

**AGENDA**  
**TROUTDALE CITY COUNCIL**  
**7:00 P.M. -- CITY COUNCIL CHAMBERS**  
**104 SE KIBLING**  
**TROUTDALE CITY HALL**

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**JANUARY 14, 1986**

- (A) 1. **PLEDGE OF ALLEGIANCE**  
Call to Order, Roll Call, Agenda Update -- Mayor
- (A) 2. **CONSENT AGENDA:**
  - 2.1: **Accept:** Minutes of December 10, 1985 - Regular
  - 2.2: **Accept:** Business License Report
  - 2.3: **Accept:** Bills for month of December, 1985
- (A) 3. **PRESENTATION:** Renegotiations - Cable Franchise  
Margie Lundell
- (A) 4. **MANAGEMENT LETTER:** Coopers & Lybrand (Auditors)  
**ACCEPT:** Audit Report
- (A) 5. **CITIZENS INVOLVEMENT PROGRAM**
- (A) 6. **REQUEST:** Fee Increase -- City Attorney
- (A) 7. **ORDINANCE:** Expansion C3 Zone  
Amending Zone Change Lot Line NW corner Stark and Troutdale Road (Expansion of C3 Zone)
- (A) 8. **RESOLUTION:** Accepting Engineering Report  
Set date for Public Hearing for Bennett Waterline L.I.D.
- (A) 9. **RESOLUTION:** A Resolution Requesting that the Department of Commerce Grant the City of Troutdale Certain Code Additions
- (I) 10. **DEPARTMENTAL REPORTS:**
  - 10.1: Public Safety
  - 10.2: Finance
  - 10.3: Community Service
  - 10.4: City Attorney
  - 10.5: Executive
- (A) 11. **COUNCIL CONCERNS AND INITIATIVES**
- (A) 12. **ADJOURNMENT.**

  
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Sam K. Cox, Mayor

**MINUTES  
JANUARY 14, 1986  
CITY OF TROUTDALE  
104 SE KIBLING STREET  
TROUTDALE CITY HALL  
7:00 P.M. -- CITY COUNCIL CHAMBERS**

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**AGENDA ITEM #1 -- PLEDGE OF ALLEGIANCE**

The meeting was called to order at 7:00 p.m. by Mayor Sam Cox.

The Pledge of Allegiance was lead by Ron Burgin.

City Recorder, Valerie Raglione, called the roll.

**PRESENT:** Gene Bui, Ron Burgin, Mayor Sam Cox, Marty Gault, Sharlyn Jacobs, Marge Schmunk, Paul Thalhofer

**STAFF:** Pam Christian, Greg Wilder, Bill Farr, Jim Jennings, Bob Gazewood, George Samaan, Valerie Raglione

**PRESS:** Webb Reubal - Oregonian  
Scott Hunter -Gresham Outlook

**GUESTS:** Michael Sullivan, Andy Anderson, Margie Lundell, Adam Haas, Bill Johnson

Mayor Cox asked for an Agenda Update.

Christian stated that Item #3 would have to be held until Margie Lundell, arrived to assist with the Cable Franchise Renegotiations presentation.

Christian introduced the new Finance Director, Bob Gazewood, to the Council members.

**AGENDA ITEM #2 -- CONSENT AGENDA:**

Mayor Cox read the consent agenda.

**MOTION:** Bui moved to approve the consent agenda as read. Burgin seconded the motion.

Bui - Yea; Burgin - Yea; Gault - Yea; Jacobs - Yea; Schmunk -  
Yea; Thalhofer - Yea

**YEAS: 6  
NAYS: 0  
ABSTAINED: 0**

**AGENDA ITEM #4 -- MANAGEMENT LETTER - AUDIT REPORT:**

Christian stated that the auditors had not found any glaring errors in the report. The two items specifically noted were that they recommended a high priority on the systems analyst

and getting the system on; the second item was keeping policy manuals updated. She added that this was in process and with the position vacancies being filled, this would be accomplished more easily and more quickly once City was back to a complete staff...basically, a good clean audit and that we have already submitted our application for the Certificate of Conformance for this year.

Bui commented that when and if it is received, we need to make sure that it is publicized adequately.

**MOTION:** Bui moved to approve acceptance of the June 30, 1985 audit report including the management letter. Gault seconded the motion.

