

AGENDA
TROUTDALE CITY COUNCIL
7:00 P.M. -- City Council Chambers
104 SE Kibling
TROUTDALE CITY HALL

April 12, 1983

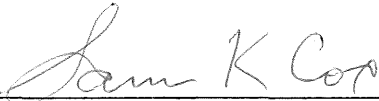
- (A) 1. Call to Order, Roll Call and Agenda Update: **Mayor**
- (A) 2. Consent Agenda
2.1 **Accept:** Minutes of March 8, 1983 - Regular Session
2.2 **Accept:** Business License Report
2.3 **Accept:** Bills for the Month of **March, 1983**
- (A) 3. **PUBLIC HEARING: Mid County Street Lighting Service District**

RESOLUTION: Requesting Boundary Commission to Approve Annexation to Mid County Street Lighting Service District
- (A) 4. **PUBLIC HEARING: Vacation of Graham Road, Lars Granath**

ORDINANCE:
- (A) 5. **PUBLIC HEARING:** Regarding 82-83 Budget

RESOLUTION: Adopting Supplemental Budget
- (A) 6. **RESOLUTION:** Adopting Cable Franchise Contract
- (A) 7. **AWARD:** SW 4th Street Contract
- (A) 8. **ORDINANCE:** Public Safety Code -- Traffic Portion
Second Reading
- (A) 9. **RESOLUTION:** A Resolution accepting the dedication of the right-of-way for the Halsey Loop Street, accepting water, storm sewer and street improvements within Halsey Loop Street right-of-way, accepting on-site water improvements within a public dedicated easement, and accepting an off-site water line along Halsey Street for public use."
- (A) 10. **DEPARTMENTAL REPORTS:**
10.1 Police
10.2 Finance and Records
10.3 Community Services
10.4 City Attorney
10.5 Executive

- (A) 11. Council Concerns and Initiatives
- (A) 12. Oral Communication and Adjournment.



Sam K. Cox.
MAYOR

- (A) = Action Item
- (I) = Information Item

Minutes
TROUTDALE CITY COUNCIL MEETING
APRIL 12, 1983 - 7:00 P.M.

The meeting was called to order at 7:02 P.M.

ROLL CALL :

PRESENT : Ronald G. Burgin, Marjorie Schmunk, David Butzer, Mayor Sam Cox, Paul Thalhofer, Eugene Bui and Dan Lowe

STAFF : Greg Wilder, Nancy Nixon, Pam Christian, Sergeant Bill Farr, Brian Freeman and Barbara Rossman

PRESS : Lori Callister from the Gresham Outlook and Karen McGowan from the Oregonian

GUESTS : Marty Gault, Tony Buzzard, Jim Jensen

AGENDA UPDATE

Pam Christian indicated that two items did not get on the agenda, Authorization to Purchase and Authorization for Out of State Travel. She indicated that these items could be considered before the departmental reports.

AGENDA ITEM #2 - CONSENT AGENDA

- 2.1 : Acceptance of minutes of March 8, 1983 - Regular Session
- 2.2 : Acceptance of business license report
- 2.3 : Acceptance of bills for the month of March, 1983
- 2.4 : Acceptance of Work Session Minutes - March 19, 1983

Eugene Bui made a motion to accept consent agenda items 2.1, 2.2, 2.3 and 2.4. Paul Thalhofer seconded the motion. Yeas 6 Nays 0.

Eugene Bui made a motion to go to the Public Hearing. Ron Burgin seconded the motion. Yeas 6 Nays 0.

