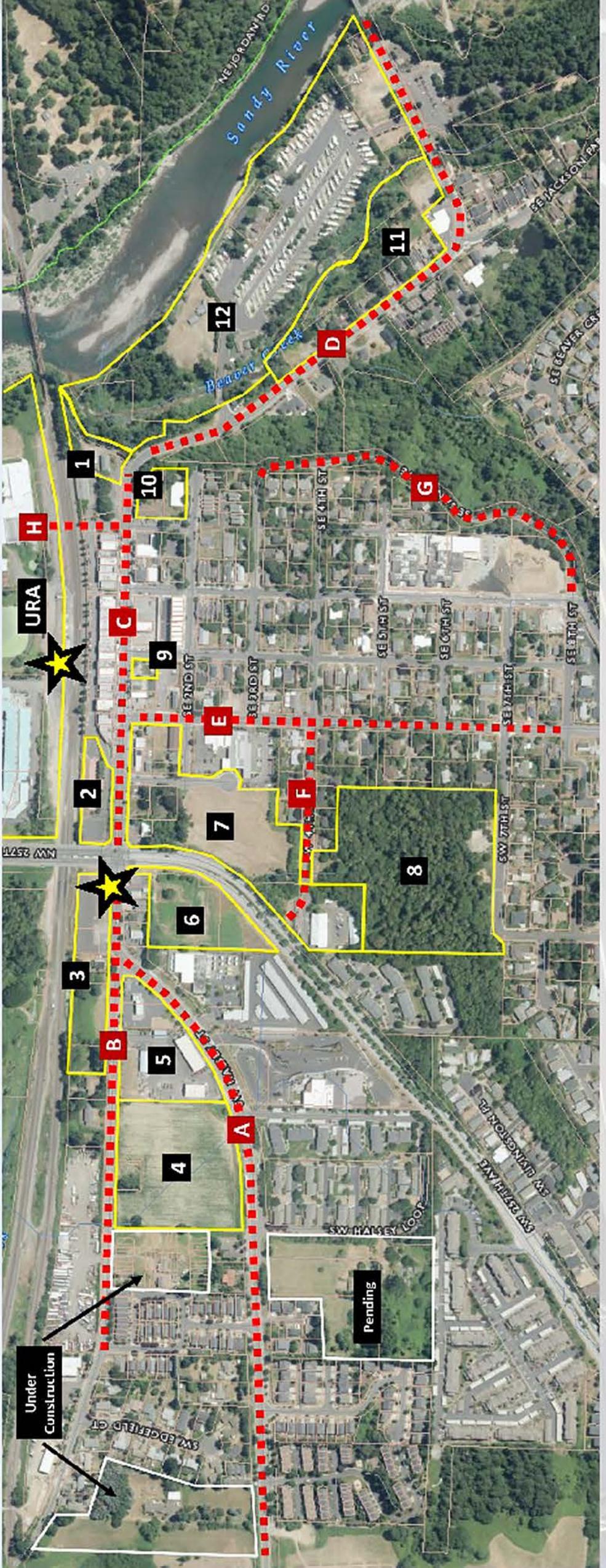


Town Center Vision

- Derived from two years of public input, surveying, and feedback
- Considered strengths, weaknesses, opportunities, and threats
- Forward thinking - 20 year horizon to 2040
- Every decision or implementation must reflect back to the vision

By 2040, the Troutdale Town Center will preserve its small-town feel while becoming the most vibrant, scenic, and historic hub in the region; where families thrive, businesses prosper, and visitors return.

Opportunity Sites & Corridors



Opportunity Sites & Corridors

Reasons for Identification

- Development, redevelopment, re-use, or investment can have a transformative effect on the Town Center as a whole
- Development of certain sites at higher residential densities will:
 - place less pressure on existing built environment to retain small-town-feel
 - increase people in proximity to services, including transit
- Public investments and incentives should be tied to these sites and corridors that serve these sites
- Corridor investment could expand modal choice & improve safety
 - Would you let your 10 year old child ride their bike alone through the Town Center?
 - How will an 90 year old person get around town?
 - How will automation and other future trends affect transportation?

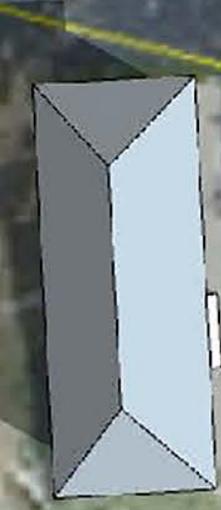
Opportunity Sites & Preferred Land Uses

| PREFERRED LAND USES | | Land Use Classifications (in acres) | | |
|----------------------------|-------------------------------|-------------------------------------|--------------------------|-------------------------|
| Site # | Opportunity Site | First Preference | Second Preference | Third Preference |
| 1 | Depot Park | Open Space & Parks | Community Service Use | |
| 2 | GMB Tract | Commercial Service | Community Service Use | |
| 3 | Hurford Tract | Commercial Service | Community Service Use | Mixed Use |
| 4 | Cerruti Tract West | Med Density Residential | High Density Residential | Mixed Use |
| 5 | Cerruti Tract East | Commercial Service | Mixed Use | Med Density Residential |
| 6 | Foursquare Tract | Community Service Use | Commercial Office | Mixed Use |
| 7 | Overlook Tract | Community Service Use | High Density Residential | Mixed Use |
| 8 | Helen Althaus Park | Open Space & Parks | | |
| 9 | Mayors Square | Open Space & Parks | | |
| 10 | Block 4 Tract (Old City Hall) | Community Service Use | Mixed Use | Hi Dens Res / Com Serv |
| 11 | Beaver Creek West Tract | Mixed Use | Med Density Residential | Commercial Service |
| 12 | Peninsula Tract | Open Space & Parks | Community Service Use | Commercial Service |
| URA | The Confluence | Mixed Use | Commercial Service | Open Space & Parks |

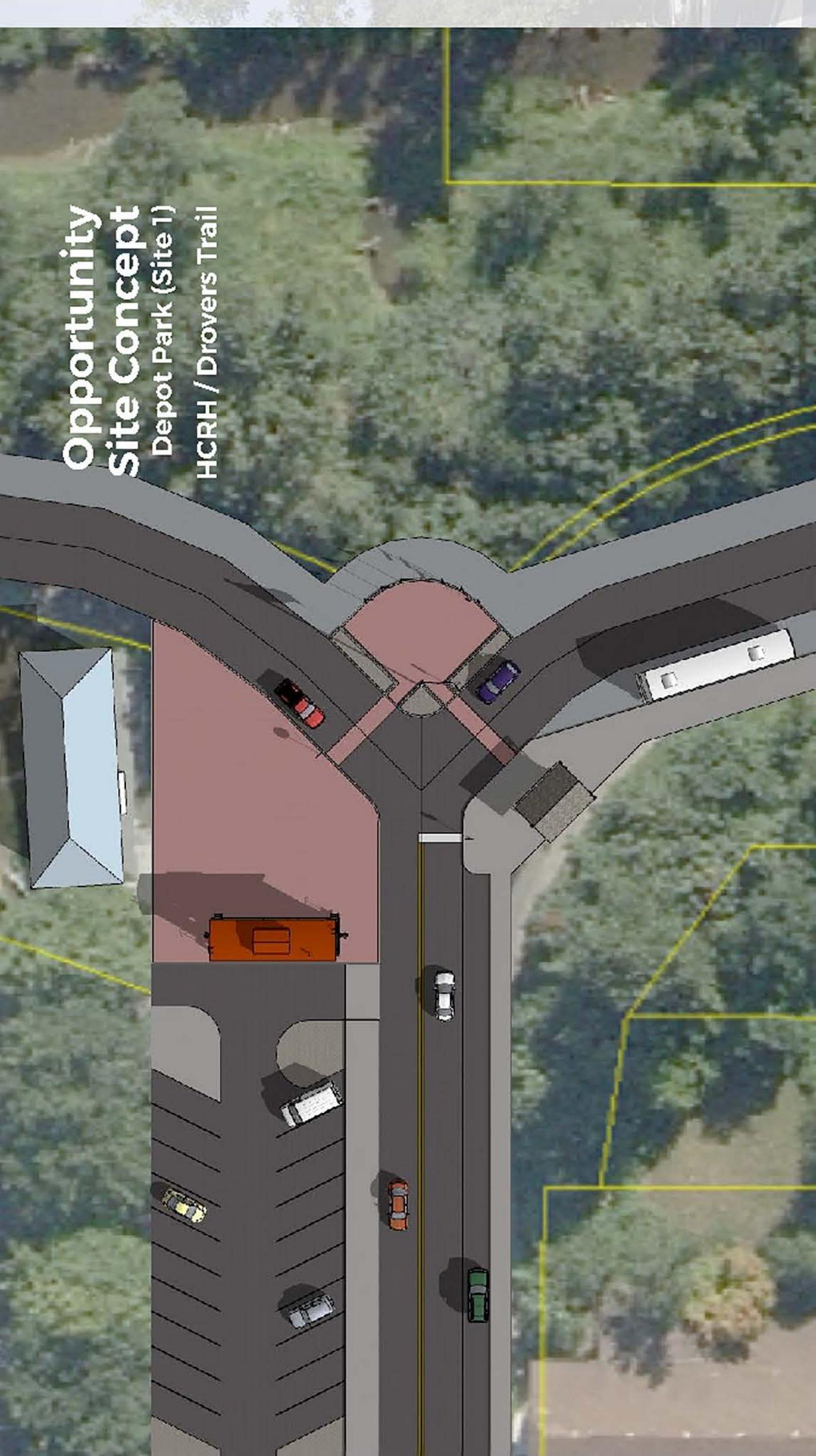
Opportunity Site Concept

Depot Park (Site 1)

HCRH / Drivers Trail



**Opportunity
Site Concept
Depot Park (Site 1)
HCRH / Drivers Trail**





Opportunity Site Concept Hurford Tract (Site 3) HCRH / 257th Drive





Opportunity Site Concept Old City Hall (Site 10)

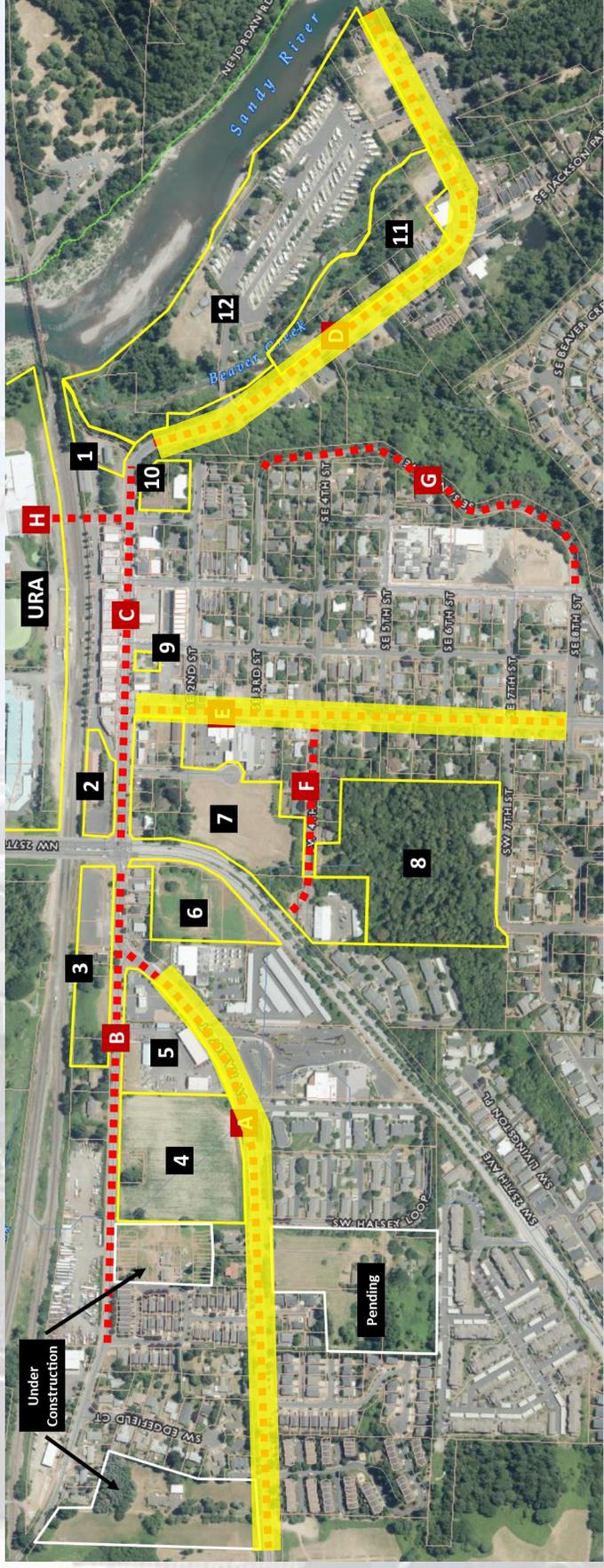
HCRH / Kibling





Corridors A, D, and E

- “Approach Corridors” to downtown
- Make them safer
- Provide better opportunities to walk, bike, or get around
- Speeds are higher than downtown
- Separated uses to increase feeling of safety
- Streetscape changes



A - Halsey Street, looking east



A - Halsey Street, looking east



A - Halsey Street

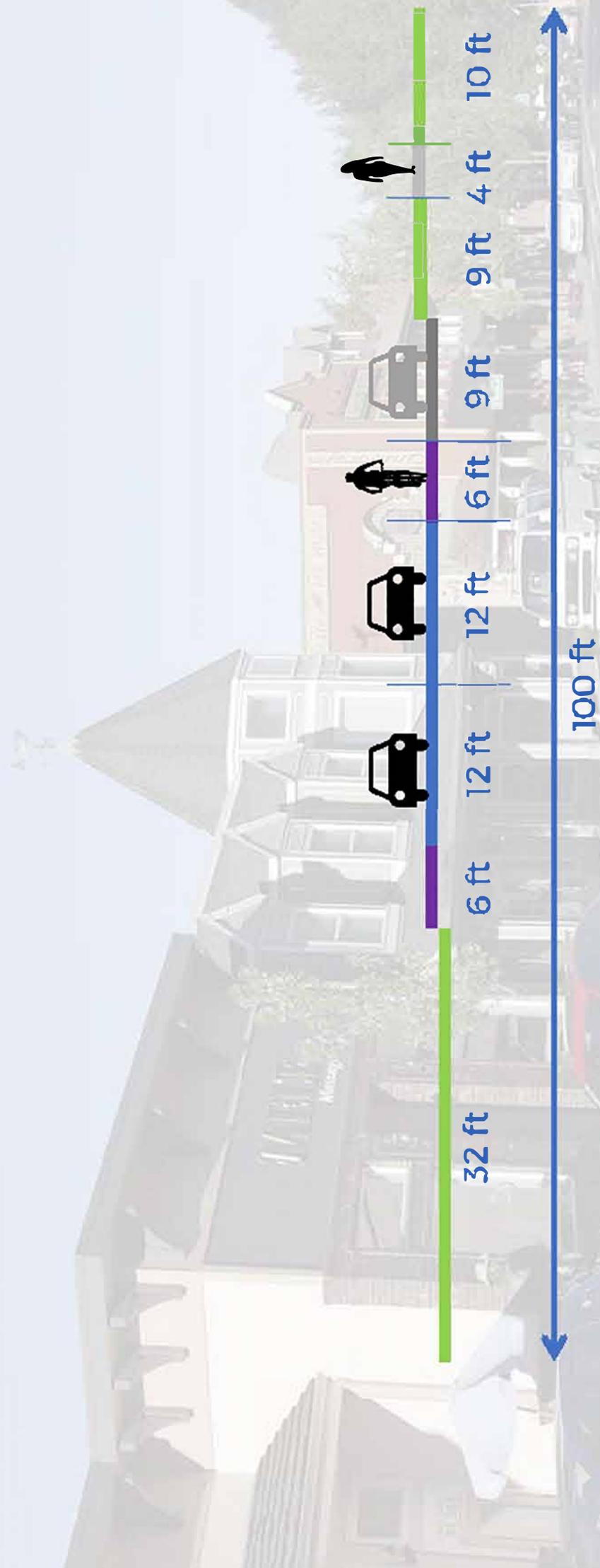
- 100 foot wide right-of-way



A - Halsey Street - Current Cross Section



A - Halsey Street - Current Cross Section

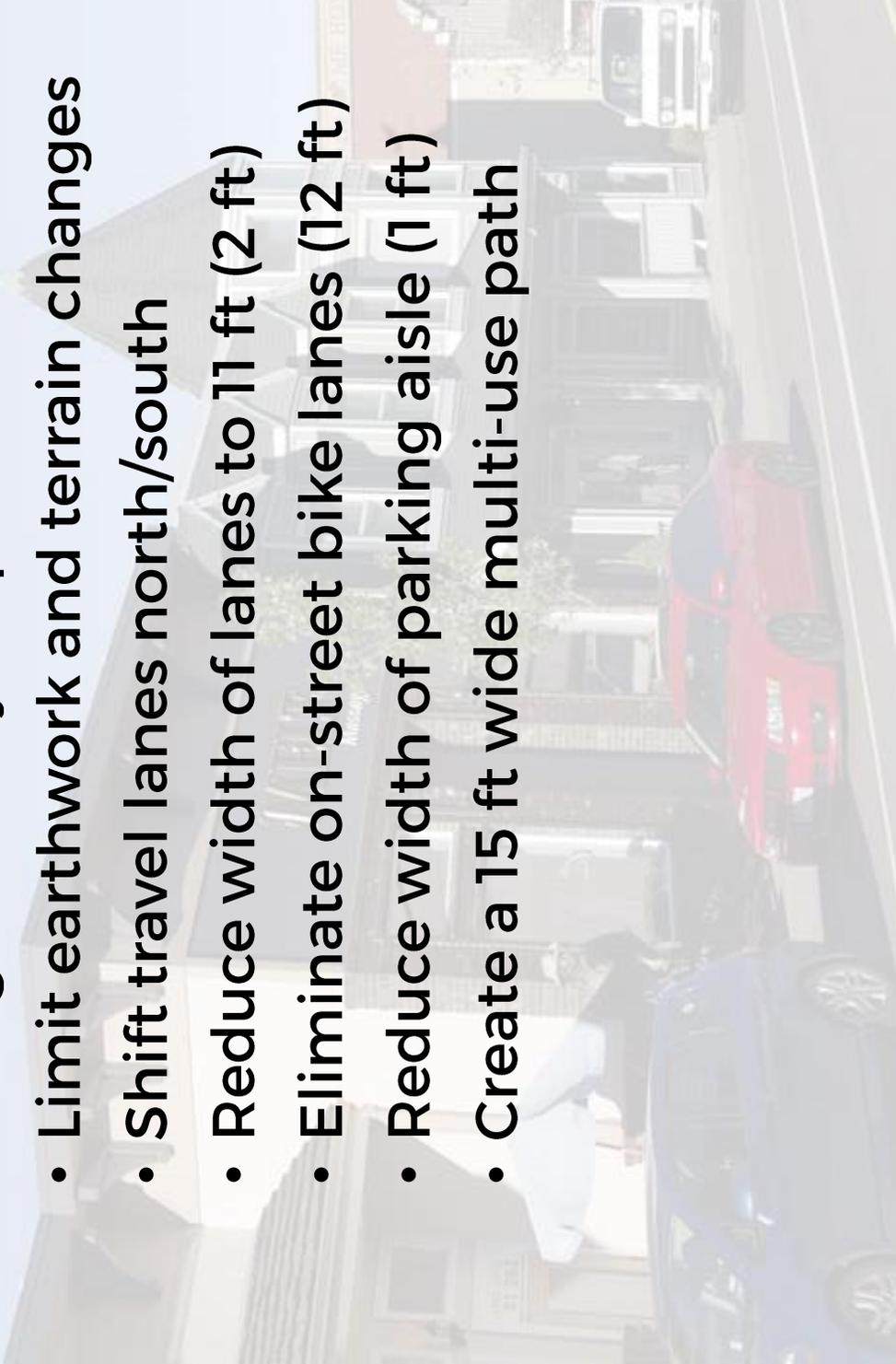
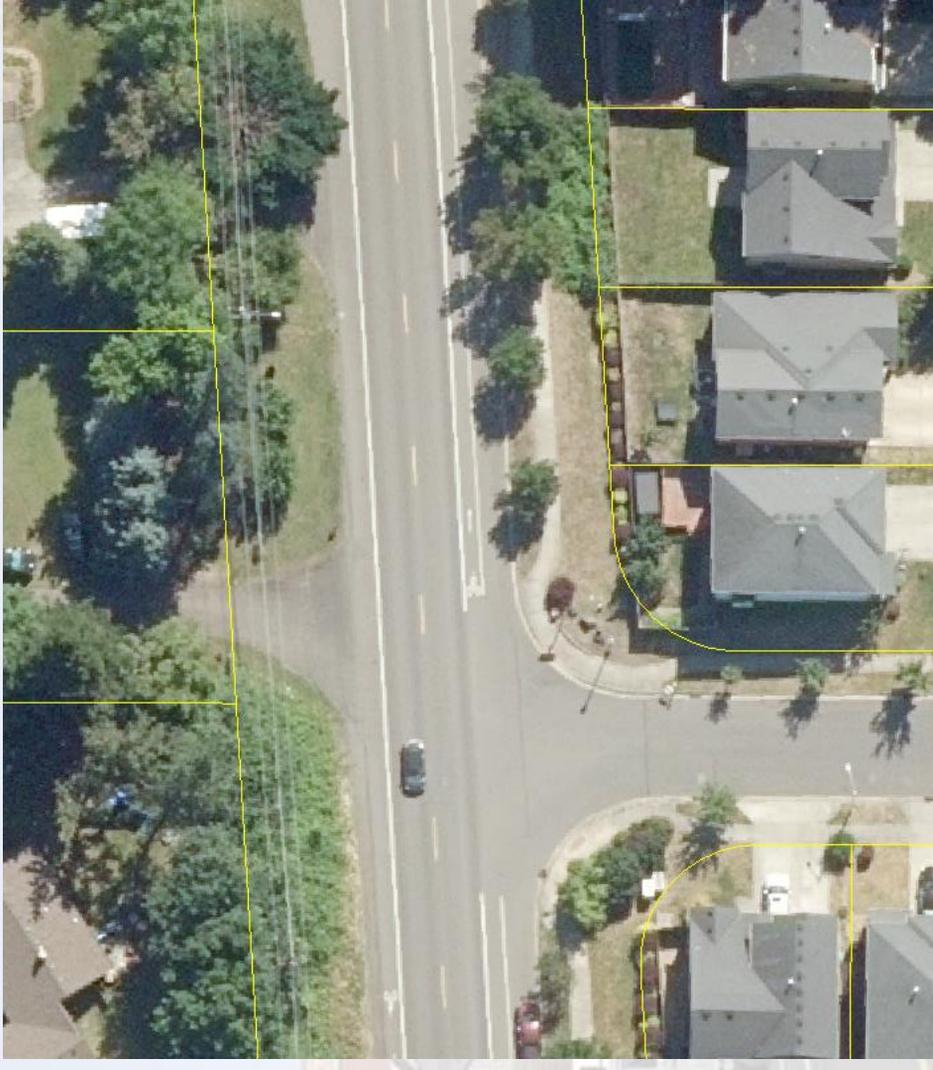


A - Halsey Street - Potential Cross Section



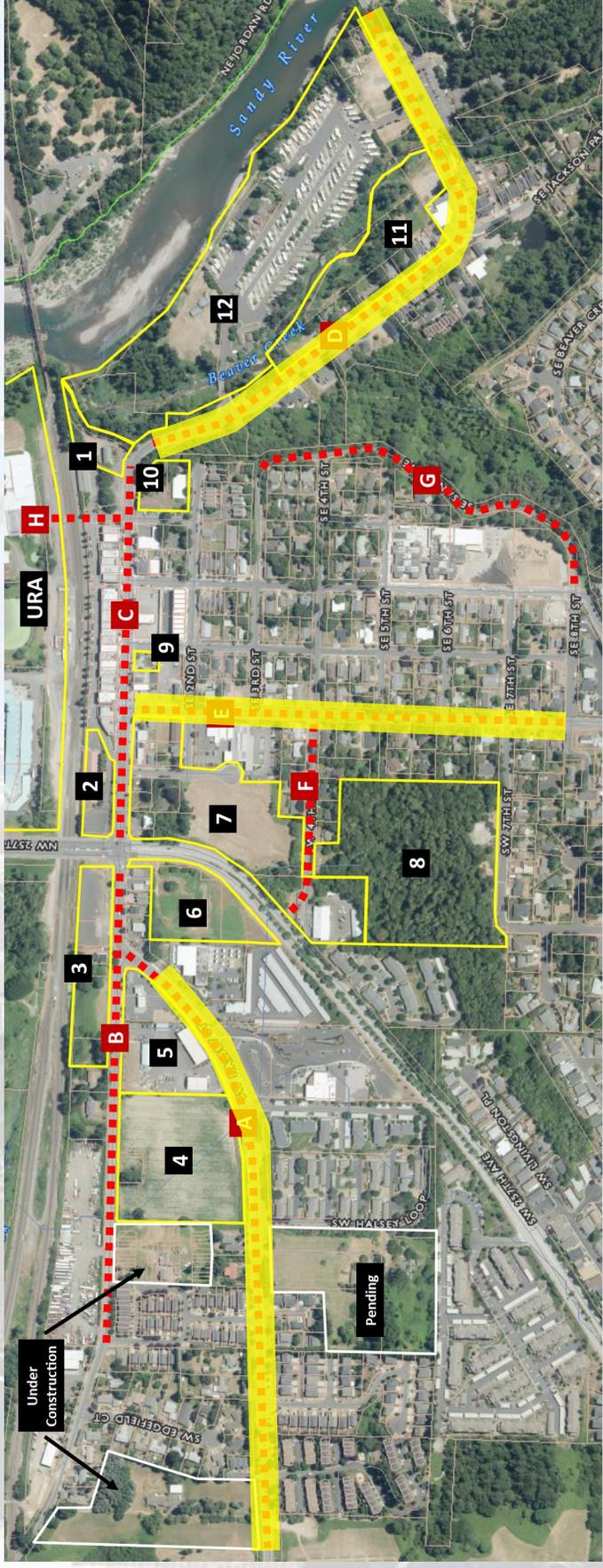
A - Halsey Street - Example of an Idea

- No right-of-way acquisition
- Limit earthwork and terrain changes
- Shift travel lanes north/south
- Reduce width of lanes to 11 ft (2 ft)
- Eliminate on-street bike lanes (12 ft)
- Reduce width of parking aisle (1 ft)
- Create a 15 ft wide multi-use path



Approach Corridors – A, D, E

- Street profile changes and limited reconstruction/restriping
 - A (Halsey St) to be studied with TGM Grant/Main Streets on Halsey (about to submit)
 - Could infer design ideas for D (E HCRH) and E (Buxton Rd)
- How to Connect?



2nd Street as Preferred Bike/Ped Connection



2nd Street as Preferred Bike/Ped Connection

- Activates future commercial possibilities (micro retail) on 2nd St
- Allows for removal of dedicated bike lanes on HCRH downtown
 - See next slides for reasons why
- Connects with Bike Hub via Kibling (extends then to Confluence)
- Possibility to cross with bridge over 257th
 - terrain advantage on east
 - bike/ped bridges are far less costly to construct – grant funding available
- Could activate Opportunity Site 6

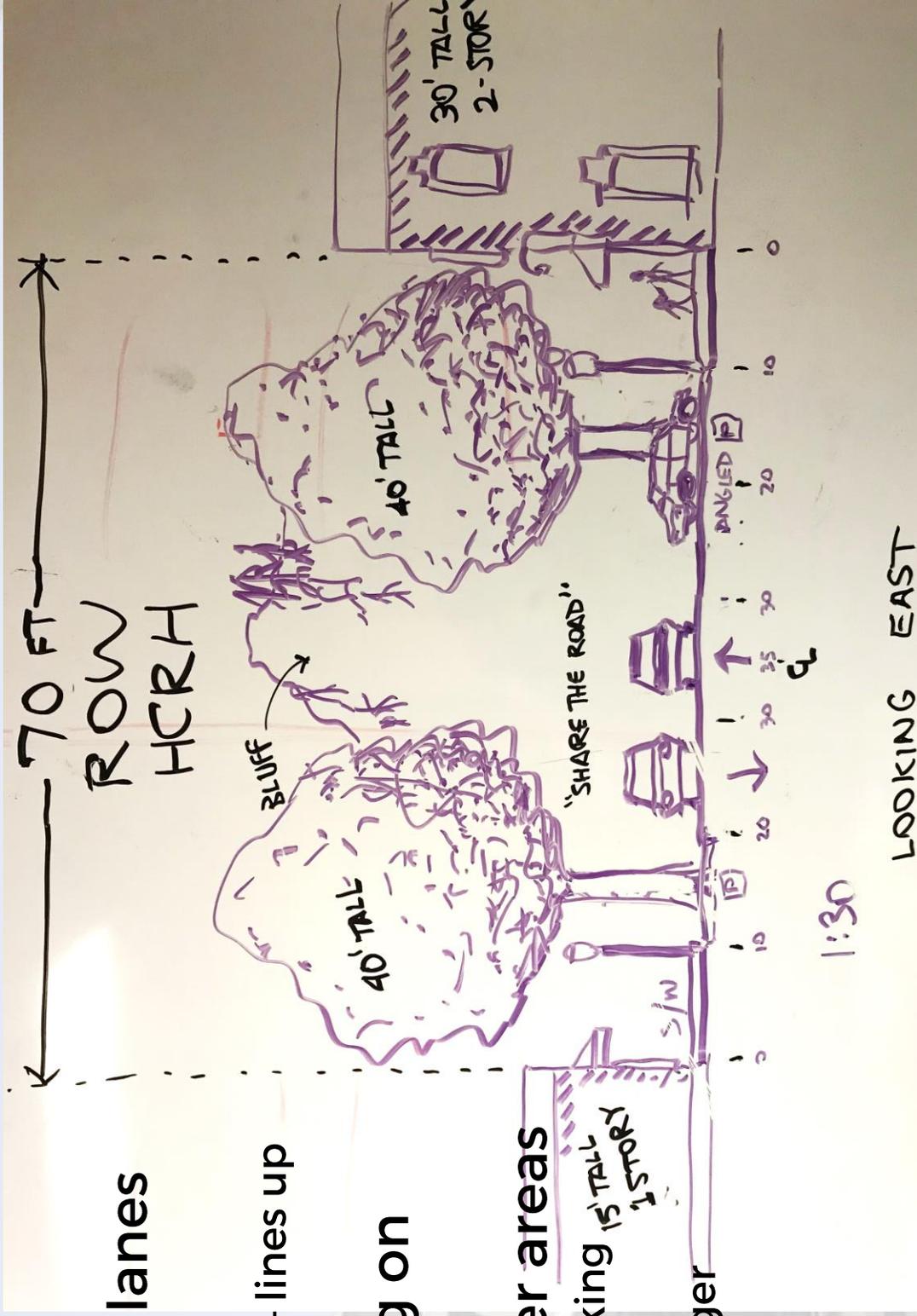
C - Downtown HCRH?

- Not just a street, but a place
- Improve pedestrian friendliness
- Consider new street profile
- Consider future ownership (long term maintenance)
- Flexibility for changes to travel demand and technology
- Loading loading loading
- Columbia Street?



Idea for a New Road Profile

- Eliminate separate bike lanes
- Shift of travel lanes
 - Eastbound is in the middle – lines up with the bluff
- Allow for angled parking on one side of the street
- Create larger tree planter areas
 - Interspersed w/ parallel parking 15' TALL 1 STORY
 - Slows down traffic
 - Allows for trees to grow bigger
- Slight increase in the width of sidewalk
 - Less obstacles



Urban Renewal Area / The Confluence

- City purchased properties in 2018
- Properties have undergone demolition and clean-up job (completed)
- Partition plat and entitlement process (easements)
- Surveying
- Park & Trail Development (30% design achieved, now going for 60%)
- Opportunity Site Analysis
- Concept Development and Further Study

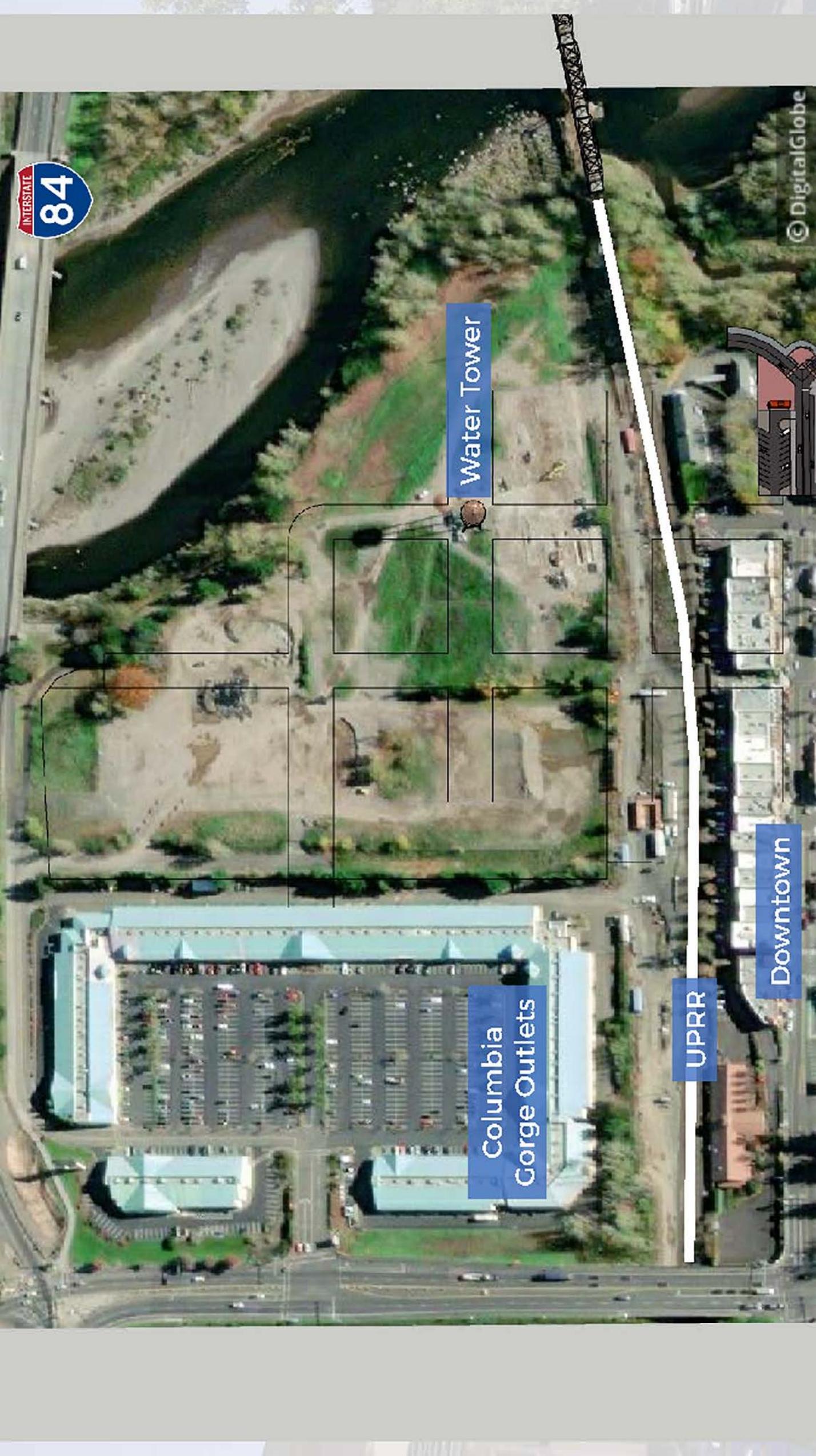


Water Tower

Columbia
Gorge Outlets

UPRR

Downtown



The Confluence Concept

Why do a concept?

It can help confirm (or compel an adjustment) on what a community is comfortable with, while learning if it can be supported financially.

It does not tell developers what exactly to build, but it helps to relay what the community's expectation would be.

The Confluence Concept

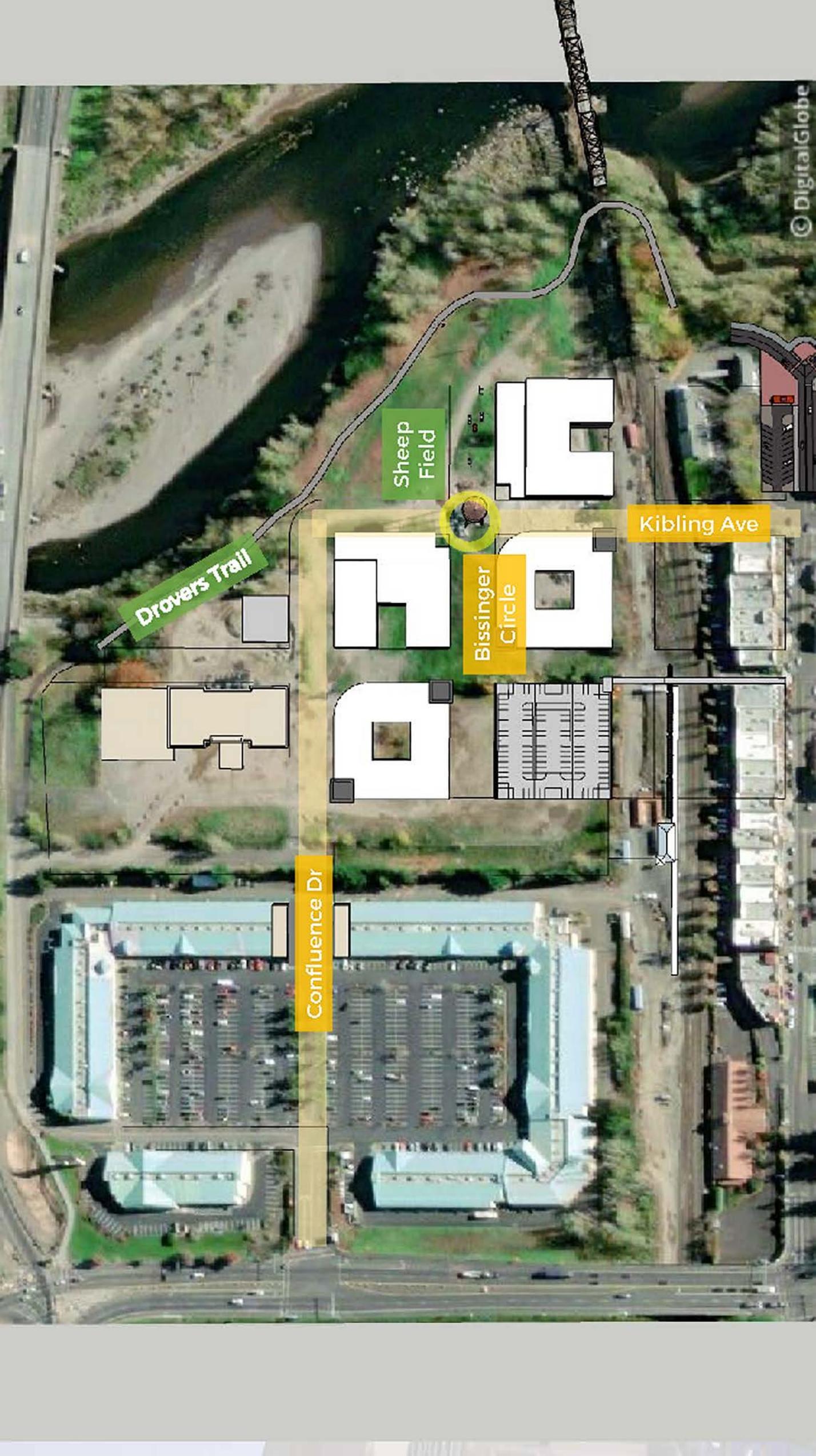
Why do a concept **now**?

- Generates a “test case” market analysis similar to Hurford Tract
- Offers direction for a framework plan and future zoning standards
- Provides prospective developers with a starting point that has already been vetted
- Allows the public to understand scale and visual impact
- Helps plan for the carrying capacity of the site
- Assists with trail and park planning efforts
- Engages the outlets ownership & management

The Confluence Concept

Base Assumptions

- 4 acres for parks & open space (trail)
- 16 acres for private development
 - 13 acres for multi-story mixed use development
 - 3 acres reserved to outlet mall ownership in exchange for access through outlets
- **Streets**
 - to be publicly dedicated after private construction
 - reflect the grid pattern of downtown and highlights “terminal vistas”
- **Connections**
 - Primary road through the outlets
 - At-grade railroad crossing (extension of Kibling Ave)
 - Riverfront trail
 - Pedestrian bridge between parking garage & downtown (Harlow Ave)



Drovers Trail

Sheep Field

Bissinger Circle

Confluence Dr

Kibling Ave

© DigitalGlobe

Establishing Basic Expectations

- Street grid carried over from downtown as organizing principle
- Maintaining the water tower as iconic feature
- Allowing for exchange of property to gain access through outlets
- Establishing a parking garage
- Having direct pedestrian connection with downtown via bridge
- Having direct vehicular connection with downtown
- Having a specific architectural style
 - The aesthetic sense will reflect existing traditional/historical small town charm
 - Stepping back building elevations to minimize visual impact of taller buildings from street level

Next URA Steps: “Action Planning” Project

- Work with Cascadia Partners to test out this concept **and other ones** that could be considered
 - Interviews with six developers experienced in this type and scale of development
 - Continued involvement of Abe Farkas (strategic partner at the firm)
 - Generate economic data and initial rates of return
 - Two future meetings with URA board for initial feedback and results presentation
- Synchronizes design preferences with economic reality
- Similar work being done on Hurford Tract by the same firm
 - Main Streets on Halsey Project
 - Hurford Tract = NW corner of 257th Drive and Hist Columbia River Hwy

Action Planning: Hurford Tract

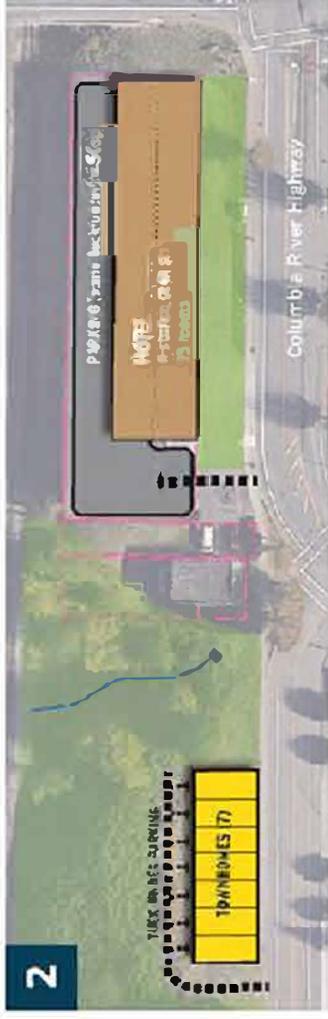
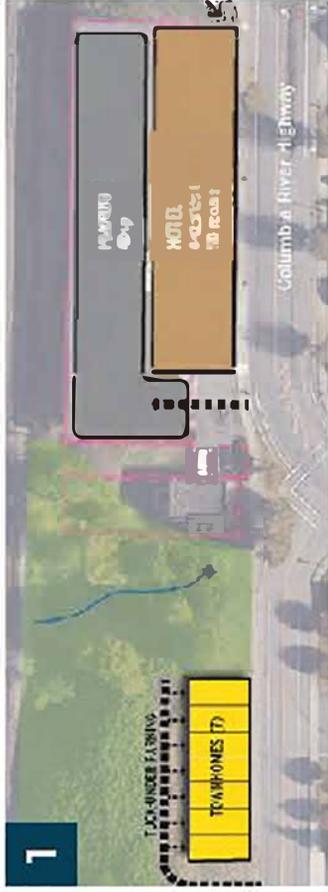
- Commercial Service
 - Hotel
 - Meeting Space
 - Restaurant (rooftop?)
 - Additional Parking
- Community Service Use
 - City Hall (owned/leased?)
 - Library
 - Higher Education
 - Community Center
 - Park or Plaza
- Mixed Use

The screenshot shows an Excel spreadsheet titled 'Opportunity Site Expression Model'. The spreadsheet is organized into columns A through H. Column A contains site numbers, column B contains site names, and columns C through H contain land use classifications and preferences. A red box highlights the row for 'Hurford Tract' (row 3), which is classified as 'Community Service Use' with a 'Mixed Use' preference.

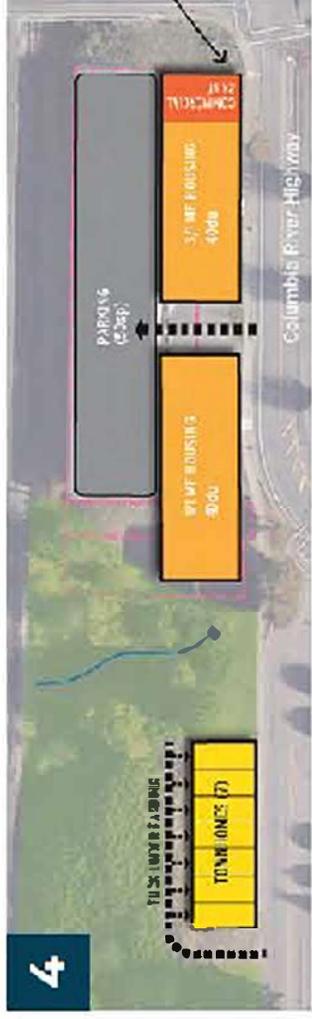
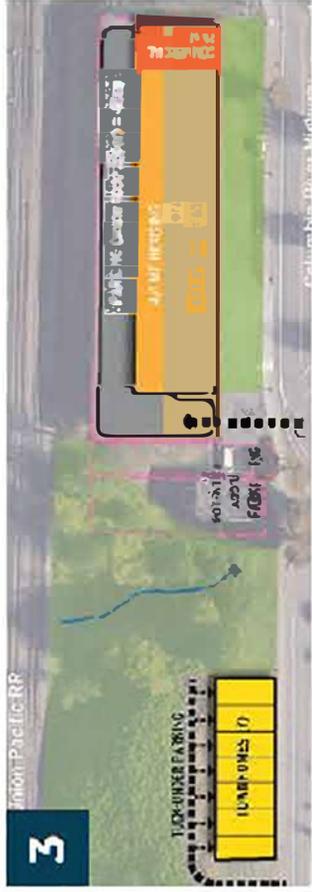
| | A | B | C | D | E | F | G | H |
|----|----|-------------------------------|-----------------------|--------------------------|-------------------------|--------------------|------------------|--------------------|
| 1 | | PREFERRED LAND USES | | | | | | |
| 2 | | Site # | Opportunity Site | First Preference | Second Preference | Third Preference | | |
| 3 | 1 | Depot Park | Open Space & Parks | Community Service Use | Community Service Use | | | |
| 4 | 2 | Hurford Tract | Commercial Service | Community Service Use | Community Service Use | Mixed Use | | |
| 5 | 3 | Cerruti Tract East | Commercial Service | Mixed Use | Med Density Residential | | | |
| 6 | 4 | Foursquare Tract | Community Service Use | Commercial Office | Mixed Use | | | |
| 7 | 5 | Overlook Tract | Community Service Use | High Density Residential | Mixed Use | | | |
| 8 | 6 | Helen Althaus Park | Open Space & Parks | | | | | |
| 9 | 7 | Mayors Square | Open Space & Parks | | | | | |
| 10 | 8 | Block 4 Tract (Old City Hall) | Community Service Use | Mixed Use | Hi Dens Res / Com Serv | | | |
| 11 | 9 | Beaver Creek West Tract | Mixed Use | Med Density Residential | Commercial Service | | | |
| 12 | 10 | Peninsula Tract | Open Space & Parks | Community Service Use | Commercial Service | | | |
| 13 | 11 | Urban Renewal Area | Mixed Use | Commercial Service | | | | |
| 14 | 12 | Current Land Use | Blank | Blank Chart | Summary Table | Summary Allocation | Tabulated Scores | Preferred Land Use |

257th & HALSEY | DRAFT DESIGN CONCEPTS V1

4-5 story hotel (~100 rooms) + townhomes



Residential or mixed use + townhomes



257th & HALSEY | DRAFT DESIGN CONCEPTS V2

OPTION 1

- **6-story mixed use - 18,600 SF building footprint**
- Ground floor retail with 77 housing units
- **6 townhomes on west lot - 7,500 SF building footprint**
- Surface parking (72 spaces) and rowhouse garages



OPTION 2

- **5-story mixed use - 19,680 SF building footprint**
- Ground floor retail with hotel (100 rooms)
- 2-story civic use
- Surface parking (105 spaces)



OPPORTUNITY SITES | FINANCIAL PRO-FORMA ANALYSIS

Internal Rate of Return (Target = 12%)

| Site | Option 1 | Option 2 |
|------------------|----------|----------|
| 223rd & Halsey | 3.6% | 2.1% |
| Fairview Springs | 2.9% | 2.1% |
| 238th & Halsey | 2.5% | 2.6% |
| 257th & Halsey | 1.7% | 6.9% |
| Rowhouse Site | 12.8% | |

This is a "baseline" assumption without adjustments for potential changes in land costs, financial incentives, construction costs, etc.

