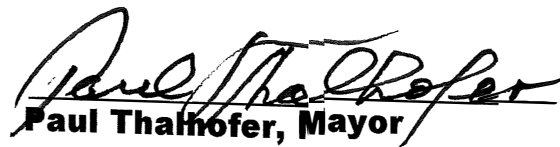


CITY OF Troutdale AGENDA

**CITY COUNCIL - REGULAR MEETING
TROUTDALE CITY HALL
COUNCIL CHAMBERS
104 SE KIBLING AVENUE
TROUTDALE, OR 97060-2099**

7:00 P.M. -- May 11, 1999

- (A) **1. PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE**
- (A) **2. CONSENT AGENDA:**
2.1 Business License: Month of April 1999
- (I) **3. PUBLIC COMMENT:** Please restrict comments to non-agenda items at this time.
- (A) **4. PRESENTATION:** Mt. Hood Cable Regulatory Commission FY 1999-2000 Proposed Budget.
Norm Thomas
- (A) **5. RESOLUTION:** A Resolution authorizing the transfer of Paragon cable franchises to TCI Cablevision of Ohio, Inc.
Norm Thomas
- (A) **6. REQUEST:** A request for a special event permit to hold a circus in Columbia Park. *Sanderson*
- (A) **7. PUBLIC HEARING / ORDINANCE (INTRODUCTION):** An Ordinance amending Troutdale Development Code Chapter 3, Zoning Districts, Chapter 7, Land Division, and Chapter 8, Site Orientation and Design Standards.
Sanderson
- (I) **8. DEPARTMENT REPORTS**
- | | | |
|-----|-----------------------|-----------------|
| 8.1 | Finance | <i>Gazewood</i> |
| 8.2 | Public Safety | <i>Berrest</i> |
| 8.3 | Community Development | <i>Faith</i> |
| 8.4 | Public Works | <i>Galloway</i> |
| 8.5 | City Attorney | <i>Sercombe</i> |
| 8.6 | Executive | <i>Kvarsten</i> |
- (I) **9. COUNCIL CONCERNS AND INITIATIVES**
- (A) **10. ADJOURNMENT**


Paul Thalhofer, Mayor

Dated: 5/5/99

C:\AGENDA\051199CC.AGE

104 SE Kibling • Troutdale, OR 97060-2099 • (503) 665-5175 • FAX (503) 667-6403
TTD/TEX Telephone Only (503) 666-7470

MINUTES
Troutdale City Council - Regular Meeting
Troutdale City Hall
Council Chambers
104 SE Kibling Avenue
Troutdale, OR 97060-2099

May 11, 1999 7:00pm

Meeting was called to order at 7:00 p.m. by Mayor Thalhoffer.

1. PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE

Mayor Thalhoffer called on Councilor Thompson to lead us in the Pledge of Allegiance.

Mayor Thalhoffer asked for the roll to be called.

City Recorder Stickney called the roll.

PRESENT: Thalhoffer, Smith, Thompson, Kight, Rabe, Daoust, Ripma.

STAFF: Berrest, Faith, Galloway, Lantz, Sanderson, Kvarsten, Allen, Stickney

GUESTS: David Soloos, Mary Beth Henry, Norman Thomas, Geoff Knapp, Gloria Crayton, Duane Bosworth, Stephen Archibald, Rasanna Archibald, Loraine Domine, Rob Brading, Shannon Turk.

Mayor Thalhoffer asked are there any agenda updates?

Kvarsten replied we have no changes to offer this evening.

2. CONSENT AGENDA:

2.1 Business License: Month of April 1999

Mayor Thalhoffer called this item and read the consent agenda.

MOTION: Councilor Thompson moved adoption of the consent agenda. Councilor Kight seconded the motion.

**YEAS: 7
NAYS: 0
ABSTAINED: 0**

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

Mrs. Caswell stated that last Thursday we held a reception to honor the Weyhrich's of Tube Specialities because they have generously donated the cost for the production of the trout that are going to be put into the middle of the fountain at Mayors Square. The scheduled completion of the sculpture should be done by the middle of this summer.