AGENDA ITEM #3 - PUBLIC HEARING: MID COUNTY STREET LIGHTING SERVICE DISTRICT

Pam Christian said that this was the second public hearing on the Annexation to the Mid County Street Lighting Service District. The request came out of the Budget deliberations. The Budget Committee unanimously recommended that the City request annexation to the Mid County Street Lighting Service District. The City could live within the budget with the exception of street lights. Two years ago the lighting had been funded out of serial street lighting levies which lasted for four years for arterial lighting and three years for neighborhood lighting. These levies expired in June 1982 and street lighting was then included in the General Fund. The City asked for an operating levy to fund street lights;

however, it failed. The street lights were then turned out. There was a lot of public opposition to this and the Budget Committee recommended taking \$25,000 out of the Contingency Fund and \$25,000 out of the Street Fund in order to fund half of the lights. Part of that cost included a turnoff fee charged by PGE. As a result of cutting the street fund, the City had to cut the purchase of a street sweeper and some of the street repairs that had been budgeted with that Street Fund money. The \$25,000 cut out of the Contingency fund meant that the City had to drop all major repairs and maintenance that would have been done on City property and buildings. The cost of the street lights for 1982-83 had been estimated at \$68,927.00. However, because of increases from PGE the cost has now been estimated at \$94,000.00 for this year. That includes a turn-on fee to turn on the other half of the lights. One of the advantages of the Lighting District is that they are a utility based budget meaning that they only charge what it costs to provide service. There is about a 2% administrative charge. The Lighting District also enjoys a much lower rate than the City of Troutdale.

Mayor Cox asked if there were any proponents for annexation to Mid County Street Lighting Service District.

The following people spoke as proponents: Jim Jensen, 2726 S. E. Hicklin Court; Tony Buzzard; Maryanne Iszler, 3530 S. E. Pelton; Carolyn McCord, 3710 S. E. Dora Court and Marlene Harwell, 3525 S. E. 35th. A discussion followed on the main concerns of the proponents which were security and safety in their neighborhoods, cost effectiveness and the cost of a levy to allow residents to vote on this annexation. This was a concern because of low voter turn out. Tony Buzzard stated that he was Budget Committee Chairman this year and a mail survey of the residents of Troutdale (with about a 10.8% return rate) favored joining the Mid County Lighting Service District. Dan Lowe asked if the City owned the utility poles. Pam Christian stated that the City did not own the poles, that PGE owned them.

Mayor Cox asked if there were any opponents who wished to speak. Residents who spoke as opponents were: Mel Hudson; Wilbur Rathman, 1350 S. W. Hensley; Chuck Lambert, 641 W. Columbia; Bob Sturges; Frank Simonson; Al Newman; Zelma Sutherland, 225 S.W. Fourth; Mr. McCallister, 1222 S. W. Cherry Park Road; Vern Rathman; Steve Winterlind, 3015 S. E. Lewis Court.

Some of the main concerns of the opponents were the cost of the annexation to Mid County Lighting District to senior citizens and people on fixed incomes, what portion of the cost went for administrative costs, the opportunity for residents to vote on the issue instead of the City Council making the decision and the City giving the employees a pay increase while the street lights had to be turned out.

Dick Howard from the Lighting District explained the services of the district and answered questions from the Council members and the public. Mayor Cox stated that if there were no other opponents who wished to speak, he would close the Public Hearing. He also said that he was on the City Council for ten years before he became Mayor and this is the first time the City had come within 6% on the budget. Always before there was much more that had to be cut. On the issue of the employees wages, the

Mayor stated that last year the wages were frozen and two years ago the wage increases were 4%. The City has lost workers several times because someone else pays more. This is one of the reasons that we had to go outside the 6% for this and the gasoline tax will no longer do it.

Mayor Cox asked if the City Council members had any questions for Mr. Howard. Dave Butzer asked if an area chooses not to be lit is that an option. Mr. Howard stated that it would depend on the circumstances. An area that is already lit would have to pay removal charges and they may decide not to depending on these charges. Dave also stated that the way he understood it, the charge for removal of a pole was \$450. Mr. Howard could not tell him that, but Pam Christian said that PGE had estimated that that is what it would cost.

Dan Lowe asked if the issue did go to a vote when would it be put on the ballot and when would they have the time to go forth. Pam said that it would be the last election day in June again. The City would have to reconvene the Budget Committee this week and get the notification in. Marge Schmunk stated that there was no way that the City could hold an election meeting next week. There was no further discussion.

Ron Burgin made a motion to close the Public Hearing. Dave Butzer seconded the motion. Yeas 6 Nays 0.

Paul Thalhofer made a motion to pass the resolution requesting Boundary Commission to approve annexation to Mid County Street Lighting Service District. Ron Burgin seconded the motion. Yeas 6 Nays 0.