Next URA Steps: Creation of Framework Plan

- Results of the Action Plan – base level concepts + expectations
- Recommended zoning changes
- Plat establishment
- Finalized survey
- Branding and marketing package
- Updated appraisal
- Engagement with Columbia Gorge Outlets ownership
- Engagement with Governor's Regional Solutions Team (RR crossings)
- Go to Market

Future Long-Range Planning Actions

- **Main Streets on Halsey**
 - Code Audit project – suggested text amendments
 - Changes to street design profiles – could shape opportunity corridor investments
- **Capital Improvement Plan**
 - Opportunity corridor investments/projects/improvements
 - URA/Confluence connections with downtown
- **Parks Master Plan (soon to be underway)**
- **Transportation-related**
 - Transportation System Plan (Goal 12 – Comp Plan Amendment)
 - Bike hub establishment at Depot Park
 - Parking & Loading Study
 - Autonomous vehicles
 - Rail service/tourism – address Gorge transportation issues
 - Golf Cart Zone Study

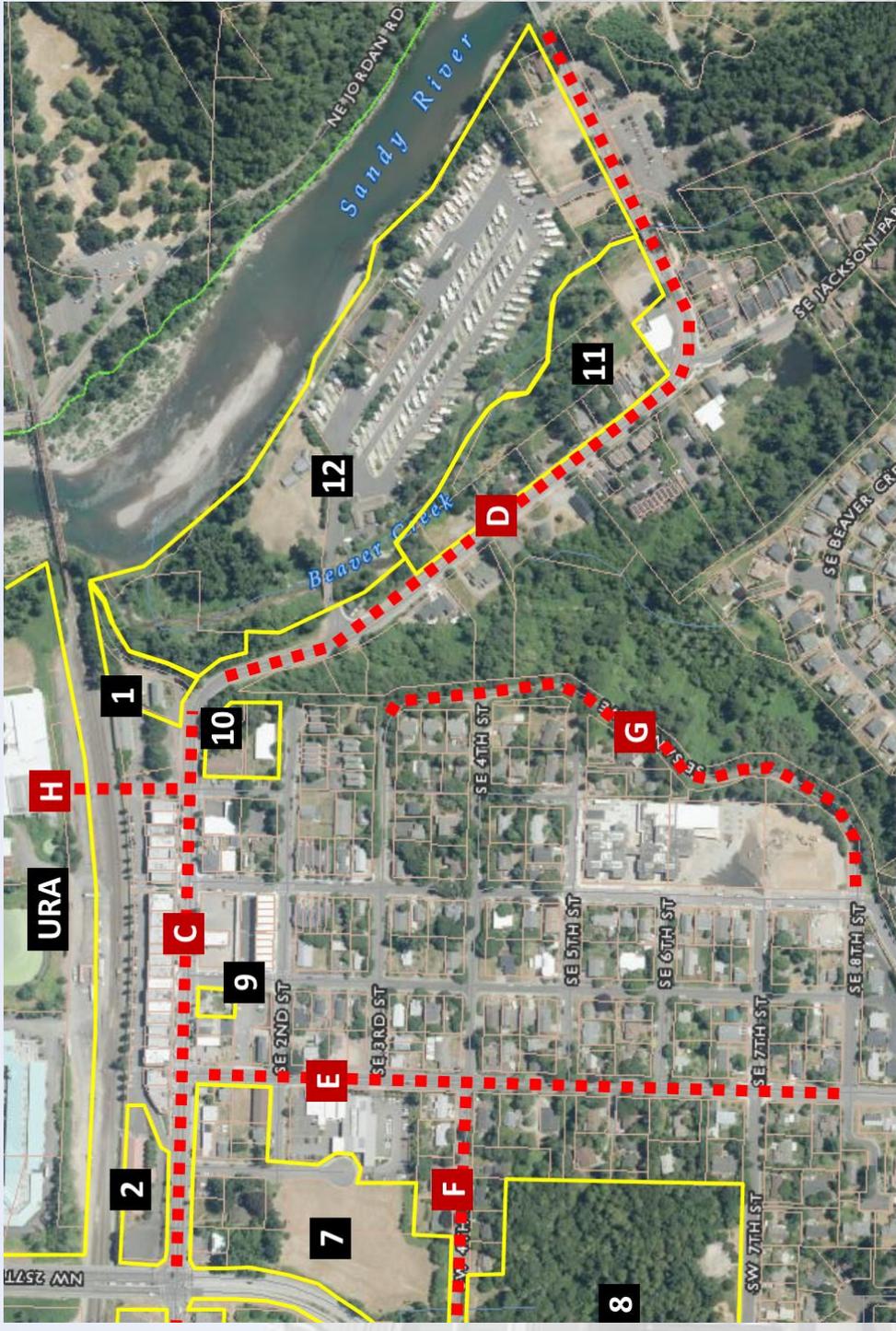
Wait, did you just say golf cart zone? Yes

- **Why it's worth studying**
 - existing technology
 - 5-minute circle covers whole Town Center
 - can operate on local streets 25 mph/less
 - consider multi-user path for higher speed areas
 - can navigate steeper terrain areas
 - 1/3 the space to park
 - lower cost = equity
 - lower speed = safety
 - electric vehicle = climate
 - post-COVID-19 transportation considerations
 - communities that have it claim a small-town feel
- **New development = new golf cart**
- **Corridor-based approach?**



Metro Participation & Partnerships

- **Parks & Nature Bond**
 - Park & trail construction at the Confluence site (URA)
 - Land acquisition opportunity sites 11 and 12
 - Other programs
- **Get Moving 2020 Bond**
 - Improve safety
 - Make it easier to get around
 - Support economic growth
 - Leverage regional and local investments
- **MTIP and 2040 Grants**



Metro Participation & Partnerships

- Hotel & Conference Center at the Confluence
- Parking facility at Confluence
 - Helps ODOT with Gorge congestion relief
 - Aids the hotel/conference center idea
 - Supports existing business in downtown
- Continuation of the Community Enhancement Grants
- Emerging Technology technical support
- Support golf cart study & pilot programs
 - Equity
 - Safety
 - climate



CITY OF TROUTDALE



STAFF REPORT

SUBJECT / ISSUE: A Resolution Approving An Intergovernmental Agreement With The City Of Portland For The Receipt And Distribution Of Federal Cares Act Coronavirus Relief Funds.

MEETING TYPE:
City Council Regular Mtg.

STAFF MEMBER:
Erich Mueller

MEETING DATE:
September 8, 2020

DEPARTMENT:
Finance

ACTION REQUIRED:
Consent Agenda - Resolution

ADVISORY COMMITTEE/COMMISSION RECOMMENDATION:

PUBLIC HEARING:
No

N/A

Comments:

STAFF RECOMMENDATION: Adopt the proposed resolution authorizing the execution of the IGA with the City of Portland.

EXHIBITS: A. IGA with the City of Portland for CARES Act CRF Funds.

SUBJECT / ISSUE RELATES TO:

Council Goals

Legislative

Other (describe)

- *Provide some relief from the economic impact of COVID-19*

ISSUE / COUNCIL DECISION & DISCUSSION POINTS:

- ◆ The CARES Act is designed to stimulate the economy and provide relief to families and small businesses adversely affected by the coronavirus outbreak.
- ◆ Under the CARES Act, the Coronavirus Relief Fund may be used to cover qualified costs of local governments.
- ◆ The City of Portland has established the “PDX-CARES” program for the spending of their \$114 million allotment of CARES Act Coronavirus Relief Funds.
- ◆ The City of Portland has voluntarily included the five East Multnomah County cities in their “PDX-CARES” program funds distribution.

Reviewed and Approved by City Manager:

BACKGROUND:

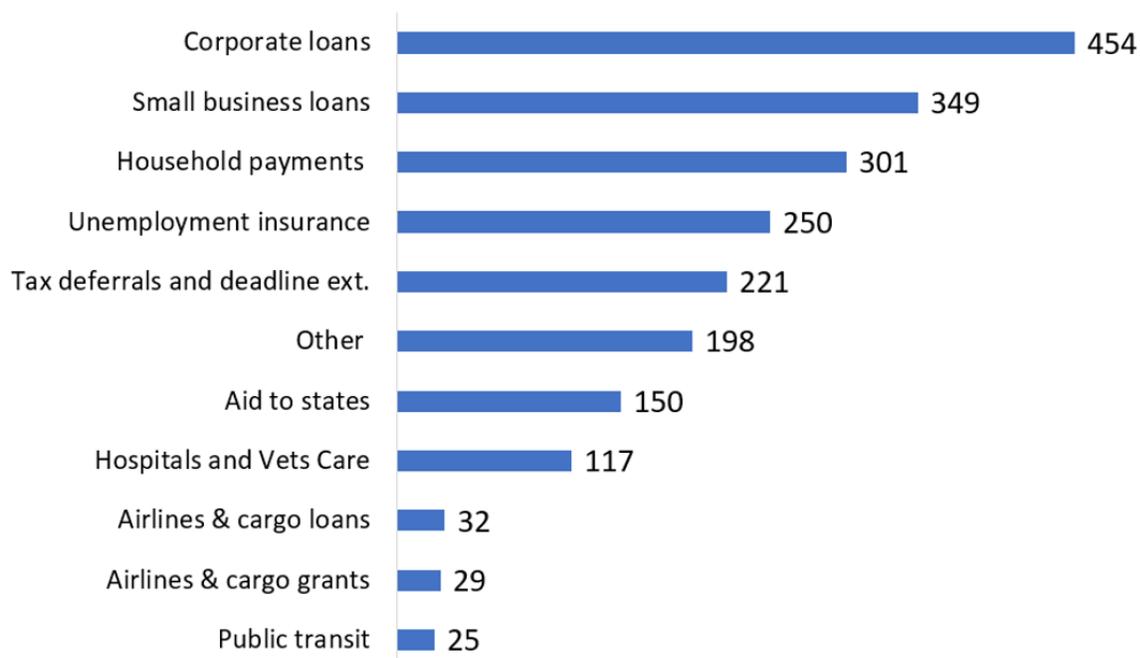
The arrival of the Coronavirus Disease 2019 (COVID-19) pandemic in February 2020 resulted in unprecedented adverse public health and economic impacts. The Federal government response has included three primary legislative actions:

- the Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020
- the Families First Coronavirus Response Act
- the Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”)

The CARES Act was the largest relief and economic support legislation in history totaling \$2.2 trillion (\$2,200,000,000,000 !).

The CARES Act contains wide ranging programs including: the direct \$1,200 Economic Impact Payments, expanded unemployment coverage and supplemental amounts, large business support such as for the airlines, the widely used small business Paycheck Protection Program, support of farmers, mortgage and foreclosure forbearance and many other programs. Additionally, through lending programs and asset purchases the Federal Reserve has expanded its balance sheet by more than \$3 trillion to ensure sufficient liquidity and stability in financial markets.

CARES Act: Relief Amounts (\$ Billions)



Source: Wall St. Journal

One small portion of the CARES Act is the “Coronavirus Relief Fund” (CRF) to provide support to State and local governments. (Only in the context of \$2.2 trillion is \$150 billion a small portion!) Oregon received \$1.6 billion in local government CRF relief as part of the CARES Act. In addition to the \$114 million received by the City of Portland, Washington County received \$105 million, Multnomah County received \$28 million and the remaining \$1.4 billion went to the State.

Regrettably in a inconsiderate political calculation the State deliberately chose not to allocate any CRF funds to the cities of East Multnomah County and Washington County from the \$1.4 billion of CRF funding received by the State, a 45% portion of which is intended by the CARES Act to be shared with the cities and counties of each state.

Current Status:

The City of Portland has established “PDX-CARES” program for the spending of their \$114 million allotment of CARES Act Coronavirus Relief Funds. While the City of Portland is under no legal obligation to share the CRF resources with neighboring communities, they have chosen to do so out of an abundance of regional partnership and cooperation. The Portland City Commission has approved a CRF spending plan which allocates \$5 million to be shared among the cities of Gresham, Troutdale, Fairview, Wood Village and Maywood Park.

The Troutdale share is estimated at \$582,042 which is subject to numerous restrictions from the US Treasury 12 pages of spending guidelines for the *“Coronavirus Relief Fund Guidance for State, Territorial, Local, and Tribal Governments.”*

The PDX-CARES program for the CRF funding is made available by the IGA and under section 601(a) of the Social Security Act, as added by section 5001 of the CARES Act and Section V and VI of the CARES Act, for costs incurred due to the public health emergency with respect to COVID-19. The CARES Act provides that payments from the CRF may only be used to cover costs that:

- are necessary expenditures incurred due to the public health emergency with respect to COVID-19;
- were not accounted for in the budget most recently approved as of March 27, 2020 (the date of enactment of the CARES Act); and
- were incurred during the period that begins on March 1, 2020 and ends on December 30, 2020.

The requirement that expenditures be incurred “due to” the public health emergency means that expenditures must be used for actions taken to respond to the public health emergency. These may include expenditures incurred to allow the State, territorial, local, or Tribal government to respond directly to the emergency, such as by addressing medical or public health needs, as well as expenditures incurred to respond to second-order effects of the emergency, such as by

providing economic support to those suffering from employment or business interruptions due to COVID-19-related business closures.

CRF funds may not be used to fill shortfalls in government revenue, or to cover expenditures that would not otherwise qualify under the statute. Although a broad range of uses is allowed, revenue replacement is not a permissible use of CRF payments.

The statute also specifies that expenditures using CRF payments must be “necessary.” The Department of the Treasury understands this term broadly to mean that the expenditure is reasonably necessary for its intended use in the reasonable judgment of the government officials responsible for spending CRF payments.

If a government has not used the CRF funds it has received to cover costs that were incurred by December 30, 2020, as required by the statute, those funds must be returned to the Department of the Treasury.

A government shall determine the appropriate budget and use of CRF funds within the following 6 budget categories and their sub-categories:

1. Medical
2. Public Health
3. Payroll
4. Actions to Comply with Public Health Measures
5. Economic Support
6. Other Covid-19 Expenses

In order to qualify for CRF reimbursement, the expense must meet 5 criteria:

1. Connected to the COVID-19 public health emergency;
2. Necessary;
3. Not filling a short fall in government revenues;
4. Is not currently budgeted as of 3/27/20; and
5. The expense would not exist without COVID-19, **or** would have been substantially different.

It is currently estimated that the City would be able to reimburse approximately \$125,000 for City incurred qualified costs, such as special paid sick leave and paid family and medical leave, special cleaning of workspaces and public lobbies, Personal Protective Equipment (PPE); masks, gloves and sneeze guards, technology and supplies for remote work and electronic public meetings, and directly related payroll costs of administering COVID-19 support programs.

It is currently estimated that the City would be able to reimburse approximately \$450,000 for the qualified costs of the citizen and small business utility and rent subsidy direct payments.

Use of CRF funds are also subject to extensive compliance requirements including:

- The Uniform Administrative Requirements, Cost Principles, and Audit Requirement for Federal Award, 2 CFR 200, Subpart F – Audit Requirements.
- The applicable requirements of 2 CFR Part 200, including any future amendments to 2 CFR Part 200, and any successor or replacement Office of Management and Budget (OMB) Circular or regulation.
- The Omnibus Crime Control and Safe streets Act of 1968, Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, Title IX of the Education Amendments of 1972, The Age Discrimination Act of 1975, and The Department of Justice Non-Discrimination Regulations, 28 C.F.R. Part 42, Subparts C.D.E. and G, and 28 C.F.R. Part 35 and 39.

SUMMARY:

The resolution tonight authorizes the IGA with the City of Portland for receipt and distribution of approximately \$582,000 of Federal CARES Act Coronavirus Relief Funds through the PDX-CARES relief program. The IGA is attached as Exhibit A.

The funds provided through the PDX-CARES relief program will allow the City to recover approximately \$125,000 of qualified expenditures and distribute rent and utility assistance to Troutdale residents and small businesses of approximately \$450,000.

If Troutdale does not receive and distribute the CRF funds offered, these funds will either be used by other East County Cities or the City of Portland, or returned to the US Treasury.

PROS AND CONS:

- A.** Approve the proposed resolution authorizing the IGA and Federal CARES Act CRF funds through the PDX-CARES relief program providing some cost recovery to the City and rent and utility assistance to Troutdale residents.
- B.** Not approve the proposed resolution authorizing the IGA, rejecting the Federal CARES Act CRF funds offered by the City of Portland through the PDX-CARES relief program and denying Troutdale residents some rent and utility assistance and foregoing some cost recovery to the City.

| |
|---|
| <p>Current Year Budget Impacts: <input checked="" type="checkbox"/> Yes (<i>describe</i>) <input type="checkbox"/> N/A</p> <p style="padding-left: 40px;">A Supplemental Budget public notices and hearings to recognize the revenue and appropriation adjustment for the fund's disbursement.</p> <p>Future Fiscal Impacts: <input type="checkbox"/> Yes (<i>describe</i>) <input checked="" type="checkbox"/> N/A Current Fiscal Year only.</p> <p>City Attorney Approved: <input type="checkbox"/> Yes <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> |
|---|

=====

Supplemental Information:

Allowable CRF expenditures for local governments
include, but are not limited to:

1. **Medical expenses** such as:
 - a. COVID-19-related expenses of public hospitals, clinics, and similar facilities.
 - b. Expenses of establishing temporary public medical facilities and other measures to increase COVID-19 treatment capacity, including related construction costs.
 - c. Costs of providing COVID-19 testing, including serological testing.
 - d. Emergency medical response expenses, including emergency medical transportation, related to COVID-19.
 - e. Expenses for establishing and operating public telemedicine capabilities for COVID-19-related treatment.

2. **Public health** expenses such as:
 - a. Expenses for communication and enforcement by State, territorial, local, and Tribal governments of public health orders related to COVID-19.
 - b. Expenses for acquisition and distribution of medical and protective supplies, including sanitizing products and personal protective equipment, for medical personnel, police officers, social workers, child protection services, and child welfare officers, direct service providers for older adults and individuals with disabilities in community settings, and other public health or safety workers in connection with the COVID-19 public health emergency.
 - c. Expenses for disinfection of public areas and other facilities, e.g., nursing homes, in response to the COVID-19 public health emergency.
 - d. Expenses for technical assistance to local authorities or other entities on mitigation of COVID-19-related threats to public health and safety.
 - e. Expenses for public safety measures undertaken in response to COVID-19.
 - f. Expenses for quarantining individuals.

3. **Payroll** expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency.

4. **Expenses of actions to facilitate compliance with COVID-19-related public health measures**, such as:
 - a. Expenses for food delivery to residents, including, for example, senior citizens and other vulnerable populations, to enable compliance with COVID-19 public health precautions.
 - b. Expenses to facilitate distance learning, including technological improvements, in connection with school closings to enable compliance with COVID-19 precautions.
 - c. Expenses to improve telework capabilities for public employees to enable compliance with COVID-19 public health precautions.
 - d. Expenses of providing paid sick and paid family and medical leave to public employees to enable compliance with COVID-19 public health precautions.
 - e. COVID-19-related expenses of maintaining state prisons and county jails, including as relates to sanitation and improvement of social distancing measures, to enable compliance with COVID-19 public health precautions.
 - f. Expenses for care for homeless populations provided to mitigate COVID-19 effects and enable compliance with COVID-19 public health precautions.

5. **Expenses associated with the provision of economic support** in connection with the COVID-19 public health emergency, such as:
 - a. Expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures.
 - b. Expenditures related to a State, territorial, local, or Tribal government payroll support program.
 - c. Unemployment insurance costs related to the COVID-19 public health emergency if such costs will not be reimbursed by the federal government pursuant to the CARES Act or otherwise.

6. Any **other COVID-19-related expenses reasonably necessary** to the function of government that satisfy the Fund's eligibility criteria.

INTERGOVERNMENTAL AGREEMENT

City of Portland and City of Troutdale

Contract # _____

This INTERGOVERNMENTAL AGREEMENT ("Agreement"), effective September ____, 2020 ("Effective Date") is between the City of Portland, Oregon, hereafter referred to as "CITY" and City of Troutdale, hereafter referred to as "GRANTEE" or "SUBRECIPIENT." CITY and GRANTEE may be referred jointly in this Agreement as the "Parties" and individually as a "Party."

RECITALS:

1. The City, under Ordinance # 190057, approved to accept and appropriate \$128,401,261 in 2020 Coronavirus Aid, Relief, and Economic Security Act (CARES Act) Funds and delegate authority to the Program Bureau Directors to execute contracts and agreements funded under the program.
2. As a result of the dire economic conditions that Portlanders are facing, the City has determined that it is necessary to use federal funds to develop a "PDX-CARES" relief package to support the individuals, families, businesses and nonprofits facing extreme hardships as a result COVID-19 pandemic and the resulting economic downturn.
3. PDX-CARES relief programs shall be used to assist Portland's most vulnerable populations and to the maximum extent possible, priority shall be given to Black, Indigenous and People of Color (BIPOC) families and individuals, BIPOC businesses, homeless and houseless communities, and people with disabilities.
4. As a result of our Multnomah County municipal partners not being eligible to receive any CARES Act Coronavirus Relief Funds, the City has determined that a "PDX-CARES" relief package is necessary to assist East Multnomah County cities in mitigating the impacts of COVID-19.

THEREFORE, in consideration of the mutual promises and covenants contained herein, the parties agree as follows:

ARTICLE I - SCOPE OF WORK/OUTCOME MEASURES

GRANTEE shall implement the the scope of work as described in:

- EXHIBIT A: Scope of Work and Timeline,
- EXHIBIT B: Budget, and
- EXHIBIT C: Reporting and Data Collection.

Exhibits A, B, and C attached to this Agreement are incorporated by referece.

ARTICLE II - AGREEMENT PERIOD

This Agreement shall will terminate on December 30, 2020 unless extended in conformance with Article V, Section G or terminated in conformance with Article V, Sections A-E. Expenses incurred between March 1, 2020 and December 30, 2020 are eligible expenses for the grant funds reimbursement.

ARTICLE III - SPECIFIC CONDITIONS OF THE AGREEMENT

- A. Administrative Requirements: The GRANTEE is a subrecipient of Federal CARES Act funding and shall comply with the obligations contained in EXHIBIT D: Subrecipient Administrative Requirements. Exhibit D attached to this agreement is incorporated by reference.
- B. CITY Project Manager: CITY appoints <enter City Project Manager> to act as its Project Manager with regard to this Agreement. CITY may, from time to time, designate another person to act as the City Project Manager and will inform GRANTEE in writing of any change in Project Manager.

City Project Manager
City of Portland, OMF/Grants Management Division
1120 SW 5th Ave., Suite 1250
Portland, OR 97204
City Project Manager Phone
City Project Manager email

- C. GRANTEE Project Manager: GRANTEE appoints Erich Mueller, Finance Director to act as its Project Manager regarding this Agreement. GRANTEE may, from time to time, designate another person to act as the GRANTEE Project Manager and will inform CITY in writing of any change in Project Manager.

Erich Mueller, Finance Director
City of Troutdale
219 E. Historic Columbia River Hwy
503-674-7231
erich.mueller@troutdaleoregon.gov

- D. Billings/Invoices/Payment: The CITY Project Manager is authorized to approve work, billings, and invoices submitted pursuant to this grant and to carry out all other CITY actions referred to herein in accordance with this Agreement. **The Final Invoice, using Attachment E, is due no later than thirty (30) days after the grant termination date.**
- E. Report: GRANTEE will complete and submit to the CITY Grant Manager the signed **Final PDX-CARES Progress Report, using Attachment F, no later than thirty (30) days after the grant termination date.**

ARTICLE IV -- PAYMENTS

-
- A. The amount of this PDX-CARES grant is \$582,042.00. This is a cost reimbursable grant, meaning unless otherwise noted in EXHIBIT A, the GRANTEE will only be reimbursed for eligible expenses incurred. However, after the Intergovernmental Agreement becomes effective, GRANTEE may submit an invoice using CITY'S invoice template, included as Exhibit E, for costs incurred prior to execution of this Agreement or up to 50% (\$amount of 50% payment here) of the grant award to the CITY Grant Manager for approval and payment. If approved, the CITY will pay GRANTEE the amount of the invoice within thirty (30) days of the approval date. Subsequent payments will be made after review and approval of the monthly progress report and invoice, Attachment E; which is due on the 7th of each month from the date of the final agreement signature. If GRANTEE requested a third of the grant award upon execution, then subsequent payments will only be made after the GRANTEE submits eligible expenses that exceeds the amount requested. GRANTEE may submit periodic progress reports and requests for reimbursement of approved expenses in advance of the due dates.
- B. GRANTEE agrees to operate the program as described in the GRANTEE's Exhibit A and to expend funds in accordance with the approved budget, unless the GRANTEE receives prior written approval from the CITY'S Project Manager to modify the program or the budget. Requests for payment must be made using Exhibit E which is attached to this Agreement and incorporated by reference. Backup documentation to support eligible expenses is also required. Examples of backup documentation includes, but is not limited to payroll reports, timesheets, invoices, meeting agendas, sign in sheets, copies of checks, etc.
- C. If for any reason GRANTEE receives a grant payment under this Grant Agreement and does not use grant funds, provide required services or take any actions required by the Grant Agreement the CITY may, at its option terminate, reduce or suspend any grant funds that have not been paid and may, at its option, require GRANTEE to immediately refund to the CITY the amount improperly expended or received by GRANTEE.
- D. Grant payments under this Agreement may be used only to provide the services or take the actions authorized by this Grant Agreement and shall not be used for any other purpose.
- E. If, for any reason, GRANTEE's anticipated services or actions are terminated, discontinued or interrupted, the CITY's payment of funds under this grant may be terminated, suspended or reduced at City's sole discretion.
- F. GRANTEE will keep vendor receipts and evidence of payment for materials and services and time records and evidence of payment for program wages, salaries, and benefits, and GRANTEE services. All such receipts and evidence of payments will promptly be made available to the Project Manager or other designated persons, upon request. At a minimum, such records shall be made available and will be reviewed as part of the annual monitoring process. See Article III B. Records for retention period.
- G. Prevailing wages. State of Oregon, Bureau of Labor and Industries (BOLI) wage rates are required for certain contracts that total \$50,000 and above. If GRANTEE's project is subject to the prevailing wage requirements, GRANTEE

will comply with the prevailing wage requirements of ORS 279C.800 through 279C.870 and any other applicable prevailing wage requirements contained in ORS 279C, Oregon administrative rules, or city code.

- H. Prevailing wage indemnity. GRANTEE AGREES TO INDEMNIFY, DEFEND, AND HOLD HARMLESS CITY, ITS EMPLOYEES, OFFICERS, AND AGENTS, FROM AND AGAINST ANY CLAIM, SUIT, OR ACTION, INCLUDING ADMINISTRATIVE ACTIONS, THAT ARISE OUT OF GRANTEE'S FAILURE TO COMPLY WITH ORS 279C.800 TO 279C.870 AND ANY APPLICABLE ADMINISTRATIVE RULES OR POLICIES.

ARTICLE V -- GENERAL PROGRAM PROVISIONS

- A. Cause for Termination; Cure. It shall be a material breach and cause for termination of this Agreement if GRANTEE uses grant funds outside of the scope of this Agreement, or if GRANTEE fails to comply with any other term or condition or to perform any obligations under this Agreement within thirty (30) days after written notice from CITY. If the breach is of such nature that it cannot be completely remedied within the thirty (30) day cure period, GRANTEE shall commence cure within the thirty (30) days, notify CITY of GRANTEE's steps for cure and estimated time table for full correction and compliance, proceed with diligence and good faith to correct any failure or noncompliance, and obtain written consent from CITY for a reasonable extension of the cure period.
- B. No Payment or Further Services Authorized During Cure Period. During the cure period, CITY is under no obligation to continue providing additional grant funds notwithstanding any payment schedule indicated in this Agreement. GRANTEE shall not perform services or take actions that would require CITY to pay additional grant funds to GRANTEE. GRANTEE shall not spend unused grant funds and such unused funds shall be deemed held in trust for CITY. GRANTEE shall be solely responsible for any expenses associated with cure of its noncompliance or failure to perform.
- C. Termination for Cause. Termination for cause based on GRANTEE's misuse of grant funds shall be effective upon notice of termination. Termination for cause based on failure to comply or perform other obligations shall be effective at the end of the 30-day period unless a written extension of cure period is granted by CITY. GRANTEE shall return all grant funds that had not been expended as of the date of the termination notice. All finished or unfinished documents, data, studies, and reports prepared by GRANTEE under this Agreement shall, at the option of CITY, become the property of CITY; and GRANTEE may be entitled to receive just and equitable compensation for any satisfactory work completed on such documents up until the time of notice of termination, in a sum not to exceed the grant funds already expended.
- D. Penalty for Termination for Cause. If this Agreement is terminated for cause, CITY, at its sole discretion, may seek repayment of any or all grant funds tendered under this Agreement, and decline to approve or award future grant funding requests to GRANTEE.

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- E. Termination by Agreement or for Convenience of City. CITY and GRANTEE may terminate this Agreement at any time by mutual written agreement. Alternatively, CITY may, upon thirty (30) days written notice, terminate this agreement for any reason deemed appropriate in its sole discretion. If the Agreement is terminated as provided in this paragraph, GRANTEE shall return any grant funds that would have been used to provide services after the effective date of termination. Unless the Parties agree otherwise, GRANTEE shall finish any work and services covered by any grant funds already paid and shall not commence any new work or services which would require payment from any unused grant funds.
- F. Changes in Anticipated Services. If, for any reason, GRANTEE's anticipated services or actions are terminated, discontinued or interrupted, CITY's payment of grant funds may be terminated, suspended or reduced. GRANTEE shall immediately refund to CITY any unexpended grant funds received by GRANTEE.
- G. Amendment. The Program Manager is authorized to execute amendments to the scope of the services or the terms and conditions of this Agreement, provided the changes do not increase CITY's financial risk. Increases to the grant amount must be approved by the City Council unless the City Council delegated authority to amend the grant amount in the ordinance authorizing this Agreement. Amendments to this Agreement, including any increase or decrease in the grant amount, must be in writing and executed by the authorized representatives of the Parties and approved to form by the City Attorney.
- H. Non-discrimination; Civil Rights. In carrying out activities under this Agreement, GRANTEE shall not discriminate against any employee or applicant for employment because of race, color, religion, sex, age, handicap, familial status, sexual orientation or national origin. GRANTEE shall take actions to ensure that applicants for employment are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, age, handicap, familial status, sexual orientation or national origin. Actions shall include but not be limited to, the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.

GRANTEE shall post in conspicuous places, available to employees and applicants for employment, notices, which state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin. GRANTEE shall incorporate the foregoing requirements of this section in all other agreements for work funded under this Agreement, except agreements governed by Section 104 of Executive Order 11246.

- I. Audit. CITY, either directly or through a designated representative, may conduct financial or performance audit of the billings and services under this Agreement or GRANTEE records at any time during this Agreement and during the ten (10) year period established above in Article III.B. As applicable, audits will be conducted in accordance with generally accepted auditing standards as promulgated in *Government Auditing Standards* by the Comptroller General of the United States General Accounting Office. If an

audit discloses that payments to GRANTEE exceeded the amount to which GRANTEE was entitled, then GRANTEE shall repay the amount of the excess to CITY.

J. Indemnification.

1. GRANTEE shall indemnify, defend, save and hold harmless the City and its officers, employees and agents from and against any and all claims, actions, liabilities, damages, losses, or expenses, including attorneys' fees, arising from a tort, as now or hereafter defined in ORS 30.260 ("Claims"), to the extent such Claims are caused, or alleged to be caused, by the negligent or willful acts or omissions of GRANTEE its grantees or contractors or any of the officers, agents, employees or subcontractors of the grantee or contractor. It is the specific intention of the Parties that City shall, in all instances except to the extent Claims arise solely from the negligent or willful acts or omissions of the City, be indemnified from and against all Claims caused or alleged to be caused by the GRANTEE's grantee or contractor or subcontractors.
2. GRANTEE shall require its contractors and grantees that are not units of local government, as defined in ORS 190.003, to indemnify, defend, save and hold harmless the City and its officers, employees and agents from and against any and all claims, actions, liabilities, damages, losses, or expenses, including attorneys' fees, arising from a tort, as now or later defined in ORS 30.260 ("Claims"), to the extent such Claims are caused, or alleged to be caused, by the negligent or willful acts or omissions of GRANTEE's grantee or contractor or any of the officers, agents, employees or subcontractors of the grantee or contractor. It is the specific intention of the Parties that City shall, in all instances except to the extent Claims arise solely from the negligent or willful acts or omissions of the City, be indemnified from and against all Claims caused or alleged to be caused by the GRANTEE's grantee or contractor.

K. Insurance. GRANTEE shall require its grantees and contractors that are not units of local government, as defined in ORS 190.003, to obtain and maintain in full force at its expense, throughout the duration of the Agreement and any extension periods, the required insurance identified below. CITY reserves the right to require additional insurance coverage as required by statutory or legal changes to the maximum liability that may be imposed on Oregon cities during the term of this Agreement.

1. Workers' Compensation Insurance. GRANTEE's grantees and contractors performing work funded by this Agreement shall comply with ORS Chapter 656 and as it may be amended from time to time. Unless exempt under ORS Chapter 656, GRANTEE's grantees and contractors performing work funded by this Agreement shall maintain coverage for all subject workers for the duration of this Agreement.

In the event worker's compensation insurance coverage is due to expire during the term of this Agreement for any employers working under this agreement, GRANTEE shall require its grantees and contractors to timely renew their workers compensation insurance, either as a carrier-insured employer or a self-insured employer as provided by Chapter 656 of the Oregon Revised Statutes, before its expiration, and GRANTEE shall require its grantees and contractors to provide certificates of worker's compensation insurance as renewals of insurance occur.

2. Commercial General Liability Insurance: GRANTEE shall require its grantees and contractors to maintain commercial general liability insurance that covers claims, demands, actions, and suits for damage to property damage or bodily injury, including death, arising from GRANTEE's grantees' and contractors' work under this Agreement. The insurance shall provide coverage for not less than \$2,000,000 per occurrence.
3. Automobile Liability Insurance: GRANTEE shall require its grantees and contractors to maintain automobile liability insurance with coverage of not less than \$2,000,000 each accident. The insurance shall include coverage for any auto or all owned, scheduled, hired and non-owned auto. This coverage may be combined with an excess or umbrella liability insurance policy.
4. Additional Insured: The liability insurance coverages required in this Section K, except Workers' Compensation shall name the City of Portland and its, officers, agents and employees as additional insureds, with respect to the GRANTEE's grantees' and contractors' operations funded by this Agreement. GRANTEE's grantees and contractors shall provide GRANTEE with proof of additional insured coverage in the form of an additional insured endorsement form or a policy coverage document that demonstrates the City and Grantee are covered as additional insureds.. Coverage required by this Section K shall be primary and non-contributory with any other insurance and self-insurance. Notwithstanding the naming of additional insureds, the insurance shall protect each additional insured in the same manner as though a separate policy had been issued to each, but nothing herein shall operate to increase the insurer's liability as set forth elsewhere in the policy beyond the amount or amounts for which the insurer would have been liable if only one person or interest had been named as insured.
5. Continuous Coverage; Notice of Cancellation: GRANTEE shall require its grantees and contractors to maintain continuous, uninterrupted coverage for the duration of the Agreement. There shall be no termination, cancelation, material change, potential exhaustion of aggregate limits, or non-renewal of coverage without thirty (30) days written notice to GRANTEE. If the insurance is canceled or terminated prior to termination of the Agreement, GRANTEE shall immediately notify CITY and GRANTEE shall require its grantee or contractor to

provide a new policy with the coverage required by this Section K. Any failure by GRANTEE to comply with this clause shall constitute a material breach of the Agreement and shall be grounds for immediate termination of this Agreement.

6. Certificate(s) of Insurance: GRANTEE's grantees and contractors shall provide proof of insurance through acceptable certificates of insurance and a CG 2026 additional insured endorsement form (or an equivalent blanket additional insured form) to GRANTEE on or before execution of the Agreement and prior to any commencement of work or delivery of goods or services under the Agreement or initial payment of grant funds. Certificates must specify all of the parties who are endorsed on the policy as Additional Insureds (or Loss Payees). GRANTEE's grantees and contractors shall not pay for any insurance deductibles or premiums with funds provided under this Agreement. CITY reserves the right to require, at any time, complete and certified copies of the required insurance policies evidencing the coverage required.
- L. GRANTEE's Contractor; Non-Assignment. If GRANTEE utilizes contractors to complete its work under this Agreement, in whole or in part, GRANTEE shall require any of its contractors to agree, as to the portion contracted, to fulfill all obligations of the Agreement as specified in this Agreement. However, GRANTEE shall remain obligated for full performance hereunder, and CITY shall incur no obligation other than its obligations to GRANTEE hereunder. This Agreement shall not be assigned or transferred in whole or in part or any right or obligation hereunder, without prior written approval of CITY.
- M. Independent Contractor Status. GRANTEE, and its contractors and employees are not employees of CITY and are not eligible for any benefits through CITY, including without limitation, federal social security, health benefits, workers' compensation, unemployment compensation, and retirement benefits. GRANTEE will be responsible for any federal, state, or local taxes and fees applicable to payments hereunder.
- N. Conflict of Interest. No CITY officer or employee, during his or her tenure or for two (2) years thereafter, shall have any interest, direct or indirect, in Grant Agreement or the proceeds thereof. CITY officer or employee who selected GRANTEE, participated in the award of this Agreement or managed this Agreement shall not seek the promise of employment from GRANTEE or be employed by GRANTEE during the term of the Agreement, unless waiver is obtained from CITY in writing.
- O. Oregon Laws and Forum. This Agreement shall be construed according to the laws of the State of Oregon without regard to its provisions regarding conflicts of law. Any litigation between CITY and GRANTEE arising under this Agreement or out of work performed under this Agreement shall occur in Multnomah County court having jurisdiction thereof, and if in the federal courts, in the United States District Court for the State of Oregon.
- P. Compliance with Law. GRANTEE and all persons performing work under this Agreement shall comply with all applicable federal, state, and local laws and regulations, including reporting to and payment of all applicable federal, state and local taxes and filing of business license. If GRANTEE is a 501(c)(3)

organization, GRANTEE shall maintain its nonprofit and tax-exempt status during this Agreement. GRANTEE shall be Equal Employment Opportunity (EEO) and Equal Benefits (EB) certified by CITY to be eligible to receive grant funds.

- Q. Severability. CITY and GRANTEE agree that if any term or provision of this Agreement is declared by a court of competent jurisdiction to be illegal or in conflict with any law, the validity of the remaining terms and provisions shall not be affected, and the rights and obligations of the Parties shall be construed and enforced as if the Agreement did not contain the particular term or provision held to be invalid.
- R. Merger. This Agreement contains the entire agreement between CITY and GRANTEE and supersedes all prior written or oral discussions or agreements. There are no oral or written understandings that vary or supplement the conditions of this Agreement that are not contained in this Agreement.
- S. Program and Fiscal Monitoring. CITY shall monitor on an as-needed basis to assure Agreement compliance. Monitoring may include, but are not limited to, on site visits, telephone interviews and review of required reports and will cover both programmatic and fiscal aspects of the Agreement. The frequency and level of monitoring will be determined by the Grant Manager. Notwithstanding such monitoring or lack thereof, GRANTEE remains fully responsible for performing the work, services or obligations required by this Agreement in accordance with its terms and conditions.
- T. Third Party Beneficiaries. There are no third-party beneficiaries to this Agreement and may only be enforced by the Parties.
- U. Electronic Transaction; Counterparts. The Parties agree that they may conduct this transaction, including any amendments, by electronic means, including the use of electronic signatures. This Agreement, and any amendment, may be executed in any number of counterparts, each of which shall be deemed an original, but all of which together shall constitute a single instrument.
- V. NOTICE: Notices to GRANTEE under this Intergovernmental Agreement shall be sent to GRANTEE at the following address:

Erich Mueller, Finance Director
City of Troutdale
219 E. Historic Columbia River Hwy
503-674-7231
erich.mueller@troutdaleoregon.gov

NOTICE: Notices to CITY under this Intergovernmental Agreement shall be sent to CITY at the following address:

City Contact Name
City of Portland, OMF/Grants Management Division
1120 SW 5th Ave., Suite 1250
Portland, OR 97204
City Contact Phone:

SIGNATURES:

CITY OF PORTLAND

GRANTEE

Name: First Name Last Name
Title: TITLE
City of Portland, Oregon

Name: Ray Young
Title: City Manager
City of Troutdale

Date: _____

Date: _____

APPROVED AS TO FORM:

City Attorney, City of Portland

ATTACHMENTS

- Exhibit A: Scope of Work, Timeline and Disbursement Schedule
- Exhibit B: Program Budget
- Exhibit C: Reporting & Data Collection Requirements
- Exhibit D: Subrecipient Administrative Requirements
- Exhibit E: Monthly Reporting & Payment Request Template
- Exhibit F: Final Financial Report

- Attachment 1: Coronavirus Relief Funds (CFR) Guidance (06/30/20) and FAQs (07/08/20)
- Attachment 2: OIG-CA-20-021: Coronavirus Relief Fund Reporting and Record Retention Requirements
- Attachment 3: OIG-CA-20-025: Coronavirus Relief Fund Reporting Requirements Update
- Attachment 4: Office of Equity & Human Rights Equity Toolkit

Exhibit A: Scope of Work, Timeline and Disbursement Schedule

This funding is made available through the City's "PDX-CARES relief funds" under section 601(a) of the Social Security Act, as added by section 5001 of the Coronavirus Aid, Relief, and Economic Security Act ("CARES Act") and Section V and VI of the CARES Act, for costs incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19). Under the CARES Act, the Coronavirus Relief Fund may be used to cover costs that:

1. Are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19); AND
2. Are not accounted for in the budget most recently approved as of March 27, 2020, the date of enactment of the CARES Act; AND
3. Are incurred on or after March 1, 2020, up to December 30, 2020.

The GRANTEE shall determine the appropriate budget and use of funds within the following 6 budget categories and their sub-categories:

1. Medical
2. Public Health
3. Payroll
4. Actions to Comply with Public Health Measures
5. Economic Support
6. Other Covid-19 Expenses

Following release of funds from the CITY to the GRANTEE, the GRANTEE intends to disburse funds for:

- CARES Act special paid sick leave and paid family and medical leave of GRANTEE employees, currently estimated as approximately \$53,000 of expense.
- Cleaning of GRANTEE workspaces and public lobby, currently estimated as approximately \$40,000 of expense.
- Personal Protective Equipment (PPE); masks, gloves and sneeze guards, currently estimated as approximately \$16,000 of expense.
- Technology and supplies for remote work and electronic meetings, currently estimated as approximately \$13,000 of expense.
- Citizen and Small Business Utility and Rent Subsidy direct payments currently estimated as approximately \$506,000 of expense.
- Directly related payroll costs of GRANTEE employees supporting COVID support programs, currently estimated as approximately \$10,000 of expense.

Distribution of funds are estimated as:

- approximately \$61,000 for expenses from March 1 through June 30, 2020

- approximately \$116,000 for expenses from July 1 through September 30, 2020
- approximately \$405,000 for expenses from October 1 through December 30, 2020.

See Exhibit B: Program Budget for additional information.

Total reimbursement of eligible expenditures are limited to the IGA terms and conditions and allocated available funding.

Exhibit C: Reporting & Data Collection Requirements

To be determined.

EXHIBIT D: ADMINISTRATIVE REQUIREMENTS

Administrative Requirements. The GRANTEE is a subrecipient of Federal CARES Act Coronavirus Relief Funds and shall comply with the following requirements:

- A. **Publicity:** During the term of this Intergovernmental Agreement, GRANTEE shall use its best efforts to reference the City's "PDX-CARES relief funds" in publicity regarding the program that will be supported by the CITY's CARES Act Coronavirus Relief Funds (CRF).
- B. **Records:** GRANTEE shall maintain all books, general organizational and administrative information, documents, papers, and records of GRANTEE that are related to this Agreement or the guidelines set forth in ATTACHMENT 1: OIG-CA-20-021: Coronavirus Relief Fund Reporting and Record Retention Requirements. GRANTEE's must retain these records for ten (10) years after CITY makes final grant payment, GRANTEE has made final report, or the termination date of this Agreement, whichever is later. In addition, GRANTEE shall provide CITY prompt access to these records upon request and permit copying as CITY may require.
- C. **Financial Management.** GRANTEE shall comply with 2 CFR Part 200, Subpart D—*Post Federal Award Requirements*, and agrees to adhere to the accounting principles and procedures required therein, use adequate internal controls, and maintain necessary sources documentation for all costs incurred.
- D. **Revenue Accounting.** Grant revenue and expenses generated under this Agreement should be recorded in compliance with generally accepted accounting principles and/or governmental accounting standards. This requires that the revenues are treated as unearned income or "deferred" until the compliance requirements and objectives of the grant have been met. Revenue may be recognized throughout the life cycle of the grant as the funds are "earned." All grant revenues not fully earned and expended in compliance with the requirements and objectives at the end of the period of performance must be returned to CITY within 30 days.
- E. **Cost Principles.** This award is excluded from 2 CFR 200 Subpart E - Cost Principles by statute. Funds may be used only in accordance with and for the purposes outlined in Exhibits A: Scope of Work, Timeline and Disbursement Schedule and Attachment 1: CFR Guidance and FAQs.
- F. **Performance Reporting.** GRANTEE must submit monthly Performance and Equity Reports as specified in Exhibit E during the term of this Agreement, or at each reimbursement request, whichever is sooner.
- G. **Financial Reporting.** Methods and procedures for payment shall minimize the time elapsing between the transfer of funds and disbursement by the grantee or GRANTEE, in accordance with Treasurer regulations at 31 CFR Part 205. Therefore, upon execution of this Agreement, GRANTEE will submit completed Exhibit E on a monthly basis.