4. PRESENTATION: Mt. Hood Cable Regulatory Commission FY 1999-2000 Proposed Budget.

Mayor Thalhoffer called this item.

Norm Thomas stated with me is Mary Beth Henry a member of the staff at the Mt. Hood Cable Regulatory Commission. I am here to present the budget for the Mt. Hood Cable Regulatory Commission for the next fiscal year. For this year the budget represents 10.9% increase. Part of that was for personnel increase, cost of living increases and benefits, modest increases in computer training and increase in overhead cost. We are going to continue to oversee the major upgrade of the cable systems and institutional network connection, develop and implement a marketing and management plan for the community institutional network. Part of that is the cable company is building it, we are essentially the commission that is paying for it to be built but we also need to market the sale of it. Major revenues for this budget are franchise fees and public administration government access capital funds. Franchise fee revenue is projected to increase about three percent. Major expenditures for this budget are franchise fee payments to the jurisdictions, which Troutdale will see \$23,850, grants to the public, education, government access, institutional cable system, the cable regulatory office. Jurisdictions net financial contributions for Troutdale will be \$12,548.00.

Councilor Kight asked how is the company set up for the Y2K challenge?

Mary Beth Henry stated at the commission retreat last September it was one of the issues that the commissioners raised so we contacted both Paragon and TCI and they are in Y2K compliance. They have staff dedicated to that and they have assured us that their systems will be Y2K compliant prior to December 31st, 1999.

Councilor Kight stated that one of the problems that we have here in our Council Chambers is the sound system, is there any upgrades scheduled for our Council Chambers?

Rob Brading of MCTV stated we have worked with the sound system here and I believe it is better than it has been. There are some limitations on the audio technology in that you can either have a directional microphone so that when one of you speaks into your microphone you are heard or you can have a non-directional microphone in which case when Mayor Thalhoffer is whispering to you it could be picked up.

Councilor Kight asked are the rates going up for the users?

Henry replied unfortunately May 30th was the sunset of the rate regulation, everything but basic cable regulation. We will continue to be very aggressive on basic cable rate but when there are complaints on the upper tiers we will not be able to forward complaints to the FCC.

Councilor Kight asked do you have any idea of the percentage of the increase?

Henry replied that question would have to be directed to the cable companies.

Gloria Crayton of TCI stated TCI has notified customers and local governments that we will be adjusting our rates. Our rate increase on average across the country will remain within the 5% range. Throughout the Portland Metropolitan area I think the rate increase averages about 5% and in some communities there is a decrease.

Councilor Daoust asked have any Troutdale schools or groups received the community access capital grants?

Thomas replied no.

Councilor Daoust asked what determines the amount that goes back to the cities?

Henry replied it really ends up being a residual amount. We project the franchise fees based on discussion with the cable company, so we start out with a number of what the 5% gross revenues of the cable company is going to be. Then Troutdale is committed to providing 60% of those franchise fees to MCTV, so that is the first piece that comes off. Then the next piece is the Cable Commissions budget, and that is a process where we work with the budget and finance committee to determine what are the resources that will be necessary to carry out the program for the next year. What is left over is what goes to the jurisdictions for your general fund needs.

Councilor Kight asked do you have an outside firm that performs an audit?

Henry replied that the staff works with a sub-committee of the commission, the Budget and Finance Committee who put this budget together. On our staff we have a financial analyst who each year presents the year end report to the Commission which they have to adopt, which is in affect like a financial review. Periodically we have an financial consultant who actually does audits on behalf of the Commission.

MOTION: Councilor Daoust moved that the Troutdale City Council approve the Mt. Hood Cable Regulatory Commission Fiscal Year 1999-2000 proposed budget. Seconded by Councilor Kight.

**YEAS: 7
NAYS: 0
ABSTAINED: 0**

5. RESOLUTION: A Resolution authorizing the transfer of Paragon cable franchises to TCI Cablevision of Ohio, Inc.

Mayor Thalhofer called this item.

