



22500 Salamo Road
West Linn, Oregon 97068
<http://westlinnoregon.gov>

WEST LINN CITY COUNCIL MEETING NOTES February 10, 2020

[Call to Order and Pledge of Allegiance to the Flag](#)

Council Present:

Mayor Russ Axelrod, Council President Teri Cummings, Councilor Bill Relyea, Councilor Richard Sakelik, and Councilor Jules Walters.

Staff Present:

Deputy City Manager John Williams, Human Resources Director Elissa Preston, Parks & Recreation Director Ken Warner, City Recorder Kathy Mollusky, and City Attorney Tim Ramis.

[Approval of Agenda](#)

Council President Teri Cummings moved to approve the Agenda for February 10, 2020 for the West Linn City Council meeting, removing 5a the Consent Agenda and adding the Citizen Advisory Group Council Liaisons as Item 7b. Councilor Jules Walters seconded the motion.

Ayes: Mayor Russ Axelrod, Council President Teri Cummings, Councilor Bill Relyea, Councilor Richard Sakelik, and Councilor Jules Walters.

Nays: None.

The motion carried 5 - 0

[Public Comments \[20 min\]](#)

[Public Comment - City Manager Evaluation - Karie Oakes](#)

[Announcements, Proclamations, and Recognitions \[5 min\]](#)

[Black History Month Proclamation](#)

[Proclamation](#)

Councilor Walters read the proclamation and declared February 2020 as Black History Month in the City of West Linn.

Mayor Axelrod announced that although the main street area was undergoing a major streetscape construction project as part of the GO Bond, the businesses were still open and he encouraged everyone to support them. Questions and concerns about the project could be voiced by phone at (503) 723-2525 or by email for a response within 24 hours at: wfdproject@westlinnoregon.gov.

~~5. Consent Agenda [5 min]~~

~~**Agenda Bill 2020-02-10-01: Approve Draft Notes for December 9, 2019 and January 6 and 14, 2020**~~

~~[Draft Notes Information](#)~~

~~This item was removed from the Agenda.~~

[Business Meeting \[60-90 min\]](#)

[Agenda Bill 2020-02-10-02: Resolution 2020-01, Setting Compensation Levels for Management and Non-Represented Employees, and Elected Officials](#)

[RES 2020-01 Information](#)

Human Resources Director Preston presented the Staff report, noting City Council had discussed moving the cost-of-living adjustment (COLA) to July 1st of each year. To assist in the transition, Staff recommended a staggered approach, which would provide a partial COLA in January for management and non-represented employees, and partial increases for the Council and the Judge in March, with a full COLA increase in July. The estimated CPI when the Agenda Bill was written was 2.4 percent, but the actual CPI today for the time period recommended by Staff was 2.35 percent, which would be effective on July 1st. The cost for management and non-represented employees from January to June was 1.2 percent. The amounts through the end of the biennium were fully budgeted.

Council President Teri Cummings moved to approve Resolution 2020-01, Setting Compensation Levels for Management and Non-Represented Employees, and Elected Officials. Councilor Jules Walters seconded the motion.

Ayes: Mayor Russ Axelrod, Council President Teri Cummings, Councilor Bill Relyea, Councilor Richard Sakelik, and Councilor Jules Walters.

Nays: None.

The motion carried 5 - 0

[Agenda Bill 2020-02-10-03: Contract Award for the Library and Police Station Generators](#)

[Generator Information](#)

Parks and Recreation Director Warner presented the Staff report, noting the purchases of the generators were approved in the 2018 GO Bond Project. A new generator was essential for the Police Station, which would serve as an emergency operating center because the current generator was undersized. A new generator at the Public Library would assist people exiting the building during power outages, provide a subordinate emergency operating center to the Police Department, and serve as a warming or cooling shelter. The City had budgeted \$200,000 for each generator and using state procurement, it was estimated the cost of both would be \$272,000. To-date, \$65,000 had been spent on electrical studies and construction documents. Additional small ancillary expenses were expected, but the anticipated total would be under \$400,000. He confirmed the old generator from the Police Department would go up for resale.

Councilor Relyea noted that the questions he had raised during the work session had been answered by several emails and he wanted the public to know that the rationale for not reusing the generator from the Police Station in the Library was due to it having the wrong capacity.

Council President Teri Cummings moved to Authorize the Deputy City Manager to sign the proposal with EC Electric to furnish and install emergency backup generators as designed and specified at the West Linn Library and Police Station buildings. Councilor Bill Relyea seconded the motion.

Ayes: Mayor Russ Axelrod, Council President Teri Cummings, Councilor Bill Relyea, Councilor Richard Sakelik, and Councilor Jules Walters.

Nays: None.

The motion carried 5 - 0

[Agenda Bill 2020-02-10-04: General Obligation \(GO\) Bond Allocations for City Facilities](#)

[GO Bond Information](#)

[FORS Statement of Revenue & Expenditures](#)

[Councilor Sakelik's submittal](#)

[Public Comment - GO Bond - Alan Smith](#)

[Public Comment - GO Bond - Matthew Gillis](#)

[Public Comment - GO Bond - Matt Gillis2](#)

[Public Comment - GO Bond - Rebecca Adams](#)

[Public Comment - GO Bond - Rebecca Adams2](#)

[Public Comment - GO Bond - Vince Miles](#)

Parks and Recreation Director Warner presented the Staff report, noting Council had held a number of work sessions regarding City Facilities and was now considering Go Bond facility expenditures for approval this evening. Tonight, Council would be discussing the Robinwood Station, which had an updated construction cost of \$580,000, as well as soft costs and alternatives to consider; an increase to the previous allocation of \$400,000 to Historic City Hall; and upgrading the Bolton Fire Hall to a storage facility. As requested by Council, Staff reviewed the \$419,000 estimate for the Bolton Fire Hall project and recommended reducing the amount to the original \$100,000, which would be adequate to provide sufficient storage for City use; expending \$419,000 was inappropriate.

Roger Straus spoke on behalf of the Bolton Neighborhood Association (BNA). He had written a letter that was entered into the record and wished to address the allocations for the Bolton Fire Station, which was a beautiful, historic property. He supported Councilor Sakelik's proposal, which suggested combining the City's storage needs with at least a usable meeting room, which the fire station already had. The BNA currently met at the West Linn Fire Station, which was unsatisfactory because of the locked door and insufficient meeting space during times of full attendance.

[Public Comment - GO Bond - Roger Straus](#)

Siobhan Taylor stated she represented the Willamette Falls and Landings Heritage Area (WFLHA) Coalition and noted they had been discussing and receiving Council's support and encouragement for Historic City Hall for two years. The Coalition had already spent \$120,000 in due diligence and design project management and had raised \$145,000 in grant money to put toward the project. Their feasibility study with the National Parks Service had been approved and legislation was being prepared to ask Congress to designate the region as a National Heritage Area. The Coalition needed a headquarters, and the Historic City Hall would be appropriate as a place to welcome and teach visitors and to meet with partner organizations. The Coalition had agreed to make the meeting space available to other community partners and neighborhood association meetings like the BNA. She would submit for the record an email from Brian Konen, President of Willamette Falls Paper Company proposing parking arrangements for the Coalition with dedicated parking spaces. Also, she provided from Kevin Johnson, the architect for GBD, the layout proposed for the parking plus overflow and GBD's commitment to make available dedicated parking overflow, if needed. She believed the full renovation amount of \$1,024,927 was needed to provide the community with a meeting space and to make the Historic City Hall the jewel in the crown at the Waterfront development for the City of West Linn.