Bui - Yea; Burgin - Yea; Gault - Yea; Jacobs - Yea; Schmunk - Yea; Thalsofer - Yea

**YEAS: 6**  
**NAYS: 0**  
**ABSTAINED: 0**

### AGENDA ITEM #3 -- CABLE FRANCHISE RENEGOTIATIONS

Andy Anderson reviewed the background and presented the current information which was included in the Council packet.

The jurisdictions in May, 1985 were requested by CRC to agree to consider amendments to the franchise. All participating jurisdictions agreed to consider the amendments.

This means that the shortage of homes and the decline in pay-to-basic ratio has resulted in a decrease in the revenues now received by the Cable Company when compared to the Company's original financial projects for this time. As a result of this decrease in revenues, the Company is experiencing difficulty in meeting the conditions of its loan agreements with its banks.

The Company asked that the Cable Regulatory Commission and the Jurisdictions provide the Company with financial relief to offset the decrease in revenues considering three separate requests: (1) to request an increase in rates during the freeze period; (2) to request to defer construction in certain areas; (3) to request to renegotiate certain franchise requirements.

The proposed franchise changes described fall into one of three categories: (1) Financial Relief; **[analyze Company's financial condition to determine if the level of financial relief and the approach are appropriate]**; (2) Comparable Requirements; **[CRC staff feels the changes are equal to, or better than the current franchise]** (3) Cable Law to bring franchise into compliance with the Cable Communications Policy Act of 1984.

Lundell stated that the most important concern was not to lose local origination. Approximately 20 hours had been being

produced of local programming. It was felt that 20 hours of high quality was more important than committing 46 hours of mediocre quality.

Burgin asked what the \$105,000 was for. Lundell responded that it was built into MCC rather than disposed of elsewhere. Burgin also asked where the 11.5 miles of cable were in relationship to Troutdale service. Lundell stated that the closest it came to Troutdale limits would be Mt. Hood Community College.

Thalhofer was concerned over the apparent oversight of the growth factor. He stated he felt the public shouldn't be making financial adjustments for an error in calculations by the franchisee.

Burgin asked if Rogers had renegotiated with the lender, was it just onesided, with us, or were there renegotiations with the lender as well.

Lundell stated the Financial consultant told the Commission and staff over and over that there was no way that the Commission could solve the problem, the problem is extensive. There is not enough gratuities in the Franchise agreement for the Commission to give them the relief that they need completely. The Company stated and the financial consultant agreed that if the banks get the sense that there is enough flexibility on the part of the jurisdictions, that tends to make the banks more flexible in renegotiations the publics. In the annual reports that the Commission received, there was evidence that that was true that they were successful in renegotiating the debts and subscriber covenant.

Thalhofer asked if any more increases in the rates were going to be requested over and above the current request.

Lundell stated that under the new cable law the cable company could increase the rates 5% between now and December of 1986 without any government review or authority, after December, 1986 they can increase the rates to whatever they [Cable Companies] feel the market would bear, again without any review. She also felt that would be a good question to ask the Cable company.

Thalhofer asked about the provisions of ownership.

Lundell stated that there were two areas where she felt that the Company was given financial relief; sole demonstration projects and local origination. The Commission did not want that to translate into a dollar value to the company if they were selling the system. Language was written into the franchise that stated: if the system was sold the new owner has to assume the system from the time of the sale.

Christian requested that a more brief narrative be done for

Council review. Some of the concerns that Council had were difficult to assess in that the summary provided to them was not as clear as they had been in the past. Christian asked that the CRC have this prepared prior to the January 28, 1986 Council meeting for the Council members to review with a clearer understanding of these concerns.

Council members were also asked to list their specific concerns and present them to Christian within a week. This would provide staff some time to sift through some of the information and aide in responding to their concerns.

This item was then tabled for further discussion at the next meeting.

**RECESS:** Mayor Cox then called for a 5 minute recess.

**AGENDA ITEM #5 -- CITIZENS INVOLVEMENT PROGRAM**

Samaan reviewed his packet materials for Council. The components to be incorporated into the citizen involvement program are: (1) provide widespread citizen involvement; (2) assure effective two-way communication with citizens; (3) provide opportunity for citizens to be involved in all phases of planning process; (4) assure that technical information is available in understandable form; (5) assure that citizens receive response from policymakers; (6) insure adequate funding for citizen involvement program.