Norm Thomas stated that I am your representative on the Mt. Hood Regulatory Commission and I am also the Chair for the Commission. I am here tonight to provide information on the proposed transfer of Paragon Cable Franchise to TCI. The staff of Mt. Hood Cable Regulatory Commission is also here to assist me and also a representative from Paragon Cable and TCI. We recommend that you consent to the transfer of Paragon Cable Franchise to TCI with certain conditions. We have developed these conditions after extensive negotiations by our staff, TCI and Paragon Cable. These negotiations have taken several months and have also included direct consultations of representatives of TCI and Paragon Cable. AT&T is the parent company of TCI and Time Warner is the parent company of Paragon Cable. We also conducted a public hearing, we received input from the public and interested parties which we took into account during our negotiations. The conditions include: ensuring good customer service and adequate local management presence; satisfactory performance guarantee; assurance that all franchise commitments, including upgrades will be completed; improved cable access interconnections for local programing and conditions for high speed cable modems internet access in Multnomah County. The cable internet modems is one of the most difficult since the two jurisdictions are currently in litigation on an open access condition from a previous transfer. However, we were able to resolve this by including several triggers requiring the company to provide open access to the cable platform if Multnomah County and Portland prevail in the current litigation or if AT&T/TCI otherwise agree to offer open access in other large cable systems on the West Coast. Our recommendation now is to reach our final action because the federal rules concerning the cable transfer in the final stage must be made before May 22nd or else the transfer will be deemed approved without conditions. However the conditions attached and the overall transfer is in the public interest will adequately serve cable customers satisfactorily and all existing franchise commitments will be honored.

Councilor Kight asked is there any major points that you were not able to reach agreement on?

Thomas replied not to my knowledge.

Councilor Ripma asked does TCI operate cable systems outside of California, Washington and Oregon?

Gloria Crayton replied yes we have cable systems across the Country.

Councilor Ripma asked do you have open access in any of those?

Crayton replied no we don't.

MOTION: Councilor Thompson moved to adopt the Resolution authorizing the transfer of Paragon Cable Franchise to TCI Cablevision of Ohio, Inc. Councilor Kight seconded the motion.

**YEAS: 7
NAYS: 0
ABSTAINED: 0**

Mayor Thalofer called for a break at 8:06pm. (Councilor Thompson was excused for the remainder of the meeting)

6. REQUEST: A request for a special event permit to hold a circus in Columbia Park.

Mayor Thalhoffer called this item.

Sanderson reviewed the staff report contained in the packet.

Mayor Thalhoffer asked where did this idea for a circus originate?

Val Lantz replied that the circus contacted us because they were looking for a undeveloped field in a suburban area, preferably an area with lots of kids. Their goal is to provide a family event. They don't make a lot of profit on it and they try to share some of their profit with each community that they come into. That is why they have agreed to pay a \$200.00 fee and twelve percent of the ticket profit. I was not convinced we should let them do it until I had questioned them about what kind of activities they provide, what kind of animals they bring, what kind of facilities they have, how long they need to be there and what kind of impact they make on the ground. After going through all of those questions and them sending their insurance policy to me I decided that this chance doesn't come around to often and it is something that is very different.

Mayor Thalhoffer asked is this just a circus and not a carnival with rides?

Lantz replied correct.

Mayor Thalhoffer asked are there going to be elephants?

Lantz replied they only use domestic animals.

Mayor Thalhoffer asked what chance do you think there is for having much success on such short notice?

Lantz replied I guess that is how this circus operates. The Chamber has agreed to help sell the tickets.

Councilor Kight asked when did you first find out about this?

Lantz replied within the last two weeks, April 26th.

Councilor Kight stated essentially this puts the City in a landlord/tenant relationship. Do we have any kind

of deposit for clean-up in case they leave a bunch of debris behind?

Lantz replied that the \$200 fee up front is intended to cover the permit cost and any clean-up cost.