[Public Comment - GO Bond - Siobhan Taylor](#)

Jon George stated he was the Tribal Council Secretary for the Confederated Tribes of Grand Ronde. He believed the restoration of Historic City Hall would transform it into a community center for heritage and culture, and the restoration would take a community and community leaders' action. The WFLHA Coalition had worked diligently to turn the historic building into a community cultural center for West Linn, and he was now asking City Council to boost its funding support. The non-profit Coalition had already spent money for due diligence and design, and the City of West Linn had offered nothing. \$40,000 had been contributed in staff and volunteer time. More commitment from the City was needed, and if it did increase funding, then the programmatic funding would come from foundations. The original project estimate was \$1.2 million, not a lavish budget, but necessary. The Willamette Falls represented the home their ancestors ceded to the US government in 1855, which was why the Historic City Hall project was so important. Council's support would preserve the historic building and support the joint effort of PGE and West Linn for future waterfront development, especially Moore's Island and joint efforts on the Locks. Council's support would also go hand-and-hand with the Tribe's work across the river at Blue Heron. The Tribe saw the City of West Linn as a true partner and asked Council to increase the level of funding.

Elizabeth Smolens stated she was the newly elected president of the West Linn Historical Society, which continued to support the City's funding of the Historic City Hall. As a resident and not as the Historical Society President, she believed Staff's recommendation for the allocations was extremely reasonable.

Larry McIntyre encouraged the Council to use the GO Bond for the Historic City Hall. He said he was not totally neutral on the issue as he had spent a number of years serving on the Planning Commission, City

Council, and then as Mayor and had become very attached to the building. As a member of the community, he saw the use of the building as more than just a City Hall. About 40 years ago, the City Hall was a community center, and it could be again. Tourism and education by itself was big, and West Linn needed a center. For those arriving in the city, it was a major cornerstone at the entrance to West Linn. He shared the story of the restoration of the McLoughlin House in Oregon City as an example of what could be done in West Linn. He requested that City Council increase the funding from the GO Bond from partial to full funding of the Historic West Linn City Hall.

Alma Coston stated she was a long-time resident of West Linn and had lived in the Bolton neighborhood. She had fond memories of the Historic City Hall. The entire waterfront area could be like that again and be the cornerstone for the city. She asked Council to be the leaders they were elected to be and take the first step into supporting the development by funding the Historic City Hall project and allowing the Coalition and its partners to tell the story about the Heritage area. It would provide a much-needed community space and would showcase the potential of the waterfront area. The heavy lifting was being done by the volunteers, and the Council should not allow the opportunity to slip away, but fund the project to the maximum.

Mayor Axelrod read the initial dollar allocations and targets for the \$19 million from the GO Bond for projects. City Council needed to determine tonight the pool of money available and how much of the future estimated earnings on interest for the \$19 million the City wanted to commit or to leave for other projects, including the Bolton Fire Station, Robinwood Station, and Historic City Hall.

Councilor Relyea understood the \$100,000 was strictly to use the Bolton Fire Station as it was currently being used with some deferred maintenance and a few other items to make it usable as a storage facility. Then, \$419,603 would be spent to upgrade it to a usable condition for storage, but not as a community center. He believed Councilor Sakelik's understanding appeared to be that for \$419,000, one room would be available for meetings.

Parks & Recreation Director Warner clarified that the \$419,000 Council had requested was for a bare-bones upgrade to ensure Bolton Station could safely be used for storage by the public and the City, but not as a community center. If only one room was considered for a meeting room, it would still be necessary to consider the Parking Code, square footage, ADA requirements, etc. The architect had not been asked about doing just one room versus the whole facility. The most recent number from the architect was \$1.1 million for removing the third bay which would allow two-way traffic to the back for parking, but it would still not meet Code, so conversations with Tualatin Valley Fire and Rescue (TVF&R) would be necessary regarding joint parking.

Councilor Relyea asked for a more detailed explanation of the differences in what would be provided between the \$100,000 to use the building in as-is condition for storage, and the \$419,000 for an upgrade for storage but not for use as a community center.

Parks & Recreation Director Warner replied that \$100,000 would pay for a new roof, repair leaks, and upgrade the electrical panel for safety so the building could be used only by City Staff. The \$419,000 would provide more in-depth work on the structure and other items listed on the Agenda Bill memo.

Councilor Walters asked about using interest earned from the GO Bond and ensuring a comfortable contingency existed, so that people were aware that the contingency was not just for the facility

projects, but was to be used across the board for transportation and park projects. She was a little concerned with Councilor Sakelik's numbers because it appeared to leave about \$200,000 in contingency for the \$20 million worth of projects, and contingencies could go quickly during major construction projects.

Deputy City Manager Williams replied part of this issue would involve a Council policy decision. Council had received recent reports from Director Warner and Director Calvert about the transportation projects and was aware that a lot of work remained to accomplish the goals set out in the Bond and some big transportation projects were still left on the table. Issues had arisen in the past during the detailed design of projects; for example, Council saw fit to allocate extra money on Main Street in order to satisfy community goals and to achieve Council goals. He believed the concern was the more of the interest that was utilized before the rest of the projects were completed, the less the margin of error available. A low margin of error might mean that if bids come in high, consideration might need to be given to trimming the project or eliminating the possibility of adding to the project if items come up in the course of a community conversation. There was no danger of overspending the Bond funds; the only danger was not accomplishing the goals Council had determined. The community conversation about the GO Bond laid out some very high-level priorities and had sample project lists. Director Calvert had said that the big projects would be covered by the Bond, but their scopes might need to be adjusted depending on the bids received. He recalled that Director Breithaupt's last estimate showed the interest and unallocated amount was about a 5 percent, and if Council chose to, it could view that amount as a contingency fund that could be appropriated for other uses. It came down to a Council discussion of priorities. A lot of work was still to be done in the Bond categories.

Councilor Walters asked if the \$100,000 would include painting the outside of the Bolton Fire Station and taking proper care of it to ensure that it looked a bit prettier than it did right now.

Parks & Recreation Director Warner replied he was sure the building could be painted if Council desired, but the \$100,000 would not go a long way to improve the overall cosmetics. The building was old and the front steps were broken. Flowers could be planted and other things done to make it pretty throughout some of the year.

Councilor Sakelik clarified that the idea that Council only wanted to fund the Bolton Station for minimal use for storage was incorrect. For 1.5 years he had been asking, and Council President Cummings more recently, to get the numbers for using the station for storage as it has been and for how the community could use the building in some fashion, such as a couple of the rooms for classes or for dancing in the room with the wood floor. He reminded that only Council President Cummings, Mayor Axelrod, and he were involved in the original GO Bond discussions and only \$19 million had been allocated because at the time, the net amount after commissions, etc. was unknown, so they played it safe and used \$19 million based on the Finance Director's recommendation. If they had known that \$19,580,000 would be the actual amount received, those funds would have been allocated as well. The projects' costs were not set in concrete, but were projections based on professionals' estimates. He believed Historic City Hall was a priority, as it appeared to be with the community based on their attendance at tonight's meeting. Ensuring the funds were available to completely fund the project was part of his objective, as well as supporting the rest of the community where the Bolton Fire Station could be used for community uses. Although a Parks number, he had also considered the additional \$65,000 for the McLean House, because he was trying to satisfy the entire community's perspective.