- H. **Closeout.** CITY will closeout this award when CITY determines that all applicable administrative actions and all required work have been completed by GRANTEE, pursuant to 2 CFR 200.343–*Closeout*. GRANTEE must liquidate all obligations incurred under this award and must submit all financial (Exhibits E & F), performance, and other reports as required by the terms and conditions of the Federal award and/or CITY, no later than 30 calendar days after the end date of this agreement.
- I. **Universal Identifier and Contract Status.** GRANTEE shall comply with 2 CFR 25.200-205 and apply for a unique universal identification number using the Data Universal Numbering System (DUNS) as required for receipt of funding. In addition, the SUBRECIPIENT shall register and maintain an active registration in the Central Contractor Registration database, now located at <http://www.sam.gov>.
- J. **Suspension and Debarment.** GRANTEE shall comply with 2 CFR 180.220 and 901. This common rule restricts subawards and contracts with certain parties that are debarred, suspended or otherwise excluded from or ineligible for participation in Federal assistance programs or activities. GRANTEE is responsible for further requiring the inclusion of a similar term or condition in any subsequent lower tier covered transactions. GRANTEE may access the Excluded Parties List System at <http://www.sam.gov>. The Excluded Parties List System contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Orders 12549 and 12689. Awards that exceed the simplified acquisition threshold shall provide the required certification regarding their exclusion status and that of their principals prior to award.
- K. **Lobbying.** GRANTEE certifies that no portion of the Federal grant funds will be used to engage in lobbying of the Federal Government or in litigation against the United States unless authorized under existing law and shall abide by 2 CFR 200.450 and the Byrd Anti-Lobbying Amendment 31 U. S. C. 1352. In addition, the GRANTEE certifies that it is a nonprofit organization described in Section 501(c) (4) of the Code, but does not and will not engage in lobbying activities as defined in Section 3 of the Lobbying Disclosure Act.
- L. **Audit.** GRANTEE shall comply with the audit requirements prescribed in the Single Audit Act Amendments and the new Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, located in 2 CFR 200.501. GRANTEE expenditures of \$750,000 or more in Federal funds require an annual Single Audit. GRANTEE is required to hire an independent auditor qualified to perform a Single Audit. Subrecipients of Federal awards are required under the Uniform Guidance to submit their audits to the Federal Audit Clearinghouse (FAC) within 9 months from the GRANTEE'S fiscal year end or 30 days after issuance of the reports, whichever is sooner. The website for submissions to the FAC is <https://harvester.census.gov/facweb/>. At the time of submission to the FAC, SUBRECIPIENT will also submit a copy of the audit to CITY. If requested and if SUBRECIPIENT does not meet the threshold for the Single Audit requirement, SUBRECIPIENT shall submit to CITY a financial audit or independent review of financial statements within 9 months from GRANTEE'S fiscal year end or 30 days after issuance of the reports, whichever is sooner.

- M. **Fiduciary Duty.** GRANTEE acknowledges that it has read the award conditions and certifications for the CARES Act and all accompanying amendments, that it understands and accepts those conditions and certifications, and that it agrees to comply with all the obligations, and be bound by any limitations applicable to the CITY, as grantee, under those grant documents.
- N. **Failure to Comply.** GRANTEE acknowledges and agrees that this Agreement and the terms and conditions therein are essential terms in allowing the relationship between CITY and GRANTEE to continue, and that failure to comply with such terms and conditions represents a material breach of the original grant and this Agreement. Such material breach shall give rise to CITY's right, but not obligation, to withhold GRANTEE grant funds until compliance is met, reclaim grant funds in the case of omissions or misrepresentations in financial or programmatic reporting, require repayment of any funds used by GRANTEE in violation of this Agreement, to terminate this Agreement, and to pursue any right or remedy available to CITY at law, in equity, or under this Agreement.
- O. **Pass-Thru Funding.** If the GRANTEE passes-thru these funds to another agency, organization or vendor to complete the work outlined in Exhibit A, then all the terms and conditions outlined in EXHIBIT D still apply. The GRANTEE will be responsible for the monitoring and compliance of all their subrecipients and any failure to comply as a result of the GRANTEE's subrecipient contract or agreement that results in noncompliance or returning of CARES Act funds, must be paid by the GRANTEE and not the CITY.

Exhibit E: Monthly Reporting & Payment Request Template

and

Exhibit F: Final Financial Report

To be determined.

ATTACHMENTS

- Attachment 1: Coronavirus Relief Funds (CFR) Guidance (06/30/20) and FAQs (07/08/20)
- Attachment 2: OIG-CA-20-021: Coronavirus Relief Fund Reporting and Record Retention Requirements
- Attachment 3: OIG-CA-20-025: Coronavirus Relief Fund Reporting Requirements Update
- Attachment 4: Office of Equity & Human Rights Equity Toolkit

**Coronavirus Relief Fund
Frequently Asked Questions
Updated as of July 8, 2020**

The following answers to frequently asked questions supplement Treasury’s Coronavirus Relief Fund (“Fund”) Guidance for State, Territorial, Local, and Tribal Governments, dated April 22, 2020, (“Guidance”).¹ Amounts paid from the Fund are subject to the restrictions outlined in the Guidance and set forth in section 601(d) of the Social Security Act, as added by section 5001 of the Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”).

Eligible Expenditures

Are governments required to submit proposed expenditures to Treasury for approval?

No. Governments are responsible for making determinations as to what expenditures are necessary due to the public health emergency with respect to COVID-19 and do not need to submit any proposed expenditures to Treasury.

The Guidance says that funding can be used to meet payroll expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency. How does a government determine whether payroll expenses for a given employee satisfy the “substantially dedicated” condition?

The Fund is designed to provide ready funding to address unforeseen financial needs and risks created by the COVID-19 public health emergency. For this reason, and as a matter of administrative convenience in light of the emergency nature of this program, a State, territorial, local, or Tribal government may presume that payroll costs for public health and public safety employees are payments for services substantially dedicated to mitigating or responding to the COVID-19 public health emergency, unless the chief executive (or equivalent) of the relevant government determines that specific circumstances indicate otherwise.

The Guidance says that a cost was not accounted for in the most recently approved budget if the cost is for a substantially different use from any expected use of funds in such a line item, allotment, or allocation. What would qualify as a “substantially different use” for purposes of the Fund eligibility?

Costs incurred for a “substantially different use” include, but are not necessarily limited to, costs of personnel and services that were budgeted for in the most recently approved budget but which, due entirely to the COVID-19 public health emergency, have been diverted to substantially different functions. This would include, for example, the costs of redeploying corrections facility staff to enable compliance with COVID-19 public health precautions through work such as enhanced sanitation or enforcing social distancing measures; the costs of redeploying police to support management and enforcement of stay-at-home orders; or the costs of diverting educational support staff or faculty to develop online learning capabilities, such as through providing information technology support that is not part of the staff or faculty’s ordinary responsibilities.

Note that a public function does not become a “substantially different use” merely because it is provided from a different location or through a different manner. For example, although developing online instruction capabilities may be a substantially different use of funds, online instruction itself is not a substantially different use of public funds than classroom instruction.

¹ The Guidance is available at <https://home.treasury.gov/system/files/136/Coronavirus-Relief-Fund-Guidance-for-State-Territorial-Local-and-Tribal-Governments.pdf>.

May a State receiving a payment transfer funds to a local government?

Yes, provided that the transfer qualifies as a necessary expenditure incurred due to the public health emergency and meets the other criteria of section 601(d) of the Social Security Act. Such funds would be subject to recoupment by the Treasury Department if they have not been used in a manner consistent with section 601(d) of the Social Security Act.

May a unit of local government receiving a Fund payment transfer funds to another unit of government?

Yes. For example, a county may transfer funds to a city, town, or school district within the county and a county or city may transfer funds to its State, provided that the transfer qualifies as a necessary expenditure incurred due to the public health emergency and meets the other criteria of section 601(d) of the Social Security Act outlined in the Guidance. For example, a transfer from a county to a constituent city would not be permissible if the funds were intended to be used simply to fill shortfalls in government revenue to cover expenditures that would not otherwise qualify as an eligible expenditure.

Is a Fund payment recipient required to transfer funds to a smaller, constituent unit of government within its borders?

No. For example, a county recipient is not required to transfer funds to smaller cities within the county's borders.

Are recipients required to use other federal funds or seek reimbursement under other federal programs before using Fund payments to satisfy eligible expenses?

No. Recipients may use Fund payments for any expenses eligible under section 601(d) of the Social Security Act outlined in the Guidance. Fund payments are not required to be used as the source of funding of last resort. However, as noted below, recipients may not use payments from the Fund to cover expenditures for which they will receive reimbursement.

Are there prohibitions on combining a transaction supported with Fund payments with other CARES Act funding or COVID-19 relief Federal funding?

Recipients will need to consider the applicable restrictions and limitations of such other sources of funding. In addition, expenses that have been or will be reimbursed under any federal program, such as the reimbursement by the federal government pursuant to the CARES Act of contributions by States to State unemployment funds, are not eligible uses of Fund payments.

Are States permitted to use Fund payments to support state unemployment insurance funds generally?

To the extent that the costs incurred by a state unemployment insurance fund are incurred due to the COVID-19 public health emergency, a State may use Fund payments to make payments to its respective state unemployment insurance fund, separate and apart from such State's obligation to the unemployment insurance fund as an employer. This will permit States to use Fund payments to prevent expenses related to the public health emergency from causing their state unemployment insurance funds to become insolvent.

Are recipients permitted to use Fund payments to pay for unemployment insurance costs incurred by the recipient as an employer?

Yes, Fund payments may be used for unemployment insurance costs incurred by the recipient as an employer (for example, as a reimbursing employer) related to the COVID-19 public health emergency if such costs will not be reimbursed by the federal government pursuant to the CARES Act or otherwise.

The Guidance states that the Fund may support a “broad range of uses” including payroll expenses for several classes of employees whose services are “substantially dedicated to mitigating or responding to the COVID-19 public health emergency.” What are some examples of types of covered employees?

The Guidance provides examples of broad classes of employees whose payroll expenses would be eligible expenses under the Fund. These classes of employees include public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency. Payroll and benefit costs associated with public employees who could have been furloughed or otherwise laid off but who were instead repurposed to perform previously unbudgeted functions substantially dedicated to mitigating or responding to the COVID-19 public health emergency are also covered. Other eligible expenditures include payroll and benefit costs of educational support staff or faculty responsible for developing online learning capabilities necessary to continue educational instruction in response to COVID-19-related school closures. Please see the Guidance for a discussion of what is meant by an expense that was not accounted for in the budget most recently approved as of March 27, 2020.

In some cases, first responders and critical health care workers that contract COVID-19 are eligible for workers’ compensation coverage. Is the cost of this expanded workers compensation coverage eligible?

Increased workers compensation cost to the government due to the COVID-19 public health emergency incurred during the period beginning March 1, 2020, and ending December 30, 2020, is an eligible expense.

If a recipient would have decommissioned equipment or not renewed a lease on particular office space or equipment but decides to continue to use the equipment or to renew the lease in order to respond to the public health emergency, are the costs associated with continuing to operate the equipment or the ongoing lease payments eligible expenses?

Yes. To the extent the expenses were previously unbudgeted and are otherwise consistent with section 601(d) of the Social Security Act outlined in the Guidance, such expenses would be eligible.

May recipients provide stipends to employees for eligible expenses (for example, a stipend to employees to improve telework capabilities) rather than require employees to incur the eligible cost and submit for reimbursement?

Expenditures paid for with payments from the Fund must be limited to those that are necessary due to the public health emergency. As such, unless the government were to determine that providing assistance in the form of a stipend is an administrative necessity, the government should provide such assistance on a reimbursement basis to ensure as much as possible that funds are used to cover only eligible expenses.

May Fund payments be used for COVID-19 public health emergency recovery planning?

Yes. Expenses associated with conducting a recovery planning project or operating a recovery coordination office would be eligible, if the expenses otherwise meet the criteria set forth in section 601(d) of the Social Security Act outlined in the Guidance.

Are expenses associated with contact tracing eligible?

Yes, expenses associated with contract tracing are eligible.

To what extent may a government use Fund payments to support the operations of private hospitals?

Governments may use Fund payments to support public or private hospitals to the extent that the costs are necessary expenditures incurred due to the COVID-19 public health emergency, but the form such assistance would take may differ. In particular, financial assistance to private hospitals could take the form of a grant or a short-term loan.

May payments from the Fund be used to assist individuals with enrolling in a government benefit program for those who have been laid off due to COVID-19 and thereby lost health insurance?

Yes. To the extent that the relevant government official determines that these expenses are necessary and they meet the other requirements set forth in section 601(d) of the Social Security Act outlined in the Guidance, these expenses are eligible.

May recipients use Fund payments to facilitate livestock depopulation incurred by producers due to supply chain disruptions?

Yes, to the extent these efforts are deemed necessary for public health reasons or as a form of economic support as a result of the COVID-19 health emergency.

Would providing a consumer grant program to prevent eviction and assist in preventing homelessness be considered an eligible expense?

Yes, assuming that the recipient considers the grants to be a necessary expense incurred due to the COVID-19 public health emergency and the grants meet the other requirements for the use of Fund payments under section 601(d) of the Social Security Act outlined in the Guidance. As a general matter, providing assistance to recipients to enable them to meet property tax requirements would not be an eligible use of funds, but exceptions may be made in the case of assistance designed to prevent foreclosures.

May recipients create a “payroll support program” for public employees?

Use of payments from the Fund to cover payroll or benefits expenses of public employees are limited to those employees whose work duties are substantially dedicated to mitigating or responding to the COVID-19 public health emergency.

May recipients use Fund payments to cover employment and training programs for employees that have been furloughed due to the public health emergency?

Yes, this would be an eligible expense if the government determined that the costs of such employment and training programs would be necessary due to the public health emergency.

May recipients use Fund payments to provide emergency financial assistance to individuals and families directly impacted by a loss of income due to the COVID-19 public health emergency?

Yes, if a government determines such assistance to be a necessary expenditure. Such assistance could include, for example, a program to assist individuals with payment of overdue rent or mortgage payments to avoid eviction or foreclosure or unforeseen financial costs for funerals and other emergency individual needs. Such assistance should be structured in a manner to ensure as much as possible, within the realm of what is administratively feasible, that such assistance is necessary.

The Guidance provides that eligible expenditures may include expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures. What is meant by a “small business,” and is the Guidance intended to refer only to expenditures to cover administrative expenses of such a grant program?

Governments have discretion to determine what payments are necessary. A program that is aimed at assisting small businesses with the costs of business interruption caused by required closures should be tailored to assist those businesses in need of such assistance. The amount of a grant to a small business to reimburse the costs of business interruption caused by required closures would also be an eligible expenditure under section 601(d) of the Social Security Act, as outlined in the Guidance.

The Guidance provides that expenses associated with the provision of economic support in connection with the public health emergency, such as expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures, would constitute eligible expenditures of Fund payments. Would such expenditures be eligible in the absence of a stay-at-home order?

Fund payments may be used for economic support in the absence of a stay-at-home order if such expenditures are determined by the government to be necessary. This may include, for example, a grant program to benefit small businesses that close voluntarily to promote social distancing measures or that are affected by decreased customer demand as a result of the COVID-19 public health emergency.

May Fund payments be used to assist impacted property owners with the payment of their property taxes?

Fund payments may not be used for government revenue replacement, including the provision of assistance to meet tax obligations.

May Fund payments be used to replace foregone utility fees? If not, can Fund payments be used as a direct subsidy payment to all utility account holders?

Fund payments may not be used for government revenue replacement, including the replacement of unpaid utility fees. Fund payments may be used for subsidy payments to electricity account holders to the extent that the subsidy payments are deemed by the recipient to be necessary expenditures incurred due to the COVID-19 public health emergency and meet the other criteria of section 601(d) of the Social Security Act outlined in the Guidance. For example, if determined to be a necessary expenditure, a government could provide grants to individuals facing economic hardship to allow them to pay their utility fees and thereby continue to receive essential services.

Could Fund payments be used for capital improvement projects that broadly provide potential economic development in a community?

In general, no. If capital improvement projects are not necessary expenditures incurred due to the COVID-19 public health emergency, then Fund payments may not be used for such projects.

However, Fund payments may be used for the expenses of, for example, establishing temporary public medical facilities and other measures to increase COVID-19 treatment capacity or improve mitigation measures, including related construction costs.

The Guidance includes workforce bonuses as an example of ineligible expenses but provides that hazard pay would be eligible if otherwise determined to be a necessary expense. Is there a specific definition of “hazard pay”?

Hazard pay means additional pay for performing hazardous duty or work involving physical hardship, in each case that is related to COVID-19.

The Guidance provides that ineligible expenditures include “[p]ayroll or benefits expenses for employees whose work duties are not substantially dedicated to mitigating or responding to the COVID-19 public health emergency.” Is this intended to relate only to public employees?

Yes. This particular nonexclusive example of an ineligible expenditure relates to public employees. A recipient would not be permitted to pay for payroll or benefit expenses of private employees and any financial assistance (such as grants or short-term loans) to private employers are not subject to the restriction that the private employers’ employees must be substantially dedicated to mitigating or responding to the COVID-19 public health emergency.

May counties pre-pay with CARES Act funds for expenses such as a one or two-year facility lease, such as to house staff hired in response to COVID-19?

A government should not make prepayments on contracts using payments from the Fund to the extent that doing so would not be consistent with its ordinary course policies and procedures.

Must a stay-at-home order or other public health mandate be in effect in order for a government to provide assistance to small businesses using payments from the Fund?

No. The Guidance provides, as an example of an eligible use of payments from the Fund, expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures. Such assistance may be provided using amounts received from the Fund in the absence of a requirement to close businesses if the relevant government determines that such expenditures are necessary in response to the public health emergency.

Should States receiving a payment transfer funds to local governments that did not receive payments directly from Treasury?

Yes, provided that the transferred funds are used by the local government for eligible expenditures under the statute. To facilitate prompt distribution of Title V funds, the CARES Act authorized Treasury to make direct payments to local governments with populations in excess of 500,000, in amounts equal to 45% of the local government's per capita share of the statewide allocation. This statutory structure was based on a recognition that it is more administratively feasible to rely on States, rather than the federal government, to manage the transfer of funds to smaller local governments. Consistent with the needs of all local governments for funding to address the public health emergency, States should transfer funds to local governments with populations of 500,000 or less, using as a benchmark the per capita allocation formula that governs payments to larger local governments. This approach will ensure equitable treatment among local governments of all sizes.

For example, a State received the minimum \$1.25 billion allocation and had one county with a population over 500,000 that received \$250 million directly. The State should distribute 45 percent of the \$1 billion it received, or \$450 million, to local governments within the State with a population of 500,000 or less.

May a State impose restrictions on transfers of funds to local governments?

Yes, to the extent that the restrictions facilitate the State's compliance with the requirements set forth in section 601(d) of the Social Security Act outlined in the Guidance and other applicable requirements such as the Single Audit Act, discussed below. Other restrictions are not permissible.

If a recipient must issue tax anticipation notes (TANs) to make up for tax due date deferrals or revenue shortfalls, are the expenses associated with the issuance eligible uses of Fund payments?

If a government determines that the issuance of TANs is necessary due to the COVID-19 public health emergency, the government may expend payments from the Fund on the interest expense payable on TANs by the borrower and unbudgeted administrative and transactional costs, such as necessary payments to advisors and underwriters, associated with the issuance of the TANs.

May recipients use Fund payments to expand rural broadband capacity to assist with distance learning and telework?

Such expenditures would only be permissible if they are necessary for the public health emergency. The cost of projects that would not be expected to increase capacity to a significant extent until the need for distance learning and telework have passed due to this public health emergency would not be necessary due to the public health emergency and thus would not be eligible uses of Fund payments.

Are costs associated with increased solid waste capacity an eligible use of payments from the Fund?

Yes, costs to address increase in solid waste as a result of the public health emergency, such as relates to the disposal of used personal protective equipment, would be an eligible expenditure.

May payments from the Fund be used to cover across-the-board hazard pay for employees working during a state of emergency?

No. The Guidance says that funding may be used to meet payroll expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency. Hazard pay is a form of payroll expense and is subject to this limitation, so Fund payments may only be used to cover hazard pay for such individuals.

May Fund payments be used for expenditures related to the administration of Fund payments by a State, territorial, local, or Tribal government?

Yes, if the administrative expenses represent an increase over previously budgeted amounts and are limited to what is necessary. For example, a State may expend Fund payments on necessary administrative expenses incurred with respect to a new grant program established to disburse amounts received from the Fund.

May recipients use Fund payments to provide loans?

Yes, if the loans otherwise qualify as eligible expenditures under section 601(d) of the Social Security Act as implemented by the Guidance. Any amounts repaid by the borrower before December 30, 2020, must be either returned to Treasury upon receipt by the unit of government providing the loan or used for another expense that qualifies as an eligible expenditure under section 601(d) of the Social Security Act. Any amounts not repaid by the borrower until after December 30, 2020, must be returned to Treasury upon receipt by the unit of government lending the funds.

May Fund payments be used for expenditures necessary to prepare for a future COVID-19 outbreak?

Fund payments may be used only for expenditures necessary to address the current COVID-19 public health emergency. For example, a State may spend Fund payments to create a reserve of personal protective equipment or develop increased intensive care unit capacity to support regions in its jurisdiction not yet affected, but likely to be impacted by the current COVID-19 pandemic.

May funds be used to satisfy non-federal matching requirements under the Stafford Act?

Yes, payments from the Fund may be used to meet the non-federal matching requirements for Stafford Act assistance to the extent such matching requirements entail COVID-19-related costs that otherwise satisfy the Fund's eligibility criteria and the Stafford Act. Regardless of the use of Fund payments for such purposes, FEMA funding is still dependent on FEMA's determination of eligibility under the Stafford Act.

Must a State, local, or tribal government require applications to be submitted by businesses or individuals before providing assistance using payments from the Fund?

Governments have discretion to determine how to tailor assistance programs they establish in response to the COVID-19 public health emergency. However, such a program should be structured in such a manner as will ensure that such assistance is determined to be necessary in response to the COVID-19 public health emergency and otherwise satisfies the requirements of the CARES Act and other applicable law. For example, a per capita payment to residents of a particular jurisdiction without an assessment of individual need would not be an appropriate use of payments from the Fund.

May Fund payments be provided to non-profits for distribution to individuals in need of financial assistance, such as rent relief?

Yes, non-profits may be used to distribute assistance. Regardless of how the assistance is structured, the financial assistance provided would have to be related to COVID-19.

May recipients use Fund payments to remarket the recipient's convention facilities and tourism industry?

Yes, if the costs of such remarketing satisfy the requirements of the CARES Act. Expenses incurred to publicize the resumption of activities and steps taken to ensure a safe experience may be needed due to

the public health emergency. Expenses related to developing a long-term plan to reposition a recipient's convention and tourism industry and infrastructure would not be incurred due to the public health emergency and therefore may not be covered using payments from the Fund.

May a State provide assistance to farmers and meat processors to expand capacity, such to cover overtime for USDA meat inspectors?

If a State determines that expanding meat processing capacity, including by paying overtime to USDA meat inspectors, is a necessary expense incurred due to the public health emergency, such as if increased capacity is necessary to allow farmers and processors to donate meat to food banks, then such expenses are eligible expenses, provided that the expenses satisfy the other requirements set forth in section 601(d) of the Social Security Act outlined in the Guidance.

The guidance provides that funding may be used to meet payroll expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency. May Fund payments be used to cover such an employee's entire payroll cost or just the portion of time spent on mitigating or responding to the COVID-19 public health emergency?

As a matter of administrative convenience, the entire payroll cost of an employee whose time is substantially dedicated to mitigating or responding to the COVID-19 public health emergency is eligible, provided that such payroll costs are incurred by December 30, 2020. An employer may also track time spent by employees related to COVID-19 and apply Fund payments on that basis but would need to do so consistently within the relevant agency or department.

May Fund payments be used to cover increased administrative leave costs of public employees who could not telework in the event of a stay at home order or a case of COVID-19 in the workplace?

The statute requires that payments be used only to cover costs that were not accounted for in the budget most recently approved as of March 27, 2020. As stated in the Guidance, a cost meets this requirement if either (a) the cost cannot lawfully be funded using a line item, allotment, or allocation within that budget or (b) the cost is for a substantially different use from any expected use of funds in such a line item, allotment, or allocation. If the cost of an employee was allocated to administrative leave to a greater extent than was expected, the cost of such administrative leave may be covered using payments from the Fund.

Questions Related to Administration of Fund Payments

Do governments have to return unspent funds to Treasury?

Yes. Section 601(f)(2) of the Social Security Act, as added by section 5001(a) of the CARES Act, provides for recoupment by the Department of the Treasury of amounts received from the Fund that have not been used in a manner consistent with section 601(d) of the Social Security Act. If a government has not used funds it has received to cover costs that were incurred by December 30, 2020, as required by the statute, those funds must be returned to the Department of the Treasury.

What records must be kept by governments receiving payment?

A government should keep records sufficient to demonstrate that the amount of Fund payments to the government has been used in accordance with section 601(d) of the Social Security Act.

May recipients deposit Fund payments into interest bearing accounts?

Yes, provided that if recipients separately invest amounts received from the Fund, they must use the interest earned or other proceeds of these investments only to cover expenditures incurred in accordance with section 601(d) of the Social Security Act and the Guidance on eligible expenses. If a government deposits Fund payments in a government's general account, it may use those funds to meet immediate cash management needs provided that the full amount of the payment is used to cover necessary expenditures. Fund payments are not subject to the Cash Management Improvement Act of 1990, as amended.

May governments retain assets purchased with payments from the Fund?

Yes, if the purchase of the asset was consistent with the limitations on the eligible use of funds provided by section 601(d) of the Social Security Act.

What rules apply to the proceeds of disposition or sale of assets acquired using payments from the Fund?

If such assets are disposed of prior to December 30, 2020, the proceeds would be subject to the restrictions on the eligible use of payments from the Fund provided by section 601(d) of the Social Security Act.

Are Fund payments to State, territorial, local, and tribal governments considered grants?

No. Fund payments made by Treasury to State, territorial, local, and Tribal governments are not considered to be grants but are "other financial assistance" under 2 C.F.R. § 200.40.

Are Fund payments considered federal financial assistance for purposes of the Single Audit Act?

Yes, Fund payments are considered to be federal financial assistance subject to the Single Audit Act (31 U.S.C. §§ 7501-7507) and the related provisions of the Uniform Guidance, 2 C.F.R. § 200.303 regarding internal controls, §§ 200.330 through 200.332 regarding subrecipient monitoring and management, and subpart F regarding audit requirements.

Are Fund payments subject to other requirements of the Uniform Guidance?

Fund payments are subject to the following requirements in the Uniform Guidance (2 C.F.R. Part 200): 2 C.F.R. § 200.303 regarding internal controls, 2 C.F.R. §§ 200.330 through 200.332 regarding subrecipient monitoring and management, and subpart F regarding audit requirements.

Is there a Catalog of Federal Domestic Assistance (CFDA) number assigned to the Fund?

Yes. The CFDA number assigned to the Fund is 21.019.

If a State transfers Fund payments to its political subdivisions, would the transferred funds count toward the subrecipients' total funding received from the federal government for purposes of the Single Audit Act?

Yes. The Fund payments to subrecipients would count toward the threshold of the Single Audit Act and 2 C.F.R. part 200, subpart F re: audit requirements. Subrecipients are subject to a single audit or program-

specific audit pursuant to 2 C.F.R. § 200.501(a) when the subrecipients spend \$750,000 or more in federal awards during their fiscal year.

Are recipients permitted to use payments from the Fund to cover the expenses of an audit conducted under the Single Audit Act?

Yes, such expenses would be eligible expenditures, subject to the limitations set forth in 2 C.F.R. § 200.425.

If a government has transferred funds to another entity, from which entity would the Treasury Department seek to recoup the funds if they have not been used in a manner consistent with section 601(d) of the Social Security Act?

The Treasury Department would seek to recoup the funds from the government that received the payment directly from the Treasury Department. State, territorial, local, and Tribal governments receiving funds from Treasury should ensure that funds transferred to other entities, whether pursuant to a grant program or otherwise, are used in accordance with section 601(d) of the Social Security Act as implemented in the Guidance.



OFFICE OF
INSPECTOR GENERAL

DEPARTMENT OF THE TREASURY
WASHINGTON, D.C. 20220

July 2, 2020

OIG-CA-20-021

MEMORANDUM FOR CORONAVIRUS RELIEF FUND RECIPIENTS

FROM: Richard K. Delmar /s/
Deputy Inspector General

SUBJECT: Coronavirus Relief Fund Reporting and Record Retention
Requirements

Title VI of the Social Security Act, as amended by Title V of Division A of the *Coronavirus Aid, Relief, and Economic Security Act* (Public Law 115-136), provides that the Department of the Treasury (Treasury) Office of Inspector General (OIG) is responsible for monitoring and oversight of the receipt, disbursement, and use of Coronavirus Relief Fund payments. Treasury OIG also has authority to recover funds in the event that it is determined a recipient of a Coronavirus Relief Fund payment failed to comply with requirements of subsection 601(d) of the Social Security Act, as amended, (42 U.S.C. 801(d)). Accordingly, we are providing recipient reporting and record retention requirements that are essential for the exercise of these responsibilities, including our conduct of audits and investigations.

Reporting Requirements and Timelines

Each prime recipient of Coronavirus Relief Fund payments¹ shall report Coronavirus Disease 2019 (COVID-19) related “costs incurred” during the “covered period”² (the period beginning on March 1, 2020 and ending on December 30, 2020), in the manner of and according to the timelines outlined in this memorandum. As described below, each prime recipient shall report interim and quarterly data and other recipient data according to these requirements. Treasury OIG is working on development of a portal with GrantSolutions³ that is expected to be operational on

¹ Prime recipients include all 50 States, Units of Local Governments, the District of Columbia, U.S. Territories, and Tribal Governments that received a direct payment from Treasury in accordance with Title V.

² Refer to Treasury’s guidance dated June 30, 2020 for more information on costs incurred and the covered period.

³ A grant management service provider under the U.S. Department of Health and Human Services.

September 1, 2020, for recipients to report data on a quarterly basis. Until the GrantSolutions portal is operational, each prime recipient shall follow the interim reporting requirements. Treasury OIG will notify each prime recipient when GrantSolutions is operational or of any changes to the expected September 1, 2020 start date.

Interim Reporting for the period March 1 through June 30, 2020

By no later than July 17, 2020, each prime recipient is responsible for reporting costs incurred during the period March 1 through June 30, 2020. For this interim report, prime recipients need only report totals by the following broad categories:

- a. Amount transferred to other governments;
- b. Amount spent on payroll for public health and safety employees;
- c. Amount spent on budgeted personnel and services diverted to a substantially different use;
- d. Amount spent to improve telework capabilities of public employees;
- e. Amount spent on medical expenses;
- f. Amount spent on public health expenses;
- g. Amount spent to facilitate distance learning;
- h. Amount spent providing economic support;
- i. Amount spent on expenses associated with the issuance of tax anticipation notes; and
- j. Amount spent on items not listed above.

Recipients should consult Treasury's guidance and Frequently Asked Questions in reporting costs incurred during the period March 1 through June 30, 2020. The total of all categories must equal the total of all costs incurred during that period. A spreadsheet is attached for your use in providing the data. As discussed below, the prime recipient will be required to report information for the period March 1 through June 30, 2020 into GrantSolutions once it is operational.

Interim reporting information should be submitted to CARES@oig.treas.gov

Quarterly Reporting

Each prime recipient of Coronavirus Relief Fund payments shall report COVID-19 related costs into the GrantSolutions portal. Data required to be reported includes, but is not limited to, the following:

1. the total amount of payments from the Coronavirus Relief Fund received from Treasury;
2. the amount of funds received that were expended or obligated for each project or activity;

3. a detailed list of all projects or activities for which funds were expended or obligated, including:
 - a. the name of the project or activity;
 - b. a description of the project or activity; and
4. detailed information on any loans issued; contracts and grants awarded; transfers made to other government entities; and direct payments made by the recipient that are greater than \$50,000.

The prime recipient is responsible for reporting into the GrantSolutions portal information on uses of Coronavirus Relief Fund payments.

Recipient Portal Access: For future quarterly reporting, each prime recipient will have GrantSolutions portal access for three (3) individuals: two (2) designees (preparers) to input quarterly data and one (1) official authorized to certify that the data is true, accurate, and complete.⁴ **By no later than July 17, 2020**, please provide the name, title, email address, phone number, and postal address of these individuals via email to CARES@oig.treas.gov, so that portal access can be granted. After this information is received, guidance on the GrantSolutions portal access and data submission instructions will be issued separately.

Reporting timeline

By no later than September 21, 2020, recipients shall submit via the portal the first detailed quarterly report, which shall cover the period March 1 through June 30, 2020. Thereafter, quarterly reporting will be due no later than 10 days after each calendar quarter. For example, the period July 1 through September 30, 2020, must be reported no later than October 13, 2020 (Tuesday after the 10th day of October and the Columbus Day Holiday). Reporting shall end with either the calendar quarter after the COVID-19 related costs and expenditures have been liquidated and paid or the calendar quarter ending September 30, 2021, whichever comes first.

Record Retention Requirements

Recipients of Coronavirus Relief Fund payments shall maintain and make available to the Treasury OIG upon request all documents and financial records sufficient to establish compliance with subsection 601(d) of the Social Security Act, as amended, (42 U.S.C. 801(d)), which provides:

⁴ The certifying official is an authorized representative of the recipient organization with the legal authority to give assurances, make commitments, enter into contracts, and execute such documents on behalf of the recipient.

(d) USE OF FUNDS.—A State, Tribal government, and unit of local government shall use the funds provided under a payment made under this section to cover only those costs of the State, Tribal government, or unit of local government that—

1. are necessary expenditures incurred due to the public health emergency with respect to COVID-19;
2. were not accounted for in the budget most recently approved as of the date of enactment of this section for the State or government; and
3. were incurred⁵ during the period that begins on March 1, 2020, and ends on December 30, 2020.

Records to support compliance with subsection 601(d) may include, but are not limited to, copies of the following:

1. general ledger and subsidiary ledgers used to account for (a) the receipt of Coronavirus Relief Fund payments and (b) the disbursements from such payments to meet eligible expenses related to the public health emergency due to COVID-19;
2. budget records for 2019 and 2020;
3. payroll, time records, human resource records to support costs incurred for payroll expenses related to addressing the public health emergency due to COVID-19;
4. receipts of purchases made related to addressing the public health emergency due to COVID-19;
5. contracts and subcontracts entered into using Coronavirus Relief Fund payments and all documents related to such contracts;
6. grant agreements and grant subaward agreements entered into using Coronavirus Relief Fund payments and all documents related to such awards;
7. all documentation of reports, audits, and other monitoring of contractors, including subcontractors, and grant recipient and subrecipients;
8. all documentation supporting the performance outcomes of contracts, subcontracts, grant awards, and grant recipient subawards;
9. all internal and external email/electronic communications related to use of Coronavirus Relief Fund payments; and

⁵ Refer to Treasury's guidance dated June 30, 2020 for more information on the definition of costs incurred.

10. all investigative files and inquiry reports involving Coronavirus Relief Fund payments.

Records shall be maintained for a period of five (5) years after final payment is made using Coronavirus Relief Fund monies. These record retention requirements are applicable to all prime recipients and their grantees and subgrant recipients, contractors, and other levels of government that received transfers of Coronavirus Relief Fund payments from prime recipients.

If you have any questions about this memorandum or need assistance complying with the reporting requirements, please contact Treasury OIG at CARES@oig.treas.gov. Thank you and we appreciate your assistance.



OFFICE OF
INSPECTOR GENERAL

DEPARTMENT OF THE TREASURY
WASHINGTON, D.C. 20220

July 31, 2020

OIG-CA-20-025

MEMORANDUM FOR CORONAVIRUS RELIEF FUND RECIPIENTS

FROM: Richard K. Delmar /s/
Deputy Inspector General

SUBJECT: Coronavirus Relief Fund Reporting Requirements Update

On July 2, 2020, my office issued memorandum OIG-CA-20-021, *Coronavirus Relief Fund Recipient Reporting and Record Retention Requirements* informing you of the Department of the Treasury (Treasury) Office of Inspector General's (OIG) monitoring and oversight responsibilities related to the Coronavirus Relief Fund, among other things. Specifically, Title VI of the Social Security Act, as amended by Title V of Division A of the *Coronavirus Aid, Relief, and Economic Security Act* (Public Law 116-136), provides that Treasury OIG is responsible for monitoring and oversight of the receipt, disbursement, and use of Coronavirus Relief Fund payments. Treasury OIG also has authority to recover funds in the event that it is determined a recipient of a Coronavirus Relief Fund payment failed to comply with requirements of subsection 601(d) of the Social Security Act, as amended, (42 U.S.C. 801(d)). Recipient reporting and record retention requirements are essential for the exercise of these responsibilities, including our conduct of audits and investigations.

This memorandum augments and clarifies the prime recipient's quarterly reporting requirements contained in memorandum OIG-CA-20-021. We plan to use reported data to support our office's Coronavirus Relief Fund compliance monitoring and oversight efforts and for audit and investigative purposes. In addition, reported data will be provided to the Pandemic Response Accountability Committee (PRAC), which will report the data on its website in accordance with Section 15010 of the CARES Act.¹

¹ P. L. 116-136 (March 27, 2020), Section 15010, established the PRAC within the Council of Inspectors General on Integrity and Efficiency to promote transparency and conduct and support oversight of covered funds and the coronavirus response to (1) prevent and detect fraud, waste, abuse, and mismanagement; and (2) mitigate major risks that cut across program and agency boundaries. The PRAC's website will provide data on relevant operational, economic, financial, grant, subgrant, contract, and subcontract information in user-friendly visual presentations to enhance public awareness of the use of covered funds and the Coronavirus response.

Reporting Requirements

The Treasury OIG has engaged GrantSolutions, a grant and program management Federal shared service provider under the U.S. Department of Health and Human Services, to develop a customized and user-friendly reporting solution to capture the use of Coronavirus Relief Fund payments. In this regard, the GrantSolutions portal will be prepopulated with prime recipient data to include the Coronavirus Relief Fund payment amount, date, recipient Dun & Bradstreet unique identification number (DUNS number), and contact information. It is the responsibility of the prime recipients² to report on uses of Coronavirus Relief Fund payments. Accordingly, each prime recipient shall report Coronavirus Disease 2019 (COVID-19) related costs incurred³ during the covered period (the period beginning on March 1, 2020, and ending on December 30, 2020), as follows.

Projects

List all projects⁴ the prime recipient plans to complete with Coronavirus Relief payments. For each project, the prime recipient will be required to enter the project name, identification number (created by the prime recipient), description, and status of completion. Once a project is entered into the GrantSolutions portal, the prime recipient will be able to report on the project's obligations and expenditures.

Expenditure Categories

Once expenditures are entered against obligations, the prime recipient will need to select the specific expenditure category from the available options from a dropdown menu:

- a. Administrative Expenses
- b. Budgeted Personnel and Services Diverted to a Substantially Different Use
- c. COVID-19 Testing and Contact Tracing
- d. Economic Support (Other than Small Business, Housing, and Food Assistance)
- e. Expenses Associated with the Issuance of Tax Anticipation Notes
- f. Facilitating Distance Learning
- g. Food Programs
- h. Housing Support
- i. Improve Telework Capabilities of Public Employees
- j. Medical Expenses

² Prime recipients include all 50 States, units of local governments, the District of Columbia, U.S. Territories, and Tribal Governments that received a direct Coronavirus Relief Fund payment from Treasury in accordance with the CARES Act.

³ Refer to Treasury's *Guidance for State, Territorial, Local, and Tribal Governments* updated June 30, 2020, at <https://home.treasury.gov/system/files/136/Coronavirus-Relief-Fund-Guidance-for-State-Territorial-Local-and-Tribal-Governments.pdf>, for more information on costs incurred and the covered period.

⁴ Projects are a grouping of related activities that together are intended to achieve a specific goal.

- k. Nursing Home Assistance
- l. Payroll for Public Health and Safety Employees
- m. Personal Protective Equipment
- n. Public Health Expenses
- o. Small Business Assistance
- p. Unemployment Benefits
- q. Workers' Compensation
- r. Items Not Listed Above - to include other eligible expenses that are not captured in the available expenditure categories

Each prime recipient shall also provide detailed obligation and expenditure information for any contracts and grants awarded, loans issued, transfers made to other government entities, and direct payments made by the prime recipient that are greater than or equal to \$50,000 as follows.

Contracts Greater Than or Equal to \$50,000

- a. Contractor identifying and demographic information (e.g. DUNS number and location)
- b. Contract number
- c. Contract date, type, amount, and description
- d. Primary place of contract performance
- e. Related project name(s)
- f. Period of performance start date
- g. Period of performance end date
- h. Quarterly obligation amount
- i. Quarterly expenditure amount
- j. Expenditure categories (listed above)

Grants Greater Than or Equal to \$50,000

- a. Grantee identifying and demographic information (e.g. DUNS number and location)
- b. Award number
- c. Award date, amount, and description
- d. Award payment method (reimbursable or lump sum payment(s))
- e. Related project name(s)
- f. Period of performance start date
- g. Period of performance end date
- h. Primary place of performance
- i. Quarterly obligation amount
- j. Quarterly expenditure amount
- k. Expenditure categories (listed above)

Loans Greater Than or Equal to \$50,000

- a. Borrower identifying and demographic information (e.g. DUNS number and location)
- b. Loan number
- c. Loan amount, date (date when loan signed by prime recipient and borrower), and description
- d. Loan expiration date (date when loan expected to be paid in full)
- e. Purpose of loan
- f. Primary place of performance
- g. Related project(s)
- h. Quarterly obligation amount
- i. Quarterly payments on outstanding loans
- j. Recipient plans for reuse of Coronavirus Relief Fund loan repayments
- k. Loan/expenditure categories

Transfers to Other Government Entities Greater Than or Equal to \$50,000

- a. Transferee/government unit identifying and demographic information (e.g. DUNS number and location)
- b. Transfer date, amount, and description
- c. Related project(s)
- d. Quarterly obligation amount
- e. Quarterly expenditure information
- f. Expenditure categories (listed above)

Direct Payments Greater Than or Equal to \$50,000

- a. Payee identifying and demographic information (e.g. DUNS number and location)
- b. Direct Payments amount and date
- c. Related project(s)
- d. Quarterly obligation amount
- e. Quarterly expenditure amount
- f. Expenditure categories (listed above)

Aggregate reporting below \$50,000

Aggregate reporting is allowed on contracts, grants, transfers made to other government entities, loans, direct payments, and payments to individuals that are below \$50,000.

Certification and Submission

As noted in our July 2, 2020 memorandum, each prime recipient was required to designate two preparers to enter data into GrantSolutions and an authorizing official, who is responsible for certification and submission of the recipient's quarterly report. Preparers are only permitted to enter data into the required fields and validate entries once completed. Authorizing officials are responsible for reviewing and certifying the information prior to submission within the portal. Accordingly, these individuals will be granted user permissions in the GrantSolutions portal.

Once a report submission is complete, the Treasury OIG will review the submission to ensure that the prime recipient has reported all required information and accounted for the current period's obligations, expenditures, and loan payments, among other information. The Treasury OIG will approve final submissions that are determined to be complete. After approval of the prime recipient's report, certain data fields that do not change will be carried forward to reduce reporting burden in future quarters. All prime recipient data will be captured on a quarterly and cumulative basis.

Reporting Timeline

By no later than September 21, 2020, the prime recipient's authorizing official shall certify and submit via the GrantSolutions portal the first detailed quarterly report, which shall cover the period of March 1 through June 30, 2020. Thereafter, quarterly reporting will be due no later than 10 calendar days after the end of each calendar quarter. If the 10th calendar day falls on a weekend or a Federal holiday, the due date will be the next working day. For example, the period July 1 through September 30, 2020, must be reported no later than Tuesday, October 13, 2020 (considers that the 10th calendar is on a weekend and the following Monday is a Federal Holiday). The table below summarizes the quarterly reporting timeline for prime recipients of Coronavirus Relief Fund payments.

| Reporting Cycle | Reporting Period | Reporting Due Date | OIG Review Period | Data Extract to PRAC |
|-----------------|------------------|--------------------|-------------------|----------------------|
| Cycle 1 | 3/1-6/30/2020 | 9/21/2020 | 9/22-29/2020 | 9/30/2020 |
| Cycle 2 | 7/1-9/30/2020 | 10/13/2020 | 10/14-20/2020 | 10/21/2020 |
| Cycle 3 | 10/1-12/31/2020 | 1/11/2021 | 1/12-20/2021 | 1/21/2021 |
| Cycle 4 | 1/1-3/31/2021 | 4/12/2021 | 4/13-20/2021 | 4/21/2021 |
| Cycle 5 | 4/1-6/30/2021 | 7/12/2021 | 7/13-20/2021 | 7/21/2021 |
| Cycle 6 | 7/1-9/30/2021 | 10/12/2021 | 10/13-20/2021 | 10/21/2021 |

Reporting Preparation and Training

To prepare for the initial reporting cycle, each prime recipient should ensure that any current or potential sub-recipients are registered in SAM.gov.⁵ While each prime recipient is responsible for reporting on its sub-recipients, sub-recipient registration in SAM.gov will enable detailed sub-recipient data to be imported into the GrantSolutions portal. Therefore, the prime recipient should require that sub-recipients register with SAM.gov prior to September 1, 2020.

In anticipation of GrantSolutions portal becoming operational on September 1, 2020, training will be provided on portal access and use during the last week of August 2020.

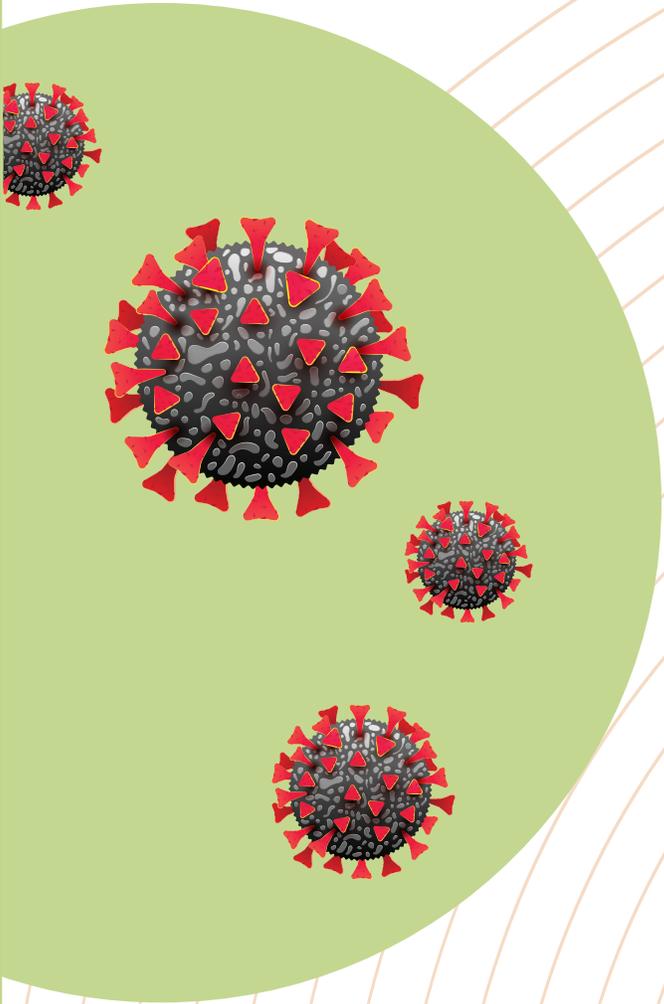
Questions

For questions regarding eligible uses of Coronavirus Relief Fund payments, please consult Treasury's *Guidance for State, Territorial, Local, and Tribal Governments* and Treasury's *Coronavirus Relief Fund Frequently Asked Questions* documents which are located at <https://home.treasury.gov/policy-issues/cares/state-and-local-governments>.