Councilor Kight asked what if it exceeds that amount?

Lantz replied then we would probably get into a different kind of concessionaire agreement than we did.

Councilor Kight asked what guarantee do we have that once they are there and they leave that the property will be in the same condition in which they found it?

Lantz replied I am going to be present during the time period that they are here and the concessionaire agreement gives me the authorization to approve or disapprove their actions while on our premises and I would also be collecting the City's share of the payment at that time.

Councilor Kight asked what about restroom facilities and water?

Lantz replied they provide some port-o-potties that are close at hand and our restrooms at Columbia Park would be open.

Councilor Kight asked who is paying for the police service that will be involved for handling traffic and that sort of thing?

Lantz replied I did send information to the Police Department that this was occurring but I haven't asked if they are scheduling extra people.

Councilor Kight asked that this is going to be quite an impact on the residential subdivision in that area, have the residents been notified of this event?

Lantz replied I have been waiting on that until we received the Council's approval before we sent letters.

Councilor Kight asked who is paying for the shuttle?

Lantz replied we are providing that service.

Councilor Kight asked have you contacted any other communities where this particular circus has been and if there has been any problems?

Lantz replied no, but if you would like me to I can.

Councilor Kight stated I think that would be appropriate. Are City employees going to be involved in putting up the signs?

Lantz replied the circus will be putting them up.

Councilor Rabe stated as I was coming to the meeting tonight, although I had read the staff report I figured that we would have to approve it before anything starts, but yet in many of the store fronts along the main street they have the signs up already.

Lantz stated that the circus management approached the Chamber and asked them if they would be willing to sell tickets for a percentage of the profit.

Councilor Rabe asked has the Chamber already sold tickets?

Lantz replied I don't believe that they have sold any yet.

Councilor Rabe stated but the Chamber did take the liberty to go ahead and start to advertise the event.

Councilor Kight stated that the Chamber has done a master fax to all their members advertising that the circus is coming to town.

Councilor Daoust stated nobody is going to tell my girls that the circus isn't coming to town. If you order a meal at Burgerville in the bottom of the sack is a free ticket to the circus. The circus has made their rounds and the advertising is out.

Councilor Smith asked when will they show up and when will they leave?

Lantz replied that they would be coming in on the morning of May 19th and setting up and they will start packing up immediately following the second show. They are usually clear of the site by 5:00am but if we didn't want the activity to disrupt the neighbors then they may have to move some of the equipment the next day.

Councilor Smith asked who is going to be around at 5:00am in the morning to be sure everything is cleaned up?

Lantz replied I will be.

Councilor Ripma asked are they spending the night in the park?

Lantz replied some of the equipment.

Councilor Ripma asked where will all the attendees park?

Lantz replied the west side of Columbia Park, Reynolds High School parking lot and Safeway parking lot. We did contact the real estate management company of the Safeway Market and received their permission for this event.

Councilor Ripma asked how are you going to keep people from parking on the street?

Lantz replied 18th way is wide enough to accommodate parking on both sides.

Councilor Ripma stated there is no way we can do anything about this now, lets just hope it comes off okay and that the field isn't left in a muddy littered mess. I am concerned about the possibility of people spending the night in the park, that sounds like that is one thing that we could impose. I think that is a reasonable request that they be out of there as soon as possible.

Mayor Thalhofer stated this is probably a good example of how not to do something. I understand the intent was good. In the future we need more advance notice. We can put a requirement that they be out of the park by midnight.

Councilor Kight stated I would like you check with at least two other communities and I would like to hear back from you as to what kind of experience they had with them. I would like to ask the Chief how you are going to handle the traffic.

Chief Berrest stated first of all I haven't received any formal notice although I had heard rumors that the circus was coming to town. To my knowledge there is no scheduling or preparation on our part to deal with this. This is a major concern as this does adjoin a residential area which would provide the closest parking. My concern would be the patrons would park in the residential area and I would be overwhelmed with complaints. I would also be concerned with a traffic jam being created on 18th Way plus this is an uncontrolled intersection where it enters Cherry Park, so I have had several concerns including pedestrians crossing that intersection.