He reviewed his spreadsheet, noting that \$1.35 million was not allocated yet. The original funds not allocated were \$950,000, and the \$400,000 that was de-committed from Historic City Hall had been put back temporarily because the Letter of Commitment would not be fulfilled as written. As mentioned, the \$580,000 from the original GO Bond had not been allocated because the numbers were unknown at that point. The interest accrued from the Bond funds was \$417,000 for FY 2019, and \$400,000 was used for the electric for the Willamette Falls Streetscape, leaving \$17,000. Per Finance Director Breithaupt, the FY2020 interest of \$236,000 was already received through December 2019. Based on that and the investments generating 2.45 percent income, another \$164,000 would be available by the end of June, which he believed was legally allocable. The only number that was a real projection was the FY 2021 interest from the GO Bond from July 2020 until June 2021. Most of the funds would probably still be in the bank, and he conservatively estimated that amount to be \$13 million. He used 2.45 percent as the interest that would be generated that year and since the City would be nowhere near completing all of the projects or even half of them, he believed nothing was wrong with using those funds as allocable, as long as the investment was not switched, which he doubted Finance Director Breithaupt would do, so he assumed it was a safe investment. Using those numbers, he came up with \$2.665 million that had not been "allocated" to a project.

As the Coalition presented to Council almost a year ago, the two phases of Historic City Hall would be \$1.285 million. He would like the City to fund all of that to make sure it was completely funded so that no grant funding, which was difficult to obtain, would be required to backfill. He understood the \$419,000 recommended by Mr. Iselin was necessary to make the Bolton Fire Station safe. The ADA requirements were probably a small issue, but he did not believe that had been included in the amount. Having what Mr. Iselin was recommending specifically for the \$419,000 would have helped Council understand this better. He assumed the funds were for electrical, the HVAC, roof, etc., and he believed the \$419,000 was a reasonable investment to keep the building usable for public activities and for the City for storage. If his projections were agreeable, he believed funds were sufficient to put another \$65,000 towards the McLean House to accommodate a restroom, etc. which made sense given plans to add an outdoor structure. Based on projections, \$200,000 would be left over, which was two-thirds of the last interest projection in his spreadsheet. He believed it was a good plan. The City already had an agreement that TVF&R would work on finding parking solutions to accommodate using the Bolton Fire Station. He noted Failing Street could even be closed to provide more parking if needed. He believed sufficient parking could be negotiated and proposed going with the Bolton Fire Station for \$419,000, subject to a firm parking agreement with TVF&R so the public could use the building as well.

The Historic City Hall was a key item and, to be clear for the public's benefit, the City would put in all the funding and be responsible for the programming with the Coalition being the signature tenant and the City able to accommodate what they proposed. The city would gain the historic benefit of the facility and its completion would be guaranteed without relying on grants, which could be used for later improvements. If that route was taken, a new agreement would be negotiated with the Coalition, taking into account the monies spent to date and defining the kind of space the Coalition would need, followed by defining the remaining needs and creating a plan for the building. The \$1.3 million investment to the Historic City Hall should be subject to a written letter of commitment from the current owner of the 16 acres previously owned by Stern Investments regarding parking for the facility. The Coalition would bring a lot of value to the entire process between tours, especially with the newer information specific to the mill, such as the history of paper, etc.

Councilor Relyea asked for clarification on the \$419,000 for the Bolton Fire Station, noting Councilor Sakelik seemed to believe that the community would be able to use the facility for that investment. From what was heard this evening, that was not true; the \$419,000 would be for using the facility just for storage with some other infrastructure upgrades and would not be used for community purposes, which would require a \$1.1 million investment.

Councilor Sakelik clarified the City would decide how the community would use the Bolton Fire Station. For example, the City programmed Sunset Fire Hall, and if Sunset was pressed for programming space, the City could decide what would fit and be appropriate at the Bolton Fire Station. He understood from Mr. Iselin that could not be done currently due to insufficient parking. TVF&R had put in writing that they would be happy to work with the City to resolve the parking issue, then \$419,000 would be a reasonable investment for the City to use the building for a dual purpose as Council President Cummings had mentioned in the past.

Parks & Recreation Director Warner referenced an email from the architect, noted the back of the financial statement from the work session clearly stated in bold that the \$419,000 "...reflects a reasonable cost to get the building to a usable condition for storage use but not for public use as a community center." It also addressed the non-removal of some of the interior walls and other work completely removed from the \$1.1 million. He interpreted Iselin Architects to be saying it would be used as a storage facility only, and the City could choose to have the public use it as storage as well. The ADA requirements for access were not met, parking was still an issue, no off-street improvements were planned, and all painting and window replacement had been removed, limited interior work for demolition only was proposed, as was retaining bathrooms as-is, and no new flooring or refinishing of existing wood floors was included. Staff believed Council wanted the next step to bare bones that would allow the City to use the building.

Councilor Relyea stated it appeared Councilor Sakelik believed the \$419,000 gave the City some kind of lateral or discretionary opportunity to allow the community to use the building other than for storage which, according to what Director Warner just provided, was not true.

Parks & Recreation Director Warner confirmed that based on what was presented in the cost estimate, the building would be useful only for storage.

Councilor Sakelik agreed the issue needed clarification given the confusion around it. He had been requesting both usages for a while and believed the estimate addressed that. It would be good to double-check to see exactly what the \$419,000 would do, especially because Council had not seen anything from Mr. Iselin outlining what that \$419,000 would cover. That part of his recommendation could be determined in a future Council discussion. He also believed Councilor Relyea wanted to add an item to the plan about hazard checks.

Parks & Recreation Director Warner clarified that the email he quoted was labeled, "Bolton Fire Station Building Re-use, Building Construction, Limited Scope Cost Estimate" and had been in the January 6th work session packet.

Council President Cummings believed Council could act on the Robinwood and Historic City Hall decisions tonight, but too many issues were involved with the Bolton Fire Station. She had asked several times for the least amount that could be spent on the Bolton Fire House to make it as usable

and as safe as possible, but not for a community center. Currently, the fire station was an attractive nuisance and nearby residents did not appreciate it. She believed about \$100,000 had been spent just to paint Sunset Fire Hall. Also, Councilor Relyea wanted a hazards and building materials assessment. An assessment was done in 2015, but she did not believe it went into that level of detail, and Council needed to know what it was working with. Meanwhile, the Public Works Facility was maxed out and it was hard to work there efficiently with the amount of equipment and other items on the site. The City had been searching for other storage spaces. She had also heard that meeting space was maxed out at the Sunset Fire Hall as well as the Adult Community Center. The Bolton Fire Station might meet the need, but Council needed to know more about the building, what it would take for the upgrades, and the minimum cost required. She believed using most of the building for storage was a good idea, but part of the building, like the annex, could be used for a community room or purpose, not a community center. A use like the volunteer run community preschool would not take much parking. The parking needs would be predicated by the use, which was an unknown. She recommended not discussing the Bolton Fire Station further tonight, which would also give the BNA an opportunity to weigh in as they had asked. She did not want to hold up consideration of the other two facilities.

Mayor Axelrod agreed and noted the Council had been instructed that what they chose to build with the Bond monies needed to last the 20-year life estimate of the Bond. The construction and where the money was spent could not be followed by tearing out the construction because it would affect the City's bond rating. The impact would affect the City financially and in other harmful ways. It was hoped monies would be available from Metro if the 2020 Bill was approved in fall, and he hoped that the entire lower segment of the Highway 43 Project was a priority. A wall would have to move on the Bolton property, but it was unknown how far or if other issues in the building needed to be considered. He was concerned about the risk of investing a lot of money in the building. If Council decided to go forward with work on the Historic City Hall and Robinwood Station, the dollar amounts under consideration would be about \$1.05 million and about \$750,000, respectively, with the utility building work being covered for Robinwood.

Parks & Recreation Director Warner stated his calculations were \$748,000 for Alternatives 1, 2, and 3, and that was the utility building as City storage. The other alternative that the Friends of Robinwood Station (FORS) had raised that Staff considered was to choose Alternatives 1, 2, and 4 with Alternative 4 providing a restroom and access at the utility building. One of the two bays would be provided for FORS and the second bay would be for City use only. The cost of that option would be \$147,000, taking the cost of the project from \$748,000 to about \$835,000.