Thank you and we appreciate your compliance with these reporting requirements.

⁵ The System for Award Management (SAM) is an official website of the U.S. government. Entities are required to register at SAM.gov to do business with the U.S. government.

CITY OF PORTLAND
EQUITY TOOLKIT
FOR COVID-19
COMMUNITY RELIEF
& RECOVERY EFFORTS



OFFICE of EQUITY
and HUMAN RIGHTS
CITY OF PORTLAND

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Overview: Equity Toolkit Goals, Expectations, and Accountability

In response to the COVID-19 global pandemic, Multnomah County Chair Deborah Kafoury declared a countywide state of emergency on March 11, 2020 and Portland Mayor Ted Wheeler declared a city-wide emergency on March 12, 2020. During these uncertain times, it is essential that the City of Portland's elected officials and staff continue to prioritize and center equity by leading with race and disability, and incorporating an intersectional lens as we collectively serve the people of Portland.

Recognizing that Black people, Indigenous people, and People of Color; individuals with disabilities; immigrants; women; and individuals experiencing poverty are often disproportionately affected, the City is committed to response efforts that ensure crisis does not exacerbate existing inequities, address the needs of our vulnerable populations, and that benefit all. As a City, we will work to ensure our recovery is rebuilding towards a resilient, prosperous, healthy, equitable, and just city for all.

This COVID-19 Equity Relief and Recovery Toolkit has been developed to serve as a guide and resource for the various staff teams responsible for crisis response work. This will remain a working document that we build upon as new and more specific needs arise.

The goals of this equity toolkit are to:

1. Reiterate City of Portland values, commitments, and legal obligations
2. Identify populations with urgent needs and populations that will continue to be most impacted over time
3. Encourage COVID-19 relief and recovery initiatives, at the Emergency Coordination Center and City Bureaus, to adapt this toolkit for specific needs and establish expectations for the development of equity goals and performance measures
4. Provide easy access to tools and technical assistance that can help inform priorities, strategy, and decision-making

Citywide Racial Equity Goals and Strategies

The City of Portland adopted equity commitments in 2015 through the Citywide Racial Equity Goals and Strategies, developed by The Office of Equity and Human Rights. With this foundation, it is imperative that the contents of this toolkit reflect a commitment to implementation and accountability.

Equity Goal #1

We will end racial disparities within city government, so there is fairness in hiring and promotions, greater opportunities in contracting, and equitable services to all residents.

Equity Goal #2

We will strengthen outreach, public engagement, and access to City services for communities of color and immigrant and refugee communities, and support or change existing services using racial equity best practices.

Equity Goal #3

We will collaborate with communities and institutions to eliminate racial inequity in all areas of government, including education, criminal justice, environmental justice, health, housing, transportation, and economic success.

Expectations for Implementation and Accountability

City of Portland bureaus are expected to use the resources and guidance in this toolkit to center equity not only in their decision-making, but in the creation and implementation of policy, practice, and procedures. The Office of Equity and Human Rights is poised to provide leadership and technical assistance to bureaus in the use of this toolkit and other guidance documents. Commitment and support from City Council provides an additional layer of accountability to ensure the City of Portland is providing equitable services to communities. Council offices will be bringing forth a Relief and Resiliency Resolution that solidifies a City-wide commitment to equity. The Relief and Resiliency Resolution notes its intention to: Centralize, guide, and coordinate COVID-19 efforts that bolster progress toward the City's long-term recovery goals.

The goals include:

1. Create regular updates among bureaus with jurisdiction over the COVID-19 response, Portland City Council, and the public;
2. Coordinate public, private, and community capacity to contribute to the overall recovery;
3. Foster hope and social cohesion to create a more just, secure, and resilient Portland; and
4. Center the City's climate and equity goals.

Below are opportunities to strengthen alignment in the work and create avenues of accountability. This is a living document and will continue to evolve as structures are established to realize the full intent of the toolkit for the City of Portland.

Anticipated City Council Actions:

- May 20, 2020 Relief and Resiliency Resolution
- May 27, 2020 CARES Act Work Session

Opportunities for Deeper Coordination:

- City/Multnomah County/State Equity Collaboration
- Community Equity COVID-19 Advisory Group

Immediate Actions for ECC:

1. Embedding Equity Action Plan into ECC Emergency Action Plan. equity goal setting and indicators for each ECC team.
2. Identify other tools that need to be developed:
 - a. Replica of King County equity assessment tool (by geography).
 - b. Aligning with Social Determinants of Health framework.
 - c. Creation of a decision-making rubric.

Suggested Accountability Measures:

- Quarterly reports including an equity scorecard from Bureaus to the Office of Equity and Human Rights and Council
- Annual report to Council from the Office of Equity and Human Rights communicating collective progress on Citywide COVID-19 goals.
- Report to Council between June and December on CARES Act priorities.
- Use of a revised Budget Equity Tool. Information from this Tool will be shared with the Office of Equity and Human Rights for review and recommendations.

As the work continues to evolve, additional implementation expectations and accountability mechanisms will emerge. This will align with direction from City Council as well as feedback from bureau leadership.

Guiding Principles

The following principles have been sourced from best practices being elevated by equity practitioners around the country and should serve as a foundation and guide for City of Portland Council, bureau leadership, and equity practitioners playing various roles in COVID-19 response and recovery operations and implementation:

- 1. Practice trauma-informed and healing-centered leadership.** We are in the midst of a worldwide health pandemic. Every individual, agency and household we interact with during this time is managing as best they can under these stressful and uncertain circumstances. As City leaders, it is important that we continue to extend grace and care to those we are working with and for.
- 2. Equity is still our priority.** If equity is only a priority in times of ease and surplus, then it was never really a priority. This is the time to show the community that we hold true to these commitments.
- 3. We must center efforts on populations at highest risk in this health pandemic and most susceptible to the compounding effects of the impending economic crisis,** which includes setting specific equity goals, tracking outcomes and continuing to course-correct strategies over time.
- 4. Equity-based decisions happen faster when equity practitioners, subject matter experts and the most impacted communities are regularly in the decision-making spaces.** Community partners should regularly be consulted as relief and recovery strategies are developed.
- 5. Remember that many populations have excellent reasons to be distrustful of the government and the medical/public health system** - all efforts should seek to address barriers; fast-track problem solving and include plans for open and transparent communications to ease these concerns.
- 6. Monetary relief and aid packages should go directly to individuals or community organizations.** Relief should be given to the people who require it most and have the least infrastructure to withstand this crisis.
- 7. We will account for the systems and institutions that produced disparities and inequities as we develop our strategies.** Disparities and inequities were experienced before the pandemic and now are exacerbated by the current crisis resulting from systemic and institutional racism and oppression.
- 8. Accountability is a keystone to equity work.** We must hold ourselves accountable and responsible to our communities by ensuring that we reflect and embody justice principles, are disciplined and act with rigor in our approach to address inequities, and to ensure equitable impacts and outcomes at every step, consistently checking the work.
- 9. If you are feeling stuck or uncertain about how to develop or implement an equity strategy, technical assistance is available to support the advancement of equity work in COVID-19 relief and recovery efforts.** Please see specific contacts in the resources section of this toolkit.

What We're Hearing from Community

The Emergency Coordination Center's (ECC) Joint Volunteer Information Center (JVIC) has been tasked with outreach to community organizations, focused on serving high-risk and historically underserved populations. JVIC has been in touch with over 100 community organizations and is working in close partnership with the Food Insecurities Committee and other COVID-19 response teams to connect resources, donations, and volunteers to organizations requesting support.

Themes from these community organizations include, but are not limited to:

- 1. Food insecurity:** By far, food is the top need across the region. Many organizations are reporting that their networks are having to choose between paying for food and other basic household expenses (housing, transportation, etc). As more and more people lose jobs and businesses, they are becoming reliant on food pantries and other available food resources. Access to culturally specific food has been a challenge. High risk people with limited mobility (aging adults and people with disabilities), unhoused populations and K-12 students have been a focus of early food mobilization efforts.
- 2. Face coverings and sanitation supplies:** All medical-grade personal protective equipment (PPE) has been prioritized, rightfully, for first responders and health care facilities, but caregivers for aging populations and people living with disabilities; people facilitating food and resource distribution; and frontline workers are in desperate need of more face coverings and sanitation supplies.
- 3. Meaningful access to basic information:** Critical information was slow to reach many populations, especially multilingual populations and people with disabilities. Community groups are requesting information be in simple language (8th grade reading level); more languages; mindful of cultural norms; and in formats/platforms that facilitate meaningful access.
- 4. Xenophobia, anti-immigrant sentiment and racism:** Misinformation and fear have led to discrimination and xenophobia toward Chinese, Asian Americans, people of color, and immigrants. Many Asian- and immigrant- owned businesses have been financially impacted since news of the coronavirus first emerged in January. Asian Americans have also experienced increased verbal and physical attacks during this time.
- 5. Older adults:** Age is an important factor to consider with respect to coronavirus as our oldest and frailest community members are at higher risk of comorbidities and mortality and housing (e.g., nursing homes, congregate settings) have been identified as hot spots for infection. For older adults who were receiving home and community-based services, disruptions have been particularly difficult to overcome; also, safe and trusted caregiving is critically important for those who may be immunocompromised and in high-risk categories. However, it should be noted that even older people who were previously independent and engaged with the community are now experiencing reduced social connections and higher need for support which can be compounded by the lack of digital access available in certain households.

Most importantly, it is critical that we look at older adults through an equity lens, attempting to understand which older adults are burdened by inequitable access to resources and services and how intersectional challenges (e.g., those with disabilities, lower incomes, caregiving responsibilities) are being accounted for and addressed.

- 6. People with disabilities:** People with disabilities (including but not limited to physical, intellectual, cognitive, mental health, and chronic illness disabilities) are particularly vulnerable in a pandemic in a range of areas from financial instability for those unemployed and living on fixed income; Social isolation that is a general concern is now exacerbated by social distancing; Food insecurity for those who are unable or at health risk to go to grocery store or afford food delivery; and health vulnerable for many disabilities that include: People who have limited mobility or who cannot avoid coming into close contact with others who may be infected, such as direct support providers and family members. People who have trouble understanding information or practicing preventive measures, such as hand washing and social distancing. People who may not be able to communicate symptoms of illness.
- 7. Support accessing relief and resources:** Community organizations and networks continue to serve as a trusted resource for information sharing. Their networks are seeking support with navigating information and applications related to unemployment, health insurance, utilities, rent and mortgage assistance, small business assistance, health and food programs, etc. Unemployment paperwork is taking several weeks to be processed. Scammers have been targeting aging adults and multilingual populations and successfully collecting sensitive information. Accessing relief and resources has also been a barrier because some workers are not eligible due to their immigration status. In addition, for those that are eligible, many are hesitant to apply for fear receiving public benefits may impact their future adjustment in immigration status. Disparities that existed before have been exacerbated.
- 8. Digital divide:** Many frontline communities have an escalated need for assistance accessing Wi-Fi and computers and/or help with using the internet to do things like search for jobs. Access to Wi-Fi has also been a challenge for many households. Many communities also struggle to receive information because of inaccessibility of websites or lack of translation for multilingual communities not a part of the City of Portland language list.
- 9. Organizational capacity:** Several organizations have already reported that they have had to furlough, lay off or reduce staff hours because of budget impacts but, remaining staff (and now volunteers) are still attempting to meet urgent community needs with little resources. Many organizations were forced to cancel annual events and fundraising campaigns that their budgets rely on. Discussion of funding cuts at the state and local level will likely impact contract and programmatic partnership opportunities. If these organizations cannot keep their doors open and staff on payroll, they will not be able to support their community through this pandemic.
- 10. Support for youth and families:** Most parents and caregivers are trying to manage homeschool/ daycare and there are growing concerns about education gaps. Families need diapers, hygiene and other supplies that cannot be purchased with food resources. Many large families are confined to small living quarters. Young people need options for staying healthy, physically active and safe. Domestic violence reports are on the rise; child abuse is likely being under-reported.
- 11. Other growing concerns:** mental health due to pandemic and longer term isolation; resources for small businesses; undocumented workers and gig workers not qualifying for most relief resources and employment options post-pandemic; increased rate of domestic violence and sexual assault; lack of access to care as a result of distrust and gaps in culturally competent healthcare providers.
- 12. And so much more:** JVIC liaisons will continue to keep a pulse on community needs and information is being collected in the JVIC Community Outreach Dashboard. Direct access to the dashboard is limited, but inquiries can be directed to jvic@portlandoregon.gov

Context Matters: Local Disparities Data and Trends on High-risk Populations

Data evidence demonstrates that communities of color (indigenous populations, immigrants, refugees, migrants, and racial minorities), women, older adults, and persons with disabilities, experience the highest degree of socio-economic marginalization and health disparities, making them most vulnerable to emergencies.

Internationally, it is expected that the number of people facing acute hunger may double by the end of this year. Nationwide, low-income areas are some of the hardest hit by the COVID-19 crisis, data from the Centers for Disease Control and Prevention (CDC) have already identified racial disparities in COVID-19 cases, and figures indicate higher unemployment rates for Black, Latinx, and women workers. As of May 6, 2020, *The Oregonian* reports ZIP code-level statistics show that roughly two-thirds of all identified infections in Multnomah County are among residents living in neighborhoods east of 82nd Avenue, including one hotspot featuring two large outbreaks at nursing homes.

At the City of Portland, we want to center populations at higher risk of experiencing severe illness or death if infected, and/or at higher risk to be economically burdened during and after the pandemic. It is critical to understand that some members of our community are experiencing an accumulation of challenges that stem from oppression based on race, income, gender, disability, language barriers and/or other experiences, circumstances, or characteristics. **It is our goal to mitigate these impacts as much as possible, while we continue to develop solutions that eliminate disparities, thereby creating prosperous, resilient, healthy, and affordable communities for all Portlanders.**

The data and trends highlighted in this section should serve as a foundation for City of Portland COVID-19 relief and recovery efforts. Each team responsible for COVID-19 relief and recovery efforts should do further research to understand existing disparities, real-time data, and corresponding community needs and priorities relevant to their work areas.

CDC-identified High Risk Populations (update 5/11/2020)

The CDC has identified the following populations to be most high-risk to COVID-19, along with other populations that will experience the compounding effects of this pandemic. Additional details for each population are available at the CDC website: <https://www.cdc.gov/coronavirus/2019-ncov/>

People at Higher Risk for Severe Illness

1. People at Higher Risk of Severe Illness
2. Older Adults
3. People with Asthma
4. People with HIV
5. People with Liver Disease
6. More for People at Higher Risk

Additional Impacted Populations

1. People with Disabilities
2. Pregnancy and Breastfeeding
3. People Experiencing Homelessness
4. Racial and Ethnic Minority Groups

Local COVID-19 Data: Demographics Dashboard and Employment Statistics

Regional COVID-19 Data Dashboard

Multnomah, Clackamas, Washington, and Yamhill counties have come together to improve the public health response to communicable diseases, including COVID-19. The Regional COVID-19 Data Dashboard shows COVID-19 cases by county over time. It breaks down case data by age group, race and ethnicity, and sex and details laboratory data, common symptoms, coexisting conditions, and hospitalizations. More information can be found beneath the “Information” icon on each page of the dashboard. Data is updated daily, and we will track analysis of this data over time. The dashboard is at this link: <https://multco.us/novel-coronavirus-covid-19/regional-covid-19-data-dashboard>

COVID-19 and Employment Trends (articles)

- [Who Are the COVID-19 Unemployed in Oregon?](#) (May 14, 2020)
- [Portland’s essential workers: 1-on-1 with 15 people who can’t stay home](#) (April 23, 2020)
- [Oregon weighs stricter regulations to protect migrant farmworkers at risk of catching coronavirus](#) (April 18, 2020)
- [A Demographic Profile of TPS Holders Providing Essential Services During the Coronavirus Crisis](#) (April 6, 2020)
- [A Demographic Profile of DACA Recipients on the Frontlines of the Coronavirus Response](#) (April 24, 2020)

Before COVID-19: Local Health and Economic Disparities Data Trends

History matters because we know that communities experiencing health and economic disparities are already being overburdened by the immediate and long-term impacts of the COVID-19 pandemic. Here are some important data points to help examine this context:

Local Health Disparities

Multnomah County Disparities in Mortality Rates per 100,000, 2011-2015

- Diabetes:
 - 59.7 Black or African American
 - 27.9 Latinx
 - 24.2 Asian or Pacific Islander
 - 23 White
- Hypertension:
 - 22.3 Black or African American
 - 10.3 White
- Heart Disease:
 - 162 Black or African American
 - 147 White
- Stroke:
 - 58.2 Black or African American
 - 42.1 Asian or Pacific Islander
 - 39.7 White

Health Disparities in Chronic Disease 2015-2017 (*Oregon Health Authority*)

- Asthma:
 - 12.8% African Americans, Non Latino
 - 18.4% American Indian and Alaska Native, Non Latino
 - 12.5% Pacific Islanders, Non Latino
 - 11.7% White, Non-Latino
- Chronic heart disease (or angina):
 - 3.6% African Americans, Non Latino
 - 6.4% American Indian and Alaska Native, Non Latino
 - 3.4% White, Non-Latino
- Diabetes (%):
 - 14.5% African Americans, Non Latino
 - 13% American Indian and Alaska Native, Non Latino
 - 8.6% Asian, Non-Latino
 - 14.5% Pacific Islanders, Non Latino
 - 15.6% Latinx
 - 8.1% White, Non-Latino

Local Economic Resiliency and Housing Disparities

Unemployment Data (*American Community Survey 2017 5-year Estimates*)

- Unemployment rate for Black/African Americans (14.2%) and American Indian/Alaska Native (17.3%) and over twice greater than the White (5.9%) labor force.
- Those living below the poverty level (25.5%) experience unemployment at almost 7x the rate of people at or above the poverty level (3.9%).
- The gap between the employment rates in Oregon of working-age people with and without disabilities was 42.8%. The employment rate of working-age people with disabilities was 37%. The employment rate of working-age people without disabilities was 79.8%. (*Cornell University Yang Tan Institute on Employment and Disability*)

Food Security Data (*Urban League of Portland and Oregon Health Authority*)

- In 2010/2011 44.1% of Black households in Oregon identified as food insecure, whereas White households reported rates of 18.1% food insecurity.
- In Oregon, 11.6% of Black households in Oregon identified hunger in the households, compared with 8.8% of White households.
- According to a 2018 state report, food insecurity is highest in rural communities, communities of color, households with children, and among renters.
- Adults with disabilities are more likely to report food insecurity at a rate of 17% compared with 4% reporting food insecurity of those without a disability.

Income, Asset Poverty, and Self-Sufficiency Data (*Multnomah County*)

- White households (\$67,715) earn over twice the income of Black households (\$29,864) and significantly more than other races: American Indian and Alaska Native (\$42,000), Asian (\$58,586), Native Hawaiian/Other Pacific Islander (\$36,661) and Latinx households (\$44,507).
- Similarly, 42% of populations of color have incomes below the Self-Sufficiency Standard compared with 34% for the population.
- Access to wealth is critical for economic stability, providing a financial safety net that enables households to deal with unexpected expenses and income disruptions without falling into greater debt or poverty. Nationally, the median White family in the United States has 41 times more wealth than the median African American family, and 22 times more wealth than the median Latinx family. The racial wealth gap is larger now than it was 40 years ago, and it is continuing to grow. In Multnomah County, 40% of households of color experience asset poverty compared with 24% of White households. The asset poverty rates are particularly high for African American households (52%) and Latinx households (47%).
- 54% of the population that is foreign born and/or has limited English proficiency in Multnomah County is below the Self-Sufficiency Standard, compared with 34% of the overall population.
- 28% of persons with disabilities are living in poverty, a higher poverty rate than the overall population.
- Immigration status and role that plays in Oregon, further consider lack of driver's license access.

Housing Disparities Data (*Portland Housing Bureau*)

- The average White homeownership is 56.3% compared to 28.4% in the Black community, 35.5% in the Latinx community, 28.7% in the Native Hawaiian/Pacific Islander community, 39.7 % for the Native American Community.
- For the average Black, Native American, Native Hawaiian/Pacific Islander, Latinx, foreign born, single mother or senior household, there is no neighborhood in Portland with an affordable homeownership option.
- Out of the 24 Portland neighborhoods, on average, there is no neighborhood in Portland that is affordable for the average Black or Hawaiian and Pacific Islander household to rent; 1 neighborhood for the average Native American household, 3 neighborhoods for the Latinx household to rent, whereas 18 neighborhoods are considered affordable for the average White household to rent.
- Overall, Black, Indigenous, and People of color (BIPOC) households who rent or own their home see high cost burdens when compared to the White renters. For example, in Portland, 2015 data reveals approximately 68.8% of Black renters and 42.9% of Black homeowners are cost burdened, spending over 30% or more of their income on rent or housing cost.
- The 2019 Point-in-Time Count of Homelessness in Portland/Gresham/Multnomah County found over 4,000 people identified as homeless with over 2,000 people identified as people who are homeless and unsheltered.
- Although there is significant variation among communities, overall the percentage of the HUD homeless population identifying as from a community of color increased to 38.1%; this is nonetheless a significant overrepresentation of people of color in the HUD homeless population, given that people of color make up only 29.5% of the population of Multnomah County

- People identifying as American Indian or Alaska Native were the most overrepresented in the HUD homeless population. In 2019, Native Americans made up 11.6% of the HUD population, despite making up only 2.5% of Multnomah County’s population.
- People identifying as Black or African American comprise 16.1% of the HUD homeless population but only 7.2% of the general county population.
- Between 2017 and 2019, the percentage of the HUD homeless population with one or more self-identified disabilities increased 14.2%, to 2,886 individuals, and now represents 72% of those identified in the Count. The majority (55.6%) of people with disabilities were unsheltered.

Criminal Justice System Disparities Data (*The W. Haywood Burns Institute*)

- Black adults in Multnomah County are 4.9 times as likely as White adults to have a case that is received and reviewed by the Multnomah County District Attorney’s (MCDA) Office (a proxy used for arrest in this report). Black adults are 4.8 times as likely as White adults to have a case issued for prosecution, and they are 4.6 times as likely to have a case that ends in a conviction.
- Latinx adults in Multnomah County are 1.2 times as likely as White adults to have a case that is referred and reviewed by MCDA. Latinx adults are 1.3 times as likely as White adults to have a case issued for prosecution, and 1.2 times as likely to have a case that ends in a conviction.
- Black adults in Multnomah County are 4.6 times more likely than white adults to get jail time for a misdemeanor, and 4.7 times more likely to get jail time for a felony offense.
- White adults are more likely to be offered to enlist in a diversion program—an alternative to a formal case offered by a judge that often leads to a lesser sentence, or one centered more on community service, rehabilitation, or mental health treatment than jail time. The new report finds white adults in Multnomah County are 1.3 times more likely to be diverted than Black adults.

Questions to Ask Before Responding

As various teams and bureaus deploy COVID-19 relief and response efforts, we ask that you consider these critical questions for quick, “one-off” decisions as well as program design. These questions are intended to help ensure your efforts are focused on frontline populations and incorporating essential steps to provide meaningful and direct access to resources. Over time, The Office of Equity and Human Rights will develop a plan that will flesh out a broader strategy to deepen our equity focus across all relief efforts and provide additional tools and technical support. In the meantime, these questions will help to jumpstart your work.

For “One-off” Decisions (*Government Alliance on Race and Equity*):

1. Is this relief prioritizing those most impacted by the COVID-19 health pandemic, considering the information in this toolkit, including:
 - a. CDC High-risk populations
 - b. Local (Multnomah County and Oregon) Disparities Data
 - c. What We’re Hearing from Community
2. Is this relief going directly to the people and communities who need it? (addressing barriers in program/service delivery)
3. Has your program/initiative accounted for meaningful access requirements?
 - a. Effective Communications Guide (ADA Title II)
 - b. Language Access Guidance for COVID-19 Response Efforts
4. Is this relief culturally appropriate?
5. Is this relief rebuilding toward a just and sustainable future?

For policy or programmatic design and decisions, follow a Results Based Accountability™ approach, and consider:

1. What communities (BIPOC and vulnerable communities - disability, national origin, and gender) will be impacted by our recommendations?
2. What are the historical relationships with impacted communities? How do we work to rebuild broken trust?
3. In what ways have we authentically engaged and informed impacted communities? In particular, multicultural communities whose primary language is not English and/or undocumented community members.
4. What internal and external factors (policies, practices, procedures, organizational structures) are perpetuating existing inequities or creating new ones?
5. How will impacts be evaluated? What’s the feedback loop that will allow to implement changes based on learnings and intended or unintended results?
6. Does the recommendation being made ignore or worsen existing disparities or produce other unintended consequences for BIPOC and vulnerable communities – disability, national origin and gender?

Reminders: Our Equity Values and Legal Obligations

Office of Equity and Human Rights Equity Stance

Equity addresses the historic, institutional systems that create oppression based on identity. We strive to use an intersectional approach to transform historic power dynamics for accountable systemic change based on the principles of humanity, justice, and belonging.

The City of Portland leads with race and disability.

Civil Rights Title VI and Americans with Disabilities Act (ADA) Title II Legal Obligations and Accountability

The City of Portland is required to comply with and adhere to:

- **Title VI of the Civil Rights Act:** The City ensures that no person, on the basis of race, color, or national origin, be excluded from meaningful access to, participation in, denied benefits of, or be otherwise subjected to discrimination in any City program, service, administrative act, or activity as provided by Title VI of the Civil Rights Act of 1964 (“Title VI”) and all other related statutes and regulations. The purpose of Title VI is to ensure the work of government be designed and conducted equitably and result in equitable impact - not in any fashion which encourages, entrenches, subsidizes or results in racial discrimination, disparate impact (disparities) or treatment, whether intentional or unintentional.

The City of Portland’s language access responsibilities fall under its obligation to ensure nondiscrimination on the basis of national origin per Title VI of the Civil Rights Act of 1964, and **Executive Order 13166 “Improving Access to Services for Persons with Limited English Proficiency,”** which further expands on those federal obligations. The City of Portland is responsible for taking reasonable steps to provide equitable and meaningful access to its programs, services, activities, and communications to members of the public who have limited English proficiency (LEP) and experience institutional language barriers.

- **Title II of the Americans with Disabilities Act (ADA):** The ADA prohibits all state and local governments from discriminating based on disability, but moreover, its goal is to promote equal access and full participation. The purpose of Title II is to ensure that every program, service, benefit, activity and facility operated or funded by the City of Portland is accessible to people with disabilities; the City strives to eliminate barriers that may prevent persons with disabilities from accessing facilities or participating in City programs, services and activities.

The City is committed to complying with all the requirements, regulations, and intent of Title VI and Title II. The City will make every effort and take proactive steps to ensure nondiscrimination, access, justice, and equity in our public plans, policies, administrative acts, benefits, impacts, programs, services, activities, and facilities.

Civil Rights During Emergencies

Under Federal civil rights laws and the Robert T. Stafford Disaster Relief and Emergency Act (Stafford Act), FEMA, State, local, Tribal, and Territorial (SLTT) partners, and non-governmental relief and disaster assistance organizations engaged in the “distribution of supplies, the processing of applications, and other relief and assistance activities shall [accomplish these activities] in an equitable and impartial manner, without discrimination on the grounds of race, color, religion, [national origin], sex, age, disability, English proficiency, or economic status.” **Civil rights laws and legal authorities remain in effect, and cannot be waived, during emergencies.**

For more information visit: <https://www.fema.gov/office-equal-rights>

The Portland Plan, Climate Action Plan, and the 2035 Comprehensive Plan Vision and Values

The City has collaborated with community organizations, businesses, neighborhood associations, and community to outline its shared vision for Portland's future—long-range plans adopted by City Council: The Portland Plan (our strategic plan), The Climate Action Plan, and the 2035 Comprehensive Plan. These plans include goals, strategies, and policies for a healthier, more prosperous, equitable, resilient, and educated Portland where everyone has access to opportunity and is engaged in shaping decisions that affect their lives. To reach our goals, the Comprehensive Plan includes a set of five guiding principles, recognizing that implementation of the plan must be balanced, integrated, and multidisciplinary: Economic Prosperity, Human Health, Environmental Health, Equity, and Resilience.

Technical Assistance, Tools, and Resources

To support your equity focus during COVID-19 response, we encourage you to take advantage of the following:

Technical Assistance

Equity practitioners at the Office of Equity and Human Rights and across the City of Portland are available to assist you with program design and decision-making. To request an equity workshop, seek advice or program review, contact:

- Executive Leadership: Dr. Markisha Smith, Director, Office of Equity and Human Rights
- ECC Equity and Results Based Accountability™: Koffi Dessou
- Civil Rights Title VI, Equitable Policy and Planning: Danielle Brooks
- ADA Title II and Disability: Nickole Cheron
- ADA Accessible Communications: Jonathan Simeone
- Equity and Language Access: Tatiana Elejalde
- Aging Adults: Alan DeLaTorre
- JVIC (ECC community liaisons team): Jeremy Van Keuren
- Joint Information Center Equity and Accessibility Manager: Jeff Selby

Tools

- [Language Access Guidance for the COVID-19 Response](#)
- [Effective Communication Guide](#)
- [Results Based Accountability for Racial Equity™](#)

Additional Resources

- [Select Community Research and Publications](#)
- [U.S. Department of Justice Emergencies Guidance](#)
- [Tips and Tools for Reaching Limited English Proficient Communities in Emergency Preparedness, Response, and Recovery \(U.S. Department of Justice\)](#)
- <https://www.lep.gov/>

Acknowledgements

The content of this framework was inspired by and borrowed from great work happening around the country and region. Thank you for lending your expertise to these important efforts, including:

- Multnomah County Public Health Department
- Center for Disease Control
- Oregon Health Authority
- FEMA Bulletin: Ensuring Civil Rights During the COVID-19 Response
- Prosper Portland
- Government Alliance on Racial Equity COVID-19 Racial Equity Rapid Response Guidebook for Government
- City of San Antonio Office of Equity
- The Untokening Mobility Justice + COVID-19 Principles

Direct Contributors

- COVID-19 Emergency Coordination Center Joint Volunteer Information Center (JVIC) and Food Security Committees
- City of Portland Office of Equity and Human Rights
- City of Portland Equity Managers
- Multnomah County Office of Diversity and Equity and REACH Program
- City's Age Friendly Planning Manager

RESOLUTION NO.

A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF PORTLAND FOR THE RECEIPT AND DISTRIBUTION OF FEDERAL CARES ACT CORONAVIRUS RELIEF FUNDS.

THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:

1. That on March 8, 2020, Governor Kate Brown declared a state of emergency due to the COVID-19 outbreak in Oregon (Executive Order No. 20-03), finding that COVID-19 has created a threat to public health and safety, and constitutes a statewide emergency under Oregon Revised Statutes (ORS) Chapter 401.025(1).
2. That on March 13, 2020, President Donald J. Trump declared a national state of emergency due to the COVID-19 outbreak across the United States of America finding that COVID-19 has created a threat to public health and safety, and constitutes a nationwide emergency pursuant to Sec. 501(b) of the Stafford Act.
3. That on March 16, 2020 Mayor Casey Ryan declared a citywide state of emergency due to the COVID-19 outbreak across the City finding that COVID-19 has created a threat to public health and safety, and constituted a citywide emergency, pursuant to Troutdale Municipal Code 2.28.050.
4. That on March 23, 2020 Governor Kate Brown issued Executive Order 2020-12 establishing the “Stay Home, Save Lives” mandate, ordering Oregonians to stay at home and closing specified businesses and establishing both indoor and outdoor social distancing requirements.
5. That on March 27, 2020, H.R. 748 Coronavirus Aid, Relief, and Economic Security Act (CARES Act) was passed by the United States Congress to provide emergency assistance and health care response for individuals, families, and businesses affected by the COVID-19 pandemic and signed into law by President Donald Trump.
6. That one of provisions of the CARES Act established the \$150 billion Coronavirus Relief Fund (CRF) from which the U.S. Department of the Treasury made payments to State governments, and eligible units of local government, which included the State of Oregon, City of Portland, Washington County and Multnomah County.

7. That the State of Oregon received \$1.4 Billion of CRF funding, a 45% portion of which is intended to be shared with the cities and counties of the state, yet in an inconsiderate political calculation the State has deliberately chosen not to allocate any CRF funds to the cities of East Multnomah County and Washington County.

8. That on April 14, 2020 the City of Portland submitted certification documents to receive a disbursement of \$114 million in CRF CARES Act funds from the United States Department of the Treasury, receiving the funds on April 20, 2020.

9. That as a result of the dire economic conditions the City of Portland determined it is necessary to use the CRF funds to develop a relief package known as “PDX-CARES” to support the individuals, families, businesses and nonprofits facing extreme hardships as a result COVID-19 pandemic and the resulting economic downturn.

10. That as a result of the Multnomah County municipal partners not being eligible to receive any CRF CARES Act funds, the City of Portland has determined that a “PDX-CARES” relief package is necessary to assist East Multnomah County cities in mitigating the impacts of COVID-19.

11. That on July 13, 2020 the Mayors of the five East Multnomah County cities sent a letter to the Portland City Commission acknowledging that the City of Portland is under no legal obligation to share the CRF resources with neighboring communities, and expressing profound gratitude to the City of Portland for their support, partnership and generosity in midst of the COVID-19 crisis.

12. That ORS 190.110 provides the authority for units of local governments to enter into Intergovernmental Agreements (IGA) for the performance of any or all functions and activities that a party to the agreement, its officers, or agents may have the authority to perform.

13. That the City of Troutdale and the City of Portland desire to enter into an IGA to provide for awarding a subrecipient grant of CARES Act Coronavirus Relief Funds through the “PDX-CARES” relief package, and that it is in the best interest of the City of Troutdale.

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

Section 1. Agrees now that the City of Troutdale as Grantee, does hereby enter into an Intergovernmental Agreement (IGA) with the City of Portland for the receipt of CARES Act Coronavirus Relief Funds (CRF) through the “PDX-CARES” relief program, and

hereby approves the IGA in substantial conformity with Exhibit A of the Staff Report, with any such changes as may be approved by the Authorized Officer.

Section 2. That the Troutdale City Council does hereby express the thanks and appreciation of the City of Troutdale to the Portland City Commission for their support, partnership and generosity in midst of the COVID-19 crisis for their entirely voluntary action of sharing their CRF resources with the residents of the City of Troutdale through the “PDX-CARES” relief package.

Section 3. That COVID-19 Pandemic has resulted in an unprecedented interruption of services impact on the national and local economy and have resulted in the dire economic conditions that many Troutdale residents and small businesses are facing.

Section 4. That based on the findings above the City Council declares the receipt and use of the CRF serves the public interest, and is necessary, desirable, and prudent in the support of the Troutdale residents impacted by the COVID-19 pandemic.

Section 5. That as Grantee the City of Troutdale accepts the CRF funding up to the maximum allowed by the terms and conditions of the IGA and CARES Act, estimated to be approximately \$582,000.00 and subject to qualified expenditure categories.

Section 6. That the City Council authorizes and directs the City Manager, Ray Young, and Finance Director, Erich Mueller (each an “Authorized Officer”) to execute on behalf of the City of Troutdale the IGA, and without further action by the City Council each Authorized Officer is hereby authorized, empowered and directed to execute any and all other required and necessary documents to implement the intent of the agreement.

Section 7. That due to the urgent and immediate need to begin disbursing relief funds in order to minimize injury as a result of the dire economic conditions that Troutdale residents and small businesses are facing, the Authorized Officers are authorized and directed to promptly implement such relief payments as may be provided within the limitations of the CARES Act and to use the CRF funds to provide rent and utility assistance payments to support the residents and small businesses facing extreme hardships as a result COVID-19 pandemic and the resulting economic downturn.

Section 8. That the Authorized Officer are authorized and directed to manage CARES Act funds through the “PDX-CARES” relief package programs and such other measures as are imminently necessary for the protection of life or property, as may be deemed necessary under the evolving circumstances and compliance requirements.

Section 9. That further, consistent with intent of the IGA, and in the best interest of the City, the Authorized Officer is authorized to determine, execute, acknowledge and deliver

any subsequent changes, addendums, extensions, revisions, modification, or successor documents of the IGA, and without further action by the City Council, and the execution thereof by any such Authorized Officer shall be conclusive as to such determination.

Section 10. That the Finance Director is authorized and directed to disburse funds, subject to annual appropriations, as necessary to fulfill the intent of this resolution and the IGA and is further directed to implement all such actions necessary to ensure budgetary compliance.

Section 11. This Resolution shall take effect immediately upon adoption.

YEAS:
NAYS:
ABSTAINED:

Casey Ryan, Mayor

Date

Sarah Skroch, City Recorder
Adopted:



CITY OF TROUTDALE



STAFF REPORT

SUBJECT / ISSUE: A resolution authorizing the City Manager to sign a master agreement with the University of Oregon for participation in the Sustainable City Year Program

MEETING TYPE:
City Council Regular Mtg.

STAFF MEMBER:
Chris Damgen

MEETING DATE:
September 8, 2020

DEPARTMENT:
Planning

ACTION REQUIRED:
Consent Agenda - Resolution

ADVISORY COMMITTEE/COMMISSION RECOMMENDATION:

PUBLIC HEARING:
No

N/A

Comments:

STAFF RECOMMENDATION: Approval

EXHIBITS:

- A. Sustainable City Year Program Information and Previous Client Cities
- B. Draft Master Agreement between the University of Oregon and the City of Troutdale

SUBJECT / ISSUE RELATES TO:

- Council Goals Legislative Other (describe)

Several anticipated Council Goals for 2020-21 would be worked on through the work of students and faculty in pursuing course/studio work that is suggested by City staff

ISSUE / COUNCIL DECISION & DISCUSSION POINTS:

- ◆ Authorizes the City Manager to refine and sign a master document with the University of Oregon that allows them to develop courses/studios to support City-directed project ideas through research, reports, and recommendations for future action.
- ◆ \$195,000 is a “do not exceed” amount. Each course/studio will have a separate agreement and established budget. The total city funding commitment for all courses/studios established would be capped at that figure.

Reviewed and Approved by City Manager:

BACKGROUND:

The University of Oregon's Sustainable City Year Program (SCYP) is a multi-disciplinary program that ties project ideas from the city with course or studio work from students/faculty where they can conduct research, create reports, and/or provide recommendations for future action. SCYP has worked with cities across the state, including most recently the cities of Gresham, Albany, Springfield, Silverton, and La Pine.

The turnaround on providing deliverables is tied to the academic terms, so fall term is completed by December, winter by March, and spring by June. It is a great way to get results that can spur further study or future projects by the city or professional consultants.

SCYP typically helps cities get smaller or "back burner" projects some attention and quick direction without committing the agencies to a lengthier consultant contract. It can also provide a kickstart to fulfill recent Council goals. For Troutdale, this holds especially true for some of the ideas for economic/tourism development and Town Center Plan implementation, which factored heavily in Council's proposed 2020-2021 goals.

If the City is able to participate, the University and City would work together from a list of nearly two dozen project possibilities to create courses and studios that can be part of this effort. The City would come to terms with the University via a master agreement with a total "do not exceed" budget figure.

What is the cost of participating?

The cost of participation can be incorporated in the approved budget this fiscal year. Each class/studio has a deliverable item with a project expense tied to it. Based on potential project budgets in planning, code specialties, and economic/tourism development from the approved 2020-21 budget, that figure would be \$195,000. It doesn't mean that there will be \$195,000 spent, just that this would be the hard cap for participation.

What does signing a master agreement do?

Approval of this resolution would authorize the City Manager to sign a master document with the University (see Exhibit B for the likely draft). It does not approve any particular project(s), but provides a financial promise of up to \$195,000 to be committed for costs incurred by the university to establish the courses, conduct research, provide deliverables and cover overhead and administrative costs.

Once the master agreement is signed, it allows the university to develop courses or studios based on project ideas submitted by the City (included as an exhibit to Exhibit B). Each project that is developed will require approval from the City. This ensures that the City has a say in determining the expected projects, reports, or other deliverables are consistent with the City's needs and can better align with Council goals.

PROS & CONS:

Pros:

- Provides a quick turnaround and ideas for moving certain ideas and projects forward for future study or consideration.
- Provides an initial study of a community issue by providing non-binding information and or recommendations that are researched by faculty and students.
- Creates educational opportunities and outreach for motivated students without competing for attention from other “clients”
- Does not financially commit at this point the City to any particular project or course idea without further discussion and refinement
- Does not require a budget amendment for participation

Cons:

- Student research activities do not always yield final deliverables for action or construction and often require follow-up work by city staff or professional consultants to further materialize the project/idea that was worked on.

Current Year Budget Impacts: Yes (*describe*) N/A

A “do not exceed” amount of \$195,000 which is spread across multiple departments and budget line items. Most of these would be in support of projects already identified or actionable items that stem from Council Goals adopted in September 2020.

Future Fiscal Impacts: Yes (*describe*) N/A

Some projects could stretch into next fiscal year if conducted during the spring quarter academic term, though most would occur within the current fiscal year.

City Attorney Approved: Yes N/A

Community Involvement Process: Yes (*describe*) N/A

Several of the proposed course projects will have community engagement requirements.

Sustainable Cities Institute ⁽¹⁾

Sustainable City Year Program

Apply Now to be the Next
SCYP Partner!

(<https://sci.uoregon.edu/apply-now>)



SCYP is transforming Oregon communities large and small

Through year-long partnerships, the Sustainable City Year Program helps communities solve the problems of today and lay the groundwork for a sustainable, livable future—all while helping students prepare for the workforce through applied learning.

Partnering with SCYP
(<https://sci.uoregon.edu/partnering-scyp>)

Current Partnership - LTD
(<https://sci.uoregon.edu/sustainable-city-year-program-lane-transit-district>)

Small City Partnership - Silverton
(<https://sci.uoregon.edu/sustainable-city-year-program-silverton>)

Past Partnerships

Student and Faculty Resources
(<https://sci.uoregon.edu/scyp-student-and-faculty-portal>)

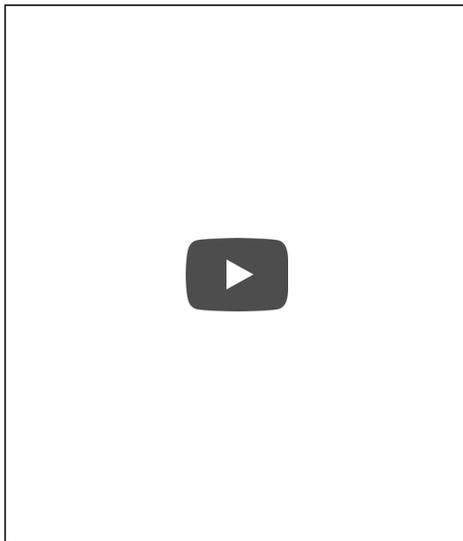
About SCYP

The Sustainable City Year Program (SCYP) matches University of Oregon students with an Oregon city, county, special district, tribe, or partnership of governments for an entire academic year. Students work on partner-identified projects through existing courses to provide ideas for real solutions to community challenges and sustainable development.

“Student efforts on these projects inject fresh perspectives into our design processes to help fuel innovation in applied sustainability and expand the benefits for the communities we serve.” - Jeb Doran, TriMet Senior Project Manager

Cities and communities are staffed with leaders who want to make real change. These leaders are passionate about moving their cities into the future but are far too often limited by a lack of resources, staff and budget. The Sustainable City Year Program harnesses the innovation and energy of University of Oregon students and faculty to provide ideas that will address critical projects and support progressive and sustainable initiatives. This working relationship puts university talent to work to strengthen Oregon communities.

Throughout each course, students conduct research, visit the community, and engage with stakeholders. At the end of each term, they present their findings either in the community or on campus in sessions that are open to the public. Following each course, ideas and research from the class are synthesized into a final report for the community, ensuring that the insightful work remains accessible long after the course ends.



Typical Projects and Classes

The broad range of issues communities face can be matched with the similarly broad range of expertise and focus of SCYP. The following list captures many of the typical project areas that past communities have focused on.

Each project yields a synthesized, professional report that becomes a decision-making deliverable for our community partner (and a great workforce development project for the student report writers). The past final reports are available in the [Past SCYP Partnerships](https://sci.uoregon.edu/sustainable-city-year-program-0#Past%20SCYP%20Partners) (<https://sci.uoregon.edu/sustainable-city-year-program-0#Past%20SCYP%20Partners>) section below.

- Business
 - Workforce and Industry Analysis
 - Economic Development
 - Urban Renewal
 - Strategic Planning
 - Industrial Ecology
- Planning
- Community Engagement
 - Public Relations Campaigns
 - Engagement with Marginalized Communities
 - Stakeholder Engagement
 - Community Advisory Council
- Geography
 - Remote Sensing and Mapping

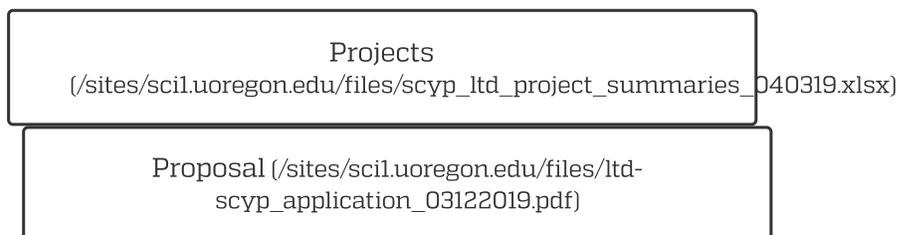
- Public Transit
- Bicycle/Pedestrian Planning
- Wayfinding (with digital arts)
- Parks and Open Space Planning
- Downtown Revitalization
- Housing Opportunities
- Land Use and Growth Management
- Planning for New Mobility
- Design (Architecture, Landscape Architecture, etc.)
 - Retrofits
 - Civic Design
 - Ecological Corridor Design
 - Product Design
 - Historic Preservation
- GIS Analysis
- Community Asset Mapping
- Public Policy and Management
 - Budget Analysis
 - Policy Analysis
 - Nonprofit Consulting
 - Housing Needs Analysis
 - Municipal Finance
 - Land Use and Growth Management
 - Parking Policy
- Law
 - Legal Analysis
 - Local Codes for Sustainability

Current SCYP Partnership

SCYP is excited to announce our 2019-2020 partner, the **Lane Transit District (LTD)**. LTD has a longstanding sustainability commitment to the community and is excited to explore sustainable transportation through its partnership with SCYP. LTD serves over 300,000 residents in Lane County with a fleet of 105 busses. SCYP projects related to this partnership will explore strategies for transportation change, sustainable urban design, fleet replacement strategies, and more.