Schmunk and Bui will be Council representatives on the Committee. Bob Mitchoff, Planning Commission chairman, would be responsible for appointing 2 members from the Planning Commission.

It was stated that Michael Sullivan was the County representative and was invited to attend the meetings if he wished.

**MOTION:** Thalsofer moved to appoint Schmunk and Bui as Council representatives and that the committee be called the Committee for Citizen Involvement (CCI), and that 2 members from the Planning Commission be appointed to the CCI. Gault seconded the motion.

Bui - Yea; Burgin - Yea; Gault - Yea; Jacobs - Yea; Schmunk -  
Yea; Thalsofer - Yea  
**YEAS: 6**  
**NAYS: 0**  
**ABSTAINED: 0**

**AGENDA ITEM #6 -- FEE INCREASE - CITY ATTORNEY**

Christian stated that the last request for an increase in rates was in 1982. It was negotiated and agreed that any of the projects in progress would be charged at the existing rate since the estimated costs were reflected in the current budget.

Bui inquired as to the current budget handling the increase if it was effective retroactive to January 1, 1986.

Jennings stated that a lot of work done in the past on Ordinance writing had been greatly reduced in that instead of having to write the complete Ordinances, they were only spending time reviewing Ordinances which staff wrote.

Jennings stated also that since the Ordinances were being codified by a codification firm, this would reduce a great deal of time useage on the City Attorney's office. He stated that for the price quoted in the codification proposal, there was no way his office could have done the project for less.

Christian stated that there was a form to be completed by staff for approval by the City Administrator, authorizing use of City Attorney time. This form was currently used and had reduced the cost of attorney time.

Jennings stated that most requests were in written form now and he felt it helped his work load, as well as reduced costs and the amount of requests to the attorney's office.

**MOTION:** Bui moved that the rate increase of \$65 per hour for phone advice and \$75 per hour for all other work; and \$35 per hour for para-legal work be retroactive to January 1, 1986 for all projects taken on since January 1, 1986, excepting for prior projects which remain at the existing rate. Jacobs seconded the motion.

Bui - Yea; Burgin - Yea; Gault - Yea; Jacobs - Yea; Schmunk - Yea; Thalsofer - Yea  
**YEAS: 6**  
**NAYS: 0**  
**ABSTAINED: 0**

**AGENDA ITEM #7 -- ORDINANCE STARK/TROUTDALE ROAD EXPANDING C-3 ZONE**

Christian indicated that there was prior discussion on the agenda item when the Liquor License request was approved by Council.

Samaan reviewed the Council materials and introduced Raymond Bartels, 2515 SE Harrison St., Milwaukie, architect representing Joan Edmunds - property owner.

Bartels provided the Council with graphics indicating the location and zone changes. The proposal is in conformance with the goals and objectives of the Comp plan and zoning ordinance.

Thalsofer stated that he assumed that a market analysis had determined the need for a business of this type.

Bartell stated the traffic counts taken do support this type of

store, which is a different type store than Troutdale Thriftway. He also stated that the entire structure would be constructed at the same time, however, the interior of the portion not utilized at this time would not be completed until someone was going to utilize it.

Bui stated that it would be getting rid of the community car lot.

Schmunk asked when the construction would begin.

Bartell said the bids were out now and an emergency can be declared and go into effect immediately.

The Planning Commission has reviewed the proposal and endorsed the lot line adjustment/expansion of zone and recommends Council approve the request with conditions as listed in the Staff Report.

Christian stated that there was a request to declare an emergency to eliminate any delay in issuing building permits and beginning construction. She asked that the 'emergency' be clearly stated in the motion.

Mayor Cox read the ordinance by title and called for a motion.

**MOTION:** Bui moved to pass the ordinance to amend the official zoning map, adjust the common lot line between tax lot 46 and tax lot 47, section 35, T1N, R3E, W.M. and expand the C-3 zoning designation, and declaring an emergency. Gault seconded the motion.