Mayor Axelrod stated using \$800,000 as a rough number with the \$1.05 million and the monies already committed to City facilities put the total just under \$3 million, which was a bit of an increase from the earlier \$2.5 million projection; however, the interest earnings would increase that a bit. Council had already added \$400,000 to the transportation projects and could add a similar amount to cover the Robinwood Station and Historic City Hall projects, and then determine what to do and how to shift other monies to the Bolton Fire Station after receiving additional information.

Parks & Recreation Director Warner reminded of the cap for non-governmental funding. The allocation was \$1.97 million and considering the interest calculation from the Finance Director's numbers, the amount increased a bit above \$1.9 million.

Mayor Axelrod believed the total was still well below that number, noting the first round had only \$50,000 in non-governmental funds.

Deputy City Manager Williams noted if the cap was around \$2.1 million and \$800,000 was allocated to Robinwood Station and over \$1 million was allocated to Historic City Hall, the amount was at \$1.9 million, not well under but rather, approaching the 10 percent cap.

Councilor Relyea suggested that it would not hurt the City's bond rating to move forward with funding at least a portion of the Bolton project for the hazardous material survey. Regardless of what was going to be done with the facility, the survey was the bare minimum that should be funded to determine what protective measures needed to be taken by the contractors working in the facility and by others entering the facility.

Parks & Recreation Director Warner confirmed the hazardous material survey could be funded under the GO Bond, but he was uncertain about the survey's cost. Because the facility was once occupied by TVF&R, the survey might be simpler and not too expensive, but checking with a consultant would be necessary.

Deputy City Manager Williams confirmed a \$25,000 line item for a survey had been included in Mr. Iselin's estimate at one point.

Councilor Walters expressed concern about the estimated increase for Robinwood Station from \$647,000 to \$800,000 and asked what the facility would provide for the majority of the city that justified spending taxpayer money. FORS did a great job with what they had, but \$800,000 seemed like a lot of money.

Mayor Axelrod responded that the entire utility building behind Robinwood Station would be rehabilitated so it was usable and would expand the City's facilities.

Councilor Walters responded the building would be for a tool lending library and it was a lot of money for something that was already available at the Public Library.

Mayor Axelrod understood the building would be used for more than just the tool lending library.

Parks & Recreation Director Warner clarified the construction-only cost estimate for the Water Utility Building was \$580,000 and detailed the additional costs for Alternatives 1 through 4 (Staff report, Page 2 of 9), noting Alternative 4 would provide outdoor access to a restroom for the gardeners, and two bays or garages, one for City use and one for public use. He clarified Council would choose either Alternative 2 at \$60,000 or Alternative 4 at \$147,000 would be chosen, which was the reason for the difference between \$835,000 and \$748,000.

Mayor Axelrod noted FORS was quite creative in finding ways to use the building if the basic shell and the functions were there, and it seemed they were interested in trying to finish things out to reduce City costs. Perhaps not all of the Alternatives were needed as FORS had demonstrated resourcefulness in the past.

Council President Cummings understood the toilet would be repaired even if the building was to be for City use only.

Parks & Recreation Director Warner confirmed that at a minimum, Alternative 2 would repair the toilet, but would not provide access to the restroom from the exterior. The building did not necessarily need certain renovations for City employees, but providing public access through an exterior door, as well as the ADA requirements, increased the cost from \$60,000 to approximately \$147,000 cost. He clarified the restroom was located at the back corner of the building, and he was unsure if the architect had considered an exterior door. Once inside, members of the public could use the bathroom in the garage, which was closest to the garden or the restroom in the back corner closest to the garden.

Council President Cummings noted the \$80,000 plus cost difference, adding that gardeners had said they did not want to interrupt events in the building to use the restroom. Access to the restroom from the outside would be convenient and would allow the costs to be pared down.

Councilor Walters noted that the need for community meeting space was heard repeatedly. Robinwood Station had the main bay, a small office in the front, and an eat-in kitchen area. She asked if the redesign would expand the community meeting space or offer any recreational space, or would the footprint remain the same with more exterior improvements.

Parks & Recreation Director Warner replied the actual footprint of the rooms would not change. The upgrades would allow for more access. ADA requirements would be met and the restrooms would be more accessible, so the space would be more usable. Flooring and other options had been considered.

Mayor Axelrod reminded that the building had been neglected for a long time and the upgrade would bring it up to the point of serving the community in a very resourceful way, which was certainly consistent with the assumptions in the GO Bond for facilities.

Councilor Relyea stated it was important for the public to know that during the Budget Committee meetings, Council was told the City had no maintenance budget for these facilities. The funding under consideration for Robinwood Station was really an accumulation of all the deferred maintenance over the last 15 or 20 years and was intended to make the facility last for the next 20 to 25 years. The rationale behind spending the money was to provide door and window upgrades, moisture and thermal protections, specialty items associated with the ADA standards as required when a certain amount of money was put into a facility. The same would hold true for the Bolton facility, if and when the community decided to spend money to bring it up to Code.

Mayor Axelrod noted the same architect would work on both the Robinwood Station and Historic City Hall projects. He suggested making a decision to move forward on the two projects and fine-tune the numbers in the future within the range discussed. At a future date, Council could discuss the details around the Bolton Fire Station and be more explicit about what could and could not be done there within reason.

Councilor Sakelik suggested using the numbers from the analysis in his spreadsheet as the overall funds available, and then work within those numbers to focus on the two projects. He noted \$1 million had been mentioned for Historic City Hall, but he distinctly remembered and supported \$1.285 million for both phases; the complete building as originally defined. Council first needed to agree on the dollar amount available because that would drive the balance of its decision. He proposed using the \$2.665 million, which could be changed a bit based on interest earned, for planning purposes just like Council

used \$19 million two years ago for planning purposes.

Mayor Axelrod stated he was uncomfortable with committing all the interest earnings for all the other future projects at this point. He did not believe it was needed. He believed a decision could be made on the two projects the Council wished to advance, and then see how the other projects evolved and how the interest rates panned out, and then decide how and where that money could be distributed. He was uncomfortable committing it all to just one category because that decision did not need to be made right now. The two projects could be funded now and, very likely a portion of the Bolton facility could be funded after Council received more clarity on that project. He suggested allocating the interest later.

Councilor Sakelik stated that was not clear because Mayor Axelrod had suggested \$1 million for Historic City Hall.

Mayor Axelrod replied he had suggested \$1.05 million because it accounted for the money the Coalition was already contributing, which made up the balance Councilor Sakelik sought.

Councilor Sakelik did not believe that amount was for both phases.

Deputy City Manager Williams explained the higher number provided for a high level of interior furnishings that were not included in the basic project, and also for exterior improvements to complete the visuals of the building. He confirmed \$1.2 million was needed for furnishings and to make the exterior historically resonant.

Councilor Sakelik noted the original proposal for which Council agreed to sign a Letter of Commitment was for \$1.285 million.

Deputy City Manager Williams said he had been attempting to exchange email with Staff during the meeting due to Council's discussion of future interest revenues. He would prefer that Finance Director Breithaupt come to Council to report on those revenues. A more conservative thought might be a bit lower than the \$318,000 Councilor Sakelik was referencing in the out years. He believed the number was in the ballpark, but he wanted Director Breithaupt to provide her estimate.

Councilor Sakelik stated he was trying to get to the actual dollar figures Council wanted to work with. Based on what the Mayor was alluding to, he was okay with putting the \$580,000 towards facilities. If the Council did not want to use the \$318,000 for now, that amount should be taken off of the \$2.665 million which would leave about \$2.4 million remaining which was still plenty to complete Historic City Hall, Robinwood, and the McLean House and leave the Bolton Fire Station project based on the balance of funds.