[_ \(https://sci.uoregon.edu/sustainable-city-year-program-lane-transit-district\)](https://sci.uoregon.edu/sustainable-city-year-program-lane-transit-district)



Past SCYP Partnerships

Since 2009, SCYP has opened pathways that connect a broad range of Oregon cities and agencies to the innovative, dedicated, and energetic brainpower of the University of Oregon. These relationships help create outcomes that extend well beyond the yearlong partnership. The impact of SCYP continues for many years not only as student recommendations come to fruition, but also as students enter the workforce prepared for careers in service to Oregon communities. **SCYP is much more than a one-year project with a consultant – it's a connection to the University of Oregon and a platform for a sustainable future.**

Learn more about the places, projects, and possibilities that make up SCYP's past and present.

Sustainable Cities Institute ⁽¹⁾

Partnering with SCYP

Apply Now to be the Next
SCYP Partner!

(<https://sci.uoregon.edu/apply-now>)

Why SCYP?

The Sustainable City Year Program helps Oregon communities find real, cutting-edge solutions for some of their most challenging problems. Learn more about how SCYP can bring lasting impact to your city.

SCYP by the Numbers (2009-present)

8

OREGON PARTNERSHIPS
ESTABLISHED

460,000

HOURS OF STUDENT WORK

141

TOTAL PROJECTS COMPLETED

Overview

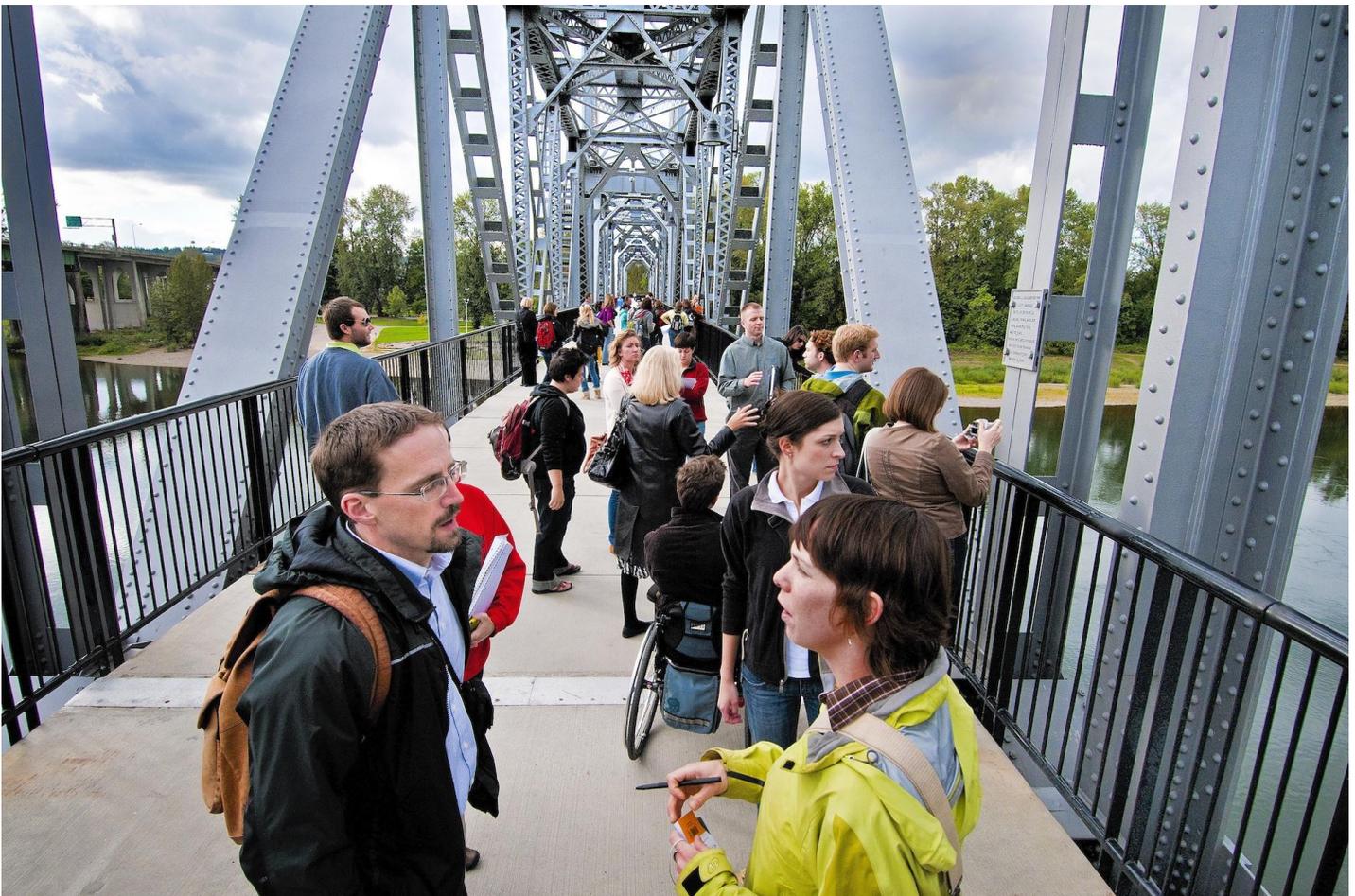
SCYP is an example of Oregon innovation and leadership. We leverage existing resources to create meaningful, society-wide value that benefits all parties involved. Undergraduate and graduate students across disciplines including business, planning, public administration, journalism, architecture, and more engage in the projects identified by partner cities to develop recommendations that bring the best of the creativity, freedom, and rigor of academia to the "real world." By getting students involved in real projects through their coursework, SCYP prepares students to enter the workforce and keeps talent

in Oregon. Moreover, the vast majority of student outputs get incorporated into community plans and projects, creating lasting impact years into the future.

"Here's the deal [the City of Salem] brokered with the University of Oregon and Portland State: We'll invest just over \$300,000 to support a one year research and design project that will leave Salem \$12 million richer!"

No kidding. In September, more than 600 students began a year of academic coursework, building upon Salem City Council's priorities for increasing livability, sustainability, traffic navigability, cultural excitement, citizen participation and economic vitality. Before wrapping the project next June, graduate students from schools of: business, architecture, law, transportation engineering, public policy, journalism, arts and humanities, etc. will expend more than 80,000 hours into Salem's Sustainable Cities Initiative package. Consider the 'normal' cost for that kind of consulting and you see how quickly the value mounts into the millions of dollars."

- "Graduate Students Nurture Salem's Sustainable Future," *Salem Business Journal*



Work with Our Outstanding Faculty

SCYP classes are taught by award winning faculty across a range of departments. These faculty are dedicated to advancing and directing student contributions towards communities and public agencies throughout the state.

2019-2020 Faculty (<https://drive.google.com/open?id=1qb8RvGgR4gisCKb1zFVL2y7cDMJuPDNp>)

Benefits to Communities

- Increased capacity
- Expanded breadth of conversation
- Opportunity to test riskier ideas
- Increased outreach
- Ability to move projects forward
- Engagement with marginalized groups
- Development of material for future grant submissions
- Energized staff and community
- Coordinated entry point to university
- Workforce-ready, public service-oriented graduates

Customized to Meet Community Needs

"Through our partnership with SCYP, 22 classes provided more than 55,000 hours of work—at an estimated \$4.64 per hour—on more than 20 projects from revenue enhancement strategies, community outreach and engagement, to economic development and urban revitalization. Students have the time, creativity and drive to do what city planners wanted to do, but could not." - Ed Hodney, City of Albany

SCYP is a scalable model that is highly adaptable to the varying sizes, constraints, and needs of Oregon's communities. In the 2010-2011 academic year, SCYP partnered with Salem, Oregon's second largest city at 167,000 residents. This partnership paired 26 classes with the city's projects. The 2016-2017 partnership with Albany, population 53,000, involved student work on 16 projects.

In January 2018, SCYP took on a new challenge: adapting the model to a much smaller community. The overwhelming success of the Small City Pilot partnership with the city of La Pine—a central Oregon community with just over 1,800 residents—proved that this radically simple model works across an enormous range of contexts.

We are excited to find new ways to provide tangible value to Oregon's cities—urban, rural, and everything in between—in the years to come.

Typical Year Larger Communities (30,000+)

20-25
COMMUNITY PROJECTS

15+
ACADEMIC DEPARTMENTS

80K
HOURS OF STUDENT WORK

Typical Year Smaller Communities (<30,000)

10-15
COMMUNITY PROJECTS

5+
ACADEMIC DEPARTMENTS

20K
HOURS OF STUDENT WORK

The SCYP partner year is just the beginning. Learn more about how our work has transformed Oregon communities and how we've continued to build these relationships throughout the state.



A legacy of partnership

The SCYP partner year is just the beginning. Learn more about how our work has transformed Oregon communities and how we've continued to build these relationships throughout the state.

Learn more about our past partnerships
([https://sci.uoregon.edu/sustainable-city-year-program-draft-7-2018#Past SCYP Partners](https://sci.uoregon.edu/sustainable-city-year-program-draft-7-2018#Past%20SCYP%20Partners))

Programs

Sustainable City Year Program

(<https://sci.uoregon.edu/sustainable-city-year-program->

Additional Information

SCI in the News (<https://sci.uoregon.edu/news-1>)

Staff Directory (<https://sci.uoregon.edu/meet-team>)

Sustainable City Year Program

2016-17



Design and Planning Projects

| Project | Outcome |
|---|--|
| Water Avenue Corridor Revitalization | Developed ideas and concepts to activate Water Avenue and the downtown historic core, including an entertainment district, historical walk and discovery center, and food hub. |
| Eat, Play, Shop: Downtown Reimagined Design Studio | Created architectural programs and design proposals around the concepts of food equity, economic equity, and social equity in the downtown area. |
| Analyzing Landscape Systems | Conducted site analyses along Albany's Willamette Riverfront, Dave Clark waterfront path, and historic downtown district. |
| East Thornton Lake Natural Area Design Studio | Developed concepts for a park within the larger site that addresses the natural and cultural history of the area. |
| Bicycle-Friendly Albany | Analyzed constraints and barriers to bicycle-friendly development and recommended safety and network improvements, as well as bicycle-friendly events and programs. |
| A Front Door to Albany's Downtown Waterfront Design Studio | Developed conceptual designs and alternatives for spaces in the vicinity of Monteith Riverpark to establish a gateway to the river and destination for visitors and residents. |
| Passive Heating | Gathered area climate data and created passive solar designs for Monteith Park restrooms, a sunroom adjacent to the current Senior Center, and a greenhouse. |

Business and Economic Development Projects

| Project | Outcome |
|--|--|
| St. Francis Hotel: Viability of a Hotel in Downtown Albany | Identified hotel development feasibility in downtown Albany at the existing St. Francis historic building site or as new construction. |
| Business Opportunities Assessment and Revenue Enhancement | Assessed existing Parks and Recreation Department services and practices; recommended revenue-producing opportunities and other revenue enhancement ideas. |
| Parks and Recreation Foundation Business Plan and Outreach Campaign | Developed a business plan for the new Albany Parks and Recreation Foundation; implemented an outreach campaign directed at parks and recreation users. |
| Older Adult Population Strategic Plan | Created an older adult facility and activity strategic plan for the 55-60 age group and over 75 population. |

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Sustainable City Year Program

2016-17



Water Reclamation Facility Biosolids Alternatives Market Analysis

Analyzed whether the local market would be interested in compost or biosolids. Identified local partners and potential revenues or costs associated with different options.

Parks Funding, System Development Charges Methodology Evaluation

Reviewed Parks and Recreation Department's operating revenue sources, capital expenses, financing strategies and System Development Charges methodology.

Strategic Plan for Collaborative Sports Facilities

Analyzed case studies and recommended management strategies to eliminate barriers and inefficiencies for Parks and Recreation Department-owned sports facility spaces throughout the city.

Parks and Recreation Foundation Planning and Partner Coordination

Helped the new Albany Parks and Recreation Foundation strategically organize. Researched best practices for foundation partnerships with stakeholders, including case studies and relational analysis.

Civic Engagement, Journalism, and Geography Projects

| Project | Outcome |
|--|---|
| Cartographic Visualization of Parks, Trails, and Recreation Centers | Designed and produced a finished thematic cartographic map of selected trails and parks in Albany. |
| Equity and Opportunity Mapping Analysis | Mapped selected data of Albany residents to help the city analyze access to housing and community amenities. |
| Public Relations Strategies and Outreach for Historic Preservation | Built awareness of the city's historic preservation program through a strategic communication plan; implemented a public relations campaign related to historic preservation. |
| Remote Sensing: Parks Mapping in Albany | Used digital imagery to assess selected parks and historic assets in order to better manage, analyze, and plan for the future of these resources. |
| Inventorying Albany's Cultural Resources | Researched cultural inventory models and recommended best practices to develop a cultural inventory focused on engaging the people of Albany. |
| Improving Engagement with Parks and Recreation | Developed strategies for social media, strategic partnerships, event planning, promotional materials, and content creation to improve resident engagement with Parks and Recreation Department. |
| Parks and Recreation Foundation Outreach Campaign | Implemented an outreach campaign directed at parks and recreation users as part of the Parks and Recreation Comprehensive Plan Update. |
| GIS Analysis of Albany Land Use | Collected data using geographic information systems within the city to help the city evaluate undeveloped and under-utilized land available for future development. |

Megan Banks
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Eugene OR 97403-6206
sci@uoregon.edu



Sustainable City Year Program

2018-19



Planning and Design Projects

| Project | Outcome |
|---|--|
| Landscape Architecture Studio (Gresham) | Students designed Gresham's future streets with emphasis on making use of "found space" within street rights-of-way, safely separating travel modes, and interactions with traditional public transit and parking infrastructure. |
| Planning for a New Mobility Future in Eugene and Gresham | Students analyzed parking data and micromobility usage to help the cities of Eugene and Gresham plan for emerging technology in transportation. Students recommended phased solutions addressing changes in parking and micromobility. |
| Future-Proofing Comprehensive Plans in Eugene and Gresham | Students assessed long range plan readiness for deployment of new mobility services and autonomous vehicle and the continued growth of e-commerce deliveries, along with accompanying changes to warehousing and retail stores. |
| Land Use Planning and Policy (Eugene) | To help Eugene meet its sustainability goals, students collaborated with City staff and conducted research on comparable cities. Students used this information to make recommendations for transportation and parking strategies. |
| Development Opportunities in Downtown Springfield | Students conducted a site analysis, developed a community engagement plan, and proposed development code amendments to promote economic development in downtown Springfield. |
| Working Apart Together: Springfield Coworking | Using information obtained from tours and interviews, students developed interior concepts for a coworking space addressing three potential user types: start-ups, parents with young children, and creatives. |
| Passive Heating Strategies for Disaster Relief Planning (Dunes City) | Students developed passive heating design options for a disaster relief shelter in the event of the predicted 9.0 magnitude Cascadia earthquake and tsunami striking the coast during the winter. |

Public Administration Projects

| Project | Outcome |
|--|--|
| New Mobility Services and Autonomous Vehicle Policy Options | Students conducted interviews and reviewed transportation system plans, then made policy recommendations addressing safety, equity, land use, innovation, environmental impact, congestion, active transportation, and data. |
| Transportation Revenue in the Age of New Mobility | Students evaluated new mobility's potential effects on current revenue sources for Eugene and Gresham. Additionally, students examined innovative sources of revenue that the cities could adopt. |
| Open Data Policies and Management in Eugene | To help the City of Eugene move toward co-production and citizen science-based data processes, students evaluated the City's current data policies and reviewed literature on data management practices in other localities. |
| New Mobility in Gresham: Recommendations and Guidelines | Public management students assessed factors to consider when evaluating contracts with new mobility providers. Students analyzed Seattle's bikeshare and Portland's e-scooter contracts to develop recommendations. |

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Sustainable City Year Program

2018-19



Business and Journalism Projects

| Project | Outcome |
|--------------------------------|---|
| New Mobility Case Study | Student teams analyzed how members of a fictional or real household in Eugene could reduce their reliance on single-occupancy vehicles in daily commutes, local and regional trips, and infrequent travel destinations. |
| Springfield Stories | Allen Hall Media students planned and conducted promotional photo shoots at local manufacturing and call center facilities to tell the story of Springfield's workforce and highlight economic development in the city. |

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**SUSTAINABLE CITY YEAR PROGRAM AGREEMENT
BETWEEN UNIVERSITY OF OREGON AND CITY OF TROUTDALE
MASTER AGREEMENT NO. 221000-01007**

This Master Agreement (“Agreement”) is between the City of Troutdale, in Oregon (“Client”), and the University of Oregon (“University”), together, “the Parties.”

RECITALS:

Client provides a variety of services, programs and infrastructure to meet the needs of Client area residents, businesses, and visitors. To better serve the community, Client proactively pursues partnership and grant opportunities to address known redevelopment, economic development, transportation and parks planning, and general planning needs, subject to available staff time and funding.

On annual basis, the University selects a community in Oregon with which to develop a year-long engagement through the Sustainable City Year Program (“SCYP”) program of the University’s Sustainable Cities Institute (“SCI”). Through collaboration with the selected community, SCI seeks to promote research, education, service, and public outreach related to the development of livable communities and sustainable cities.

SCYP is a collaboration of faculty and students from multiple academic disciplines, including architecture, landscape architecture, business, journalism, public policy and management, law, and others. Focused on enhanced student learning through an examination of the real-world issues facing local government, SCYP is funded through a variety of grant resources and a match from the selected community.

For its 2020-21 academic year, the University has selected Client for the SCY Program.

Client expects to dedicate staff time and resources for SCYP projects from fund sources appropriated and identified in Client’s 2020-21 FY budget for Client to support each project, pending Client budget approval.

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:**1. Period of Performance**

This Agreement is effective on September 29, 2020, and will terminate on September 30, 2021. This Agreement may be extended by mutual written agreement of the parties.

2. Task Orders

“Task Order” refers to the document which authorizes performance of specific classes, or other deliverables, each, “a Project”, under this Agreement. A template Task Order is attached as **Exhibit A**. University will perform the services described in each Task Order that has been fully signed by authorized representatives of the parties.

Memoranda of Collaboration (MOC). An MOC will accompany each Task Order and will describe the specific deliverables to be performed for each Project and will include the following:

- 2.1.** A description of the purpose of each class or other deliverables;
- 2.2.** Identified objectives and deliverables;
- 2.3.** A timeline and major milestones;
- 2.4.** Cost per project, and
- 2.5.** Client and University Project-specific contact information.

3. Project Duties.

3.1. Duties of Client. Client will develop up to 20 Projects and collaborate with the University to create an MOC for each class-matched Project. Client will provide technical assistance and relevant information in support of the Projects, including but not limited to existing data sets and previously prepared reports, findings, architectural plans and maps, and stakeholder or public engagement activity summaries. Client may be asked to host in-person or remote University student field trips in an effort to establish context for each Project and if needed, provide meeting space for the University student field trips if permitted in accordance with local and/or state health regulations. Client will participate in an in-person or remote Project or SCYP kick-off event, mid-course reviews of University student progress, end of term final presentations, and year-end activities. Client will organize stakeholders or public engagement activities as necessary in support of each Project. Client may involve its public partners as well as private for profit and nonprofit entities in the SCYP subject to University approval.

3.2. Duties of University. The University will, consistent with the MOC for each Project, prepare and provide final reports and University student-generated materials in electronic and paper format. The final reports will present a summary of coursework, key findings, examples of student work, and recommendations for each Project. The final report for each Project will include a summary of the work done over the term as well as an executive summary (if applicable) that highlights lessons learned and key takeaways. University will provide and supervise University students familiar with the Projects to assist in the development of the final reports. The University will assist the Client with planning at least one in-person or remote event in Client city to kick off and/or to conclude the SCYP year to involve University faculty and students and Client officials and staff.

4. University Obligations. In addition to other obligations as set forth in this Agreement, the University will have the following obligations:

4.1. University will provide recommendations related to the development of livable communities and sustainable cities as specifically related to each MOC for each Project issued by Client and approved by University. The obligations defined and described in each individual MOC will thereafter be referred to as “Work.”

4.2. Client will not be responsible for providing the University with any labor, materials, supplies, equipment, office space, shop space, reference and background data and information, and all other things necessary for the performance of the Work described in each MOC, except as otherwise expressly provided herein.

5. Client’s Obligations. Client will pay University the agreed upon fixed fee for each project as set forth in this payment schedule, to be invoiced at the end of Week four of each term.

5.1. Fall Term (begins 9/29/20) – Total of project fees per all Fall term MOCs.

Winter Term (begins 1/4/21) – Total of project fees per all Winter term MOCs.

Spring Term (begins 3/29/21) – Total of project fees per all Spring term MOCs.

Total reimbursement paid by Client to the University for all the Projects under this Agreement will **not exceed \$195,000**. Each project is categorized by topic area and total cost per topic area will not exceed the dollar amounts listed in Exhibit B.

6.2 Client will ensure that all payments of the invoiced amounts shall be made by the electronic transfer of funds or by check within 30 days of receipt of invoices from the University.

6. Invoice and Payment Addresses.

6.1. Invoice Address. University will submit invoices to:

City of Troutdale
c/o Accounts Payable
219 E. Historic Columbia River Hwy/
Troutdale, OR 97060

6.2. Payment Address. Client will submit payments to:

University of Oregon
c/o Cashiers
P.O. Box 3237
University of Oregon
Eugene, OR 97403-0327

7. Funds Available and Authorized.

Client certifies at the time of signing each Task Order that within Client's current appropriation or limitation it has sufficient funds available and authorized for expenditure to cover all payments that Task Order requires.

8. Termination.

Both parties may mutually agree to terminate this Agreement at any time. Either party may terminate this Agreement with 30 calendar days written notice to the other party's Business Contact. If Client terminates this Agreement, it will pay University for services rendered, work performed, non-cancellable obligations agreed to before the termination date by Client, and costs incurred up to the termination date in conformance with each Task Order.

9. Ownership of the Work Product.

9.1. University Work Product. All work product and intellectual property including, without limitation, any inventions, improvements and discoveries conceived including, all computer software, copyrightable works, material, reports and data created in the course of performance of the Work ("Work Product") University produces under this Agreement is the property of University. University grants to Client a royalty-free, non-exclusive, non-commercial and irrevocable license to reproduce, publish or otherwise use, and to authorize others to use, that Work Product.

9.2. Client Work Product. All Work Product Client produces under this Agreement is the property of Client. Client grants to University a royalty-free, non-exclusive and irrevocable license to reproduce, publish, otherwise use, and to authorize others to use, that Work Product for research and educational purposes.

9.3. Joint Work Product. Client and University are joint owners of and both may reproduce, publish or otherwise use, and to authorize others to use the Work Product produced by both parties jointly under this Agreement.

9.4. Infringement Indemnification. Subject to the limitations specified in Section 17 of this Agreement, to the extent allowed under the Oregon Constitution and Oregon Tort Claims Act, Client will fully indemnify and hold harmless University, its agents, officials and employees from any and all claims, demands, suits, actions, proceedings, losses, liabilities, damages, awards and costs of every kind and description (including reasonable attorney's fees and expenses at trial, on appeal and in connection with any petition for review), which may be brought or made against University its agents, officials or employees and arising out of or related to the infringement of any state or federal copyright, trademark or any other applicable intellectual property laws caused by University's use of Client Work Product as provided under this Agreement. Client will promptly notify University in writing of any action, claim or demand which Client reasonably expects to result in an indemnifiable loss. To the extent allowed under the Oregon Constitution and Oregon Tort Claims Act, University will fully indemnify and hold

harmless Client, its agents, officials, and employees from any and all claims, demands, suits, actions, proceedings, losses, liabilities, damages, awards and costs of every kind and description (including reasonable attorney’s fees and expenses at trial, on appeal and in connection with any petition for review), which may be brought or made against Client its agents, officials, or employees and arising out of or related to the infringement of any state or federal copyright, trademark or any other applicable intellectual property laws caused by Client’s use of University Work Product as provided under this Agreement. University will promptly notify Client in writing of any action, claim or demand which University reasonably expects to result in an indemnifiable loss

10. Insurance.

University is self-insured under ORS Chapter 352.107, with adequate levels of excess liability insurance. The City of Troutdale is self-insured for commercial liability, with adequate levels of excess liability insurance. The City of Troutdale is further insured for transportation and auto liability under ORS Chapter 806.130, with adequate levels of excess liability insurance.

11. Notice and Contacts.

11.1. Notices. Except as otherwise expressly provided in this Agreement, the parties will provide any communications or notices in writing by personal delivery, first-class mail (postage prepaid) or email to the other party at their address set forth below unless either party has designated a different contact with a previous notice.

11.2. Effective Date. All notices a party mails are effective three (3) days after the party mails the notice. All notices a party sends by facsimile or email are effective when the transmitting machine generates receipt of the transmission. All communications or notices a party delivers in person are effective when that party actually delivers the notice.

11.3. Contacts.

Communications concerning work to be performed under this Agreement will be sent to:

| | |
|----------------------------------|-------------------------------|
| Client (Technical) | University (Technical) |
| Chris Damgen | Megan Banks |
| Community Development Director | Program Director |
| City of Troutdale | Sustainable City Year Program |
| 2200 SW 18 th Way | 1209 University of Oregon |
| Troutdale, OR 97060 | Eugene, OR 97403-1209 |
| 503-674-7228 | 541-346-6395 |
| Chris.damgen@troutdaleoregon.gov | mbanks@uoregon.edu |

Invoices and communications in regards to this Agreement will be sent to:

| | |
|---------------------------|------------------------------|
| Client (Business) | University (Business) |
| Same as Technical Contact | Same as Technical Contact |

12. Confidential Information.

12.1. Client Confidential Information. “Confidential Information” is any materials, written information, and data that the Client marks “Confidential” or non-written information and data that the Client discloses and identifies at the time of disclosure to University as confidential and later reduces to writing and transmits to University within 30 days of their non-written disclosure. University agrees to use the same degree of care it uses to protect its own confidential information and, to the extent permitted by law, including but not limited to the Oregon Public Records Law. University’s obligations in this section do not apply to information in the public domain or that University independently knows or obtained. Client hereby acknowledges that

any confidential information it discloses to University, or any duty of the University to destroy records upon completion of use, is subject to the provisions of the Oregon Public Records laws.

13.2. University Confidential Information. . “Confidential Information” is any materials, written information, and data that the University marks “Confidential” or non-written information and data that the University discloses and identifies at the time of disclosure to Client as confidential and later reduces to writing and transmits to Client within 30 days of their non-written disclosure. Client agrees to use the same degree of care it uses to protect its own confidential information and, to the extent permitted by law, including but not limited to the Oregon Public Records Law. Client’s obligations in this section do not apply to information in the public domain or that Client independently knows or obtained. University hereby acknowledges that any confidential information it discloses to Client, or any duty of the Client to destroy records upon completion of use, is subject to the provisions of the Oregon Public Records laws.

13. Family Educational Rights and Privacy Act.

Client agrees to protect the confidentiality of student information and to comply with the Family Educational Rights and Privacy Act of 1974 (FERPA) and its implementing regulations, specifically 20 U.S.C. 1232g, 34 C.F.R. § 99.1 et seq., and University Policy 571-020, with respect to any redisclosure of personally identifiable information from education records obtained from the University.

14. Independent Contractors.

The Parties are independent contractors and nothing in this Agreement creates a partnership, agency, or joint venture between the parties. Neither party has the power to bind or obligate the other in any manner, other than as this Agreement expressly sets forth. Each party is responsible for wages, hours, benefits, taxes, and workers’ compensation, and conditions of employment of their respective personnel under this Agreement.

15. Choice of Law; Jurisdiction, Venue.

This Contract will be governed and construed in accordance with the laws of the State of Oregon without regard to principles of conflicts of law. Any claim, action, or suit between University and Client will be brought and conducted solely and exclusively in the Circuit Court for Marion County for the State of Oregon. However, if any claim, action, or suit must be brought in a federal forum, it will be brought and conducted exclusively in the United States District Court for the District of Oregon.

16. Indemnity.

16.1. University. To the fullest extent permitted by the laws of the State of Oregon, including the Oregon Tort Claims Act, ORS 30.260 et seq., University will protect, indemnify, and save Client harmless from and against any damage, cost or liability for any or all injuries to persons or property arising from University or its employees’ or agents’ acts or omissions under this Agreement.

16.2. Client. To the fullest extent permitted by the laws of the jurisdiction in which Client’s headquarters is located, including the Oregon Constitution and the Oregon Tort Claims Act, ORS 30.260 et seq., Client will protect, indemnify, and save University harmless from and against any damage, cost or liability for any or all injuries to persons or property arising from Client or its employees’ or agents’ acts or omissions under this Agreement.

16.3. Limitation of Liability. The parties agree that to the fullest extent permitted by law, neither party shall not be liable to the other party for any special, indirect, or consequential damages whatsoever, whether caused by negligence, errors, omissions, strict liability, breach of contract, breach of warranty or other cause or causes whatsoever, including but not limited to, loss of

profits or revenue.

17. Sovereignty.

Nothing in this Agreement is a waiver of Oregon's or Client's sovereign or governmental immunities.

18. Survival.

All provisions of this Agreement that would reasonably be expected to survive the termination of this Agreement will do so.

19. Severability.

If a court of competent jurisdiction determines any term or provision of this Agreement is invalid or unenforceable to any extent, it will not be affected the remainder of this Agreement, and each term and provision of this Agreement will remain valid and enforceable to the fullest extent law allows

20. No Third Party Beneficiaries.

University and Client are the only parties to this Agreement and are the only parties entitled to enforce its terms. Nothing in this Agreement gives, is intended to give, or shall be construed to give or provide any benefit or right, whether directly, indirectly or otherwise, to third persons

21. Compliance.

The parties agree to comply with all applicable Federal and state laws, including but not limited to those regarding nondiscrimination in employment because of race, color, ancestry, national origin, religion, sex, marital status, age, medical condition, or disability.

22. Non-Waiver.

If either party fails to enforce any provision of this Agreement, it does not constitute that party's waiver of that or any other term or provision of this Agreement.

23. Execution and Counterparts.

The parties may execute this Agreement in counterparts, and via facsimile or electronically transmitted signature (i.e. emailed scanned true and correct copy of the signed Agreement), each of which the parties will consider an original and all of which together will constitute one and the same agreement. At the request of a party, the other party will confirm facsimile or electronically transmitted signature page by delivering an original signature page to the requesting party.

24. Entire Agreement; Modification.

This Agreement, including all exhibits and attachments, constitutes the sole agreement between the parties with respect to its subject matter. The parties may only amend it in writing signed by an authorized representative of each party. Executed Task Orders may only be amended in a writing signed by authorized representatives of each party.

CLIENT

UNIVERSITY OF OREGON

Signature

Signature

Name

Name

Title

Title

Date

Date

Tax ID No. 93-6002268

Tax ID No. 46-4727800

Exhibit A–Template Task Order Cover Sheet

MEMORANDUM OF COLLABORATION

University of Oregon – City of Troutdale

Sustainable Cities Institute

Task Order No. _____

Pursuant to the MASTER AGREEMENT (“Agreement”) between _____ (“Client”) and University of Oregon (“University”) effective _____, University will undertake this Task Order as follows:

1. University staff will provide the services described in Attachment 1, attached hereto and incorporated herein.
2. Period of Performance in conformance with the Agreement requirements and specific requirements of Attachment 1.
3. Fixed Fee: \$XX,XXX, payable per Section 6 of this Agreement.
4. Funds Available and Authorized. Client certifies at the time of signing this Task Order that within Client’s current appropriation or limitation it has sufficient funds available and authorized for expenditure to cover all payments that this Task Order requires.
5. Additional Terms: none
6. All other Terms and Conditions of the Agreement apply.

Acknowledged and accepted:

UNIVERSITY OF OREGON

CITY OF TROUTDALE

By: _____

By: _____

Name: _____

Name: _____

Title: _____

Title: _____

Date: _____

Date: _____

Exhibit B – Project List

A. DESIGN & PLANNING PROJECTS - Projects category is *not to exceed \$50,000*.

Town Center – Opportunity Site Development Concepts

The Troutdale Town Center Plan has identified 13 opportunity sites for future development or redevelopment based on public feedback and assignment of preferred land use classifications. The selection of these sites was deliberate, as future investment can have transformative effects not just for the site, but for the Town Center as a whole. We would seek to have development concepts established looking at one or more of these sites in consideration with the preferred land use type.

Town Center – Corridor Improvement Ideas

The Town Center Plan has also identified eight key corridors where public investment is expected to help improve transportation choice and safety. We would seek to have classes look at one or more corridor segment from a design perspective, perhaps in tandem with concepts created from a general accessibility plan that decreases auto dependency and works well with the corresponding opportunity sites along the corridor.

Glenn Otto Park Expansion Design Studio

Students would look at expanding an existing city park to a heavily wooded and relatively constrained property currently owned by the Department of State Lands but potentially transferrable to the City. In particular would be the placement of a trail and/or a disc golf course, working in direct conjunction.

Alternative Transportation Plan(s)

This idea could be further refined to fit a particular course, but the idea stemmed from Town Center planning efforts that sought to consider not only improving bike/pedestrian environment, but also to look at alternative transportation modes, including but not limited to:

- Localized transit (micro-shuttle, trolley)
- Golf cart zone (or connected golf cart corridor with cities of Fairview and Wood Village)
- Electric bikes and scooters
- Autonomous vehicles

Of the aforementioned items, the golf cart study has received the most local interest. There is little research that we could find at present, so that is the most appealing one at the moment. Other items may be studied by consultants and Metro.

Green Infrastructure Plan

In conjunction with the Town Center Plan and the Comprehensive Land Use Plan, we are seeking a general purpose study on how to best incorporate green infrastructure ideas into future development on both private property (through encouragement) and public infrastructure (through policy).

Cottage Cluster Housing Concepts

Working with Staff, present to Planning Commission a hypothetical design that incorporates cottage cluster housing on what had historically been a single-family zoning district. This will involve researching cottage cluster housing, being mindful of recent changes to state law to encourage the site, and evaluating a property or two in the city where these designs might go. In presenting to Planning

Commission, perhaps provide guidance on code performance standards on siting, sizing, and density for such types of development.

B. BUSINESS AND ECONOMIC DEVELOPMENT PROJECTS – Projects category is *not to exceed \$40,000*.

Rail Tourism Feasibility

Tied with the idea of the parking garage, the City is intending to work with ODOT to consider congestion relief in the Columbia River Gorge, particularly at Multnomah Falls about 14 miles away. The City would like to begin study of a tourist train that could launch from Troutdale (adjacent to a hypothetical parking facility) and serve as a reliever to the strictly auto or bus oriented ways to get to the top sites in the Gorge. Of particular interest would be to solicit stakeholders, develop a business plan, and learn the details of engaging Union Pacific.

Creation of a Tourism Plan

The City of Troutdale recently retained itself as the destination marketing organization (DMO) for the purposes of tourism promotion and visitor center responsibilities. One effort that needs to occur is the creation of a tourism plan that can best propel Troutdale forward as it considers future outsourcing of some (or all) of those responsibilities. Troutdale recently updated its community branding material, so students/faculty could focus on actionable items and performance planning rather than civic engagement as much.

Food Cart Pod / Mobile Food Vendor Strategies

The City has byzantine standards for mobile food vendors and inadequate standards to properly consider placement of food cart pods. We would like to have a class focused on developing new policies and proposed code language that can simplify the standards and be put to use. Of particular research interest is how other communities handle these efforts, how to properly define the various types of mobile food offerings, and how food cart pods should be handled from a land use review perspective in addition to a utility connection and system development charge perspective.

Hotel Study

Of particular interest for future economic development planning is the consideration of looking at additional hotel or lodging opportunities. We would seek a market analysis that could help us understand if there is demand (COVID era will make that interesting), what type of capacity the market may have, if there is specific need for a conference center, and what sort of recruitment opportunities or incentives the City might need to consider to help with prospective lodging facilities.

System Development Charge Collection Study

The City of Troutdale has historically collected System Development Charge (SDC) payments upon the issuance of a permit required for occupancy. In recent years and in particular in the food/beverage industry, upfront payments have become cost prohibitive and difficult to finance. The City seeks a study to determine if alternate means of collection, tracking, and remittance can be considered. This would not involve an engineering study to change methodology.

Economic Improvement District (EID) / Local Improvement District (LID) Study

An action item from the City's anticipated Town Center Plan is to investigate the feasibility of establishing an EID or LID in the downtown core or greater Town Center overlay district of the community. This would compliment efforts to establish a future Main Street program sanctioned by the State of Oregon and the National Main Street Center.

C. CIVIC ENGAGEMENT PROJECTS – Projects category is *not to exceed \$25,000*.

Community Outreach Strategies and Tactics

We would lean on past courses to help us establish the curriculum, but we are attempting to have better community engagement in the City among all stakeholders, but particularly among youth and people of color. This is especially important among folks who are renters.

Non-Profit Consultancy/Optimization

A new arts organization has recently formed in Troutdale, having previously been nested under a (now-foundering) chamber of commerce. They have created a new non-profit organization (Cascadia Arts Alliance) and are probably in need of consulting help to get going. The City is participating in this effort via a (ex-officio) seat on the board and the potential for seed funding to support their efforts. Additional counseling and planning could go a long way.

Event-Strengthening

Once a point of pride in the community, several of Troutdale’s community events have been languishing in recent years. We would seek strategies and guidance to event planners (and to the City itself) to help with improving event planning and promotion techniques.

Promotional Video

As part of Troutdale’s recent branding efforts, the idea of creating a community brand video that could be tied to a future website or used/spliced in social media accounts is appealing. This appears to have been done for LaPine recently. A script is already developed as part of the branding effort. One inspiration in particular was from Wenatchee, Washington, though we understand the limitations of budgets and time may not yield as big of a deliverable. <https://vimeo.com/84895460>

D. MULTI-DISCIPLINARY PROJECT – Projects category is *not to exceed \$60,000*.

Glenn Otto Park Management Plan

We would seek a framework plan to help us evaluate existing issues and be more mindful of future needs at Glenn Otto Park. The issues that would need to be covered include but are not limited to:

- Parking management and traffic control
- Allowance of dogs
- Strategic Communications to encourage positive behavior and following the rules – communicating in multiple languages
- Relationship with existing business on site (Sugarpine)
- Beach safety and management
- Waste disposal

E. URBAN RENEWAL AREA PROJECTS – Projects category is *not to exceed \$100,000*.

The Confluence Parking Facility - Project not to exceed \$50,000.

Although cities our size always hear never-ending complaints about available parking, in Troutdale’s case, there are some unique factors at play that could hold merit. The development of our urban renewal area (The Confluence) would create tens of millions in investment and a preferred development pattern would seek to look at a centralized parking facility. If that is done, the preference would be that this

facility serves not only the urban renewal site but also downtown. We would want both a design consideration and an analysis on municipal financing options. We were particularly inspired by the facility that was considered for the City of Springfield looking at cross-laminated timber as a potential angle to that effort. <https://www.srgpartnership.com/work/glenwood-clt-parking-garage>

Bike/Ped/Golf Cart Bridge between the Confluence and Downtown - Project not to exceed \$50,000. In conjunction potentially with a studio for a parking garage, we would seek ideas and budget estimates on spanning the space over railroad tracks to connect downtown Troutdale with the Confluence site.

F. OTHER PROJECT IDEAS -- Projects category is *not to exceed \$50,000*.

- Climate Action Plan
- Vulnerability Assessments (hazard mitigation planning)
- Developing a housing grant program to support rehabilitation projects/energy efficiency
- Creating a Youth Engagement strategy or Youth Corps

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A MASTER AGREEMENT WITH THE UNIVERSITY OF OREGON FOR PARTICIPATION IN THE SUSTAINABLE CITY YEAR PROGRAM

THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:

1. The Sustainable Cities Year Program (SCYP) is a unique collaborative opportunity between the University of Oregon and a local jurisdiction to provide them with learning opportunities for faculty and students while generating reports, studies, and recommendations to communities on a variety of issues pertaining to local governance.
2. The City of Troutdale has numerous smaller projects that are aligned with long-term projects and anticipated Council goals that could benefit from the potential investigation, research, and reporting that the SCYP program could offer.
3. Establishing a relationship with SCYP could yield interesting and productive outcomes that can help advance issues to future study or implementation.

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

Section 1. The City Manager is hereby authorized to sign a master agreement with the University of Oregon to participate in the Sustainable Cities Year Program for the 2020-2021 academic term.

Section 2. The total "do not exceed" cost to the City shall be set at \$195,000.

Section 3. This resolution does not approve any specific project, class, studio, or course of study and compels the City Manager to finalize those details in a matter that provides tangible and constructive benefit to the City in alignment with Council goals.

YEAS:

NAYS:

ABSTAINED:

Casey Ryan, Mayor

Date

Sarah Skroch, City Recorder

Adopted:

August 25, 2020

To: Troutdale City Council

From: Ellen Green, Cascadia Art Association/Fall Festival 2021 Project Manager

Subject: Fall Festival of the Arts (FFA) 2021 – Specifics of Financial Request

The FFA Committee met on August 12, 2020 via Zoom. We continue to have a strong core planning group and a larger group of artists and community members who support FFA. We are excited and dedicated and are asking the City for assistance in the amount of \$30,000 cash and in-kind. The FFA committee also wants to re-instate the sponsorship of BIPOC artists to add to the diversity of our event and mirror our community. This piece of the FFA has been dropped in the last 2 years, but we feel it is extremely important, especially in this current climate.

Our proposed budget is set in two Phases based on the CEP process. Phase 1 is for the time period of August 2020 through May/June 2021. We requested just under \$24,000 for Phase 1. For the last couple of years, the committee has realized in order to become the next Fine Art Festival Destination, we need professional help with coordination, sponsorship support, social media, and figure out how we can become sustainable over time. Without the appropriate professionals, we will not be able to reach a higher number of community members, tourists, or our goals as an art festival.

Phase 1 uses the majority of the funds (\$20,000) to hire Shannon Chisom of SRC Community Consulting. Shannon has been an Event Coordinator for over 20 years and lives in East Multnomah County. She has been a supporter of FFA and has volunteered some limited consulting advise with us over the last year. We believe Shannon's professional skills will give us the advantage we are needing to have better organization, sponsorship, and sustainability for FFA. *See Shannon's attached Proposed Deliverables.*

The remaining \$4000 would be used to hire a professional media specialist. Guy Edwards of Brainjar Media has worked on the FFA website and other social media over the last 6 years. Brainjar Media would provide website management, Facebook and Instagram Ads, graphic design and creation of postcards and posters over the course of the next year. Shannon will subcontract with Brainjar Media so there would be one point of contact. *See Guy's attached Proposed Deliverables.*

These are the things needed to get started, and where we need your support.

Phase 2 is scheduled June 2021 – October 2021. FFA would need to raise another \$35,000 for Phase 2. Our hope is that Shannon would be able to get sponsorships over the next 9 months to cover additional advertising including Television, Radio, Photography, Printing of Postcards and Posters, and Videography. It would also cover event setup such as the inside booth walls stored in the Boxcar, and Vendors and Booth fees. Event operations would include Entertainment, Sound System, Event Security, Shuttle, Covid 19 Products such as masks, hand sanitizer, and handwashing stations; Volunteer support, and FFA T-shirts.

FFA 2021 REVISED BUDGET (as of 8/25/2020)

Phase 1

| | |
|--|----------|
| 1. Professional Event Coordinator | \$20,000 |
| 2. Professional Social Media Specialist | \$ 4,000 |
| 3. Zapplication License – 1 year | \$ 2,000 |
| 4. Creation of a BIPOC sponsorship of artist/demos/entertainment | \$ 2,000 |

TOTAL COST PHASE 1 **\$28,000**

Phase 2

| | |
|---------------------|-----------|
| 1. Advertising | \$13,500 |
| 2. Event Setup | \$ 2,500 |
| 3. Event Operations | \$ 7,500 |
| 4. 2022 Reserves | \$ 10,000 |
| 5. Misc. | \$ 1,500 |

TOTAL COST PHASE 2 **\$35,000**

Total Cost of Event: **\$63,000**

8.13.2020

2021 Fall Festival of the Arts (FFA) Meeting Minutes

1. Committee Members Present on Zoom:
 - a. Ellen Green (Moderator), Amy Machesic, Loree Harrell, Lisa Black, Martha Denham, Shannon Chisom, Cindy Passanante, Sally Mackey
2. No questions or concerns on FFA update since January 2020
 - a. FFA is now independent from the Chamber of Commerce and a part of the new nonprofit Cascadia Art Association
3. We discussed FFA Committees
 - a. Core Committee: 8-12 people and Meets monthly to monitor planning progress
 - b. Sub-Committees: Sub-Committees will include but are not limited to the following areas. Zapplication and Artists and Vender Communication; Searching and Contracting with Authors, Musicians, Demonstrators; Social Media including website, Facebook, Instagram, email; Marketing; Sponsorships; other??
 - c. We had a long discussion about the website. Guy Edwards, as we were meeting, was able to pay for our website domain on Weebly for \$128 per year. We are requesting that each page not be Password protected and this could reduce our cost. Our website is now up and accessible.
www.fallfestivalofthearts.com
4. Troutdale City Council Meeting Scheduled for Tuesday, September 8, 2020
 - a. As requested by the City, Ellen will present a specific budget for 2021 FFA. There are presently two Phases; Fall 2020 and Spring/Summer 2021.
 - b. Ellen will contact Zapplication to update cost of transfer of the WCG Chamber of Commerce account to Cascadia Art Association.
 - c. Ellen will get a better estimate of graphic design, printing, and social media expenses.
5. **NEXT MEETING: WEDNESDAY, SEPTEMBER 9, 2020 AT 5:30PM VIA ZOOM**

SRC Community Consulting, LLC

2575 SE Orient Drive
Gresham, OR 97080
503.750.3785

Shannon@SRCCCommunityConsulting.com

SRC Community Consulting is interested in coordinating the Fall Festival of the Arts for the Cascadia Art Association. Event to be held September 18-19, 2021 at Glenn Otto Park in Troutdale Oregon. SRC Community Consulting has been working in the Portland Metro Area for over 20 years coordinating community events and fundraisers. Fall Festival of the Arts has a great foundation, and with the new leadership of CCA, we expect it to grow and promote Arts in the Troutdale area for years to come. The fee for coordination would be \$20,000. All sub-contractors to be paid from the Festival budget after approval by the committee.

Deliverables

- General event oversight and logistics of Fall Festival of the Arts
- Sponsorship development, including package revisions, promotions, recruitment and facilitation of payment collection
- Budget design/monitoring
- Coordinate necessary permits/licenses
- Entertainment recruitment, including scheduling
- Vendor coordination
- Volunteer coordination and recruitment support
- Coordination with Cascadia Art Association and other key stakeholders
- Coordinate with downtown businesses and other partner organizations as appropriate
- On-site day-of-event management (September 18-19, 2021)
- On-site management of all days of set-up and tear-down.
- Post-event wrap up for event, including debrief sessions with close-out reports
- Oversight of artist application/registration/jury process
- Oversight/Development of artist reception, interactive artist's events and charitable auction
- Hire/Coordinate Social Media/Marketing/Design Company to promote event over FFA website, CCA website, Facebook page, Instagram, other social media channels, print collateral, ad buys and other media.
- Oversee creation of umbrella marketing vehicle for FFA.
- Facilitate media buys, design and placement
- Oversee all marketing for event
- Coordinate update of ZAPP application software for artist/vendor application
- Coordinate design of event, to ensure compliance with all local/regional codes
- Coordinate supplies/equipment for event
- Oversee hiring of sub-contractors (SEO/website, sound, security, shuttle drivers, etc)
- Other tasks as agreed upon.