Councilor Kight stated there are a lot of potential serious problems that could come up. In the future if someone gives us this short of notice I think we ought to pass.

Councilor Daoust asked how long did they say it would take to tear it down?

Lantz replied they said they are adjustable on that.

Councilor Daoust stated I would think that maybe the neighbors we be more upset if they are out there at 11:00 at night tearing down equipment. I guess you should use your best judgement as to whether they should be working out there at night time.

Mayor Thalhoffer stated I think we ought to get them out of there as soon as possible.

Chief Berrest stated that the park closes at 10:00pm and with our noise ordinance I need to know how to instruct the officers how to enforce noise complaints in that area.

Mayor Thalhoffer stated I would suggest that they use some discretion.

MOTION: Councilor Ripma moved to approve the Special Event Permit to hold a circus and the Concessionaire agreement. Councilor Daoust seconded the motion.

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

7. PUBLIC HEARING / ORDINANCE (INTRODUCTION): An Ordinance amending Troutdale Development Code Chapter 3, Zoning Districts, Chapter 7, Land Division, and Chapter 8, Site Orientation and Design Standards.

Mayor Thalhoffer called this item recessed the City Council meeting and opened the Public Hearing at 9:20pm.

Sanderson reviewed the staff report contained in the council packet.

Councilor Kight asked what is our current density, are we not in fact exceeding the 80% density?

Sanderson replied yes we are.

Councilor Kight asked and what is that number?

Sanderson replied 84%.

Councilor Kight stated that the letter that was sent by Ray Valone, Senior Regional Planner, the original number of 2,583 is not identified in his letter, in fact he has the higher number of 3,789. Did he not respond to the lower number that was in fact their number from Metro of which we have had multiple meetings over?

Sanderson replied the letter that was sent from Metro is responding to review and comment to our proposed amendments.

Councilor Kight asked in your presentation to Metro did you bring up the lower number, their number in fact that they have given to the City of Troutdale, the 2,583?

Sanderson replied my discussion with Metro regarding the letter was regarding the proposed amendments it had nothing to do with the proposed numbers. It was talking about how we calculate the minimum density.

Councilor Kight stated since we are talking about these proposed amendments tonight that you might want to counter-propose and bring it back to them and say how are they going to respond to the lower number of 2,583.

Faith stated that they have flat out said that is not the number. As I recall, we had Ray Valone and Mary Webber from Metro attend the meeting and they basically said that the number that they recognize is the one that was within table one of the Functional Plan which is 3,789, they have never backed off from that position.

Councilor Daoust stated so I guess that is our number.

Councilor Ripma stated no its not our number.

Faith stated well it is the number that they recognize.

Councilor Ripma stated the staff, yes they forced it on us and we have never agreed it, ever, and I hope you carried that to them every time.

Faith stated in our compliance report we made that argument.

Councilor Daoust stated one of the requests that they make is that we re-compute our dwelling unit target capacity to see if rounding down made any difference in 3,260 units. Have we done that?

Sanderson replied I have re-computed it and it was approximately 54 less units.

Councilor Daoust replied that matched my calculation. That is kind of what I thought it would be if we rounded down every time we have a fraction. Do we have to provide that to Metro in response to this letter?

Faith replied we will only provide that if they specifically ask for it.

Councilor Ripma asked how many cities are still working on their functional plan?

Faith replied the last summary that I saw I believe that there were only about four that had not yet submitted their compliance report.

Councilor Ripma asked how many are completed to Metro's satisfaction?

Faith replied I don't know the answer to that.

Councilor Ripma stated I don't think hardly any, so there is no rush on this. We do not have to be first. Has Metro ever said to you, as I have heard many times said to me at large meetings, that cities are free to meet the goals of the Functional Plan in their own way and there is no Metro imposed mandates for lot step uniformity throughout the entire Metro region?