Bui - Yea; Burgin - Yea; Gault - Yea; Jacobs - Yea; Schmunk -  
Yea; Thalhofer - Yea  
**YEAS: 6**  
**NAYS: 0**  
**ABSTAINED: 0**

**AGENDA ITEM #8 -- RESOLUTION - ACCEPTING ENGINEERING REPORT AND SET DATE FOR PUBLIC HEARING FOR NORTH HARLOW WATERLINE L.I.D.**

Wilder reviewed materials in the Council packet and displayed a topographic map of the area of the project. The waterline would be a 12" line which will serve D&D Bennett, Inc., Waste Water Management, Inc., and City of Troutdale Waste Water Treatment Plant. The estimated cost is \$70,000 [a 38% contribution from Tax Lot 5 (\$26,600); and a 62% contribution from Tax Lot 43 (\$43,400)].

Wilder also stated that some of the reasons for the project to provide a service which allows for orderly growth and redevelopment as well as alleviating accumulated problems as a result of the current unavailable service; a concern for the supply and distribution of potable and fire flow demand water; each group or individuals benefiting from the L.I.D. will derive real intangible benefits; a well planned and constructed water service facility will protect and enhance

the value of both developed and undeveloped properties and the formation of the L.I.D. will benefit and serve to the best interest of all properties within the Waterline L.I.D. boundaries. The project would also connect to the existing waterline system in the Columbia Scenic Highway.

**MOTION:** Thalhofer moved to adopt the Resolution and set the Public Hearing date for February 25, 1986. Bui seconded the motion.

Bui - Yea; Burgin - Yea; Gault - Yea; Jacobs - Yea; Schmunk -  
Yea; Thalhofer - Yea  
**YEAS: 6**  
**NAYS: 0**  
**ABSTAINED: 0**

**AGENDA ITEM #9 -- RESOLUTION REQUESTING DEPT. OF COMMERCE GRANT  
CITY CERTAIN CODE ADDITIONS**

Wilder stated that the code additions would require additional nailing and/or sealing of roof materials to reduce wind damage losses. He felt that it wouldn't prevent all damage, but would markedly reduce typical roof damage and losses that occur due to the occasional wind problems. The resolution is only asking concurrence that the request be made to the Dept. of Commerce.

**MOTION:** Thalhofer moved to adopt the resolution. Jacobs seconded the motion.

Bui - Yea; Burgin - Yea; Gault - Yea; Jacobs - Yea; Schmunk -  
Yea; Thalhofer - Yea  
**YEAS: 6**  
**NAYS: 0**  
**ABSTAINED: 0**

**AGENDA ITEM #10 -- DEPARTMENTAL REPORTS**

**10.1 Public Safety**

Acting Chief Farr had nothing further to add to his report.

**10.2 Finance**

Bob Gazewood was pleased to meet the Council members and stated that he was busy getting settled and certainly appreciated all the nice equipment there was to work with.

**10.3 Community Services**

Greg Wilder responded to Schmunk's question regarding the Fire Lane being vacated in Sandee Palisades subdivision stating that he had gone to the site with City Administrator, Pam Christian, and the decision was that it should not be vacated at this time.

Gault inquired about the fire lane being a maintenance problem. It will be looked into by the Facilities Maintenance division.

Schmunk felt that Fire District #10's base map should



indicate the location of the fire lane and they didn't appear to be aware that it even existed.

**10.4 City Attorney**

Jennings had nothing else to report.

**10.5 Executive**

Christian spoke to the issue of fire services task force representative and there would be a need to appoint a Council person with the Mayor. It would be on the January 28, 1986 agenda for discussion.

Christian stated that a consultant had been contracted to do the background checks for the Police Chief vacancy. The process was going smoothly and a decision should be made by the January 28, 1986 Council meeting.

**AGENDA ITEM #11 - COUNCIL CONCERNS AND INITIATIVES**

Mayor Cox asked for further comments. There were none.

**AGENDA ITEM #12 -- ADJOURNMENT**

**MOTION:** Schmunk moved to adjourn the meeting. Burgin seconded the motion.

Bui - Yea; Burgin - Yea; Gault - Yea; Jacobs - Yea; Schmunk -  
Yea; Thalhofer - Yea

**YEAS: 6**  
**NAYS: 0**  
**ABSTAINED: 0**

The meeting was adjourned at 9:02 P.M.

  
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Sam K. Cox, Mayor

**ATTEST:**

  
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Valerie J. Raglione  
City Recorder

14:2