AGENDA ITEM #6 - RESOLUTION ADOPTING CABLE FRANCHISE CONTRACT

Pam Christian said that several members of the negotiating team were at the meeting. Dan Churchill of Cable Systems; Dr. Betty Pritchett, a member of the negotiating team representing Mt. Hood Community College; Helen Althaus, City Council representative; Andy Anderson, City Council appointee as the Regulatory Commission member and Marjie Lundell, the staff person for the County. The franchise agreements that the Council has were approved unanimously by the negotiating team. The original bid that we had negotiated with VIACOM had 108 channels; this agreement is with Cablesystems and calls for 59 channels. With Cablesystems we have maintained some issues from the original agreement and those are the powers of the Regulatory Commission over administering this contract and the intent of the access system at Mt. Hood Community College. Also, the contract is very explicit about any portion of it being violated and what the penalties are for violation. A grant has been proposed to Mt. Hood Community College by Cablesystems. It is felt that the college deserves this grant, but there should be some review of how the money is being used. There are two more steps in this process. The Intergovernmental Agreement has to be redrafted because it mentions VIACOM and the second step is an agreement between the Regulatory Commission and Mt. Hood Community College regarding the program in community television.

Pam recommended that the City Council adopt this contract. The County Commissioners adopted one amendment which is the annexation policy. This is in the event of a new city forming. Pam asked that the Council approve the contract with the amendment to the annexation section and with the understanding that the question about the grant money be resolved in both the Intergovernmental Agreement and the CRC's contract with MHCC. The

Intergovernmental Agreement has to come back to the City Council for signing. The CRC's contract is up for Council's discretionary review.

Ron Burgin asked about lock-out services. Dan Churchill, Special Services Manager for Cablesystems, spoke about the programming on cable television that some people might find objectionable and the equipment being provided to customers to lock out channels which have this programming. This equipment will be available at no cost to every customer who wants it. A key is used to lock out certain channels enabling parents to choose which channels they do not wish their children to see. Dave Butzer asked if it was anticipated where the head in will be. Mr. Churchill said it would probably be around 170th or 180th and Division Streets. Dave also asked about equipment that would be available at the college. Dr. Pritchett explained the type of equipment to be at the college and how it would be used. Ron Burgin asked about installation in areas with underground utilities. Most areas have backyard easements. Mr. Churchill explained installation procedures. There were further questions on the lock box system and it was explained that Tiers 2, 3 and 4 would have them available at no cost and Tier 1 would have them available at company cost for anyone who wished to have one.

Mayor Cox asked if there was a motion to approve by motion the Cable Television contract. Eugene Bui moved that the City Council approve by motion the Cable Television contract. Dave Butzer seconded the motion. Ayes 6 Nays 0.

Eugene Bui moved that the contract be approved as presented with the proviso that we add Section 3.10 titled Annexation of Territory by a City as well as a proviso that we authorize review of the Mt. Hood Community College concern be taken care of by the Regulatory Commission with input from us on the Mt. Hood Community College issue. Paul Thalhofer seconded the motion. Ayes 6 Nays 0.

Dave Butzer left at 9:24.

AGENDA ITEM #4 - PUBLIC HEARING: VACATION OF GRAHAM ROAD, LAPS GRANATH

Brian Freeman spoke on the issue of the vacation of Graham Road. The vacation requires a dual procedure as Graham Road is a county road and is within the jurisdiction of the City. The vacation order by the County was signed on September 30, 1982 and recorded the next month. Subsequently it has come to us for our process. The County order reserved easement rights in the Northwest Natural Gas Company, General Telephone Company and Portland General Electric and some rights in the U. S. Government for the purpose of ingress/egress over that property. Those two reservations have been reserved in our recommendation and another one added. That is the reservation of an easement on behalf of the City of Troutdale for the purposes of maintaining whatever water, storm sewer and sewer lines the City now has over that property. Mr. Freeman explained the procedure for vacating a road. Mayor Cox opened the Public Hearing. There were no opponents or proponents in the audience. Eugene Bui moved that the Public Hearing be closed. Paul Thalhofer seconded the motion. Ayes 6 Nays 0.