Guy Edwards
Brainjar Media
109 N. Main Street
Gresham, OR 97030

Brainjar Media is interested in providing the Fall Festival of the Arts 2021 for the Cascadia Art Association. The event to be held September 18-19, 2021 at Glenn Otto Park in Troutdale, Oregon. Brainjar Media has been working in the Portland and East Multnomah County for many years. The fee for social media management would be \$4,000 and would be subcontracted through SRC Community Consulting.

Deliverables

- Social Media Management
 - Website management and updating throughout the year
 - Facebook and Instagram
 - Targeted Ad placement for 3 months prior to event
- Graphic Design
 - Graphic Design and creation of postcards, poster, and other collateral as needed
- Online Oversight
 - Oversight of all online social media as needed throughout the year



CITY OF TROUTDALE



STAFF REPORT

SUBJECT / ISSUE: Traffic control and safety modifications to the Historic Columbia River Highway (HCRH) and Buxton Road intersection.

MEETING TYPE:
City Council Regular Mtg.

STAFF MEMBER:
Fred Ostler, Public Works Director

MEETING DATE:
September 8, 2020

DEPARTMENT:
Public Works

ACTION REQUIRED:
Information / Discussion

ADVISORY COMMITTEE/COMMISSION RECOMMENDATION:

PUBLIC HEARING:
No

N/A

Comments:

STAFF RECOMMENDATION: Staff recommends the installation of a three-way stop traffic control system with adjustments to the crosswalks, and signage.

EXHIBITS:

- A. PowerPoint Slides of Proposed Intersection Changes

SUBJECT / ISSUE RELATES TO:

Council Goals

Legislative

Other (describe)
Better Traffic Control

ISSUE / COUNCIL DECISION & DISCUSSION POINTS:

- ◆ Vehicle, bicycle and pedestrian safety.
- ◆ Too many unchecked traffic, bicycle and pedestrian movements that cause confusion and forces drivers, cyclist, and pedestrians to make rash and sometimes unsafe moves within the intersection.
- ◆ Too many east bound vehicles move through the intersection without realizing that the Buxton traffic cannot see them and travel through the unchecked intersection at unsafe speeds.

Reviewed and Approved by City Manager:

BACKGROUND:

Traffic control at the HCRH and Buxton intersection has been a long and ongoing problem. The volumes of cars, trucks, bicycles, and pedestrians all mix to create a dangerous intersection. The county has made several striping changes over the past decade, but nothing so far has really worked well to control the intermixing of the intersection users. The Multnomah County Transportation Division has provided an improved intersection plan to deal with east bound traffic at the Buxton and HCRH (Historic Columbia River Highway) intersection.

The recent traffic control and bike lane changes at the HCRH and Buxton Road intersection has produced unintended and dangerous consequences. The problem created by the new striping and traffic control is the vehicles going eastward and through the intersection are often visually blocked by a string of right turning vehicles that are going up Buxton, the blind spots created by the southbound traffic (heading up Buxton) gives the left hand turning (westbound) vehicles from Buxton a sense of a clear straight through lane, but too often the left turning Buxton cars enter the intersection to immediately realize that they have pulled in front of straight through cars and are facing a likely collision if one of the two cars (or both) don't take immediate and evasive action. This situation occurs throughout the day and when long traffic columns coming from the traffic queues (the stop lights) at the Intersection of Highway 257th and HCRH eastbound traffic creates a number of blind spots in the eastbound center lane for Buxton drivers turning left (westward) who can not see oncoming eastbound traffic coming straight through in the center lane until they actually pull into the intersection and have committed to making their left turn.

There are not enough checks on vehicle and pedestrian movements and vehicle speeds. Pedestrian crossings occur mainly on the east and south crosswalks. The elimination of the western cross walk, which is infrequently used, should be removed to simplify the many movements into and trough this intersection.

PROS & CONS:

Pros:

- Significantly reduces the potential for vehicle, pedestrian, and bicycle accidents.
- Significantly improves pedestrian safety at the intersection.
- Adds a speed check on vehicles traveling through the downtown corridor.
- Marks an entrance point to the downtown corridor.
- Adds a measure of safety to the downtown corridor.

Cons:

- None

| | | |
|---------------------------------------|--|---|
| 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 |
| City Attorney Approved: | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Community Involvement Process: | <input type="checkbox"/> Yes (<i>describe</i>) | <input checked="" type="checkbox"/> N/A |

HRCH/Buxton Intersection // Proposed Improvements

Concept 5

5

HRCH/Buxton Intersection // Proposed Improvements

County Request: Support Multnomah County to implement additional safety improvements.

Concept 5

6



CITY OF TROUTDALE



STAFF REPORT

SUBJECT / ISSUE: An ordinance amending Troutdale Municipal Code Chapter 12.07 relating to the sanitary sewer pretreatment program pursuant to federal and state law

MEETING TYPE:
City Council Regular Mtg.

MEETING DATE: September 8, 2020

STAFF MEMBER: Ryan Largura
DEPARTMENT: Public Works

ACTION REQUIRED
Ordinance - Adoption

ADVISORY COMMITTEE/COMMISSION RECOMMENDATION:
Not Applicable

PUBLIC HEARING
Yes

Comments:

STAFF RECOMMENDATION:

EXHIBITS:

A. Amended Chapter 12.07 (with redlines)

Subject / Issue Relates To:

- Council Goals
 Legislative
 Other (describe)

Issue / Council Decision & Discussion Points:

- ◆ Address corrective actions identified in Oregon Department of Environmental Quality pretreatment program audit
- ◆ Amend Chapter 12.07 of the Troutdale Municipal Code to align with federal and state regulations
- ◆ Adjust allowable pH range for wastewater to provide greater flexibility for wastewater dischargers

Reviewed and Approved by City Manager:

BACKGROUND:

The City of Troutdale (City) maintains a federally and state-mandated regulatory program to address indirect discharges of industrial and commercial wastewater to its publicly owned treatment works (POTW). The POTW is the City's Water Pollution Control Facility (WPCF, aka "sewer treatment plant"). The City's pretreatment program was approved in 2006 under the U.S. Environmental Protection Agency's (EPA) National Pretreatment Program, a component of EPA's National Pollutant Discharge Elimination System (NPDES) permit program. The City operates under a required NPDES wastewater discharge permit from the Oregon Department of Environmental Quality (DEQ) for its WPCF because it discharges treated effluent to the Sandy River. Schedule E of this NPDES permit outlines the pretreatment program requirements. DEQ has been delegated the Approval Authority by EPA of all pretreatment programs in the State of Oregon. In this capacity, DEQ conducted an audit in July of 2018 of the City's pretreatment program.

The industrial pretreatment audit report evaluated the City's compliance with current federal and state pretreatment regulations. DEQ identified corrective actions for the City to address pretreatment program deficiencies. The City's pretreatment program legal authorities established under Chapter 12.07 of the Troutdale Municipal Code is one area of deficiency identified by DEQ in core pretreatment program functions. Specifically, the City is to amend the temperature limits for wastewater received from industrial users and the penalty amount for civil and criminal violations.

In addition to the amendments required by DEQ, City staff proposes to expand the pH range currently accepted in industrial and commercial wastewater. The federal pretreatment regulations do not allow discharges with a pH below 5.0 standard units (SU), but do not set an upper limit. However, discharges above a pH of 12.5 SU are considered hazardous waste. Effluent from the WPCF averages between 6 to 7 SU and has an NPDES permit limit range of 6 to 9 SU. Existing City code limits pH of wastewater from industrial and commercial users to a range of 6 to 9 SU. City staff have concluded that allowing discharges with a pH up to 12 SU will not have a substantial negative impact on the City's WPCF effluent or permit compliance, while allowing industrial dischargers greater flexibility in the design and operation of their process pretreatment systems. Pursuant to Council's direction at the First Reading of the ordinance, staff has contacted businesses that may be impacted by the changes in the ordinance. Any responses will be communicated orally to Council at the Second Reading.

PROS & CONS:

Pros:

- Satisfies corrective action identified by DEQ in their pretreatment program audit
- Allows greater flexibility for industrial dischargers to meet expanded pH limit while still protecting POTW personnel, and the WPCF from interference and pass-through

Cons

- None

Current Year Budget Impacts Yes (*describe*) N/A

Future Fiscal Impacts: Yes (*describe*) N/A

City Attorney Approved N/A Yes

Community Involvement Process: Yes (*describe*) N/A

Public hearings held before City Council during 1st and 2nd reading of ordinance.

12.07.040 - Prohibited discharge standards.

- A. General Prohibitions. Discharge of industrial wastes into the POTW is prohibited unless in compliance with this chapter. No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements.
- B. Specific Prohibitions. No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:
1. Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than one hundred forty degrees Fahrenheit (sixty degrees Centigrade) using the test methods specified in 40 CFR 261.21;
 2. Wastewater having a pH less than 6.0 or more than ~~9-0~~ 12.0 unless otherwise specified in a permit, control mechanism or similar authorization issued by the City. Wastewater which may cause or otherwise causing corrosive structural damage to the POTW or City equipment, and/or endanger the health or safety of City personnel;
 3. Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference but in no case solids greater than one-half inch or 1.27 centimeters in any dimension;
 4. Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW;
 5. Wastewater having a temperature greater than 76.5 degrees Fahrenheit (24.7 degrees Centigrade), unless in accordance with the city's thermal load policy, or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceeds one hundred ~~four (104)forty~~ degrees Fahrenheit (forty (40)sixty degrees Centigrade);
 6. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;
 7. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
 8. Trucked or hauled pollutants;
 9. Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
 10. Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the city's NPDES permit;
 11. Wastewater containing any radioactive wastes or isotopes except as specifically approved by the director in compliance with applicable state or federal regulations;
 12. Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, non-contact cooling water, and unpolluted wastewater, including drainage resulting from infiltration and inflow through the user's service line, roof drains, catch basins, unroofed area drains or any other source, unless specifically authorized by the director.
 13. Sludges, screenings, or other residues from the pretreatment of industrial wastes or industrial processes;

14. Medical or infectious wastes, except as specifically authorized by the director in a wastewater discharge permit;
15. Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test;
16. Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW;
17. Fats, oils, or greases of animal or vegetable origin in concentrations greater than one hundred mg/l.
18. Any discharge that, in the opinion of the director could cause the city to violate the terms of its NPDES permit or could constitute a violation of state or federal laws.

[C.] Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW.

(Ord. 789 § 1 Att. 1 (part), 2007: Ord. 778 § 1 Att. A (part), 2006)

(Ord. No. 807, § 1(Att. A), 5-10-2011)

12.07.570 - Civil penalties.

- A. A user who has violated, or continues to violate, any provision of this chapter, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement ~~shall~~must be liable to the city for a ~~maximum~~ civil penalty of not less than one thousand dollars ~~(\$1,000) or more than twenty-five thousand dollars (\$25,000)~~ per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties ~~shall~~must accrue for each day during the period of the violation.
- B. The director may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages or fines incurred by the city.
- C. In determining the amount of civil liability, the court ~~shall~~must take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.
- D. Filing a suit for civil penalties ~~shall~~must not be a bar against, or a prerequisite for, taking any other action against a user.

(Ord. 789 § 1 Att. 1 (part), 2007: Ord. 778 § 1 Att. A (part), 2006)

12.07.580 - Criminal prosecution.

- A. A user who ~~willfully~~ or negligently violates any provision of this chapter, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement ~~shall~~must, upon conviction, be guilty of a misdemeanor, punishable by a fine of not ~~less-more~~ than one thousand dollars ~~(\$1,000) or more than twenty-five thousand dollars (\$25,000)~~ per violation, per day, or imprisonment for not more than one year, or both.
- B. A user who ~~willfully~~ or negligently introduces any substance into the POTW which causes personal injury or property damage ~~shall~~must, upon conviction, be guilty of a misdemeanor and be subject to a penalty of ~~not less than at least~~ one thousand dollars ~~(\$1,000) or more than twenty-five thousand dollars (\$25,000)~~, or be subject to imprisonment for not more than one year, or both. This penalty

~~shall~~must be in addition to any other cause of action for personal injury or property damage available under state law.

- C. A user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this chapter, wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter ~~shall~~must, upon conviction, be punished by a fine of not ~~less~~ ~~more~~ less than one thousand dollars ~~(\$1,000)~~ or more than twenty-five thousand dollars (\$25,000) per violation, per day, or imprisonment for not more than one year, or both.
- D. In the event of a second conviction, a user ~~shall~~must be punished by a fine of not ~~less~~ ~~more~~ less than three thousand dollars ~~(\$3,000)~~ or more than twenty-five thousand dollars (\$25,000) per violation, per day, or imprisonment for not more than three years, or both.

(Ord. 789 § 1 Att. 1 (part), 2007; Ord. 778 § 1 Att. A (part), 2006)

ORDINANCE NO.

AN ORDINANCE AMENDING TROUTDALE MUNICIPAL CODE CHAPTER 12.07 RELATING TO THE SANITARY SEWER PRETREATMENT PROGRAM PURSUANT TO FEDERAL AND STATE LAW

THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:

1. The City is required to meet federal and state law outlined in Code of Federal Regulations Part 403 and OAR 340-045-0063
2. The City is required to meet the Oregon Department of Environmental Quality corrective actions identified in its audit of the City's sanitary sewer pretreatment program.
3. The City determines an expanded pH range of received wastewater discharges grants more flexibility to industrial discharges without substantial negative impact to the City's POTW.

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

Section 1: Section 12.07040(B)(2) and (5) of the Troutdale Municipal Code are hereby amended to read as follows:

12.07.040 Prohibited Discharge Standards

- B. Specific Prohibitions. No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:
2. Wastewater having a pH less than 6.0 or more than 12.0 unless otherwise specified in a permit, control mechanism or similar authorization issued by the City. Wastewater which may cause corrosive structural damage to the POTW or city equipment; and/or endanger the health or safety of City personnel.
 5. Wastewater having a temperature greater than 76.5 degrees Fahrenheit (24.7 degrees Centigrade), unless in accordance with the City's thermal load policy, or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed one hundred four (104) degrees Fahrenheit (forty (40) degrees Centigrade);

Section 2: Section 12.07.570(A)(C)(D) of the Troutdale Municipal Code are hereby created to read as follows:

12.07.570 Civil Penalties

- A. A user who has violated, or continues to violate, any provision of this chapter, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement must be liable to the city for a civil penalty of not less than one thousand dollars (\$1,000) or more than twenty-five thousand dollars (\$25,000) per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties must accrue for each day during the period of the violation.
- C. In determining the amount of civil liability, the court must take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.
- D. Filing a suit for civil penalties must not be a bar against, or a prerequisite for, taking any other action against a user.

Section 3: Section 12.07.580(A)(B)(C) and (D) of the Troutdale Municipal Code are hereby created to read as follows:

- A. A user who willfully or negligently violates any provision of this chapter, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement must, upon conviction, be guilty of a misdemeanor, punishable by a fine of not less than one thousand dollars (\$1,000) or more than twenty-five thousand dollars (\$25,000) per violation, per day, or imprisonment for not more than one year, or both.
- B. A user who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage must, upon conviction, be guilty of a misdemeanor and be subject to a penalty of not less than one thousand dollars (\$1,000) or more than twenty-five thousand dollars (\$25,000), or be subject to imprisonment for not more than one year, or both. This penalty must be in addition to any other cause of action for personal injury or property damage available under state law.
- C. A user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this chapter, wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter must, upon conviction, be punished by a fine of not less than one thousand dollars (\$1,000) or more than twenty-five thousand dollars (\$25,000) per violation, per day, or imprisonment for not more than one year, or both.
- D. In the event of a second conviction, a user must be punished by a fine of not less than three thousand dollars (\$3,000) or more than twenty-five thousand dollars

(\$25,000) per violation, per day, or imprisonment for not more than three years, or both.

Section 4: This ordinance shall become effective 30 calendar days form the date of adoption.

YEAS:
NAYS:
ABSTAINED:

Casey Ryan, Mayor

Date

Sarah Skroch, City Recorder
Adopted:



CITY OF TROUTDALE



STAFF REPORT

SUBJECT / ISSUE: An Ordinance Adopting Text Amendments to Chapters 1, 3, 5, and 6 of the Troutdale Development Code.

MEETING TYPE:
City Council Regular Mtg.

STAFF MEMBER:
Chris Damgen

MEETING DATE:
September 8, 2020

DEPARTMENT:
Planning

ACTION REQUIRED:
Ordinance - Adoption

ADVISORY COMMITTEE/COMMISSION RECOMMENDATION:

PUBLIC HEARING:
Yes

Approval

Comments: Planning Commission from 8/18/20 voted 4-2 in favor of recommending approval.

STAFF RECOMMENDATION: Approval

EXHIBITS:

- A. Planning Commission Staff Report (hearings on 7/15/20 and 8/11/20)
- B. Proposed Text Amendments in Chapters 1 & 3 – Amended from 8/25/20 Hearing
- C. Map of Light Industrial zoning district - Amended from 8/25/20 Hearing
- D. Written testimony received at 8/25/20 hearing

SUBJECT / ISSUE RELATES TO:

- Council Goals Legislative Other (describe)

Increasing potential land uses in the light industrial zoning district which could bring at least two properties into zoning compliance and may increase business interest.

ISSUE / COUNCIL DECISION & DISCUSSION POINTS:

- ◆ Storage facilities are currently not an allowed use within the City, however there are several facilities like it in the City that are operating (mini storage)
- ◆ Storage facilities have not been defined in the Code and would be established to allow for indoor, outdoor, or portable storage as a primary use of a property.
- ◆ Review Exhibit B for amendments to Chapters 1 & 3 and the original Staff Report (Exhibit A) for additional context and minor amendments to Chapters 4, 8, and 9 to the Code.
- ◆ Consider testimony received already or given at public hearing and entertain any amendments or motions.

Reviewed and Approved by City Manager:

BACKGROUND:

This text amendment proposal to the Troutdale Development Code (TDC) is primarily concerned with the concept of storage facilities, which include traditional “mini-storage” facilities in addition to impound lots that are used for the storage of shipping containers. The amendment will seek to address the following:

Establishing a definition for storage facilities. Storage facilities differ from accessory storage, which is incidental to the primary land use of a property. They also differ from warehousing, which are typically used by one operator and are not typically rentable to the public.

Allowing for storage facilities to be potentially located in the City. The current version of the TDC was approved in 2017. Storage facilities were not defined and are not listed as a permitted or conditional use in any zoning district in the City. This would allow for them to be located in the Light Industrial (LI) zoning district via a conditional use approval by the Planning Commission.

***** Proposed Changes from 8/25/20 City Council Meeting. *****

At Council’s direction, Staff has amended the text amendment proposal to limit the allowance for storage facilities in the LI zoning district to areas within a one-quarter (1/4) mile radius of the eastern overpasses of Interstate 84 at Exit 17 (over 257th Drive). This would prohibit storage facilities to be located in any other parcel zoned LI in the city and still require conditional use approval by Planning Commission in the radial area proposed (Exhibit C). This text change is added to Chapter 3 (Exhibit B). Similar radial standards have precedence in the City; one such example is restricting marijuana facilities from certain distances of parks or school facilities.

The reason for using a centroid point that is based on a transportation facility is tied to an expectation that this land use will inevitably generate traffic, particularly truck traffic. Limiting storage facilities to LI zoned properties reduces the concern for increased truck traffic in other areas of LI where the impact on adjacent development could be more detrimental to quality of life and general traffic safety concerns.

CONDITIONAL USE PROCESS:

The text amendment proposes a “conditional use” standard for storage facilities. With a conditional use process, each application is reviewed by Planning Commission on a case-by-case basis with a staff recommendation. A public notice goes out to surrounding properties who can provide comment at a hearing and can appeal a decision. Planning Commission can approve or deny an application based on decision criteria in the development code.

Planning Commission can also add conditions to an approval, such as heightened landscaping, lighting, or screening standards. The Commission imposed conditions are designed to protect surrounding properties and the neighborhood from the negative impacts of the use. This is different from a “permitted use” which allows certain types of development without any special conditions.

Because the nature of storage facilities can be broadly applied, Staff felt it would be an important to have Planning Commission evaluate each application on a case-by-case basis rather than

attempt to put blanket design or operational standards on an application through a permitted land use process (Staff decision).

REASONS FOR APPLICATION:

Past Philosophy. Historically Troutdale has had aversions to storage facilities for a variety of reasons and has taken actions in the past to remove them from the Development Code. The primary thoughts were typically focused on “mini-storage” facilities that had been developed in the 1990s that took on valuable commercial and industrial properties. Given that these facilities have limited employment, there were reasonable concerns that these types of facilities were not of “highest and best use” to maximize employment opportunities within the City. Since the last time this topic had been truly debated, the City’s industrial properties have largely developed and thousands of jobs have been added to the City.

Current Challenges. In writing out storage facilities altogether, Troutdale has in effect grandfathered several facilities that are no longer in conformance with the Development Code. In addition, there are grey areas that have emerged on how properties may provide storage accommodations. Storage facilities are not just traditional “fortress style” mini-storage facilities. They can include impound lots for cargo shipping containers. They can also include storage units that are contained within a larger enclosed building.

Business Considerations. Staff has fielded a number of calls in recent years from those pursuing due diligence on properties seeing if that type of business is allowed. Because of the nonconforming situations and the potential loss of prospective development and business.

ANALYSIS:

Balancing Concerns with Opportunity. Staff has set forth a proposal to see if storage facilities can be an appropriate use in the City. In doing so, Staff is proposing that it be considered as a conditional use within the Light Industrial (LI) zoning district. This zoning district occupies a relatively narrow band that separates residential and commercial properties from more intense industrial uses north of the freeway. Less than two dozen properties would be affected, and of them, at least two currently have storage facilities located upon them.

Planning Commission Approval. Providing a conditional use route requires that Planning Commission be tasked with evaluating each proposal. This allows for conditions to be placed on property that can help mitigate operational, aesthetic, or environmental concerns for a property. Furthermore, Staff believes restricting this type of land use to just a particular portion of the LI zoning district will offer a measure of control to limit these opportunities to smaller industrial properties as opposed to larger tracts which should be reserved for more economically impactful development.

PROS & CONS:

Pros:

- Provides a clear definition for storage facilities that distinguishes it from warehousing or accessory/incidental storage that occurs on other properties
- Provides certain properties to be considered via a conditional use process the chance to develop or redevelop with this type of land use
- Allows at least two of the four businesses in the City of this type to come into general conformance with the Development Code
- Is limited to a smaller zoning district.
- Responds to a market demand that suggests the need for these types of facilities.

Cons:

- Storage facilities do not employ many people and have in the past not been seen as development that is of the highest and best use for commercial/industrial property
- Previous storage facility development have not been seen as attractive development and have not been well-received by past City Councilors and the public at large.

Current Year Budget Impacts: Yes (*describe*) N/A

Future Fiscal Impacts: Yes (*describe*) N/A

City Attorney Approved: Yes N/A

Community Involvement Process: Yes (*describe*) N/A

Planning Commission held two formal hearings on the matter on July 15, 2020 and August 11, 2020. A work session on this topic was held in May 2020. City Council held its first hearing on August 25, 2020 in which members of the public provided testimony that shaped this proposal.

STAFF REPORT – PLANNING COMMISSION HEARING

| | | |
|------------------------------|---|---|
| CASE FILE: | 75-04 Storage Facilities | NOTE! <i>Please review City Council Staff Reports dated from August 25 and September 8 for updates to this text amendment based on testimony and deliberation at the public hearings.</i> |
| STAFF REPORT DATE: | Wednesday, July 1, 2020 | |
| HEARING DATE: | Wednesday, July 15, 2020 | |
| STAFF / APPLICANT: | Chris Damgen, Community Development Director | |
| SUBJECT: | Proposed Text Amendment to the Troutdale Development Code | |
| REQUESTS: | Establish “storage facility” and “storage, accessory” as land use definitions; allow storage facilities as a conditional use in the Light Industrial (LI) zoning district; modify definition of “warehouse”; provide clarity and context for the aforementioned definitions in other sections of the Code (TDC) | |
| APPLICABLE CRITERIA: | TDC Sections 2.065 and 6.1100 | |
| STAFF RECOMMENDATION: | Approval (a recommendation to City Council for approval) | |

1. BACKGROUND

The City of Troutdale has received several inquiries that relate to the concept of storage facilities. At present, the Troutdale Development Code (TDC) has ambiguous standards that relate to this type of land use, which as proposed would provide “leasable space to the public where materials and goods may be stored by lessees in an outdoor, indoor, or portable setting.” Historically, there have been concerns about allowing for this type of land use, though a recent uptick in demand warrant a fresh review on the matter.

The most obvious type of storage facility is commercial self-storage or mini-storage facilities. At present, there are three such establishments that exist in Troutdale, though all three were established prior to the current development code, which has effectively prohibited these types of uses based on Council direction and Staff interpretation. Other types of storage facilities could include shipping container and boat/RV storage that is unaffiliated with sales or service.

The primary motive of this application is to define “storage facility” and provide the consideration of the land use through a conditional use in the Light Industrial zoning district. The application would provide clear differentiation between a storage facility, a warehouse, and basic storage that is associated with a primary land use but is incidental (proposed as accessory storage). Lastly, the application would provide additional details on “storage” in other TDC sections.

2. REVIEW TIMELINE

The current Troutdale Development Code was adopted in 2017 [Ordinance No. 842]. The most current version of the TDC into effect on January 17, 2019 [Ordinance No. 851]. The Troutdale Planning Commission held a discussion item on this matter at its April 29, 2019 special meeting. A Post-Acknowledgment Plan Application (PAPA) was submitted to the Oregon Department of Land Conservation and Development on Wednesday, May 13, 2020 to alert the agency of the City's intentions. The initial public hearing was originally scheduled for Wednesday, June 16, 2020 but was postponed to Wednesday, July 15, 2020 to accommodate a Planning Commission work session on Thursday, May 28, 2020. The proposed amendments were thus drafted to meet required timeframes for review, thus requiring the delay. It is anticipated the City Council hearing dates will be Tuesday, August 25, 2020 for the first reading and Tuesday, September 8, 2020 for the second reading and potential approval and adoption of a correlating ordinance.

3. PROPOSED TEXT AMENDMENTS

Sections that are to be affected by the proposed amendments are included as Attachment A of this report. The following text is a summary of the proposed amendments:

CHAPTER 1 - DEFINITIONS

There is one (1) section amendment proposed for this chapter. Due to these added definitions, a renumbering of definitions within this section will also be required.

Section 1.020 General Definitions

Staff is proposing **add and amend the following definitions** in order to provide clear definitions and distinctions on storage facilities (amended language in **bold**):

***(NEW)** .126 Storage, Accessory. The safekeeping of materials and goods at a location of which the principal use is not a storage facility and its presence at a location is considered incidental to the principal use.*

***(NEW)** .127 Storage Facility. An establishment of which the principal use is providing leasable space to the public where materials and goods may be stored by lessees in an outdoor, indoor, or portable setting. Storage facilities include self-storage establishments that cater to residential and non-residential clientele but shall not include commercial or industrial warehouses (See Warehouse).*

(AMENDED)** ~~.138~~ .140 Warehouse. A building used primarily for the storage of materials or goods for use on the site or later distribution **that is controlled by a single operator with public access restrictions. Warehouses shall not include storage facilities (See Storage Facility).

CHAPTER 3 – ZONING DISTRICTS

There are four (4) section amendments proposed for this chapter:

3.122 Permitted Uses (General Commercial – GC)

Staff is proposing the following edit (in **bold**):

*D. Service uses that are completely enclosed building other than outside **accessory** storage of merchandise, supplies, or outside work areas all of which must be screened from the public right-of-way and adjacent residential, apartment, and NC districts.*

3.161 Purpose (Light Industrial – LI)

Staff is proposing the following edit (in **bold**):

THIS PORTION IS SUPERSEDED
Please review City Council Staff Reports dated from August 25 and September 8 for updates.

*Purpose. This district is primarily intended for light, clean industries usually of a manufacturing or storage nature with **little limited** outdoor storage. These industries usually do not require rail access and have very little process visibility. They usually create little or no air or water pollution and have few, if any, nuisance factors such as **outdoor accessory storage**, bright yard lights, continuous noise or objectionable odors. Professional offices and limited retail sales are permitted in compliance with the Troutdale Development Code. Uses within the LI District may be located adjacent to residential uses with appropriate buffering.*

3.163 Conditional Uses (Light Industrial – LI)

Staff is proposing adding "**Storage facilities**" as a conditional use. In addition to the addition of this use, a partial renumbering of the

THIS PORTION IS SUPERSEDED
Please review City Council Staff Reports dated from September 8 for updates.

3.171 Purpose (General Industrial – GI)

Staff is proposing the following edit (in **bold**):

*Purpose. This district is primarily intended for manufacturing industries, large-scale fabricators, freight and trucking firms, primary metals, and lumber, etc., that usually require highway access and/or rail service. These firms usually have a high degree of process visibility and need outdoor **primary or accessory** storage of materials and products. These industries are likely to create minor air and water pollution, as well as noise and odor, and the generation of truck, shipping, or rail traffic. Non-industrial uses of a commercial nature are permitted in compliance with the Troutdale Development Code.*

CHAPTER 4 – ZONING DISTRICT OVERLAYS

There is one (1) section edit proposed for this chapter.

4.112 Permitted Uses within the Airport Approach Safety Zone

Staff is proposing the following edit (in **bold**):

*C. Roadways, parking areas, and **accessory** storage yards located in such a manner that vehicle lights will not make it difficult for pilots to distinguish between landing lights and vehicle lights or result in glare, or in any way impair visibility in the vicinity of the landing*

CHAPTER 8 – SITE AND DESIGN STANDARDS

There is one (1) section edit proposed for this chapter.

8.030 Pedestrian Walkways

Staff is proposing the following edit (in **bold**):

A. Number and Placement

(...)

*6. Pedestrian walkways are required between those parts of a site that people on the site normally would walk between. Walkways are not required between buildings or portions of a site which are not intended for, or likely to be used by, pedestrians. Such buildings and features include truck loading docks, warehouses not including office/warehouse combinations, automobile sales lots, temporary uses, outdoor **accessory** storage areas, etc.*

CHAPTER 9 – PARKING

There is one (1) section edit proposed for this chapter.

9.025 Industrial Off-Street Parking Space Requirements.

Staff is proposing the following edit (in **bold**):

*(Type of Use) Storage **facility**, warehouse, or manufacturing establishment; air, rail, or trucking freight terminal*

Note: An available condition that may be placed on an approval for a conditional use may be to increase the number of off-street parking or loading spaces or area. [TDC 6.325.C]

4. PROPOSED FINDINGS

TDC Section 2.065 specifies that the City Council is the decision-making body for text amendment applications after the Planning Commission forwards a recommendation for their consideration. Planning Commission is charged with making a finding for each applicable criterion point as listed in TDC Section 6.1120. Listed below are draft findings prepared by Staff for Planning Commission to review and amend as needed upon the conclusion of the public hearing portion of the meeting and prior to a vote for recommendation.

A. The proposed change to the Development Code does not conflict with applicable Comprehensive Land Use Plan goals or policies.

The amendments proposed seek to define and distinguish storage as a concept. Accessory storage occurs on properties in most existent land use designations and zoning districts. The application seeks to define a storage facility and to distinguish it from accessory storage and warehousing. By seeking to establish a conditional use designation for storage facilities in only one zoning district (Light Industrial), the City is provided with additional protections to evaluate any future proposals to determine its conformance with the Comprehensive Land Use Plan goals and policies in addition to the purpose statement in the LI zoning district. The slight modifications proposed to the purpose statements do not drastically change the spirit and intent of the district. **The criterion is met.**

B. The proposed change is consistent with the applicable Statewide Planning Goals.

The majority of the amendments proposed in this application are not substantive in a way that would alter or jeopardize conformance to Statewide Planning Goals. In particular, Goal 9 (Economic Development) speaks to the need for cities to have enough land available to realize economic growth and development opportunities. Based on citizen and Staff testimony that suggests there is economic interest in storage facilities, providing an opportunity through a conditional use process for such a land use to exist in the City meets the spirit of the statewide planning goal. **The criterion is met.**

C. The proposed change is consistent with the applicable provisions of Metro Code.

Chapter 3.07 of the Metro Code contains the Urban Growth Management Functional Plan ("Functional Plan"). Title 4 of the Functional Plan contains standards for "Industrial and Other Employment Area". Title 4 "seeks to provide and protect a supply of sites for employment by limiting the types and scale of non-industrial uses in Regionally Significant Industrial Areas (RSIAs), Industrial and Employment Areas." The zoning districts that are directly affected by this application are industrial zoning districts in a designated Employment Area according to Metro's 2040 Growth Concept Map.

The City acknowledges that storage facilities is not a land use that generates significant employment; however, this land use is still instrumental in supporting capacities and economic opportunities for adjacent land uses, including industrial ones. By listing storage facilities as a conditional use in the Light Industrial zoning district and not allowing for it in the General Industrial zoning district, the City remains in conformance with the spirit and intent of Title 4. It allows for a case-by-case analysis of each application. Furthermore, a significant majority of the City's Employment Area designation is zoned for General Industrial in which storage facilities would not be allowed, thus significantly limiting any concerns about losing "highest and best use" potential in this area. **The criterion is met.**

D. Public need is best satisfied by this particular change.

Providing clear definitions for storage facilities, accessory storage, and warehouses improves the public's understanding and expectation for these three land uses. Historic precedent has suggested that certain kinds of storage facilities have not been popular in Troutdale and were thus no longer allowed in the City. However, the economic situation and repeated expressed interest by investors looking to establish this type of business in Troutdale suggests that a limited area of the City would be appropriate for this type of use. An existing storage facility is currently in nonconformance within the Light Industrial zoning district. Two other storage facilities are in commercial zoning districts where there is less popular appeal for introducing this land use. Therefore, allowing this use to be better defined and allowed with conditional use approval provides a level of compromise that balances the community concern with economic interest and demand. **The criterion is met.**

E. The change will not adversely affect the health, safety, and welfare of the community.

It is not anticipated that there are health concerns that stem from the introduction and establishment of storage facilities as a conditional land use. Standards are in place that would restrict hazardous materials from being stored in these locations, often relying upon fire and life safety codes to provide regulations. In the realm of safety, there is an inherent need to secure these types of facilities. Most facilities will often rely on perimeter fencing, security check-ins, and caretaker units to provide security for goods and materials that are stored within a facility.

Lastly, providing an additional way for individuals or companies to store their goods and materials may also improve the general welfare of their community. As an example, offering additional areas for storage could then reduce storage burdens on residential and commercial properties. It benefits not only those properties but also those around them, as unsightly or objectionable storage could potentially be located on a premise that more effectively screens them. **The criterion is met.**

5. STAFF RECOMMENDATIONS

Staff offers the following recommendations for the conduct of the July 15, 2020 public hearing for the proposed amendments to the Troutdale Development Code.

- A. Conduct a public hearing and receive all public testimony relating to the application.
- B. Consider the public testimony and the facts and findings presented in the staff report and deliberate on policy issues, proposed amendments, and other issues identified by the Commission, Staff, other public entities, or the public.
- C. Recommend approval of the proposed text amendments to the City Council for its consideration for its meeting and subsequent public hearing.

- .123 Sign. Refer to Section 10.015 for all definitions for signs.
- .124 Single-Family Dwelling or Single-Family Residence. See Dwelling, Single-Family Detached.
- .125 Site and Design Review Committee. A committee chaired by the Director to review applicable development proposals for compliance to the provisions of this Code.
- ~~.126~~ Storage, Accessory. The safekeeping of materials and goods at a location of which the principal use is not a storage facility and its presence at a location is considered incidental to the principal use.
- ~~.127~~ Storage Facility. An establishment of which the principal use is providing leasable space where materials and goods may be stored by lessees in an outdoor, indoor, or portable setting, but not including tents. Storage facilities include self-storage establishments that cater to residential and non-residential clientele but shall not include commercial or industrial warehouses (See Warehouse).
- ~~.128~~ Street Lighting. The total system of wiring, poles, arms, fixtures, and lamps, including all parts thereof that are necessary to light a street or pedestrian way.
- ~~.129~~ Street, Private. A thoroughfare or street providing a means of access to a property or properties which is not owned by the City or other public entity.
- ~~.130~~ Street, Public. A publicly owned thoroughfare or right-of-way acquired for use by the public which affords a principal means of access to abutting property.
- ~~.131~~ Studio. A location where an ancillary form is created or practiced, such as an artist, a musician, dramatic arts or dance studio. Also includes light fabrication or manufacturing of individual pieces of art including welding, riveting, and use of a kiln, glass furnace, or foundry when such heat producing facilities comply with all Building Code requirements and crucibles do not exceed one (1) gallon in size.
- ~~.132~~ Subdivision. To divide land to create four (4) or more lots within a calendar year, when such area or tract of land exists as a unit or contiguous units of land at the beginning of such year.
- ~~.133~~ Townhouse or Townhome. See Dwelling, Single Family Attached.
- ~~.134~~ Transit Facility. A facility intended to accommodate and assist transit users. Transit facilities include light rail transit stations, park and ride lots for transit riders, transit centers, transit shelters, bus turnout lanes, and transit stops.
- ~~.135~~ Transit Street. Any street identified as an existing or planned bus or light rail transit route.

- .134136 Triplex. See Dwelling, Triplex.
- .135137 Two-Family Dwelling. See Dwelling, Duplex.
- .136-138 Utility Facility, Major. Administrative offices and operation centers, wet system pump stations, sewage treatment plants and lagoons, electric generation facilities (other than small scale accessory wind turbines or solar panels intended to generate electricity for onsite uses), sanitary landfills, pump stations, substations (transmission and distribution), water towers and reservoirs, public wells (aboveground), telephone switching equipment, communication receiver, transmission facilities, and ancillary equipment, telecommunication towers and poles, and drinking water treatment facilities.
- .137139 Utility Facility, Minor. Street lights; underground lines and pipes; underground wells; transformers and regulator stations; closed system sanitary pump stations; and private, on-site facilities such as septic tanks, wells, and catch basins.
- .138140 Warehouse. A building used primarily for the storage of materials or goods for use on the site or later distribution that is controlled by a single operator with public access restrictions. Warehouses shall not include storage facilities (See Storage Facility).
- .139141 Water dependent development. Any use that is dependent on navigable waterway access and or use.
- .140142 Windscreens. A fence-like structure, not to exceed six (6) feet in height, on the north or east side of a residential building only, and used to reduce the wind velocity at exterior doors.
- .141143 Yard. A required open space on a lot that is unoccupied and unobstructed except for permitted projecting building features and accessory buildings.
- .142144 Yard, Front. An open space extending the full width of the lot between a building and the front lot line, unoccupied and unobstructed from the ground upward, except as authorized by this Code.
- .143145 Yard, Rear. An open space extending across the full width of the lot between the main building and the rear lot line, unoccupied and unobstructed from the ground upward, except as authorized by this Code. Where there is no rear lot line, the depth of the rear yard shall be the distance from a ten-foot line parallel to the front lot line, measured from one side line to the other.
- .144146 Yard, Side. An open space between any building and the side lot line, unoccupied and unobstructed from the ground upward, except as authorized by this Code.
- .145147 Yard, Street Side. An open space adjacent to a street that is not a front yard, unoccupied and unobstructed from the ground upward, except as authorized by this Code.

3.160 LIGHT INDUSTRIAL**LI**

3.161 Purpose. This district is primarily intended for light, clean industries usually of a manufacturing or storage nature with ~~little-limited~~ outdoor accessory storage. These industries usually do not require rail access and have very little process visibility. They usually create little or no air or water pollution and have few, if any, nuisance factors such as bright yard lights, continuous noise, ~~or~~ objectionable odors, or significant outdoor accessory storage. Professional offices and limited retail sales are permitted in compliance with the Troutdale Development Code. Uses within the LI District may be located adjacent to residential uses with ~~appropriate~~ adequate buffering.

3.162 Permitted Uses. The following uses and their accessory uses are permitted in the LI district:

- A. Secondary manufacturing, except any use having the primary function of storing, utilizing, or manufacturing toxic or hazardous materials as defined by the Department of Environmental Quality.
- B. Processing facilities, except any principal use involving the rendering of fats, the slaughtering of fish or meat, or the fermenting of foods such as sauerkraut, vinegar, or yeast. This limitation shall not apply to the processing or manufacturing of beer, wine, bread, jam, and similar items.
- C. Distribution centers.
- D. Airport and related uses as defined by the Airport Planning Rule (OAR 660-013-0100), including airport supportive commercial and industrial uses such as maintenance facilities, hangars, aircraft tie-downs, passenger parking, and flight schools.
- E. Warehouses.
- F. Utility facilities, minor.
- G. Research and development companies, experimental or testing laboratories.
- H. Trade or commercial schools whose primary purpose is to provide training to meet industrial needs.
- I. Public parks, parkways, trails, and related facilities.
- J. One caretaker residence in conjunction with an existing industrial use.
- K. Corporate headquarters.
- L. Professional offices.
- M. Medical and dental clinics.

- N. Product sales, service, and/or display accessory to any manufacturing, fabricating, or processing use, provided the sales, service, and/or display area does not exceed fifteen percent (15%) of the gross floor area, or three thousand (3,000) square feet, whichever is less.
- O. Wineries, breweries, and distilleries.
- P. Mobile Food Vendor operating a Food Stand, Food Cart, or Food Trailer in accordance with Section 5.200.
- Q. Other uses similar in nature to those listed above.

3.163 Conditional Uses. The following uses and their accessory uses are permitted as conditional uses within a LI district:

- A. Heliports accessory to permitted or approved conditional uses.
- B. Retail, wholesale, and discount sales and services, including restaurants, banks, dry-cleaners, and similar establishments, with or without drive-up or drive-through window service, subject to the provisions of Subsection 3.165(E) of this Chapter.
- C. Community service uses.
- D. Utility facilities, major.
- E. Automobile, truck, trailer, heavy equipment, recreational vehicle, boat and manufactured home sales, rentals, and repair shops.
- F. Card-lock fueling stations, truck stops, service stations, tire shops, and oil change facilities.
- G. Motels or hotels, including banquet rooms, conference, or convention centers.
- H. Commercial sports complexes including, but not limited to, health clubs, tennis courts, aquatic centers, skating rinks, and similar facilities.
- I. Child care facilities and similar facilities.
- J. Marijuana Facilities licensed and authorized under state law, when not located within one thousand (1,000) feet of real property which is the site of a public or private school or a public park. For purposes of this subsection, “within one thousand (1,000) feet” means a straight line measurement in a radius extending for one thousand (1,000) feet in every direction from any point on the boundary line of the real property comprising an existing public or private school or public park. This buffer shall not apply to new schools or parks located within one thousand (1,000) feet of an existing Marijuana Facility.

K. Storage facilities, when located within one-quarter mile (1/4 mile) of the eastern overpasses of Interstate 84 at Exit 17. For purposes of this subsection, “within one-quarter mile (1/4 mile)” means a straight line measurement in a radius extending for one thousand three hundred twenty (1,320) feet in every direction from the point positioned on the centerline of 257th Drive situated exactly in between the eastbound and westbound bridges of Interstate 84 at Exit 17.

KL. Other uses similar in nature to those listed above.

3.164 Dimensional Standards.

A. Setbacks.

1. Front yard setback: Minimum of twenty (20) feet.
2. Side yard setback: Minimum of ten (10) feet.
3. Rear yard setback: None.
4. Additional setback requirements: If any use in this district abuts or faces any residential zoning district, a setback of fifty (50) feet from the property line or centerline of an intervening public street, on the side abutting or facing the residential zoning district shall be required.
5. Setbacks for insufficient right-of-way: Setbacks shall be established when a lot abuts a street having insufficient right-of-way width to serve the area. The necessary right-of-way widths and the setback requirements in such cases shall be based upon the Comprehensive Land Use Plan and applicable ordinances and standards.

B. Height Limitation. The maximum height for any structure shall be forty-five (45) feet unless otherwise limited by the Federal Aviation Administration.

C. Lot Area. There shall be no minimum lot size in the Light Industrial Zone.

3.165 Additional Requirements.

- A. Unless otherwise provided in this Code, compliance with Chapters 8 and 11 relating to design review and landscaping is required.
- B. All lots shall have frontage or approved access to public streets, public water, and public sewer before development is allowed.
- C. Off-street parking spaces shall be provided in accordance with the requirements of Chapter 9, Off-Street Parking and Loading, of this Code.

- D. Development is subject to compliance with any applicable overlay zoning district standards.
- E. In order to ensure that certain permitted and conditional non-industrial uses are primarily intended to serve the needs of workers in the immediate area, professional offices; medical and dental clinics; and retail, wholesale, and discount sales and services shall not exceed five thousand (5,000) square feet of gross leasable area. If there are multiple businesses within these categories of uses that occur within a single building or within multiple buildings that are part of the same development project, then the cumulative gross leasable area for all these businesses shall not exceed twenty thousand (20,000) square feet.

DRAFT

3.170 GENERAL INDUSTRIAL**GI**

3.171 Purpose. This district is primarily intended for manufacturing industries, large-scale fabricators, freight and trucking firms, primary metals, and lumber, etc., that usually require highway access and/or rail service. These firms usually have a high degree of process visibility and need outdoor primary or accessory storage of materials and products. These industries are likely to create minor air and water pollution, as well as noise and odor, and the generation of truck, shipping, or rail traffic. Non-industrial uses of a commercial nature are permitted in compliance with the Troutdale Development Code.

3.172 Permitted Uses. The following uses and their accessory uses are permitted in the GI district:

- A. Any permitted use within the LI zoning district.
- B. Primary manufacturing.
- C. Use of toxic or hazardous materials in the manufacturing process, and temporary storage of toxic or hazardous material by-products.
- D. Freight and trucking firms.
- E. Automobile, truck, trailer, heavy equipment, recreational vehicle, boat and manufactured home sales, rentals, and repair shops.
- F. Card-lock fueling stations, truck stops, service stations, tire shops, and oil change facilities.
- G. Utility facilities, major and minor, except for the following which require conditional use approval: sanitary landfills, recycling centers, and transfer stations, sewage treatment plants and lagoons, and telecommunication towers or poles.
- H. Marinas.
- I. Marine Industrial/Marine Service Facilities.
- J. Mobile Food Vendor operating a Food Stand, Food Cart, or Food Trailer in accordance with Section 5.200.
- K. One caretaker residence in conjunction with an existing industrial use.
- L. Other uses similar in nature to those listed above.

3.173 Conditional Uses. The following uses and their accessory uses are permitted as conditional uses within the GI district:

- A. Child care facilities and similar facilities.