Mayor Axelrod replied that would bring the total allocation to City facilities to about \$3 million because another \$500,000 would be added to the \$2.5 million. Transportation had already been increased to \$13.4 million, so it was a somewhat parallel increase in categories. He did not know if those funds would be given to Parks or possibly back to transportation.

Councilor Sakelik responded there might be an underage in parks where the budgeted amount was not spent could be used. He suggested making the commitments now and allow the numbers to pan out as

the projects were completed. The City would then know what was under or over budget, and then the numbers could be reconciled moving forward. He reiterated that a number should be clarified for the key projects of Historic City Hall and Robinwood Station, with Bolton Fire Station yet to be determined.

Parks & Recreation Director Warner emphasized that the amounts were cost estimates. He did not want to give the impression that the numbers would be exact when the construction documents and land use review were done. Unfortunately, things happened during construction and change orders were expensive. He asked Council to keep in mind that the actual costs might be \$50,000 over or under the estimates.

Mayor Axelrod asked if the numbers for Robinwood Station would be adjusted further. Should Council allocate \$700,000 tonight and fine-tune the amount later if needed, or should the entire \$800,000 be allocated?

Councilor Walters asked if it was possible to phase the Robinwood project. Earlier, she understood the cost was \$600,000, and now the amount was up to \$800,000. She wanted to ensure room was available for any increased costs.

Deputy City Manager Williams stated before committing funds, it would be helpful to know now if the project would have future phases, so the construction drawings would accommodate everything, saving money down the road. Land use approvals were also a factor as Council would not want to go back through the design review process and the Planning Commission, which was already going to take months. It would be very appropriate to know which buildings were to be done and to what level, generally. The Planning Commission would not look at the building interiors, but would consider the site plan and the exteriors.

Mayor Axelrod stated it was time to put a little money into West Linn's historic buildings.

Council President Cummings understood contingencies were built into each estimate and she appreciated Staff's doing that so the City avoided making headlines as the city that underestimated and now needed more money. The City had been fortunate to usually come in under budget, which was a really good feeling. She noted Councilor Sakelik's figures included \$65,000 for the McLean House, but those funds would come out of the Parks GO Bond Budget, so the \$65,000 could be added back in, leaving the City with about \$280,000 of leeway based on his figures.

Council President Teri Cummings moved to Allocate \$1.285 million to the Historic City Hall contingent on obtaining a solid parking agreement; \$681,000 for Robinwood Station Alternatives 1, 2, and 3, and \$25,000 for a hazards assessment of Bolton Fire Hall. Councilor Bill Relyea seconded the motion.

Council President Cummings added if the total for Robinwood Station was too high, she believed the solar system could probably be optional, but she would like to see the building wired for it regardless.

Mayor Axelrod understood some of the dollar amounts might be adjusted as more information became available.

Council President Cummings clarified she agreed the utility building at Robinwood Station would be for City-use only, but she hoped access would be given to the bathroom. She noted FORS were very

resourceful and she had a lot of confidence in their ability to make it work.

Parks & Recreation Director Warner replied that something like low walls could be built to prevent access to the City-use part of the building. His math showed a minimum cost of the Robinwood project at \$647,000, Alternative 1 at \$31,104, Alternative 2 at \$60,840, and Alternative 3 at \$9,500, which totaled \$748,633.

Council President Cummings stated she was considering \$579,000 plus \$102,000 for the three alternatives.

Parks & Recreation Director Warner confirmed the soft costs needed to be added for the architect to come up with a plan.

Council President Cummings reiterated that the amount for solar could be removed, but the wiring for it should be done. She supported the idea of solar, but it was not critical right now and perhaps FORS could pursue grants to pay for the solar.

Council President Teri Cummings moved to amend to change the allocation to Robinwood Station to \$717,000. Councilor Bill Relyea seconded the motion.

Councilor Sakelik noted that with the \$1.285 million to Historic City Hall, the current Letter of Commitment with the Heritage Coalition would need to be voided and their use of the facility would need to be renegotiated.

Mayor Axelrod confirmed Staff would work on a new Letter of Commitment.

Deputy City Manager Williams confirmed Staff understood Council's direction regarding the parking agreement as well. He noted an audience member had confirmed the mill company had a long-term lease on the property and had the ability to sublease property for the parking spaces. He assured Staff would clarify the timeline, the ownership, and the lease structure and return to Council with information regarding a parking agreement.

Councilor Walters stated she had been following this process prior to her joining City Council and expressed her appreciation to the other Councilors for their work and to the community members who advocated to preserve these historic buildings and create space for the public to use.

Ayes: Mayor Russ Axelrod, Council President Teri Cummings, Councilor Bill Relyea, Councilor Richard Sakelik, and Councilor Jules Walters.

Nays: None.

The motion carried 5 - 0

Mayor Axelrod thanked Staff and all of the community members for the hard work done to date for Robinwood Station and the future of the Waterfront. Having the Historic City Hall as the gateway building would be fabulous as part of the city's marketing strategy and the foundation for people to start to meet and gather. The Locks would open in a few years and those projects along with the new Main Street development would be tremendous for the community in the future.

Mayor Axelrod called for a brief recess and reconvened the meeting at 8:45 pm.

[Agenda Bill 2020-02-10-05: City Manager Recruitment Process Approval](#)

[City Manager Recruitment Information](#)

[Public Comment - City Manager Recruitment - Sherry Palmer](#)

[Public Comment - City Manager Recruitment - Lisa Clifton](#)

Mayor Axelrod noted City Council had discussed moving forward with a contract for Mr. Williams to be the Interim City Manager and to do a Regional Solicitation to collect a pool of other interested applicants for Council's review. He requested to shorten the timeframe of the search process, as Council would be in recess in August.

Human Resources Director Preston stated she had had discussions with other Human Resources Directors in the area and had produced an outline for the recruitment process that was in the packet. By keeping the recruitment process in-house, Council would have significantly more involvement and work that would be necessary this summer. Human Resources would carry out the logistical direction of the City Council or Council subcommittee, and she listed the processes to be followed in seeking and hiring a new City Manager. The timeline in the packet was tentative, and if the process started now, it could end in about four months, but the start date of the new City Manager would be approximately in August to allow for him or her to give notice at a current job and/or relocate. She did not have the cost prediction for the recruitment process, but noted it would offer significant savings over using an external resource. Cost predictions for advertising and staff resources were also included in the outline. She recommended a work session as the next step for Council to work out the details for the position and the process they wished to use for the recruitment.

[Public Comment](#)

Kathy Selvaggio noted she had emailed her statement to Council before the meeting. She also thanked Council for the proclamation and recognition of Black History Month, adding she hoped the proclamations were more than just statements, but things that the citizens and city embodied. She was representing the West Linn Alliance for Inclusive Community, usually called, The Alliance, noting the group's mission was to create a community where all people were welcome regardless of their backgrounds, identities, or life choices. The Alliance collaborated with the local schools and citizens, and occasionally with the city government to raise awareness and promote actions that would create an inclusive community. As learned at the 2019 Multi-City Equity Summit, many equity issues were common to West Linn and its neighboring cities in land use, housing availability, transportation options, policing, and the degree of inclusion in the schools and libraries. The Alliance did not take a position on Council's decision to terminate the former City Manager, nor was it taking a position on the best option for hiring a new City Manager. However, the Alliance strongly encouraged Council to consider equity and inclusion issues in the hiring of a new City Manager and would welcome any opportunity for direct citizen input into the hiring process as has been done when selecting the current police chief.