Mayor Cox read the resolution by title. Gene Bui made a motion to accept

the resolution by unanimous vote. Paul Thalsofer seconded the motion.
Ayes 6 Nays 0.

AGENDA ITEM #5 - PUBLIC HEARING: ADOPTING SUPPLEMENTAL BUDGET

Nancy Nixon told Council that this was the Supplemental Budget that had been presented to the Budget Committee and presented to the City Council on January 25, 1983. It went to the Tax Supervising and Conservation Convention for their certification which we have received and it has come back to the Council for their formal adoption. Paul Thalsofer asked what the supplemental budget does. Nancy answered that it formally adopts the amendments that were made last summer. It adjusts some beginning fund balances from original estimates to actual figures, adjusting some revenues in both the General and Enterprise Funds. It also is appropriating the transfer from the Street Fund and General Fund contingency fund to the Street Lighting Fund. It is essentially formalizing action taken last summer.

Mayor Cox read the resolution. Dan Lowe made a motion to accept the resolution as presented. Eugene Bui seconded the motion. Ayes 6 Nays 0.

AGENDA ITEM #7 AWARD: SW 4th STREET CONTRACT

Greg Wilder stated that this year's budget included a construction item for Fourth Street from Buxton west to the City shop area. Bids were advertised for and received and the low bid was approximately 1% less than an engineering estimate. The low bid was \$36,973.08 and we ask that you accept that bid this evening. The bid was submitted by Parker Northwest Paving Co. which has a successful history of construction projects in the Portland/Vancouver area. Ron Burgin asked if there were any Troutdale firms bidding. Greg said there were and they were listed on the bid sheet. Marge Schmunk asked how soon this had to be accepted by the Council. Greg said that if we are going to construct it out of this budget year it needs to be accepted today. We have to award, sign contracts and notice to proceed has to be issued. This notice will be issued for a start date of May 1 and we have to complete and pay for that construction before July 1. Marge wanted to know if the normal procedure has always been to go with low bids. Pam said that it had by Public Contracting Law; otherwise, you have to call yourselves to order as the Public Contract Review Board and find exceptions as to why you don't accept the lowest bid. You have to have a good reason as to why. Paul Thalsofer wanted to know why the city is paying for this project and the property owners are not. Greg responded that 90% of the traffic on the street is to and from the City shop and the destruction of the roadway is because of the Public Works traffic.

Marge Schmunk made a motion to award the 4th Street contract to Parker Northwest Paving Co. Eugene Bui seconded the motion. Ayes 6
Nays 0.

AGENDA ITEM #8 - PUBLIC SAFETY CODE -- ORDINANCE ESTABLISHING A VEHICULAR

TRAFFIC SECTION WITHIN THE PUBLIC SAFETY CODE. TO BE KNOWN AS SECTION 7.10 OF THE PUBLIC SAFETY CODE.

Mayor Cox read by title constituting second reading.

Eugene Bui made a motion to adopt this Ordinance entitled Establishing a Vehicular Traffic Section within the Public Safety Code commonly known as Section 7.10. Marge Schmunk seconded the motion. Ayes 6 Nays 0.

AGENDA ITEM #9 - RESOLUTION: A RESOLUTION ACCEPTING THE DEDICATION OF THE RIGHT-OF-WAY FOR THE HALSEY LOOP STREET, ACCEPTING WATER, STORM SEWER AND STREET IMPROVEMENTS WITHIN HALSEY LOOP STREET RIGHT-OF-WAY, ACCEPTING ON-SITE WATER IMPROVEMENTS WITHIN A PUBLIC DEDICATED EASEMENT, AND ACCEPTING AN OFF-SITE WATER LINE ALONG HALSEY STREET FOR PUBLIC USE.

Mayor Cox read the ordinance.

Greg Wilder stated that the developer has met all required standards and we have an obligation to accept the roadway because of his meeting the requirements. We have deleted several things for acceptance one being the catch basin that is outside of the right-of-way that would be on the south side and when a motion is made for acceptance it should somehow be worded in that motion that that particular item is deleted from acceptance. You might want to include in the motion that we accept the roadway and provide the normal level of service maintenance that we would for any other community roadway in the system. That will protect us if there are extensive cleanup problems similar to the ones there now.