- B. Community service uses.
- C. Concrete or asphalt manufacturing plants.
- D. Sanitary landfills, recycling centers, and transfer stations.
- E. Sewage treatment plants and lagoons.
- F. Telecommunication towers and poles.
- G. Junk yards.
- H. Residential dwelling/hangar mixed uses when the hangars are served by a taxiway with direct access to the Troutdale Airport Runway. The use shall be subject to the following requirements:
 - 1. Approval from the Port of Portland.
 - 2. Approval from the Federal Aviation Administration.
 - 3. No separate accessory structures are allowed.
- I. Heliports accessory to permitted or approved conditional uses.
- J. Commercial sports complexes including, but not limited to, health clubs, tennis courts, aquatic centers, skating rinks, and similar facilities.
- K. Commercial uses, not to exceed forty thousand (40,000) square feet of floor area.
- L. Processing facilities whose principal use involves the rendering of fats, the slaughtering of fish or meat, or the fermentation of foods such as sauerkraut, vinegar, and yeast.
- M. The manufacturing or storing of toxic or hazardous materials when done in compliance with federal and state regulations.
- N. Marijuana Facilities licensed and authorized under state law, when not located within one thousand (1,000) feet of real property which is the site of a public or private school or a public park. For purposes of this subsection, “within one thousand (1,000) feet” means a straight line measurement in a radius extending for one thousand (1,000) feet in every direction from any point on the boundary line of the real property comprising an existing public or private school or public park. This buffer shall not apply to new schools or parks located within one thousand (1,000) feet of an existing Marijuana Facility.
- O. Marijuana Processors licensed and authorized under state law, when not located within one thousand (1,000) feet of real property which is the site of a public or private school or a public park. For purposes of this subsection, “within one thousand (1,000) feet” means

a straight line measurement in a radius extending for one thousand (1,000) feet in every direction from any point on the boundary line of the real property comprising an existing public or private school or public park. This buffer shall not apply to new schools or parks located within one thousand (1,000) feet of an existing Marijuana Processor.

P. Other uses similar in nature to those listed above.

3.174 Dimensional Standards.

A. Setbacks.

1. Front: Twenty (20) feet.
2. No side or rear yard setbacks unless the property abuts a parcel of land in a more restrictive manufacturing or commercial district, in which case the requirements of the abutting zoning district shall apply.
3. Additional setback requirements: If any use in this district abuts or faces any residential zoning district, a setback of fifty (50) feet from the property line or centerline of an intervening public street, on the side abutting or facing the residential or apartment district shall be required.
4. Setbacks for insufficient right-of-way: Setbacks shall be established when a lot abuts a street having insufficient right-of-way width to serve the area. The necessary right-of-way widths and the setback requirements in such cases shall be based upon the Comprehensive Land Use Plan and applicable ordinances and standards.

B. Height Limitation. None, unless otherwise limited by the Federal Aviation Administration.

C. Lot Area. Division of lots or parcels are permitted as follows:

1. Lots or parcels fifty (50) acres or smaller in size may be divided into any number of smaller lots or parcels.
2. Undeveloped lots, parcels, or tracts larger than fifty (50) acres in size may be divided into smaller lots, parcels, or tracts so long as the resulting land division yields at least one (1) lot, parcel, or tract of at least fifty (50) acres in size. If a land division results in more than one (1) lot, parcel, or tract of fifty (50) acres or greater in size, only one of those fifty (50) + acre lots, parcels, or tracts, if further divided, must yield a lot, parcel, or tract of at least fifty (50) acres in size.
3. Developed lots or parcels fifty (50) acres or larger in size may be divided into any number of smaller lots or parcels pursuant to a master plan approved by the City so long as at least forty percent (40%) of the net area of the lot or parcel has

already been developed with industrial uses or uses accessory to industrial use, and no portion of the lot has been developed, or is proposed to be developed, with uses regulated by Subsection 3.175(D) of this Chapter.

4. Notwithstanding parts (2) and (3) of this Subsection, any lot or parcel may be divided into smaller lots or parcels or made subject to right-of-ways for the following purposes:
 - a. To provide public facilities and services;
 - b. To separate a portion of a lot or parcel in order to protect a natural resource, to provide a public amenity, or to implement a remediation plan for a site identified by the Oregon Department of Environmental Quality pursuant to ORS 465.225;
 - c. To separate a portion of a lot or parcel containing a nonconforming use from the remainder of the lot or parcel in order to render the remainder more practical for a permitted use; or
 - d. To allow the creation of a lot for financing purposes when the created lot is part of a master planned development.

3.175 Additional Requirements.

- A. Unless otherwise provided in this Code, compliance with Chapters 8 and 11 relating to design review and landscaping is required.
- B. All lots shall have frontage or approved access to public streets, public water, and public sewer before development is allowed.
- C. Off-street parking spaces shall be provided in accordance with the requirements of Chapter 9, Off-Street Parking and Loading, of this Code.
- D. Commercial uses within industrial flex-space buildings are subject to the following standards:
 1. No one commercial use shall exceed five thousand (5,000) square feet of gross leasable area and the cumulative area of all such uses shall not exceed twenty thousand (20,000) square feet of the gross leasable area of a single flex-space building or of multiple buildings that are part of the same development project.
 2. Drive-thru and drive-up service windows are not permitted.
- E. Development is subject to compliance with any applicable overlay zoning district standards.

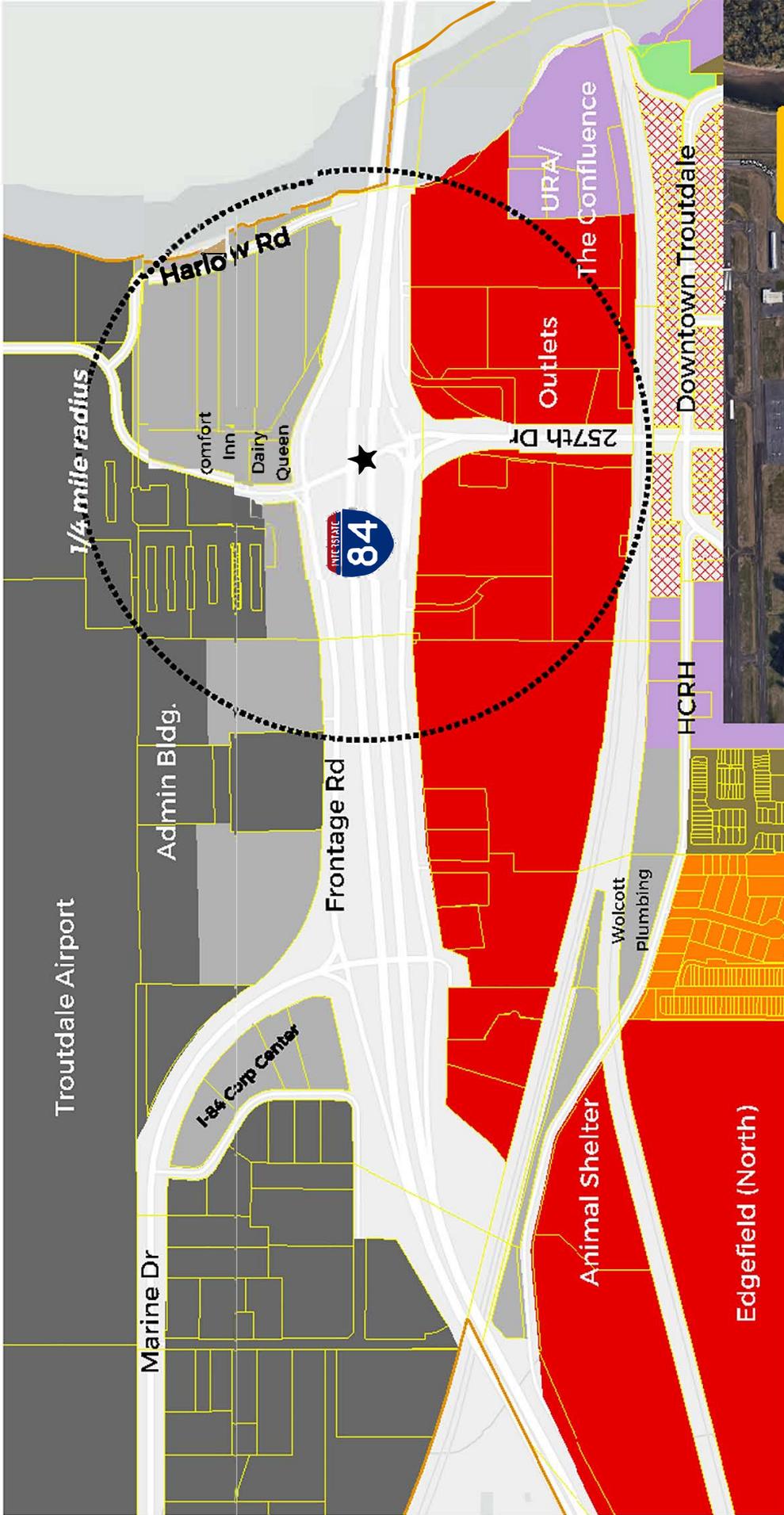
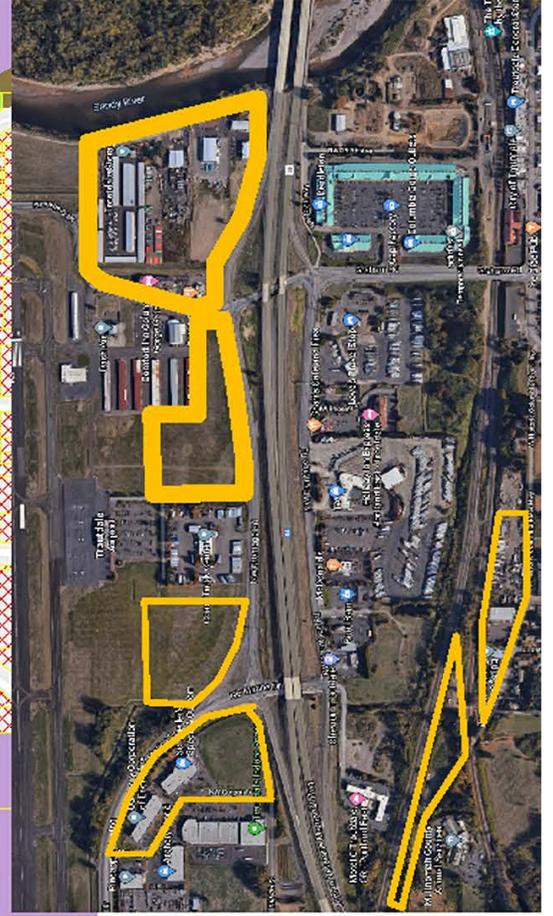


Exhibit C - Light Industrial (LI) Zoning District

Properties shaded in light grey are zoned LI. They include properties located off Harlow Road, several airport-owned parcels, and portions of the I-84 Corporate Center business park. There are also a handful of developed and underdeveloped properties off the western extension of W Historic Columbia River Highway.

The circle indicates a 1/4 mile radius from the point described in the text amendment (see Exhibit B). This proposal would limit storage facilities to only those LI parcels within the circle. It would not allow storage facilities in any other zoning districts within the circle.



From: Jatin Patel <jatin@lodgingmgmt.com>

Sent: Tuesday, August 25, 2020 5:17 PM

To: info <info@troutdaleoregon.gov>

Cc: Sarah Skroch <sarah.skroch@troutdaleoregon.gov>; Ray Young <ray.young@troutdaleoregon.gov>; Casey Ryan <casey.ryan@troutdaleoregon.gov>; Jatin Patel <jatin@lodgingmgmt.com>; Donele Fowler <gm@citroudale.com>

Subject: Written Public Comment-CITY COUNCIL – REGULAR MEETING Tuesday, August 25, 2020

Dear City Council Members,

I would like to provide Written Public Comment to Agenda Items # 6: An ordinance adopting text amendments to Chapters 1, 3, 4, 8, and 9 of the Troutdale Development Code.

Jatin Patel, Owner, Comfort Inn 1000 NW Graham Rd. Troutdale, OR 97060

My property Comfort Inn 1000 NW Graham Rd is adjacent to Light Industrial property which houses temporary storage units.

If this ordinance were to pass then the adjacent property would be able to stack containers up to 45 feet high.

This would not be good for my business and for the Tourist that stay with us; can you imagine opening your curtains to hundreds of containers stacked up to 45 feet in height?

We collect thousands of dollars in Lodging Tax that goes into the City's General Fund from Travelers and we need them to come back and stay with us in Troutdale.

I am in agreement with the "Past Philosophy" Historically Troutdale has had aversions to storage facilities for a variety of reasons and has taken actions in the past to remove them from the Development Code.

The staff reports states that Staff has fielded number of calls for storage facilities and the same report also states that there are only about two dozen sites in the City this would effect.

If we only have about 2 dozen sites left then do we really want them to be used for storage facilities? I would rather save those sites for usages which would create more jobs.

What economic benefit does a storage facility provide to other businesses in the City that pay property taxes and employment?

I really feel that Cons to this change are stronger then the Pros.

- Storage facilities do not employ many people and have in the past not been seen as development that is of the highest and best use for commercial/industrial property.
- Previous storage facility development has not been seen as attractive development and have not been well-received by past City Councilors and the public at large.

Jatin N. Patel | Principal/Regional | Office: 503-482-5129 | Fax: 503-907-1009 | Email: jatin@lodgingmgmt.com

ORDINANCE NO.

AN ORDINANCE ADOPTING TEXT AMENDMENTS TO CHAPTERS 1, 3, 4, 8, AND 9 OF THE TROUTDALE DEVELOPMENT CODE.

THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:

1. Storage facilities are recognized as a unique and distinguishable land use that should be properly defined within the Troutdale Development Code (TDC).
2. Storage facilities have been previously established in Troutdale and are currently operating in a nonconforming environment.
3. The allowance of storage facilities through a conditional use process in the Light Industrial (LI) zoning district allows for the potential for this type of land use to be allowed in the city while limiting the impact to a small number of properties and providing some properties a chance to come into conformance with the TDC.
4. The Planning Commission has reviewed proposed amendments at a public hearing during the July 15, 2020 regular meeting and August 11, 2020 special meeting and voted 4-2 (with one absence) to recommend these amendments as presented to City Council for approval.
5. Testimony provided at the public hearing suggests that there is a reasonable market demand for storage facilities and a willingness to consider this land use on a case-by-case basis to alleviate previous concerns for this land use.
6. The City Council has adopted findings consistent with the provisions set forth in Troutdale Development Code Section 6.1100 as set forth in Attachment A.

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

Section 1. Chapter 1 shall be amended as set forth in Attachment B.

Section 2. Chapter 3 shall be amended as set forth in Attachment B.

Section 3. Chapter 4 shall be amended as set forth in Attachment A.

Section 4. Chapter 8 shall be amended as set forth in Attachment A.

Section 5. Chapter 9 shall be amended as set forth in Attachment A.

**YEAS:
NAYS:
ABSTAINED:**

Casey Ryan, Mayor

Date

**Sarah Skroch, City Recorder
Adopted:**

STAFF REPORT – PLANNING COMMISSION HEARING

| | | |
|------------------------------|---|---|
| CASE FILE: | 75-04 Storage Facilities | NOTE! <i>Please review City Council Staff Reports dated from August 25 and September 8 for updates to this text amendment based on testimony and deliberation at the public hearings.</i> |
| STAFF REPORT DATE: | Wednesday, July 1, 2020 | |
| HEARING DATE: | Wednesday, July 15, 2020 | |
| STAFF / APPLICANT: | Chris Damgen, Community Development Director | |
| SUBJECT: | Proposed Text Amendment to the Troutdale Development Code | |
| REQUESTS: | Establish “storage facility” and “storage, accessory” as land use definitions; allow storage facilities as a conditional use in the Light Industrial (LI) zoning district; modify definition of “warehouse”; provide clarity and context for the aforementioned definitions in other sections of the Code (TDC) | |
| APPLICABLE CRITERIA: | TDC Sections 2.065 and 6.1100 | |
| STAFF RECOMMENDATION: | Approval (a recommendation to City Council for approval) | |

1. BACKGROUND

The City of Troutdale has received several inquiries that relate to the concept of storage facilities. At present, the Troutdale Development Code (TDC) has ambiguous standards that relate to this type of land use, which as proposed would provide “leasable space to the public where materials and goods may be stored by lessees in an outdoor, indoor, or portable setting.” Historically, there have been concerns about allowing for this type of land use, though a recent uptick in demand warrant a fresh review on the matter.

The most obvious type of storage facility is commercial self-storage or mini-storage facilities. At present, there are three such establishments that exist in Troutdale, though all three were established prior to the current development code, which has effectively prohibited these types of uses based on Council direction and Staff interpretation. Other types of storage facilities could include shipping container and boat/RV storage that is unaffiliated with sales or service.

The primary motive of this application is to define “storage facility” and provide the consideration of the land use through a conditional use in the Light Industrial zoning district. The application would provide clear differentiation between a storage facility, a warehouse, and basic storage that is associated with a primary land use but is incidental (proposed as accessory storage). Lastly, the application would provide additional details on “storage” in other TDC sections.

2. REVIEW TIMELINE

The current Troutdale Development Code was adopted in 2017 [Ordinance No. 842]. The most current version of the TDC into effect on January 17, 2019 [Ordinance No. 851]. The Troutdale Planning Commission held a discussion item on this matter at its April 29, 2019 special meeting. A Post-Acknowledgment Plan Application (PAPA) was submitted to the Oregon Department of Land Conservation and Development on Wednesday, May 13, 2020 to alert the agency of the City's intentions. The initial public hearing was originally scheduled for Wednesday, June 16, 2020 but was postponed to Wednesday, July 15, 2020 to accommodate a Planning Commission work session on Thursday, May 28, 2020. The proposed amendments were thus drafted to meet required timeframes for review, thus requiring the delay. It is anticipated the City Council hearing dates will be Tuesday, August 25, 2020 for the first reading and Tuesday, September 8, 2020 for the second reading and potential approval and adoption of a correlating ordinance.

3. PROPOSED TEXT AMENDMENTS

Sections that are to be affected by the proposed amendments are included as Attachment A of this report. The following text is a summary of the proposed amendments:

CHAPTER 1 - DEFINITIONS

There is one (1) section amendment proposed for this chapter. Due to these added definitions, a renumbering of definitions within this section will also be required.

Section 1.020 General Definitions

Staff is proposing **add and amend the following definitions** in order to provide clear definitions and distinctions on storage facilities (amended language in **bold**):

***(NEW)** .126 Storage, Accessory. The safekeeping of materials and goods at a location of which the principal use is not a storage facility and its presence at a location is considered incidental to the principal use.*

***(NEW)** .127 Storage Facility. An establishment of which the principal use is providing leasable space to the public where materials and goods may be stored by lessees in an outdoor, indoor, or portable setting. Storage facilities include self-storage establishments that cater to residential and non-residential clientele but shall not include commercial or industrial warehouses (See Warehouse).*

(AMENDED)** ~~.138~~ .140 Warehouse. A building used primarily for the storage of materials or goods for use on the site or later distribution **that is controlled by a single operator with public access restrictions. Warehouses shall not include storage facilities (See Storage Facility).

CHAPTER 3 – ZONING DISTRICTS

There are four (4) section amendments proposed for this chapter:

3.122 Permitted Uses (General Commercial – GC)

Staff is proposing the following edit (in **bold**):

*D. Service uses that are completely enclosed building other than outside **accessory** storage of merchandise, supplies, or outside work areas all of which must be screened from the public right-of-way and adjacent residential, apartment, and NC districts.*

3.161 Purpose (Light Industrial – LI)

Staff is proposing the following edit (in **bold**):

THIS PORTION IS SUPERSEDED
Please review City Council Staff Reports dated from August 25 and September 8 for updates.

*Purpose. This district is primarily intended for light, clean industries usually of a manufacturing or storage nature with **little limited** outdoor storage. These industries usually do not require rail access and have very little process visibility. They usually create little or no air or water pollution and have few, if any, nuisance factors such as **outdoor accessory storage**, bright yard lights, continuous noise or objectionable odors. Professional offices and limited retail sales are permitted in compliance with the Troutdale Development Code. Uses within the LI District may be located adjacent to residential uses with appropriate buffering.*

3.163 Conditional Uses (Light Industrial – LI)

Staff is proposing adding "**Storage facilities**" as a conditional use. In addition to the addition of this use, a partial renumbering of the

THIS PORTION IS SUPERSEDED
Please review City Council Staff Reports dated from September 8 for updates.

3.171 Purpose (General Industrial – GI)

Staff is proposing the following edit (in **bold**):

*Purpose. This district is primarily intended for manufacturing industries, large-scale fabricators, freight and trucking firms, primary metals, and lumber, etc., that usually require highway access and/or rail service. These firms usually have a high degree of process visibility and need outdoor **primary or accessory** storage of materials and products. These industries are likely to create minor air and water pollution, as well as noise and odor, and the generation of truck, shipping, or rail traffic. Non-industrial uses of a commercial nature are permitted in compliance with the Troutdale Development Code.*

CHAPTER 4 – ZONING DISTRICT OVERLAYS

There is one (1) section edit proposed for this chapter.

4.112 Permitted Uses within the Airport Approach Safety Zone

Staff is proposing the following edit (in **bold**):

*C. Roadways, parking areas, and **accessory** storage yards located in such a manner that vehicle lights will not make it difficult for pilots to distinguish between landing lights and vehicle lights or result in glare, or in any way impair visibility in the vicinity of the landing*

CHAPTER 8 – SITE AND DESIGN STANDARDS

There is one (1) section edit proposed for this chapter.

8.030 Pedestrian Walkways

Staff is proposing the following edit (in **bold**):

A. Number and Placement

(...)

*6. Pedestrian walkways are required between those parts of a site that people on the site normally would walk between. Walkways are not required between buildings or portions of a site which are not intended for, or likely to be used by, pedestrians. Such buildings and features include truck loading docks, warehouses not including office/warehouse combinations, automobile sales lots, temporary uses, outdoor **accessory** storage areas, etc.*

CHAPTER 9 – PARKING

There is one (1) section edit proposed for this chapter.

9.025 Industrial Off-Street Parking Space Requirements.

Staff is proposing the following edit (in **bold**):

*(Type of Use) Storage **facility**, warehouse, or manufacturing establishment; air, rail, or trucking freight terminal*

Note: An available condition that may be placed on an approval for a conditional use may be to increase the number of off-street parking or loading spaces or area. [TDC 6.325.C]

4. PROPOSED FINDINGS

TDC Section 2.065 specifies that the City Council is the decision-making body for text amendment applications after the Planning Commission forwards a recommendation for their consideration. Planning Commission is charged with making a finding for each applicable criterion point as listed in TDC Section 6.1120. Listed below are draft findings prepared by Staff for Planning Commission to review and amend as needed upon the conclusion of the public hearing portion of the meeting and prior to a vote for recommendation.

A. The proposed change to the Development Code does not conflict with applicable Comprehensive Land Use Plan goals or policies.

The amendments proposed seek to define and distinguish storage as a concept. Accessory storage occurs on properties in most existent land use designations and zoning districts. The application seeks to define a storage facility and to distinguish it from accessory storage and warehousing. By seeking to establish a conditional use designation for storage facilities in only one zoning district (Light Industrial), the City is provided with additional protections to evaluate any future proposals to determine its conformance with the Comprehensive Land Use Plan goals and policies in addition to the purpose statement in the LI zoning district. The slight modifications proposed to the purpose statements do not drastically change the spirit and intent of the district. **The criterion is met.**

B. The proposed change is consistent with the applicable Statewide Planning Goals.

The majority of the amendments proposed in this application are not substantive in a way that would alter or jeopardize conformance to Statewide Planning Goals. In particular, Goal 9 (Economic Development) speaks to the need for cities to have enough land available to realize economic growth and development opportunities. Based on citizen and Staff testimony that suggests there is economic interest in storage facilities, providing an opportunity through a conditional use process for such a land use to exist in the City meets the spirit of the statewide planning goal. **The criterion is met.**

C. The proposed change is consistent with the applicable provisions of Metro Code.

Chapter 3.07 of the Metro Code contains the Urban Growth Management Functional Plan ("Functional Plan"). Title 4 of the Functional Plan contains standards for "Industrial and Other Employment Area". Title 4 "seeks to provide and protect a supply of sites for employment by limiting the types and scale of non-industrial uses in Regionally Significant Industrial Areas (RSIAs), Industrial and Employment Areas." The zoning districts that are directly affected by this application are industrial zoning districts in a designated Employment Area according to Metro's 2040 Growth Concept Map.

The City acknowledges that storage facilities is not a land use that generates significant employment; however, this land use is still instrumental in supporting capacities and economic opportunities for adjacent land uses, including industrial ones. By listing storage facilities as a conditional use in the Light Industrial zoning district and not allowing for it in the General Industrial zoning district, the City remains in conformance with the spirit and intent of Title 4. It allows for a case-by-case analysis of each application. Furthermore, a significant majority of the City's Employment Area designation is zoned for General Industrial in which storage facilities would not be allowed, thus significantly limiting any concerns about losing "highest and best use" potential in this area. **The criterion is met.**

D. Public need is best satisfied by this particular change.

Providing clear definitions for storage facilities, accessory storage, and warehouses improves the public's understanding and expectation for these three land uses. Historic precedent has suggested that certain kinds of storage facilities have not been popular in Troutdale and were thus no longer allowed in the City. However, the economic situation and repeated expressed interest by investors looking to establish this type of business in Troutdale suggests that a limited area of the City would be appropriate for this type of use. An existing storage facility is currently in nonconformance within the Light Industrial zoning district. Two other storage facilities are in commercial zoning districts where there is less popular appeal for introducing this land use. Therefore, allowing this use to be better defined and allowed with conditional use approval provides a level of compromise that balances the community concern with economic interest and demand. **The criterion is met.**

E. The change will not adversely affect the health, safety, and welfare of the community.

It is not anticipated that there are health concerns that stem from the introduction and establishment of storage facilities as a conditional land use. Standards are in place that would restrict hazardous materials from being stored in these locations, often relying upon fire and life safety codes to provide regulations. In the realm of safety, there is an inherent need to secure these types of facilities. Most facilities will often rely on perimeter fencing, security check-ins, and caretaker units to provide security for goods and materials that are stored within a facility.

Lastly, providing an additional way for individuals or companies to store their goods and materials may also improve the general welfare of their community. As an example, offering additional areas for storage could then reduce storage burdens on residential and commercial properties. It benefits not only those properties but also those around them, as unsightly or objectionable storage could potentially be located on a premise that more effectively screens them. **The criterion is met.**

5. STAFF RECOMMENDATIONS

Staff offers the following recommendations for the conduct of the July 15, 2020 public hearing for the proposed amendments to the Troutdale Development Code.

- A. Conduct a public hearing and receive all public testimony relating to the application.
- B. Consider the public testimony and the facts and findings presented in the staff report and deliberate on policy issues, proposed amendments, and other issues identified by the Commission, Staff, other public entities, or the public.
- C. Recommend approval of the proposed text amendments to the City Council for its consideration for its meeting and subsequent public hearing.

- .123 Sign. Refer to Section 10.015 for all definitions for signs.
- .124 Single-Family Dwelling or Single-Family Residence. See Dwelling, Single-Family Detached.
- .125 Site and Design Review Committee. A committee chaired by the Director to review applicable development proposals for compliance to the provisions of this Code.
- .126 Storage, Accessory. The safekeeping of materials and goods at a location of which the principal use is not a storage facility and its presence at a location is considered incidental to the principal use.
- .127 Storage Facility. An establishment of which the principal use is providing leasable space where materials and goods may be stored by lessees in an outdoor, indoor, or portable setting, but not including tents. Storage facilities include self-storage establishments that cater to residential and non-residential clientele but shall not include commercial or industrial warehouses (See Warehouse).
- .128 Street Lighting. The total system of wiring, poles, arms, fixtures, and lamps, including all parts thereof that are necessary to light a street or pedestrian way.
- .129 Street, Private. A thoroughfare or street providing a means of access to a property or properties which is not owned by the City or other public entity.
- .130 Street, Public. A publicly owned thoroughfare or right-of-way acquired for use by the public which affords a principal means of access to abutting property.
- .131 Studio. A location where an ancillary form is created or practiced, such as an artist, a musician, dramatic arts or dance studio. Also includes light fabrication or manufacturing of individual pieces of art including welding, riveting, and use of a kiln, glass furnace, or foundry when such heat producing facilities comply with all Building Code requirements and crucibles do not exceed one (1) gallon in size.
- .132 Subdivision. To divide land to create four (4) or more lots within a calendar year, when such area or tract of land exists as a unit or contiguous units of land at the beginning of such year.
- .133 Townhouse or Townhome. See Dwelling, Single Family Attached.
- .134 Transit Facility. A facility intended to accommodate and assist transit users. Transit facilities include light rail transit stations, park and ride lots for transit riders, transit centers, transit shelters, bus turnout lanes, and transit stops.
- .135 Transit Street. Any street identified as an existing or planned bus or light rail transit route.

- .136 Triplex. See Dwelling, Triplex.
- .137 Two-Family Dwelling. See Dwelling, Duplex.
- .138 Utility Facility, Major. Administrative offices and operation centers, wet system pump stations, sewage treatment plants and lagoons, electric generation facilities (other than small scale accessory wind turbines or solar panels intended to generate electricity for onsite uses), sanitary landfills, pump stations, substations (transmission and distribution), water towers and reservoirs, public wells (aboveground), telephone switching equipment, communication receiver, transmission facilities, and ancillary equipment, telecommunication towers and poles, and drinking water treatment facilities.
- .139 Utility Facility, Minor. Street lights; underground lines and pipes; underground wells; transformers and regulator stations; closed system sanitary pump stations; and private, on-site facilities such as septic tanks, wells, and catch basins.
- .140 Warehouse. A building used primarily for the storage of materials or goods for use on the site or later distribution that is controlled by a single operator with public access restrictions. Warehouses shall not include storage facilities (See Storage Facility).
- .141 Water dependent development. Any use that is dependent on navigable waterway access and or use.
- .142 Windscreens. A fence-like structure, not to exceed six (6) feet in height, on the north or east side of a residential building only, and used to reduce the wind velocity at exterior doors.
- .143 Yard. A required open space on a lot that is unoccupied and unobstructed except for permitted projecting building features and accessory buildings.
- .144 Yard, Front. An open space extending the full width of the lot between a building and the front lot line, unoccupied and unobstructed from the ground upward, except as authorized by this Code.
- .145 Yard, Rear. An open space extending across the full width of the lot between the main building and the rear lot line, unoccupied and unobstructed from the ground upward, except as authorized by this Code. Where there is no rear lot line, the depth of the rear yard shall be the distance from a ten-foot line parallel to the front lot line, measured from one side line to the other.
- .146 Yard, Side. An open space between any building and the side lot line, unoccupied and unobstructed from the ground upward, except as authorized by this Code.
- .147 Yard, Street Side. An open space adjacent to a street that is not a front yard, unoccupied and unobstructed from the ground upward, except as authorized by this Code.

3.160 LIGHT INDUSTRIAL**LI**

- 3.161 Purpose. This district is primarily intended for light, clean industries usually of a manufacturing or storage nature with limited outdoor accessory storage. These industries usually do not require rail access and have very little process visibility. They usually create little or no air or water pollution and have few, if any, nuisance factors such as bright yard lights, continuous noise, objectionable odors, or significant outdoor accessory storage. Professional offices and limited retail sales are permitted in compliance with the Troutdale Development Code. Uses within the LI District may be located adjacent to residential uses with adequate buffering.
- 3.162 Permitted Uses. The following uses and their accessory uses are permitted in the LI district:
- A. Secondary manufacturing, except any use having the primary function of storing, utilizing, or manufacturing toxic or hazardous materials as defined by the Department of Environmental Quality.
 - B. Processing facilities, except any principal use involving the rendering of fats, the slaughtering of fish or meat, or the fermenting of foods such as sauerkraut, vinegar, or yeast. This limitation shall not apply to the processing or manufacturing of beer, wine, bread, jam, and similar items.
 - C. Distribution centers.
 - D. Airport and related uses as defined by the Airport Planning Rule (OAR 660-013-0100), including airport supportive commercial and industrial uses such as maintenance facilities, hangars, aircraft tie-downs, passenger parking, and flight schools.
 - E. Warehouses.
 - F. Utility facilities, minor.
 - G. Research and development companies, experimental or testing laboratories.
 - H. Trade or commercial schools whose primary purpose is to provide training to meet industrial needs.
 - I. Public parks, parkways, trails, and related facilities.
 - J. One caretaker residence in conjunction with an existing industrial use.
 - K. Corporate headquarters.
 - L. Professional offices.
 - M. Medical and dental clinics.

- N. Product sales, service, and/or display accessory to any manufacturing, fabricating, or processing use, provided the sales, service, and/or display area does not exceed fifteen percent (15%) of the gross floor area, or three thousand (3,000) square feet, whichever is less.
- O. Wineries, breweries, and distilleries.
- P. Mobile Food Vendor operating a Food Stand, Food Cart, or Food Trailer in accordance with Section 5.200.
- Q. Other uses similar in nature to those listed above.

3.163 Conditional Uses. The following uses and their accessory uses are permitted as conditional uses within a LI district:

- A. Heliports accessory to permitted or approved conditional uses.
- B. Retail, wholesale, and discount sales and services, including restaurants, banks, dry-cleaners, and similar establishments, with or without drive-up or drive-through window service, subject to the provisions of Subsection 3.165(E) of this Chapter.
- C. Community service uses.
- D. Utility facilities, major.
- E. Automobile, truck, trailer, heavy equipment, recreational vehicle, boat and manufactured home sales, rentals, and repair shops.
- F. Card-lock fueling stations, truck stops, service stations, tire shops, and oil change facilities.
- G. Motels or hotels, including banquet rooms, conference, or convention centers.
- H. Commercial sports complexes including, but not limited to, health clubs, tennis courts, aquatic centers, skating rinks, and similar facilities.
- I. Child care facilities and similar facilities.
- J. Marijuana Facilities licensed and authorized under state law, when not located within one thousand (1,000) feet of real property which is the site of a public or private school or a public park. For purposes of this subsection, “within one thousand (1,000) feet” means a straight line measurement in a radius extending for one thousand (1,000) feet in every direction from any point on the boundary line of the real property comprising an existing public or private school or public park. This buffer shall not apply to new schools or parks located within one thousand (1,000) feet of an existing Marijuana Facility.

- K. Storage facilities, when located within one-quarter mile (1/4 mile) of the eastern overpasses of Interstate 84 at Exit 17. For purposes of this subsection, “within one-quarter mile (1/4 mile)” means a straight line measurement in a radius extending for one thousand three hundred twenty (1,320) feet in every direction from the point positioned on the centerline of 257th Drive situated exactly in between the eastbound and westbound bridges of Interstate 84 at Exit 17.
- L. Other uses similar in nature to those listed above.

3.164 Dimensional Standards.

- A. Setbacks.
 - 1. Front yard setback: Minimum of twenty (20) feet.
 - 2. Side yard setback: Minimum of ten (10) feet.
 - 3. Rear yard setback: None.
 - 4. Additional setback requirements: If any use in this district abuts or faces any residential zoning district, a setback of fifty (50) feet from the property line or centerline of an intervening public street, on the side abutting or facing the residential zoning district shall be required.
 - 5. Setbacks for insufficient right-of-way: Setbacks shall be established when a lot abuts a street having insufficient right-of-way width to serve the area. The necessary right-of-way widths and the setback requirements in such cases shall be based upon the Comprehensive Land Use Plan and applicable ordinances and standards.
- B. Height Limitation. The maximum height for any structure shall be forty-five (45) feet unless otherwise limited by the Federal Aviation Administration.
- C. Lot Area. There shall be no minimum lot size in the Light Industrial Zone.

3.165 Additional Requirements.

- A. Unless otherwise provided in this Code, compliance with Chapters 8 and 11 relating to design review and landscaping is required.
- B. All lots shall have frontage or approved access to public streets, public water, and public sewer before development is allowed.
- C. Off-street parking spaces shall be provided in accordance with the requirements of Chapter 9, Off-Street Parking and Loading, of this Code.

- D. Development is subject to compliance with any applicable overlay zoning district standards.
- E. In order to ensure that certain permitted and conditional non-industrial uses are primarily intended to serve the needs of workers in the immediate area, professional offices; medical and dental clinics; and retail, wholesale, and discount sales and services shall not exceed five thousand (5,000) square feet of gross leasable area. If there are multiple businesses within these categories of uses that occur within a single building or within multiple buildings that are part of the same development project, then the cumulative gross leasable area for all these businesses shall not exceed twenty thousand (20,000) square feet.

DRAFT

3.170 GENERAL INDUSTRIAL**GI**

3.171 Purpose. This district is primarily intended for manufacturing industries, large-scale fabricators, freight and trucking firms, primary metals, and lumber, etc., that usually require highway access and/or rail service. These firms usually have a high degree of process visibility and need outdoor primary or accessory storage of materials and products. These industries are likely to create minor air and water pollution, as well as noise and odor, and the generation of truck, shipping, or rail traffic. Non-industrial uses of a commercial nature are permitted in compliance with the Troutdale Development Code.

3.172 Permitted Uses. The following uses and their accessory uses are permitted in the GI district:

- A. Any permitted use within the LI zoning district.
- B. Primary manufacturing.
- C. Use of toxic or hazardous materials in the manufacturing process, and temporary storage of toxic or hazardous material by-products.
- D. Freight and trucking firms.
- E. Automobile, truck, trailer, heavy equipment, recreational vehicle, boat and manufactured home sales, rentals, and repair shops.
- F. Card-lock fueling stations, truck stops, service stations, tire shops, and oil change facilities.
- G. Utility facilities, major and minor, except for the following which require conditional use approval: sanitary landfills, recycling centers, and transfer stations, sewage treatment plants and lagoons, and telecommunication towers or poles.
- H. Marinas.
- I. Marine Industrial/Marine Service Facilities.
- J. Mobile Food Vendor operating a Food Stand, Food Cart, or Food Trailer in accordance with Section 5.200.
- K. One caretaker residence in conjunction with an existing industrial use.
- L. Other uses similar in nature to those listed above.

3.173 Conditional Uses. The following uses and their accessory uses are permitted as conditional uses within the GI district:

- A. Child care facilities and similar facilities.

- B. Community service uses.
- C. Concrete or asphalt manufacturing plants.
- D. Sanitary landfills, recycling centers, and transfer stations.
- E. Sewage treatment plants and lagoons.
- F. Telecommunication towers and poles.
- G. Junk yards.
- H. Residential dwelling/hangar mixed uses when the hangars are served by a taxiway with direct access to the Troutdale Airport Runway. The use shall be subject to the following requirements:
 - 1. Approval from the Port of Portland.
 - 2. Approval from the Federal Aviation Administration.
 - 3. No separate accessory structures are allowed.
- I. Heliports accessory to permitted or approved conditional uses.
- J. Commercial sports complexes including, but not limited to, health clubs, tennis courts, aquatic centers, skating rinks, and similar facilities.
- K. Commercial uses, not to exceed forty thousand (40,000) square feet of floor area.
- L. Processing facilities whose principal use involves the rendering of fats, the slaughtering of fish or meat, or the fermentation of foods such as sauerkraut, vinegar, and yeast.
- M. The manufacturing or storing of toxic or hazardous materials when done in compliance with federal and state regulations.
- N. Marijuana Facilities licensed and authorized under state law, when not located within one thousand (1,000) feet of real property which is the site of a public or private school or a public park. For purposes of this subsection, “within one thousand (1,000) feet” means a straight line measurement in a radius extending for one thousand (1,000) feet in every direction from any point on the boundary line of the real property comprising an existing public or private school or public park. This buffer shall not apply to new schools or parks located within one thousand (1,000) feet of an existing Marijuana Facility.
- O. Marijuana Processors licensed and authorized under state law, when not located within one thousand (1,000) feet of real property which is the site of a public or private school or a public park. For purposes of this subsection, “within one thousand (1,000) feet” means

a straight line measurement in a radius extending for one thousand (1,000) feet in every direction from any point on the boundary line of the real property comprising an existing public or private school or public park. This buffer shall not apply to new schools or parks located within one thousand (1,000) feet of an existing Marijuana Processor.

P. Other uses similar in nature to those listed above.

3.174 Dimensional Standards.

A. Setbacks.

1. Front: Twenty (20) feet.
2. No side or rear yard setbacks unless the property abuts a parcel of land in a more restrictive manufacturing or commercial district, in which case the requirements of the abutting zoning district shall apply.
3. Additional setback requirements: If any use in this district abuts or faces any residential zoning district, a setback of fifty (50) feet from the property line or centerline of an intervening public street, on the side abutting or facing the residential or apartment district shall be required.
4. Setbacks for insufficient right-of-way: Setbacks shall be established when a lot abuts a street having insufficient right-of-way width to serve the area. The necessary right-of-way widths and the setback requirements in such cases shall be based upon the Comprehensive Land Use Plan and applicable ordinances and standards.

B. Height Limitation. None, unless otherwise limited by the Federal Aviation Administration.

C. Lot Area. Division of lots or parcels are permitted as follows:

1. Lots or parcels fifty (50) acres or smaller in size may be divided into any number of smaller lots or parcels.
2. Undeveloped lots, parcels, or tracts larger than fifty (50) acres in size may be divided into smaller lots, parcels, or tracts so long as the resulting land division yields at least one (1) lot, parcel, or tract of at least fifty (50) acres in size. If a land division results in more than one (1) lot, parcel, or tract of fifty (50) acres or greater in size, only one of those fifty (50) + acre lots, parcels, or tracts, if further divided, must yield a lot, parcel, or tract of at least fifty (50) acres in size.
3. Developed lots or parcels fifty (50) acres or larger in size may be divided into any number of smaller lots or parcels pursuant to a master plan approved by the City so long as at least forty percent (40%) of the net area of the lot or parcel has

already been developed with industrial uses or uses accessory to industrial use, and no portion of the lot has been developed, or is proposed to be developed, with uses regulated by Subsection 3.175(D) of this Chapter.

4. Notwithstanding parts (2) and (3) of this Subsection, any lot or parcel may be divided into smaller lots or parcels or made subject to right-of-ways for the following purposes:
 - a. To provide public facilities and services;
 - b. To separate a portion of a lot or parcel in order to protect a natural resource, to provide a public amenity, or to implement a remediation plan for a site identified by the Oregon Department of Environmental Quality pursuant to ORS 465.225;
 - c. To separate a portion of a lot or parcel containing a nonconforming use from the remainder of the lot or parcel in order to render the remainder more practical for a permitted use; or
 - d. To allow the creation of a lot for financing purposes when the created lot is part of a master planned development.

3.175 Additional Requirements.

- A. Unless otherwise provided in this Code, compliance with Chapters 8 and 11 relating to design review and landscaping is required.
- B. All lots shall have frontage or approved access to public streets, public water, and public sewer before development is allowed.
- C. Off-street parking spaces shall be provided in accordance with the requirements of Chapter 9, Off-Street Parking and Loading, of this Code.
- D. Commercial uses within industrial flex-space buildings are subject to the following standards:
 1. No one commercial use shall exceed five thousand (5,000) square feet of gross leasable area and the cumulative area of all such uses shall not exceed twenty thousand (20,000) square feet of the gross leasable area of a single flex-space building or of multiple buildings that are part of the same development project.
 2. Drive-thru and drive-up service windows are not permitted.
- E. Development is subject to compliance with any applicable overlay zoning district standards.



CITY OF TROUTDALE



STAFF REPORT

SUBJECT / ISSUE: An Ordinance Amending Troutdale Municipal Code Section 2.20 Relating to Committees and Commissions

MEETING TYPE:
City Council Regular Mtg.

STAFF MEMBER:
Ray Young

MEETING DATE:
September 8, 2020

DEPARTMENT:
Executive

ACTION REQUIRED:
Ordinance - Introduction

ADVISORY COMMITTEE/COMMISSION RECOMMENDATION:

PUBLIC HEARING:
Yes

Approval

Comments:

STAFF RECOMMENDATION: Approve amendments to the selection process of committees.

EXHIBITS:

- A. Redline Version of Chapter 2.20 with current code and proposed changes

SUBJECT / ISSUE RELATES TO:

Council Goals

Legislative

Other (describe)

ISSUE / COUNCIL DECISION & DISCUSSION POINTS:

- ◆ Should we clarify and update the ordinance regarding the selection and service of City Committees.
- ◆ Should we delete the Public Safety Advisory Committee and create a new committee, Public Safety and Equity Advisory Committee.

Reviewed and Approved by City Manager:

BACKGROUND:

It became apparent to Council during the last two Selection Committee meetings (2019 and 2018) that our ordinances regarding committee selection needed updating. Councilors Kranz, Hudson and Moon volunteered to work with the City Manager to make recommendations for change. During that process it also became clear to Council that the Public Safety Advisory Committee should be modified to expand its responsibility to include equity issues.

CHANGES:

Attached as Ex. A is a “redline” version of the ordinances laying out the recommended changes. The most substantial changes and some reasons for modification are as follows:

1. Eliminating phrase “highest ranking officer” and just use “Chairperson”. (2.20.005)
2. More simply stating the committee member approval process. (2.20.010)
3. Making terms for committees 3 years, except for the Planning Commission which the statute requires 4-year terms. (2.20.010)
4. Replaces Chairperson with the Vice-Chairperson on selection committee if Chairperson is up for reappointment to committee. (2.20.020) It was felt it created a conflict of interest situation.
5. Adds evaluation factors for Selection Committee to consider in reviewing candidates. (2.20.020) It was hoped that identifying these considerations would help encourage community involvement.
6. Sets rules for handling of late applicants. (2.20.020)
7. Changes terms of all committees to correspond with Fiscal year July 1st-June 30th. Takes Selection Committee meeting from holiday season to Spring, Budget Committee members are consistent at half-yearly meeting, removes “lame duck” Councilors from being involved in selection process and Budget deliberations and allows new members more of an integration period during typically slower summer period. (2.20.020)
8. Sets term limit for Chairperson at 2 consecutive years. (2.20.030) To ensure a diversity of leadership and opportunity for citizens to serve at a chairperson, and to make it more comfortable to nominate new leadership, it was felt 2 years in a row was a good limit.
9. Limits number of committees a person can chair to 2. (2.20.030)
10. Allows vacancy on Budget Committee to be declared at second missed meeting. Acknowledges that there are so few Budget Committee meetings that 2 absences have a detrimental impact on service to community. (2.20.050)
11. Creates new Public Safety and Equity Advisory Committee to replace Public Safety Advisory Committee. (2.20.120) Council Priorities adopted tonight included this as a tactical step to take in the Public Safety realm.

Attached to the Ordinance as Ex. A is a “clean” copy of what the new ordinance would reflect as our new committee selection process and structure.

The only additional issue that did not have a consensus was the possible modification of some committee sizes. It was agreed to leave that for Council to discuss as a whole.

PROS & CONS:

Pros:

- Clarifies selection process and eliminate past confusion in certain situations.
- Expands opportunities for committee members to serve as Chairperson.
- Conforms to Council priority of establishing a Public Safety and Equity Advisory Committee

Cons:

- Places limits on Committees ability to keep a Chairperson longer than 2 consecutive years.
- Every third/fourth year the Chairperson would not serve on the Selection Committee.

Current Year Budget Impacts: Yes (*describe*) N/A

Future Fiscal Impacts: Yes (*describe*) N/A

City Attorney Approved: Yes N/A

Community Involvement Process: Yes (*describe*) N/A

Chapter 2.20 - COMMITTEES AND COMMISSIONS^[2]

- 2.20.005 - Definitions.
 - A. "Committees." As used in this chapter, "committees" means the regular committees established under [Section 2.20.010\(A\)](#), and any committees created and appointed under [2.20.010\(B\)](#). Committee does not include the ~~council~~Council, any committee ~~comprised~~ composed solely of the ~~council~~Council, or any selection committee for making appointments.