[Public Comment - City Manager Recruitment - Kathy Selvaggio](#)

Elizabeth Smolens voiced her support for the appointment of John Williams as the Interim City Manager, adding he would be an excellent choice for permanent City Manager as he would provide much needed continuity and stability to the City. She noted the recreational facility and pool discussed during Council's discussion of future goals had been an issue since before 1980. While the recreational

facility had failed on the ballot due to financial concerns, she did not want Council to kick the can down the road anymore. Council was discussing infrastructure repairs to Highway 43 and a bigger professional commercial space was being created at Willamette Falls Drive, and opportunities also existed at Tannler, the Parker property, and the Albertson's property. She urged Council to consider sustainability and economic development to provide incentives for developers to bring the City the tax dollars for the public and commercial spaces needed to sustain the city because the bedroom community would be priced out. She appreciated how Mr. Williams had laid out the funding options for the Highway 43 project and directions in which to take the city. She hoped Council would embrace its wonderful goals and believed it had done an amazing amount of work dealing with the minutiae of the historic buildings and how to spend the GO Bond money. In closing, she hoped Council would look at Mr. Williams' ability to move into the City Manager position for the benefit of the city.

[Public Comment - City Manager Recruitment - Elizabeth Smolens](#)

Karie Oakes noted she had sent an email to Council earlier today. She had some reservations about Council's proposed involvement in the City Manager's in-house recruitment process, believing the Mayor had been biased during the January 6th meeting when he expressed his opposition to the termination of the former City Manager and his belief that she had done a great job. And, at the January 23rd work session, Councilor Walters and Mayor Axelrod expressed great bias in their comments suggesting Mr. Williams be the Interim City Manager. She was concerned that the people making the decisions in the recruitment process for the new City Manager were biased and that the money spent would be wasted if the process was not done in a fair, unbiased manner. At the January 6th meeting, the public had requested to see the former City Manager's performance evaluations because they wished to know what standards she had failed to meet and what Council expected from her performance. Ms. Oakes had obtained the former City Manager's performance evaluations and had emailed them to Council and asked that they be made public. She hoped the performance evaluations would inform the public of the Council's evaluations and expectations and would help with setting some of the criteria for the next City Manager to learn from. She wanted a new City Manager who knew the City Code, State statutes and what bound the City in legislation and community development, and she wanted to know that he or she would respect the inclusion of the public in City processes as those codes provided for. It seemed like the previous City Manager fell short of those things and she wanted to make sure it did not happen again.

[Public Comment - City Manager Recruitment - Karie Oakes](#)

Mayor Axelrod stated he was very capable of making an objective decision in the selection of a City Manager and while he recognized the qualifications of the current Deputy City Manager, he was certainly capable of considering all aspects in a very objective way. He would like to see the process move along and believed it could be done fairly quickly. He confirmed Council would need to come up with a profile, and a date would need to be set for a public meeting to take comments.

Councilor Sakelik recommended compressing Human Resources Director Preston's outline, adding he was committed to putting in as much time as necessary to move the process along as quickly as possible. He believed that if tonight's meeting served as one public outreach session, then perhaps tomorrow a reach out could be placed on the City's website for the public to submit comments over the next two weeks on what they would like to see in a City Manager. Then, a special meeting could be scheduled to create the candidate profile and serve as the second required public outreach, with plans to have the job notice available around March 1st. The full Council would review any responses to the job notice, either in an open session or executive session, whichever applied best, and move forward

from there with an interview schedule and potential further public involvement. He confirmed his preference was to have open comments instead of creating a survey for the website. A significant number of people had already shared their opinions with Council and comments made on the website could be included in the Council's recruitment process.

Mayor Axelrod suggested including elements from the previous survey questions to assist the public in sharing ideas for Council to consider.

Human Resources Director Preston stated the prior survey was proprietary and Staff had just posted the link, but she would see if those questions were available to help facilitate the public process.

Councilor Relyea wanted to clarify that the first step would be to initiate the process to accept public input to draft the profile for the position, and then have a special meeting. He did not agree the special session would be quick and just involve the review of the profile, but believed it would be a lengthy consideration of the draft outline questions, how to proceed with subsequent steps, and about who would participate in the process.

Human Resources Director Preston also anticipated a longer special session, but noted it would depend on whether Council chose to appoint a subcommittee or if it would want each decision in the process to be voted on by a Council majority, which would need to wait for Council business meetings and would take longer. She suggested holding a work session to discuss the options, such as the job description, salary, etc., followed by a special meeting the next week where decisions could be made.

Councilor Sakelik clarified he had not been trying to say the meeting would be quick. A long Council meeting would certainly be required to accomplish all the things Human Resources Director Preston had listed.

Council President Cummings was open to posing questions in a survey if it attracted a certain group of people who like their question precrafted; however, she also wanted to offer the opportunity for people to write long letters and emails. Anything that would start the conversation should be utilized. She believed special meetings should be held to give Council the flexibility to make a decision if it felt ready to do so and not have to wait another week.

Mayor Axelrod opposed hours-long meetings as the considerations were fundamental. To streamline the process, he suggested appointing two Councilors, specifically Councilors Walters and Relyea, to work with Human Resources Director Preston on some of the preliminary work, and then Council would meet to review the materials. Council was familiar with the duties of a City Manager, the skills needed, and what Council was looking for, so he did not believe the process would be that complicated.

Human Resources Director Preston explained that a recruitment facilitator would take the time to interview each Councilor individually to learn what they wanted in a City Manager, as well as attend stakeholder and citizen meetings, meet with Staff, and then bring Council a pre-written profile for wordsmithing. The proposal would skip several of those steps, but not the public comment. She suggested the online commentary also be open to Staff. In order to avoid serial meetings and any trouble with public meeting requirements, having two Councilors to reach out to for direction or to get an idea if Council had reached consensus on any issues without having to copy the entire Council would also keep the process moving forward.

Mayor Axelrod noted a few meeting dates for Council to gather information about the outreach Council wanted as well as information for the profile.

Council President Cummings stated she wanted to give direction to start outreach and public engagement right away because some input might be received about the process as well. Council had other items to consider such as salary range and criteria, but some decisions would be informed by public input.

Human Resources Director Preston said she had market data from 2019 to assist with the salary review, since the amount should not be based on what the previous City Manager was making. She confirmed the salary range could be rather broad.

Council President Cummings stated she preferred to have the entire Council involved and to have more special meetings to allow for discussion, especially when vetting the applicants.

Mayor Axelrod clarified that his suggestion was to have two Councilors assist with the list of things that needed done and coordinate things Council had agreed on. He agreed the entire Council would vet the applicants.

Council President Cummings suggested holding off on making a decision about having two Councilors assisting Staff.

Councilor Sakelik suggested breaking the process into two parts. First, quickly gather needed input and details of the job and post the job listing as soon as possible to meet the City's legal obligations, and second, review the responses received. He agreed the entire Council should meet weekly or bi-weekly to do the reviews. As stated, most of the information was already written and just details like defining the salary range needed addresses, which should not be a long process.

Mayor Axelrod confirmed the profile needed done to be included with the posting of the job description. He recommended using the previous profile as a starting point, changing it as Council believed appropriate to take advantage of the work that had already been done.

Human Resources Director Preston stated she would email the previous profile and job description to Council, and then the Council's edits and the possibility of creating a subcommittee could be discussed at the next Council meeting. In the meantime, open comments would be accepted, but Council would also hear comments at the meeting. She would do her best to get something posted for public input on the City's website tomorrow.

City Attorney Ramis clarified there were no requirements to receive feedback on a job profile. The requirements were to simply develop and publish a job description, develop the criteria to be used in reviewing the applications, and allow the public the opportunity for input, followed by a Council decision to adopt. No prescribed timelines were involved.

Council and Staff discussed several potential meeting dates with some being up to three weeks out due to various scheduling conflicts. Meeting next week was suggested to begin Council discussion while continuing to collect and incorporate public feedback.

Councilor Walters said she wanted to ensure the public had sufficient time to comment so they did not feel excluded.