Marge Schmunk wanted to know why we should state on the resolution that we will be responsible for a normal level of maintenance. Greg explained that while the cleanup problem was believed to be temporary stating the resolution this way would offer the City some protection in case it were to happen again. Marge asked Brian Freeman to clarify this for her. Brian stated that the resolution was specific in what we had accepted. Greg said that he felt we needed to have a certain level of protection for ourselves as we are talking about a 2 to 3 year period of time and the cost of cleaning up the mess that is there now would cost about \$500 to \$700.

Eugene Bui made a motion to accept the resolution as it is with a special notation that we are not accepting the catch basin outside of the right-of-way on the south side and the street maintenance at a normal level of maintenance. Marge Schmunk seconded the motion. Ayes 6 Nays 0.

AGENDA ITEM #10 - AUTHORIZATION TO PURCHASE

Pam Christian explained that there is a resolution on the books that anything that costs over \$2,000 must come to the City Council for Approval. We are asking you to approve the purchase of a Cathodic Protection System. Greg Wilder explained what the system does. Stark Street reservoir is the only reservoir without one. The system prohibits rusting, saves coating and saves continual painting and coating on the inside of the tank. Traditionally, they will pay for themselves. The cost is \$8,800.

Paul Thalhofer made a motion to approve purchase of the Cathodic Protection System. Eugene Bui seconded the motion. Ayes 6 Nays 0.

AGENDA ITEM #11 - AUTHORIZATION FOR OUT OF STATE TRAVEL

Pam Christian said that the Dewar Consortium representatives need to go to Seattle to make a presentation to REgional EDA people. That will be on the 19th of April. Our policy states that Pam needs authorization from the Council to travel out of state.

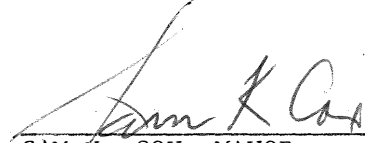
Eugene Bui made a motion for Pam to go to Seattle and attempt to procure these funds. Marge Schmunk seconded the motion. Ayes 6 Nays 0.

AGENDA ITEM #12 - DEPARTMENTAL REPORTS

- 12.1 : Sergeant Farr had nothing to add to the Police Department report. Paul Thalhofer stated that the police report was very well done and he was pleased with the ride-along program the Police Department has.
- 12.2 : Nancy Nixon had nothing to add to her written report. Dan Lowe asked how the computer was working. Nancy said that it was working well. There was a problem a few weeks ago and we sent the fixed disk to Canada and since getting it back it appears to be working well. The Bancroft Bond Billing program is still being written.
- 12.3 : Greg Wilder said that the report is complete as stands. Dan Lowe asked if the Obrist Pit was at a standstill. Greg replied that we are in the final stages of negotiations and hope to have them worked out in final form within two weeks. Pam stated that she would anticipate an executive session when we reach that point. Brian Freeman had nothing to add.
- 12.4 : Brian Freeman had nothing to report to the Council.
- 12.5 : Pam Christian reported that on the EDA grant we originally asked for \$13 million which was turned down; we came back with a request for \$5.6 million. It was considered, but because of the total region's commitment we would probably not get the full \$5.6 million. The consortium mutually agreed to cut down the request and agreed that it would be a 50% match on the jurisdictions share and federal share. Mt. Hood Community College, Port of Portland and Multnomah County are basically involved in these projects. They have all been notified that it would be an Improvement District Process and that they would have assessments which they can pay over a period of time. So it's not that we have to come up with \$300,000 to match; that will be generated by other than City sources.

Dan Lowe made a motion to adjourn. Eugene Bui seconded the motion.
Yeas 6 Nays 0.

The meeting was adjourned at 10:14 P.M.



SAM K. COX, MAYOR
DATE SIGNED: 4-27-83

ATTEST:



NANCY B. NIXON
FINANCE DIRECTOR/CITY RECORDER