~~B. "Highest ranking officer." As used in this chapter "highest ranking officer" means the chair of a committee, and if that office is vacant then the vice chair.~~

- 2.20.010 - Committees—General.
 - A. The following are the presently constituted committees of the city with the number of members, appointment process, term and authority for each committee:

| | |
|---|---|
| 1. Budget C <u>e</u> ommittee: | |
| Membership | <u>6</u> councilors, the mayor and 7 electors of the city. |
| Appointment | Recommended by Selection Committee. Appointed by the C <u>e</u> ity C <u>c</u> ouncil <u>Council</u> . Recommended by selection committee of the city council <u>Council</u> and the highest ranking officer of the budget committee. |
| Term | 3 years—staggered terms. |
| Authority | ORS 294.336; Section 2.20.080 of this chapter. |
| 2. Citizens advisory committee: | |
| Membership | 11 residents and electors of the city or Troutdale business owners. |
| Appointment | Recommended by Selection Committee. Appointed by the city council <u>Council</u> . Recommended by selection committee of the city council <u>Council</u> and the highest ranking officer of the citizens advisory committee. |
| Term | 3 years—staggered terms. |
| Authority | LCDC Goals <u>1</u> and 2; Section 2.20.090 of this chapter. |
| 3. Historic L <u>l</u> andmarks C <u>e</u> ommission: | |
| Membership | 7 residents and electors of the city or Troutdale business owners. |
| Appointment | Recommended by Selection Committee. Appointed by the city council <u>Council</u> . Recommended by the selection committee of the city council <u>Council</u> and the highest ranking officer of the historic landmarks commission. |
| Term | <u>3</u> 4 years—staggered terms. |
| Authority | Troutdale Comprehensive Land Use Plan Goal <u>5</u> and Section 2.20.095 of this chapter. |

| | |
|--|--|
| 4. Parks A advisory C committee: | |
| Membership | 9 residents and electors of the city or Troutdale business owners. |
| Appointment | Appointed by the city council <u>Recommended by Selection Committee. Appointed by the City Council.</u> Appointed by the city council <u>Council. Recommended by selection committee, of</u> the city council <u>Council and the highest ranking officer of the parks advisory</u> committee. <u>committee.</u> |
| Term | 3 years—staggered terms. |
| Authority | Section 2.20.100 of this chapter. |
| 5. Planning C ommission: | |
| Membership | 7 residents and electors of the city. |
| Appointment | Appointed by the city council <u>Recommended by Selection Committee. Appointed by the City Council.</u> Appointed by the city council <u>Council. Recommended by the selection committee</u> of the city council <u>Council and the highest ranking officer of the planning</u> commission. <u>commission.</u> |
| Term | 3 4 years—staggered terms. |
| Authority | ORS 227.090; Section 2.20.110 of this chapter. |
| 6. Public Safety and Equity Committee. 6.—Public safety advisory committee: | |
| Membership | 9 residents and electors of the City, and City business owners. 9 residents and electors of the city or Troutdale business owners. |
| Appointment | Appointed by the city council <u>Recommended by Selection Committee. Appointed by the City Council.</u> Appointed by the city council <u>Council. Recommended by the selection committee</u> of the city council <u>Council and the highest ranking officer of the public safety</u> advisory committee. <u>advisory committee.</u> |
| Term | 3 years—staggered terms. 3 years—staggered terms. |
| Authority | Section 2.20.120 of this Chapter Section 2.20.120 of this chapter. |

B. In addition to these committees ~~of the council~~Council, the ~~council~~Council may, by majority vote of its members, provide for the creation and appointment of any committee that it deems necessary. The committee shall perform the duties prescribed by the ~~council~~Council at the time the committee is created.

C. Committees that are not established by ordinance or ~~created or appointed~~ by the ~~council~~Council are non-city committees, ~~such as community and intergovernmental organizations.~~ Such as community and intergovernmental organizations. The mayor shall appoint ~~council~~Councilors and others to represent the city ~~before and on non-city committees,~~ which includes community and intergovernmental organizations.

D. In determining the size of any committee, the mayor and ~~council~~Council shall consider its duties and responsibilities and the staffing costs for the committee.

E. Members of a committee shall receive no compensation for their services, but shall be reimbursed for authorized expenses.

F. A committee has no authority to make expenditures on behalf of the city or to obligate the city for payment of any sums of money, unless the ~~council~~Council specifically authorizes the expenditure by appropriate ordinance or resolution and that ordinance or resolution provides the method by which such fund shall be drawn and expended.

- 2.20.020 - Committees—Selection of members.

- A. Unless otherwise provided by law, members of committees shall be appointed by the city ~~council~~Council. The selection committee shall recommend appointments to the city ~~council~~Council.

B. The selection committee is ~~composed~~ ~~comprised~~ of the ~~C~~city ~~council~~Council and the ~~C~~chairperson ~~highest ranking officer~~ of the respective committee, ~~and the M~~mayor ~~will who will~~ serve as chair of the selection committee. ~~If the C~~chairperson of a committee is up for ~~reappointment, the committee's V~~vice- ~~C~~chairperson shall instead serve on the selection committee. The selection committee shall interview all applicants for the position when feasible. The selection committee shall prepare a recommendation, which will be forwarded to the city ~~council~~Council for approval at the next available regular ~~council~~Council meeting, for appointments to fill all vacant positions and a recommendation for an alternate(s) for each committee if there are suitable candidates from the pool of applicants. If a vacancy occurs on a committee during the year the alternate for that committee shall automatically be chosen to fill the vacancy.

C. No selection committee member shall vote on a recommendation if an applicant is a relative of the member (i.e., the spouse, child, brother, sister or parent of the member) or is a director, officer or owner of a business which employs the member.

D. As the need arises to fill any vacancy on a committee, or from time to time as the ~~council~~Council directs, the city shall conduct a ~~well-planned~~ ~~well-planned~~ publicity campaign making use of media, civic interest groups and personal contacts to create an awareness among the public of the opportunity for citizen participation in city government. All releases shall be designed to make known the nature of the committee vacancy, any existing criteria for selection, the method of appointment and any limitations on opportunities to serve. ~~The S~~selection ~~C~~committee will consider, among other factors as it sees fit, a) diversity of membership, b) balance between number of other committee appointments, and c) appointing people who have ~~not ever or recently served on a city committee~~. All applicants shall complete a standard application form available from the city recorder. ~~Any committee member whose term is expiring will be so notified, as will the committee C~~chair, at the time committee applications are open.

~~E. The C~~city ~~M~~anager, at the same time applications are opened for ~~C~~committee member selection, shall set a final date for applications to be received. ~~Any application received after that date shall not be considered for committee appointment, and the selection committee shall not be~~

notified of any late applicants. After initial appointment of committee members each year, if any vacancies still exist, late applicants may be considered for appointment at that time.

~~FE~~. Unless otherwise specified in the law or action creating the committee, a member's term on the committee shall expire on ~~June 30th~~December 31st of the year the member's term has been designated to expire. If no qualified successor has been appointed as of that date, a member's term shall continue until the member's successor is appointed and qualified. All committee members serving at the time this ordinance passes shall have their terms extended 6 months.

~~GF~~. No elected or appointed official or employee of the city shall be eligible to serve as a member of a committee except for the mayor and ~~council~~Council or members of the budget committee.

~~HG~~. Unless otherwise specified by the ~~council~~Council, the terms of members of a committee shall be staggered so that approximately one-third of the terms of the members end each year.

- 2.20.030 - Committees—Officers and duties.

- ~~A~~A. Each committee listed in [Section 2.20.010](#) of this chapter shall elect officers at its first meeting after June 30 of each calendar year. Those officers are a chair and vice-chair.

B. The chair of a committee presides over its meetings. The chair preserves order at the meetings, recognizes speakers and decides all questions of order. Any ruling of the presiding officer is subject to appeal by the entire committee by request of any two members. The chair shall have the right to vote. No person shall serve as the Chair for more than one year/two consecutive years, and must have a one year break before serving again as Chair. The committee may request that the City Council waive this limitation and ask that the Chair serve an addition one consecutive year. No person may serve as Chair of more than two committees.

C. The vice-chair acts as the presiding officer of the committee in the absence of the chair.

D. The city manager shall provide adequate staffing to the committee to ensure that notice of the meeting is given, each meeting is tape-recorded and minutes are kept consistent with the state's Open Meetings Law.

E. Each committee may adopt bylaws on its procedures and may further specify the duties of its officers. In the absence of adopted bylaws, the rules of the ~~council~~Council covering order and decorum and procedures apply. All cases not provided for in the bylaws or applicable ~~council~~Council rules shall be governed by Roberts Rules of Order (Revised).

F. Committees shall exercise the authority and perform the duties and responsibilities delegated to the committee by state laws, ~~council~~Council action or as specified in this chapter.

- 2.20.040 - Committees—Meetings.

- A. Committee meetings shall be conducted consistent with the state's Open Meetings Law. This means that the meetings are open to the public unless an executive session is authorized and needed, proper notice of the meeting is provided and minutes are kept and preserved.

B. Committees meet at the times stated in the law or order creating or empowering the body. A committee may meet at any other time necessary to accomplish the duties of the committee.

C. A quorum for conducting business is a majority of the membership of the committee.

D. Each committee has an obligation to be clear and simple in its procedures and the consideration of questions coming before it. A committee shall avoid invoking the finer points of parliamentary rules which may serve only to obscure the issues and arouse the suspicion of the audience at public meetings and the citizens of the city in general.

- 2.20.050 - Committees—Vacancies.

- A. The office of a committee member becomes vacant upon its incumbent's death, removal from the city (if residency is a qualification), removal from office by the ~~council~~Council or resignation. The office may be declared vacant by action of the committee or by the ~~council~~Council for nonperformance of duties if the incumbent fails to attend three consecutive meetings of the body. Unless any of the absences are excused in advance, each member should notify the chair or staff liaison of expected absence no later than four hours before the meeting of the committee. Except that a citizen Budget Committee member shall be removed if they miss 2 consecutive meetings, regardless of cause or excuse. A second miss shall occur if they fail to attend the second meeting within 15 minutes of the start time. The Budget Committee shall may then declare that position vacant and immediately appoint the alternative to fill the position.

B. A committee member may resign at any time. A resignation occurs by delivery of a written resignation to the chair, staff liaison or city recorder.

C. In the absence of a more specific process of the ~~council~~Council to the contrary, a vacancy shall be filled in the manner provided by Sections [2.20.010](#) and [2.20.020](#) of this chapter. The committee chair or staff liaison shall notify the city recorder of any vacancy as soon as feasible so that a recruitment process can begin quickly.

D. Unless otherwise provided by law, a member of a committee may be removed from office by vote of a majority of the members of the ~~council~~Council.

- 2.20.060 - Committees—Relationship to city ~~council~~Council, staff and others.

- A. Committees may obtain a place on a ~~council~~Council agenda for an item of mutual interest by timely request to the city recorder. Other communications to the mayor or ~~council~~Council should be routed through the committee chair to the city manager or to the committee staff liaison. The ~~council~~Council may appoint a ~~council~~Council or liaison to a committee to facilitate communications.

B. Committee members are encouraged to keep abreast of proposed and final ~~e~~ouncil~~C~~ouncil actions. The city staff shall inform committees of proposed and final ~~e~~ouncil~~C~~ouncil actions relevant to the business of the committee.

C. While the city staff are charged with assisting committees, staff members are responsible to their supervisors, department heads and the city manager. The city manager must approve staffing functions for all committees. No committee may employ its own staff. Committees must submit any budget requests to the city manager consistent with the yearly budget preparation timelines.

D. Committee members should note whether they speak for themselves or their committees in written and oral communications to other officials, the public and the news media about city matters. When speaking for their committee, members should circulate a copy of the communication to other committee members before its publication if that is feasible. Communications to public officials and agencies of public business, including lobbying efforts, should be coordinated with the city manager to assure consistency with adopted city policy. If a committee member writes or speaks as an individual on city matters, and contrary to an adopted committee position, the member should note that difference in the communication.

- 2.20.080 - Budget ~~C~~eommittee.

- A. The ~~b~~Budget ~~e~~Committee is created and charged with carrying out duties imposed by the state Local Budget Law and any other duties conferred by the ~~e~~ouncil~~C~~ouncil. The city manager is the budget officer for the city.

- B. The ~~b~~Budget ~~e~~Committee meets on an as needed basis to review the budget document for each fiscal year. Any budget request should be given to the city manager in sufficient time to be included in the budget document.

- C. Appointive members of the ~~b~~Budget ~~e~~Committee shall not be officers, agents or employees of the city. No interest group has a designated position on the ~~b~~Budget ~~e~~Committee. Appointive members must be residents and electors of the city.

- D. The terms of the appointive members of the ~~b~~Budget ~~e~~Committee shall be staggered so that approximately one-third of the terms of the appointive members end each year.

- 2.20.090 - Citizens ~~A~~adsvisory ~~C~~eommittee.

- A. The ~~e~~Citizens ~~a~~Adsvisory ~~e~~Committee is created as a primary element of the city's citizen involvement program which is established under state laws and regulations pertaining to land use comprehensive planning, including Statewide Planning Goal 1. The ~~e~~Citizens ~~a~~Adsvisory ~~e~~Committee shall review all legislative amendments to the city's comprehensive plan and all major amendments to land use regulations not reviewed by any other ~~e~~ouncil~~C~~ouncil-sanctioned citizen committee. The ~~p~~Planning ~~e~~Commission may seek the advice of the ~~e~~Citizens ~~a~~Adsvisory ~~e~~Committee on quasi-judicial amendments to the comprehensive plan. The ~~e~~Citizens ~~a~~Adsvisory ~~e~~Committee may periodically review and advise the ~~p~~Planning ~~e~~Commission and ~~e~~ouncil~~C~~ouncil

on the citizen involvement program. The eCitizens aAdvisory eCommittee will report recommendations on land use issues to the planning eCommission.

~~B. The Committee is further charged with evaluating and making recommendations to the city's elected and appointed officials on matters relating to public safety, including law enforcement, fire and medical services.~~

~~B.~~CB. The eCitizens aAdvisory eCommittee shall also perform any other duties or functions assigned by the eouncil Council. Those duties shall be specified by motion or resolution of the eouncil Council. In this regard the eCitizens aAdvisory eCommittee operates to provide policy guidance to the eouncil Council on matters of public interest and to act as a liaison between neighborhoods and interest groups and the city's elected and appointed officials. The eCitizens aAdvisory eCommittee will report recommendations to the eouncil Council regarding issues assigned by the eouncil Council.

~~C. DC.~~ The eCitizens aAdvisory eCommittee shall be composed of eleven members appointed at large to represent the citizenry of the city. Each member shall be a resident and elector or a Troutdale business owner of the city. Although representation on the eCitizens aAdvisory eCommittee is not based on geographical districts, when appointments are made to the eCitizens aAdvisory eCommittee, consideration shall be given to geographical distribution of its membership.

~~D. ED.~~ The eCitizens aAdvisory eCommittee shall meet whenever there is a land use matter requiring its review and at other times deemed necessary by the committee.

- 2.20.095 - Historic Handmarks eCommission.

- A. The hHistoric Handmarks eCommission is created and charged with duties as specified in [the] Troutdale Development Code chapter 4.200 Historic Landmark Protection. The hHistoric Handmarks eCommission assists the eCity eouncil Council in promoting historic preservation in the city. The hHistoric Handmarks eCommission acts regarding major alterations, demolition or relocation of historic landmarks, the designation of historic landmarks, the maintenance of the historic resource inventory, and makes recommendations to the planning eCommission pertaining to conditional use requests within designated historic landmarks. The hHistoric Handmarks eCommission may make studies, hold hearings and prepare reports and recommendations on its own initiative or at the request of the eouncil Council.

B. The eCity eouncil Council shall consider individuals for the hHistoric Handmarks eCommission that have demonstrated an interest in historic preservation and ideally have experience, training, special expertise or knowledge in the field of historic preservation, local history and culture, archaeology, architecture, the arts, or other related fields. A member of the planning eCommission may serve as an ex-officio member of the hHistoric Handmarks eCommission.

C. The hHistoric Handmarks eCommission shall meet whenever there is a historic resource matter that requires their review.

D. No member of the ~~h~~H~~i~~storic ~~H~~L~~a~~ndmarks ~~e~~C~~o~~mmission may be removed by the ~~e~~C~~i~~ty ~~c~~ouncil~~C~~ouncil unless a hearing is provided and misconduct or nonperformance of duty is shown. Nonperformance includes absence from three consecutive meetings of the ~~h~~H~~i~~storic ~~H~~L~~a~~ndmarks ~~e~~C~~o~~mmission.

E. A ~~h~~H~~i~~storic ~~H~~L~~a~~ndmarks ~~e~~C~~o~~mmission member shall not participate in any ~~h~~H~~i~~storic ~~H~~L~~a~~ndmarks ~~e~~C~~o~~mmission proceeding or action in which any of the following has a direct or substantial financial interest:

1. The member or the spouse/domestic partner, brother, sister, child, parent, father-in-law, mother in-law of the member;
2. Any business in which the member is then serving or has served within the previous two years;
3. Any business with which the member is negotiating for or has an arrangement or understanding concerning prospective partnership or employment.

• 2.20.100 - Parks ~~a~~A~~d~~visory ~~e~~C~~o~~mmittee.

• A. The ~~p~~Parks ~~a~~A~~d~~visory ~~e~~C~~o~~mmittee is created and charged with evaluating and making recommendations to the city's elected and appointed officials on matters relating to recreational land and publicly owned lands, including parks, and open spaces and environmentally sensitive public and private lands. The ~~p~~Parks ~~a~~A~~d~~visory ~~e~~C~~o~~mmittee reviews and recommends expenditures of parks funds for capital or construction projects.

B. The ~~p~~Parks ~~a~~A~~d~~visory ~~e~~C~~o~~mmittee shall also serve as the city's tree board for purposes of satisfying requirements as a Tree City USA and for carrying out all the duties assigned to the tree board.

C. The ~~p~~Parks ~~a~~A~~d~~visory ~~e~~C~~o~~mmittee shall meet at times deemed necessary by the ~~p~~Parks ~~a~~A~~d~~visory ~~e~~C~~o~~mmittee.

• 2.20.110 - Planning ~~e~~C~~o~~mmission.

• A. The ~~p~~P~~l~~anning ~~e~~C~~o~~mmission is created and charged with the powers and duties specified in Oregon Revised Statutes Section 227.090 and other provisions of state law relating to planning commission authority, and all powers which are now or in the future granted to the ~~p~~P~~l~~anning ~~e~~C~~o~~mmission by the ordinances of the city or general laws of the state. The ~~p~~P~~l~~anning ~~e~~C~~o~~mmission acts regarding the subdivision of land, the use of land, and the location of public facilities, and decides permits and adjudications and adopts and recommends policies concerning the planning and development of the city and the surrounding area. The ~~p~~P~~l~~anning ~~e~~C~~o~~mmission may make studies, hold hearings and prepare reports and recommendations on its own initiative or at the request of the ~~c~~ouncil~~C~~ouncil.

B. The ~~p~~Planning ~~e~~Commission shall meet whenever there is a land use matter that requires their review.

C. No member of the ~~p~~Planning ~~e~~Commission may be removed by the ~~council~~Council unless a hearing is provided and misconduct or nonperformance of duty is shown. Nonperformance includes absence from three consecutive meetings of the ~~p~~Planning ~~e~~Commission.

D. No more than two voting members of the ~~p~~Planning ~~e~~Commission may engage principally in the buying, selling or developing of real estate for profit as individuals, or be members of any partnership, or officers or employees of any corporation that engages principally in the buying, selling or developing of real estate for profit. No more than two members shall be engaged in the same kind of occupation, business, trade or profession.

E. A ~~p~~Planning ~~e~~Commission member shall not participate in any ~~p~~Planning ~~e~~Commission proceeding or action in which any of the following has a direct or substantial financial interest:

1. The member or the spouse/domestic partner, brother, sister, child, parent, father-in-law, mother-in-law of the member;
2. Any business in which the member is then serving or has served within the previous two years; or
3. Any business with which the member is negotiating for or has an arrangement or understanding concerning prospective partnership or employment.

- 2.20.120 - Public ~~S~~safety ~~A~~and ~~E~~Equity ~~A~~advisory ~~C~~committee.

A. The ~~P~~ublic ~~S~~safety ~~A~~advisory ~~C~~committee is created and charged with evaluating and making recommendations to the city's elected and appointed officials on matters relating to public safety, including law enforcement, fire and medical services. Included in this charge is that the committee make recommendations that may be necessary to insure that all of these public services are provided in a fashion that insures equity, regardless of a person's race, color, religion, sex, sexual orientation, national origin, marital status, age, disability and other classes protected under Oregon statutes The ~~public safety advisory e~~Committee is not charged with reviewing use of force complaints or citizen's complaints against public safety personnel.

B. The ~~public safety advisory e~~Committee shall meet at times deemed necessary by the ~~public safety advisory e~~Committee, ~~;~~ however, they will meet at least once per quarter.

C. The ~~public safety advisory e~~Committee will be a committee of nine members. The ~~C~~city ~~council~~Council shall endeavor to appoint a Troutdale business owner, ~~a member of the Troutdale faith community~~, a Troutdale multifamily housing resident, a Reynolds School District employee, and a high school or college student as well as members at large. All members of the committee will also be a resident and elector of the city or a Troutdale business owner, except in the event that a high school student, who is not an elector, is appointed.

D. The ~~public safety advisory e~~ Committee shall also perform any other duties or functions assigned by the ~~council~~ Council. Those duties shall be specified by motion or resolution of the ~~council~~ Council. In this regard the ~~public safety advisory e~~ Committee operates to provide policy guidance to the ~~council~~ Council on matters of public safety and equity and to act as a liaison between public safety and interest groups and the city's elected and appointed officials.

ORDINANCE NO.

AN ORDINANCE AMENDING TROUTDALE MUNICIPAL CODE SECTION 2.20 RELATING TO COMMITTEES AND COMMISSIONS.

THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:

1. The City Council recognizes the value and work of committees and commissions in the City; and
2. Section 2.20 of the Troutdale Municipal Code sets out how committees and commissions are formed, membership, duties, terms, and the presently constituted committees of the City; and
3. The City wishes to encourage public participation in membership on its committees and commissions as much as possible; and
3. The City Council desires to amend Troutdale Municipal Code Section 2.20 – Committees and Commissions to change appointment matters, to change certain processes and procedures, to add Equity to the duties of the Public Safety Committee and to correct minor grammatical errors and further clarify these sections.

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

- Section 1. Troutdale Municipal Code Chapter Section 2.20 is amended as shown in Attachment A.

YEAS:

NAYS:

ABSTAINED:

Casey Ryan, Mayor

Date

Sarah Skroch, City Recorder
Adopted:

Chapter 2.20 - COMMITTEES AND COMMISSIONS^[2]

- 2.20.005 - Definitions.
 - A. "Committees." As used in this chapter, "committees" means the regular committees established under [Section 2.20.010\(A\)](#), and any committees created and appointed under [2.20.010\(B\)](#). Committee does not include the Council, any committee composed solely of the Council, or any selection committee for making appointments.

- 2.20.010 - Committees—General.
 - A. The following are the presently constituted committees of the city with the number of members, appointment process, term and authority for each committee:

| | |
|---|--|
| <u>1.</u> Budget Committee: | |
| Membership | 6 Councilors, the mayor and 7 electors of the city. |
| Appointment | Recommended by Selection Committee. Appointed by the City Council. |
| Term | 3 years—staggered terms. |
| Authority | ORS 294.336; Section 2.20.080 of this chapter. |
| <u>2.</u> Citizens Advisory Committee: | |
| Membership | 11 residents and electors of the city or Troutdale business owners. |
| Appointment | Recommended by Selection Committee. Appointed by the City Council. |
| Term | 3 years—staggered terms. |
| Authority | LCDC Goals 1 and 2 ; Section 2.20.090 of this chapter. |
| <u>3.</u> Historic Landmarks Commission: | |
| Membership | 7 residents and electors of the city or Troutdale business owners. |
| Appointment | Recommended by Selection Committee. Appointed by the City Council. |
| Term | 3 years—staggered terms. |
| Authority | Troutdale Comprehensive Land Use Plan Goal 5 and Section 2.20.095 of this chapter. |
| <u>4.</u> Parks Advisory Committee: | |
| Membership | 9 residents and electors of the city or Troutdale business owners. |
| Appointment | Recommended by Selection Committee. Appointed by the City Council. |
| Term | 3 years—staggered terms. |
| Authority | Section 2.20.100 of this chapter. |
| <u>5.</u> Planning Commission: | |
| Membership | 7 residents and electors of the city. |

| | |
|---|--|
| Appointment | Recommended by Selection Committee. Appointed by the City Council. |
| Term | 4 years—staggered terms. |
| Authority | ORS 227.090; Section 2.20.110 of this chapter. |
| 6. Public Safety and Equity Advisory Committee | |
| Membership | 9 residents and electors of the City, and City business owners |
| Appointment | Recommended by Selection Committee. Appointed by the City Council |
| Term | 3 year Staggered Terms |
| Authority | Section 2.20.120 of this Chapter. |

B. In addition to these committees, the Council may, by majority vote of its members, provide for the creation and appointment of any committee that it deems necessary. The committee shall perform the duties prescribed by the Council at the time the committee is created.

C. Committees that are not established by ordinance or created by the Council are non-city committees, such as community and intergovernmental organizations. The mayor shall appoint councilors and others to represent the city on non-city committees.

D. In determining the size of any committee, the mayor and Council shall consider its duties and responsibilities and the staffing costs for the committee.

E. Members of a committee shall receive no compensation for their services, but shall be reimbursed for authorized expenses.

F. A committee has no authority to make expenditures on behalf of the city or to obligate the city for payment of any sums of money, unless the Council specifically authorizes the expenditure by appropriate ordinance or resolution and that ordinance or resolution provides the method by which such fund shall be drawn and expended.

- 2.20.020 - Committees—Selection of members.

- A. Unless otherwise provided by law, members of committees shall be appointed by the City Council. The selection committee shall recommend appointments to the City Council.

B. The selection committee is composed of the City Council and the chairperson of the respective committee, and the mayor will serve as chair of the selection committee. If the chairperson of a committee is up for reappointment, the committee’s vice-chairperson shall instead serve on the selection committee. The selection committee shall interview all applicants for the position when feasible. The selection committee shall prepare a recommendation, which will be forwarded to the City Council for approval at the next available regular Council meeting, for appointments to fill all vacant positions and a recommendation for an alternate(s) for each committee if there are suitable candidates from the pool of applicants. If a vacancy occurs on a committee during the year the alternate for that committee shall automatically be chosen to fill the vacancy.

C. No selection committee member shall vote on a recommendation if an applicant is a relative of the member (i.e., the spouse, child, brother, sister or parent of the member) or is a director, officer or owner of a business which employs the member.

D. As the need arises to fill any vacancy on a committee, or from time to time as the Council directs, the city shall conduct a well-planned publicity campaign making use of media, civic interest groups and personal contacts to create an awareness among the public of the opportunity for citizen participation in city government. All releases shall be designed to make known the nature of the committee vacancy, any existing criteria for selection, the method of appointment and any limitations on opportunities to serve. The selection committee will consider, among other factors as it sees fit, a) diversity of membership, b) balance between number of other committee appointments, and c) appointing people who have not ever or recently served on a city committee. All applicants shall complete a standard application form available from the city recorder. Any committee member whose term is expiring will be so notified, as will the committee chair, at the time committee applications are open.

E. The city manager, at the same time applications are opened for committee member selection, shall set a final date for applications to be received. Any application received after that date shall not be considered for committee appointment, and the selection committee shall not be notified of any late applicants. After initial appointment of committee members each year, if any vacancies still exist, late applicants may be considered for appointment at that time.

F. Unless otherwise specified in the law or action creating the committee, a member's term on the committee shall expire on June 30th of the year the member's term has been designated to expire. If no qualified successor has been appointed as of that date, a member's term shall continue until the member's successor is appointed and qualified. All committee members serving at the time this ordinance passes shall have their terms extended 6 months.

G. No elected or appointed official or employee of the city shall be eligible to serve as a member of a committee except for the mayor and councilor members of the Budget Committee.

H. Unless otherwise specified by the Council, the terms of members of a committee shall be staggered so that approximately one-third of the terms of the members end each year.

- 2.20.030 - Committees—Officers and duties.

- A. Each committee listed in [Section 2.20.010](#) of this chapter shall elect officers at its first meeting after June 30 of each calendar year. Those officers are a chair and vice-chair.

- B. The chair of a committee presides over its meetings. The chair preserves order at the meetings, recognizes speakers and decides all questions of order. Any ruling of the presiding officer is subject to appeal by the entire committee by request of any two members. The chair shall have the right to vote. No person shall serve as the chair for more than two consecutive years, and must have a one year break before serving again as chair. The committee may request that the City Council waive this limitation and ask that the chair serve an additional one consecutive year. No person may serve as chair of more than two committees.

C. The vice-chair acts as the presiding officer of the committee in the absence of the chair.

D. The city manager shall provide adequate staffing to the committee to ensure that notice of the meeting is given, each meeting is tape-recorded and minutes are kept consistent with the state's Open Meetings Law.

E. Each committee may adopt bylaws on its procedures and may further specify the duties of its officers. In the absence of adopted bylaws, the rules of the Council covering order and decorum and procedures apply. All cases not provided for in the bylaws or applicable Council rules shall be governed by Roberts Rules of Order (Revised).

F. Committees shall exercise the authority and perform the duties and responsibilities delegated to the committee by state laws, Council action or as specified in this chapter.

- 2.20.040 - Committees—Meetings.

- A. Committee meetings shall be conducted consistent with the state's Open Meetings Law. This means that the meetings are open to the public unless an executive session is authorized and needed, proper notice of the meeting is provided, and minutes are kept and preserved.

B. Committees meet at the times stated in the law or order creating or empowering the body. A committee may meet at any other time necessary to accomplish the duties of the committee.

C. A quorum for conducting business is a majority of the membership of the committee.

D. Each committee has an obligation to be clear and simple in its procedures and the consideration of questions coming before it. A committee shall avoid invoking the finer points of parliamentary rules which may serve only to obscure the issues and arouse the suspicion of the audience at public meetings and the citizens of the city in general.

- 2.20.050 - Committees—Vacancies.

- A. The office of a committee member becomes vacant upon its incumbent's death, removal from the city (if residency is a qualification), removal from office by the Council or resignation. The office may be declared vacant by action of the committee or by the Council for nonperformance of duties if the incumbent fails to attend three consecutive meetings of the body. Unless any of the absences are excused in advance, each member should notify the chair or staff liaison of expected absence no later than four hours before the meeting of the committee. Except that a citizen Budget Committee member shall be removed if they miss 2 consecutive meetings, regardless of cause or excuse. A second miss shall occur if they fail to attend the second meeting within 15 minutes of the start time. The Budget Committee shall then declare that position vacant and immediately appoint the alternate to fill the position.

B. A committee member may resign at any time. A resignation occurs by delivery of a written resignation to the chair, staff liaison or city recorder.

C. In the absence of a more specific process of the Council to the contrary, a vacancy shall be filled in the manner provided by Sections [2.20.010](#) and [2.20.020](#) of this chapter. The committee chair or staff liaison shall notify the city recorder of any vacancy as soon as feasible so that a recruitment process can begin quickly.

D. Unless otherwise provided by law, a member of a committee may be removed from office by vote of a majority of the members of the Council.

- 2.20.060 - Committees—Relationship to City Council, staff and others.

- A. Committees may obtain a place on a Council agenda for an item of mutual interest by timely request to the city recorder. Other communications to the mayor or Council should be routed through the committee chair to the city manager or to the committee staff liaison. The Council may appoint a Councilor liaison to a committee to facilitate communications.

B. Committee members are encouraged to keep abreast of proposed and final Council actions. The city staff shall inform committees of proposed and final Council actions relevant to the business of the committee.

C. While the city staff are charged with assisting committees, staff members are responsible to their supervisors, department heads and the city manager. The city manager must approve staffing functions for all committees. No committee may employ its own staff. Committees must submit any budget requests to the city manager consistent with the yearly budget preparation timelines.

D. Committee members should note whether they speak for themselves or their committees in written and oral communications to other officials, the public and the news media about city matters. When speaking for their committee, members should circulate a copy of the communication to other committee members before its publication if that is feasible. Communications to public officials and agencies of public business, including lobbying efforts, should be coordinated with the city manager to assure consistency with adopted city policy. If a committee member writes or speaks as an individual on city matters, and contrary to an adopted committee position, the member should note that difference in the communication.

- 2.20.080 - Budget Committee.

- A. The Budget Committee is created and charged with carrying out duties imposed by the state Local Budget Law and any other duties conferred by the Council. The city manager is the budget officer for the city.

B. The Budget Committee meets on an as needed basis to review the budget document for each fiscal year. Any budget request should be given to the city manager in sufficient time to be included in the budget document.

C. Appointive members of the Budget Committee shall not be officers, agents or employees of the city. No interest group has a designated position on the Budget Committee. Appointive members must be residents and electors of the city.

D. The terms of the appointive members of the Budget Committee shall be staggered so that approximately one-third of the terms of the appointive members end each year.

- 2.20.090 - Citizens Advisory Committee.

- A. The Citizens Advisory Committee is created as a primary element of the city's citizen involvement program which is established under state laws and regulations pertaining to land use comprehensive planning, including Statewide Planning Goal 1. The Citizens Advisory Committee shall review all legislative amendments to the city's comprehensive plan and all major amendments to land use regulations not reviewed by any other Council-sanctioned citizen committee. The Planning Commission may seek the advice of the Citizens Advisory Committee on quasi-judicial amendments to the comprehensive plan. The Citizens Advisory Committee may periodically review and advise the Planning Commission and Council on the citizen involvement program. The Citizens Advisory Committee will report recommendations on land use issues to the Planning Commission.

B.. The Citizens Advisory Committee shall also perform any other duties or functions assigned by the Council. Those duties shall be specified by motion or resolution of the Council. In this regard the Citizens Advisory Committee operates to provide policy guidance to the Council on matters of public interest and to act as a liaison between neighborhoods and interest groups and the city's elected and appointed officials. The Citizens Advisory Committee will report recommendations to the Council regarding issues assigned by the Council.

C. . The Citizens Advisory Committee shall be composed of eleven members appointed at large to represent the citizenry of the city. Each member shall be a resident and elector or a Troutdale business owner of the city. Although representation on the Citizens Advisory Committee is not based on geographical districts, when appointments are made to the Citizens Advisory Committee, consideration shall be given to geographical distribution of its membership.

D. . The Citizens Advisory Committee shall meet whenever there is a land use matter requiring its review and at other times deemed necessary by the committee.

- 2.20.095 - Historic Landmarks Commission.

- A. The Historic Landmarks Commission is created and charged with duties as specified in [the] Troutdale Development Code chapter 4.200 Historic Landmark Protection. The Historic Landmarks Commission assists the City Council in promoting historic preservation in the city. The Historic Landmarks Commission acts regarding major alterations, demolition or relocation of historic landmarks, the designation of historic landmarks, the maintenance of the historic resource inventory, and makes recommendations to the Planning Commission pertaining to conditional use requests within designated historic landmarks. The Historic Landmarks

Commission may make studies, hold hearings and prepare reports and recommendations on its own initiative or at the request of the Council.

B. The city Council shall consider individuals for the Historic Landmarks Commission that have demonstrated an interest in historic preservation and ideally have experience, training, special expertise or knowledge in the field of historic preservation, local history and culture, archaeology, architecture, the arts, or other related fields. A member of the Planning Commission may serve as an ex-officio member of the Historic Landmarks Commission.

C. The Historic Landmarks Commission shall meet whenever there is a historic resource matter that requires their review.

D. No member of the Historic Landmarks Commission may be removed by the City Council unless a hearing is provided and misconduct or nonperformance of duty is shown. Nonperformance includes absence from three consecutive meetings of the Historic Landmarks Commission.

E. A Historic Landmarks Commission member shall not participate in any Historic Landmarks Commission proceeding or action in which any of the following has a direct or substantial financial interest:

1. The member or the spouse/domestic partner, brother, sister, child, parent, father-in-law, mother in-law of the member;
2. Any business in which the member is then serving or has served within the previous two years;
3. Any business with which the member is negotiating for or has an arrangement or understanding concerning prospective partnership or employment.

- 2.20.100 - Parks Advisory Committee.

- A. The Parks Advisory Committee is created and charged with evaluating and making recommendations to the city's elected and appointed officials on matters relating to recreational land and publicly owned lands, including parks, and open spaces and environmentally sensitive public and private lands. The Parks Advisory Committee reviews and recommends expenditures of parks funds for capital or construction projects.

- B. The Parks Advisory Committee shall also serve as the city's tree board for purposes of satisfying requirements as a Tree City USA and for carrying out all the duties assigned to the tree board.

- C. The Parks Advisory Committee shall meet at times deemed necessary by the Parks Advisory Committee.

- 2.20.110 - Planning Commission.

A. The Planning Commission is created and charged with the powers and duties specified in Oregon Revised Statutes Section 227.090 and other provisions of state law relating to Planning Commission authority, and all powers which are now or in the future granted to the Planning Commission by the ordinances of the city or general laws of the state. The Planning Commission acts regarding the subdivision of land, the use of land, and the location of public facilities, and decides permits and adjudications and adopts and recommends policies concerning the planning and development of the city and the surrounding area. The Planning Commission may make studies, hold hearings and prepare reports and recommendations on its own initiative or at the request of the Council.

B. The Planning Commission shall meet whenever there is a land use matter that requires their review.

C. No member of the Planning Commission may be removed by the Council unless a hearing is provided and misconduct or nonperformance of duty is shown. Nonperformance includes absence from three consecutive meetings of the Planning Commission.

D. No more than two voting members of the Planning Commission may engage principally in the buying, selling or developing of real estate for profit as individuals, or be members of any partnership, or officers or employees of any corporation that engages principally in the buying, selling or developing of real estate for profit. No more than two members shall be engaged in the same kind of occupation, business, trade or profession.

E. A Planning Commission member shall not participate in any Planning Commission proceeding or action in which any of the following has a direct or substantial financial interest:

1. The member or the spouse/domestic partner, brother, sister, child, parent, father-in-law, mother-in-law of the member;
2. Any business in which the member is then serving or has served within the previous two years; or
3. Any business with which the member is negotiating for or has an arrangement or understanding concerning prospective partnership or employment.

- 2.20.120 - Public Safety and Equity Advisory Committee.

A. The Public Safety Advisory Committee is created and charged with evaluating and making recommendations to the city's elected and appointed officials on matters relating to public safety, including law enforcement, fire and medical services. Included in this charge is that the committee make recommendations that may be necessary to insure that all of these public services are provided in a fashion that insures equity, regardless of a person's race, color, religion, sex, sexual orientation, national origin, marital status, age, disability and other classes protected under Oregon statutes. The Committee is not charged with reviewing use of force complaints or citizen's complaints against public safety personnel.

B. The Committee shall meet at times deemed necessary by the Committee, however they will meet at least once per quarter.

C. The Committee will be a committee of nine members. The city Council shall endeavor to appoint a Troutdale business owner, a Troutdale multifamily housing resident, a Reynolds School District employee, and a high school or college student as well as members at large. All members of the committee will also be a resident and elector of the city or a Troutdale business owner, except in the event that a high school student, who is not an elector, is appointed.

D. The Committee shall also perform any other duties or functions assigned by the Council. Those duties shall be specified by motion or resolution of the Council. In this regard the Committee operates to provide policy guidance to the Council on matters of public safety and equity and to act as a liaison between public safety and interest groups and the city's elected and appointed officials.



CITY OF TROUTDALE



STAFF REPORT

SUBJECT / ISSUE: Resolution Approving The 2020 Council Priorities and Tactical Direction.

MEETING TYPE:
City Council Regular Mtg.

STAFF MEMBER:
Ray Young

MEETING DATE:
September 8, 2020

DEPARTMENT:
Executive

ACTION REQUIRED:
Resolution

ADVISORY COMMITTEE/COMMISSION RECOMMENDATION:

PUBLIC HEARING:
No

N/A

Comments:

STAFF RECOMMENDATION: Staff recommends approval of Council Priorities and Tactical Steps

EXHIBITS:

- A. Excel Spreadsheet of Ranked Council Goals
- B. 2020 Troutdale City Council Priorities & Tactical Direction to Staff.

SUBJECT / ISSUE RELATES TO:

- Council Goals
 Legislative
 Other (describe)

ISSUE / COUNCIL DECISION & DISCUSSION POINTS:

- ◆ Should Council adopt City priorities as discussed and approved at several work sessions
- ◆ Should Council approve the tactical steps staff should take to accomplish each goal as previously discussed.

Reviewed and Approved by City Manager:

BACKGROUND:

On February 4th, the City Council had a Work Session which was moderated by Mike Abbate. The purpose of the session was to discuss potential City goals, select the most important and then prioritize them. Attached as Exhibit A is the result of that process.

On June 30th, the City Council had another Work Session which was also moderated by Mike Abbate. The purpose of the session was to review the previously determined priorities and discuss tactical steps to accomplish each priority. Attached as Exhibit B is the result of that discussion.

The establishment of Council Priorities, and tactical steps to accomplish those priorities, is an important statement to the residents. It reflects what projects they want staff to pursue in the community. By clearly directing staff on priorities and tactical steps, staff is better able to focus its time and energy on projects that are most important to the residents.

PROS & CONS:

Pros:

- Council makes an intentional statement of what is important to the residents.
- Staff has clear direction on the most important issues to direct resources and time on.

Cons:

- Residents and Staff do not have clear direction of the most important projects to be accomplished.

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

Exhibit A

6/30/20 Council Work Session Item #2

2020 Troutdale City Council Priorities

Date Created: Feb. 4, 2020 Council Work Session

Date Updated:



Mike Abbate, Facilitator

| THEME or FOCUS AREA | NO. | DESIRED OUTCOME | COUNCIL PRIORITY RANKING 2/4/20 | NO. OF COUNCIL VOTES 2/4/20 | STRATEGIC MEASURES | METRICS OF SUCCESS | RESPONSIBLE PARTY | NOTES |
|---------------------------|-----|--|---------------------------------|-----------------------------|--------------------|--------------------|-------------------|-------|
| DEVELOPMENT | 1 | Negotiate High-Quality Development Agreements for URA | 6 | 4 | | | | |
| | 2 | Promote Economic Development with businesses in the citya plan to attract new businesses to Troutdale | 2 | 5 | | | | |
| | 3 | Develop a plan for City-Owned Riverfront properties along Sandy and Columbia Rivers | 8 | 2 | | | | |
| | 4 | Explore options for existing City Hall property | 2 | 5 | | | | |
| ASSET MANAGEMENT | 5 | Determine how to best consolidate the location of the functions of city government. | 1 | 6 | | | | |
| COMMUNICATION & MARKETING | 6 | Marketing & Tourism Promotion of Troutdale | 2 | 5 | | | | |
| PUBLIC SAFETY | 7 | Propose ways to improve Public Safety and Monitor Effectiveness of new Community Resource Officer | 2 | 5 | | | | |
| GOVERNANCE | 8 | Improve communication and collaboration with stakeholders such as Reynolds School District, Metro, County and State, Fairview, Wood Village, Gresham | 7 | 3 | | | | |

Explore re-acquiring control of roads from Multnomah County

Consider re-establishing local Police and Fire Depts; perhaps in partnership with Wood Village and/or Fairview (delay effort for 2-3 years)

Increase livability by addressing homelessness

Increase communication between Mayor, City Manager and Councilors

Finalize Committee Selection process

Increase collaboration with neighboring communities

Consider compensation for Mayor and Councilors

Create a Staff Economic Development Director

Explore methods to incentivize downtown businesses

THESE ITEMS WERE DISCUSSED, BUT REMOVED FROM THE COUNCIL PRIORITIES LIST

2020 Troutdale City Council Priorities & Tactical Direction to Staff

ASSET MANAGEMENT

Explore options for existing City Hall property

- Explore the options for sale of the property to a developer with some conditions and incentives for renovating the building

Determine how to best consolidate the location of the functions of city government.

- Pursue new leased space (preferably with an option to buy) to consolidate most of City Hall functions in a single location

DEVELOPMENT

Negotiate High-Quality Development Agreements for URA

- Create a staff position & department to focus on Economic Development
- Create a Framework Plan for the URA properties
- Hire Consultant as needed to support new Economic Development Dept.

Promote Economic Development with businesses in the City

- Develop a plan to attract new businesses to Troutdale within focused geographical areas with clear parameters
- Discount some commercial SDCs for specific businesses and areas
- Create a storefront improvement grant program to help businesses improve their exterior façade, subject to City approvals

Develop a plan for Riverfront properties along Sandy River

- Push to design, fund and finish the Sandy River Trail
- Develop a plan for riverfront properties that aligns with URA and other City Plans



COMMUNICATION & MARKETING

Marketing & Tourism Promotion of Troutdale

- Create an Economic Development and Tourism department within the City.

PUBLIC SAFETY

Propose ways to improve Public Safety

- Establish a new citizen's Public Safety & Equity Committee to recommend a course of action and priorities for the 2021-2022 fiscal year

GOVERNANCE

Improve communication and collaboration with stakeholders such as Reynolds School District, Metro, County and State, Fairview, Wood Village, Gresham

- Maintain regular schedule of staff "check-in" meetings with partners
- Maintain regular schedule of Mayoral informal meeting with partners
- Explore options for providing Fire Service to Troutdale, including consolidation with neighboring cities or individual fire department

RESOLUTION NO.

A RESOLUTION APPROVING THE 2020 CITY COUNCIL PRIORITIES AND TACTICAL DIRECTION.

THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:

1. That to consider the vision and goals for the community the City Council on February 4, 2020 held a Work Session moderated by Mike Abbate to discuss and identify potential City goals.
2. That the City Council conducted a follow up Work Session moderated by Mike Abbate to discuss, select, prioritize, and finalize a consensus of the 2020 Council Goals.
3. That the purpose of the goals is to focus the efforts of the City Council and City staff on specific plans of action to achieve certain priorities.
4. That the City through its Home Rule Authority powers granted or allowed to it as provided in the constitution and statutes, maintains exclusive jurisdiction over all matters that the City may regulate, including the provision of existing services and programs including but not limited to; Public Safety (Police), Fire and EMS, Planning and Building Codes, Water, Stormwater and Sewage Collection and Treatment utility services, Transportation (Streets/Pathways) maintenance, Municipal Court, Parks and Recreation.
5. That as time and resources allow following the provision of existing services and programs, the City frequently pursues quality of life initiatives and programs such as economic development, code enforcement, parks and open spaces, recreation, environmental issues and other local, regional, state and national issues.
6. That adoption of the consensus 2020 Council Priorities and Tactical Direction to Staff is pursuant to Troutdale Municipal Code (TMC) chapter 2.08.220, and is in the best interest of the City, providing a unified purpose of the elected officials in allocating the limited City resources toward mutually agreed upon goals.

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

Section 1. That in accordance with the findings set forth above, the City Council hereby adopts the *2020 Council Priorities and Tactical Direction to Staff*, as attached hereto as Attachment A and by this reference incorporated herein.

Section 2. That the powers, actions and measures taken by the City Manager and Staff in pursuit of these 2020 Council Priorities are subordinate to the provision of existing City services and programs as established by the Troutdale Municipal Code (TMC), Resolutions, adopted infrastructure master plans, and the adopted FY 2020-2021 City Budget resource allocations.

Section 3. That the Finance Director is authorized to disburse funds, as necessary to fulfill the intent of this resolution and is further directed to implement all such actions necessary to ensure budgetary compliance.

Section 4. This Resolution shall take effect immediately upon adoption.

YEAS:
NAYS:
ABSTAINED:

Casey Ryan, Mayor

Date

Sarah Skroch, City Recorder
Adopted:



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