Council President Cummings agreed with Councilor Sakelik that two weeks was sufficient for public comment in the initial phase, but she preferred to keep public comment open throughout the entire process to avoid the appearance of it being closed off and since there were different parts to work on. She believed it would be helpful to post the last profile used for the public to offer their opinions or ideas for changes.

Following discussion, City Council consented to hold special meetings on March 3rd at 5 pm and on March 16th instead of or prior to the work session, if necessary.

Mayor Axelrod confirmed he believed enough could be accomplished to post a job description after the March 3rd meeting.

Human Resources Director Preston noted if Council adopted the criteria to be used to evaluate candidates, it would fulfill Council's second obligation for a public meeting. And, if Council adopted that criteria and also reviewed the job description and salary at the March 3rd meeting, the job description could be ready to post a couple of days after the meeting. Otherwise, a backup meeting should be scheduled. She clarified that her proposed outline stated the timelines were tentative and subject to revision.

Council President Teri Cummings moved to approve the outline of an in-house limited recruitment for City Manager prepared by Staff and as modified per Council's discussion tonight. Councilor Bill Relyea seconded the motion.

Ayes: Mayor Russ Axelrod, Council President Teri Cummings, Councilor Bill Relyea, Councilor Richard Sakelik, and Councilor Jules Walters.

Nays: None.

The motion carried 5 - 0

[Mayor and Council Reports \[20 min\]](#)

[Council President Cummings' submittal](#)

[Remaining Citizen Advisory Group Appointments for 2020](#)

[Mayor Axelrod's submittal](#)

Mayor Russ Axelrod moved to Place before the Council the following appointments: Julia Williams to the Economic Development Committee and Andra Silgailis to the Sustainability Advisory Board. Council President Teri Cummings seconded the motion.

Ayes: Mayor Russ Axelrod, Council President Teri Cummings, Councilor Bill Relyea, Councilor Richard Sakelik, and Councilor Jules Walters.

Nays: None.

The motion carried 5 - 0

Mayor Axelrod noted Council had decided in the pre-work session today that because so many people applied to serve on the Parks and Rec Board, Council would identify a handful based on their work session notes and possibly meet with them on a date to be determined. Applicants were still being sought for the Utility Advisory Board.

Council Liaisons

Mayor Axelrod's submittal

This item was added to the Agenda.

Mayor Axelrod believed Council was in agreement regarding the liaison assignments except for the Parks and Rec Board. He had proposed Councilor Walters with Councilor Sakelik as the alternate, but he believed Council had some differences of opinion on that proposal.

Mayor Russ Axelrod moved to place before the Council the appointment of Councilor Walters as liaison to the Parks and Recreation Board and Councilor Sakelik as the alternate. The motion died due to lack of a second.

Councilor Relyea noted emails had been exchanged in which Councilor Walters had asked the Interim City Manager for opinions about what the Council rules and City Codes stated regarding liaison appointments. He had not seen a response from the City Attorney, but had seen one from Deputy City Manager Williams, and he wished to discuss the information provided to help guide Council's decision-making process.

Deputy City Manager Williams recalled the issue regarded a Municipal Code change made by Council that removed the word "shall" from liaison appointment rotation to essentially state that liaison appointments "may" change.

Councilor Relyea confirmed no requirement existed for liaison appointments to change and that the appointments were at the discretion of City Council as a body, not necessarily the Mayor.

City Attorney Ramis agreed the change from "shall" to "may" had the effect of leaving open the discretion to allow someone to continue in a liaison position.

Deputy City Manager Williams noted language existed in the Council Rules and in the Municipal Code, which he offered to read to Council.

Mayor Axelrod clarified his recommendation was based on all the input that came to him and his effort to balance it all out.

Councilor Sakelik offered to provide some background on the issue, noting that when he joined the Council in early 2017, a discussion took place about some people wanting to continue as liaisons for more than one year. The different documents given to the Councilors contained contradictions, so Council reviewed the Charter and other information, followed by a discussion, and the change was made to accommodate the choice.

Mayor Russ Axelrod moved to Place before the Council the following Councilor liaison appointments for 2020:

Councilor Relyea:
Alternate to C4 (replacing Council President Cummings)
Alternate to C4 Subcommittee (replacing Council President Cummings)

Council President Cummings:
Liaison to the Committee for Citizen Involvement (replacing Mayor Axelrod)
Liaison to the Public Safety Advisory Board (replacing Councilor Walters)
Liaison to the Sustainability Advisory Board (replacing Mayor Axelrod)

Councilor Walters:
Liaison to the Library, Council President Cummings as Alternate

Mayor Axelrod:
Removed from the Committee for Citizen Involvement
Alternate to the Sustainability Advisory Board
Liaison to the Economic Development Committee, Councilor Walters as Alternate.

All other liaison appointments would be the same. Council President Teri Cummings seconded the motion.

Ayes: Mayor Russ Axelrod, Council President Teri Cummings, Councilor Bill Relyea, Councilor Richard Sakelik, and Councilor Jules Walters.

Nays: None.

The motion carried 5 - 0

[City Manager Report \[5 min\]](#)

Deputy City Manager Williams updated that Staff was still working on their proposed revisions to the Council Goals document and were trying to find a format that showed the 2019 Goals and the areas of emphasis Council discussed at the February 3rd work session. Staff would get the revised document to Council soon. He asked Councilors to respond to the doodle poll regarding scheduling the Council Retreat. He wanted to ensure the community was aware of the next Transportation Task Force meeting at Metro on February 19th at 5:30 pm where four proposed Tier 2 projects would be considered for inclusion, including the Highway 43. Metro planned to have very brief presentations from Staff from each of the agencies outlining the projects and then discuss all four projects within one hour. Metro Staff also planned to collect questions for the Task Force Committee to bring to their final meeting in early March for a recommendation to Metro Council. He urged community members, organizations, and businesses who wanted the Highway 43 project to be funded to submit written testimony to members of the Task Force or to the Task Force as a whole. Staff would put information on how to submit written testimony on the City's website and in City emails. He explained it was unclear whether the Highway 43 project would be a Tier 1 or a Tier 2 funded project, but encouraged just advocating for the project to be funded.

City Council returned to Mayor and City Council Reports at this time.

Councilor Relyea reported that after the last work session, he had spoken with Representative Prusak and was able to gain a better perspective on shared concerns and some of the issues Representative Prusak was advocating for. She made it very clear that the article in KGON-8 discussed in the work

session was not an accurate portrayal of what took place. In fact, what happened was that former employees of the mill came to her legislative session and advocated to reopen the mill and get their jobs back. It was not Representative Prusak's action to advocate on their behalf; she merely listened to their concerns. She also raised her shared concerns over House Bill 2001, as well as her advocacy for shifting funds from the Rose Quarter to the Abernathy Bridge Project. She made it clear that her overall goals were to represent the interests of House District 37 at large and as a result, she would be hosting a town hall meeting in the near future. He and Representative Prusak encouraged everyone who had an interest in the issues that impacted House District 37 to attend the town hall, listen to the Representative's advocacy issues, and share their opinions and questions.

Mayor Axelrod updated on the legislative committee session last week in Salem regarding the Locks. The Locks Bill was going before a work session tomorrow and should be on the House floor this week. There was a good chance it would pass, and he hoped to be in Salem for the occasion.

Mayor Russ Axelrod moved to Extend the City Council meeting to 10:15 pm. Council President Teri Cummings seconded the motion.

Ayes: Mayor Russ Axelrod, Council President Teri Cummings, Councilor Bill Relyea, Councilor Richard Sakelik, and Councilor Jules Walters.

Nays: None.

The motion carried 5 - 0

Councilor Sakelik inquired about the audio and video capabilities available in the room for the February 24th meeting with the School Board.

Councilor Walters confirmed a large boardroom was available with full audio/visual capability and that the meetings were videoed.

Councilor Sakelik said he would call in to the meeting. He noted the meeting was to be a kickoff to the continued Council collaboration with the School Board as noted in a Council Goal. Because it had taken a while to schedule the meeting, he was unsure if the agenda still represented what Council wished to discuss.

Mayor Axelrod believed a limited amount could be accomplished in the meeting, noting the School Board had some proposed elements and Council had some broad elements to discuss. The discussion and connecting with the School Board was most important, he did not expect to resolve all the issues.

Councilor Sakelik suggested taking 30 minutes near the end of the joint meeting to discuss how Council and the School Board would like to work together, how often to meet, and what made sense to collaborate on. The meeting was the Council's idea and a good part of the discussion should be on those topics and perhaps joint goals, and not a reiteration of the plans for the expansion of the schools and the City's transportation plans.

Mayor Axelrod noted the School Board had said they did not want to meet more than once a year because they were busy, but it did not mean they did not want to collaborate. Many opportunities existed for individual Councilors to connect with the School Board and to spend time communicating.

Council President Cummings recalled that the Council had missed the meeting with the School Board last year and had hoped to meet with them last fall to discuss the Bond the School Board was putting out, particularly because it proposed 120 parking spaces for the high school where the Code required 250. The School Board had also been approached to gauge their interest in joining with the City for the Emergency Preparedness Fair this year with the possibility of allowing it to be hosted at one of the schools.

[City Attorney Report \[5 min\]](#)

Interim City Manager Contract

Contract

City Attorney Ramis stated Council had a draft of the Interim City Manager contract in the packets, and he understood the contract was acceptable to Mr. Williams. He summarized the terms of the contract for the public's benefit, noting the terms reflected the conversation the Council had at its last meeting at Robinwood Station on the subject. The term would be 6 months or until a permanent City Manager was hired and could be extended by mutual agreement of the parties, if necessary. The termination provisions were that the Interim City Manager would serve at will, and therefore, could be terminated at any time on a two-week notice. The duties of the City Manager were designated in the Charter, including a provision allowing the Interim City Manager the ability to return to his current position after service as Interim City Manager. Compensation would be provided at 10 percent over the current salary, which as Human Resources Director Preston had stated was the typical City policy when someone stepped up to another position on an interim basis. A provision also stated that the Interim City Manager would not be involved in the City Manager recruitment process, but no expressed bar existed to the Interim City Manager being a candidate.

Councilor Sakelik asked if the Interim City Manager employment agreement superseded Mr. Williams' current agreement with the City as a Community Development/Deputy City Manager. If, for example, Mr. Williams was terminated, would he be terminated only as Interim City Manager and be able to fall back to his position under his current agreement, or would the termination apply to his employment. He noted he did not expect Mr. Williams to do anything fraudulent, etc., but simply sought clarification on the matter.

City Attorney Ramis replied that if Council terminated him in exercising its at-will authority, then the contract for services as Interim City Manager would simply terminate and under the provisions of that agreement, Mr. Williams would return to his current position. On the other hand, if the termination was for-cause, Council would have the ability to terminate the Interim City Manager position as well, and if the for-cause would affect performance under the current employment contract, they could terminate under that as well.

Councilor Sakelik asked how that could be captured in words because it did not seem to be covered clearly in the agreement.

City Attorney Ramis replied that both contracts remained in force and both had for-cause termination provisions, which were applicable to give Council the authority to terminate for-cause.

Councilor Sakelik noted Mr. Williams was hired by the previous City Manager and expressed concern about a potential legal battle if Council did not have the authority to terminate for-cause. He preferred to have language in the contract that explicitly described the actions that could be taken.

City Attorney Ramis replied language could be added to the agreement that made clear that termination for-cause could be by a Council decision applicable to both positions. He confirmed that would also comply with the City Charter. The Council would not find itself in a position of interference because it would be unworkable. In a for-cause termination, it would require Council to appoint another City Manager in order to accomplish a for-cause termination. It would make much more sense to amend the text of the current agreement to empower Council to terminate for-cause for both positions.

Councilor Sakelik reiterated he did not anticipate a termination, but wanted to avoid any trouble by specifying how any potential issues would be addressed. He also did not want the public to misconstrue his question. He confirmed the start date for the Interim City Manager would be February 6th and that all dates that referenced January 6th, which noted the Deputy City Manager start date in the agreement should be changed to February 6th. He also asked why the additional 40 hours of vacation referenced in the agreement was necessary.

City Attorney Ramis replied it was a request by Mr. Williams, and it was up to Council and Mr. Williams to agree or disagree. The concept was that Mr. Williams was taking on three positions and at the close of that, he requested the opportunity for a bit of extra vacation.

Councilor Sakelik stated he was opposed to the vacation request because the length of Mr. Williams' service was unknown; if it was a year, he would be okay with the vacation request.

Council President Teri Cummings moved to extend the meeting to 10:30 pm. Councilor Richard Sakelik seconded the motion.

Ayes: Mayor Russ Axelrod, Council President Teri Cummings, Councilor Richard Sakelik, and Councilor Jules Walters.

Nays: Councilor Bill Relyea.

The motion carried 4 - 1

Mayor Axelrod noted in the contract under Item D Recitals, it stated, "Upon completion of this agreement, City and Interim City Manager agree Interim City Manager *shall* resume previous employment as the City's Community Development Director/Deputy City Manager". He asked if text should be added specifying that would be the case unless he decided to apply for and was selected as the City Manager.

City Attorney Ramis replied that Council could add as much detail to the agreement as they desired, but it seemed clear to him that if Mr. Williams were appointed to the position of permanent City Manager, he would be resigning from the other position.

Mayor Axelrod noted the language stated that he shall resume the previous position, but he may not. He suggested the language read, "...City's Community Development Director/Deputy City Manager *unless the permanent position is accepted.*" Other than that part, he was fine with the agreement.

Councilor Relyea understood that under State law, all City Manager positions were at will, so City

Council had the option of letting somebody go for-cause or no cause without having it expressly written into the contract.

City Attorney Ramis responded he would be reluctant to take the position that it was at will without the contract stating it was at will. If a position was at will, it should be clearly stated in the contract. While Councilor Relyea might be correct, it seemed much safer to provide the language contractually.

Councilor Relyea asked if Mr. Williams was agreeable to having the termination for cause or no cause at will of Council written in the contract.

Deputy City Manager Williams replied he would look at the exact language. He was not clear on the Council's role in asking for the resignation of department Directors, which was what his other contract stated, but he was not sure that was right.

City Attorney Ramis stated that placing Mr. Williams in the situation of negotiating a contract in the current setting was a difficult process. If Council wanted provisions in the contract, he should be directed to negotiate those with Mr. Williams to give him an opportunity to consult with counsel and reflect on the provisions.

Council President Cummings confirmed that the Interim City Manager position currently accrued 15 vacation days a year. Considering that a 10 percent differential was also being added, she believed 40 days seemed like a lot of vacation unless the Interim City Manager stayed in the position for a year. However, she was open to negotiations.

City Manager Ramis confirmed the contract would not be voted on tonight because Council had not reached an agreement on the language, but he had a list of items on which Council wanted further negotiation. He needed to know what the majority position of the Council was with respect to the additional vacation request.

Councilor Walters stated she was comfortable with the additional vacation request.

Mayor Axelrod believed Mr. Williams had put in significant effort and deserved the vacation request.

Councilor Sakelik confirmed the previous City Manager's vacation allocation was four weeks according to the contract.

Councilor Relyea stated he was amiable with the same amount of vacation for the Interim City Manager.

[Adjourn](#)

Notes approved 5-11-20