Faith replied probably not in those exact words, but I think the implication has been there.

Mayor Thalhoffer stated quoting from the letter, I think we are in pretty good shape here. Metro has taken the position that the City is in substantial compliance with the Function Plan.

Mayor Thalhoffer asked if there was anyone here who would like to speak to us on this issue.

No public testimony was received.

Mayor Thalhoffer closed the Public Hearing and reconvened the City Council meeting at 9:45pm and stated that this is the first reading of the Ordinance, a decision will be made at the next meeting.

8. DEPARTMENT REPORTS

Mayor Thalhoffer called this item.

Chief Berrest stated I have nothing to add this evening.

Faith stated I have nothing to add.

Galloway stated I have nothing to add.

9. COUNCIL CONCERNS AND INITIATIVES

Mayor Thalhoffer called this item and stated that we received a letter from the Parks Advisory Committee regarding the life guard program stating they support the life guard program. The second item is that we no longer have the bus turn around here. I have called Fred Hansen the head of Tri-Met and asked him to look into having a turn around at Glenn Otto Community Park. We will have some people from Tri-Met here at our next meeting.

Councilor Kight stated I want to remind everyone to vote on May 18th.

Councilor Daoust stated it has been brought to my attention that we have in the Troutdale Municipal Code an Ordinance for uncontrolled vegetation and around this time of year the grasses start growing tall. Our Ordinance only has the requirement to abate that by June 15th, but between now and June 15th it could grow wild. I am just bringing it up and we may want to look at that Ordinance.

Councilor Ripma stated that our Police Department is very important to the quality of life here in Troutdale. Don't imagine that crime is not coming our way, because it is and if we don't keep ahead of it all of our lives are going to be affected. Portland got behind and their police are so overwhelmed now that they only respond to priority one calls. Times are good now and crime is down but our Police Department is constantly getting more and more calls because of our growth in population and all of our new business. This police levy is not just an extra, it is vital to our quality of life.

Mayor Thalhofer stated I have been on the City Council since January 1, 1983 and at that time the Police Department was not in very good condition. We had vehicles that could not even make it to the calls because they would break down. The Council was determined that from that point on that we would have a policy for replacing vehicles. In the last few years, due to budget constraints, we have fallen behind. There is some thought that we have a real safe city, but how long is it going to stay that way. How long will we be able to cover the city with the increased population and increased commercial area with a department that is now really low on numbers. We need these School Resource Officers in the worse way. As citizens of this community we need to make a major investment in our Police Department if we are going to continue to feel safe in our homes and on the streets. Be sure to vote on the 18th.

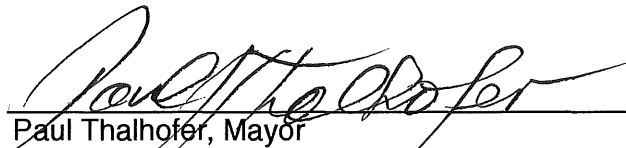
10. ADJOURNMENT

Mayor Thalhofer called this item.

MOTION: Councilor Ripma moved to adjourn the meeting. Councilor Rabe seconded the motion.

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


Meeting was adjourned at 10:09pm.



Paul Thalhofer, Mayor

Dated: 7-28-99

ATTEST:



Debbie Stickney, City Recorder

CITY OF TROUTDALE PUBLIC ATTENDANCE RECORD

May 11, 1999
CITY COUNCIL REGULAR MEETING

PLEASE COMPLETE THE FOLLOWING

NAME <small>☞ (please print) ☞</small>	ADDRESS	PHONE #
Jim Galloway	City Hall	665-5175
Rich Faith	" "	" "
Mark Berrest	Police Dept	665-5175
Sheryl Sanderson	CH	
Vivette Watz	"	
David Soloos	MHCRC	823-5359
Mary Beth Henry	MHCRC	823-5414
Norman Thomas	MHCRC	667-4320
Geoff Pung	Paragon Cable	230-2099 x2362
Gloria Crayton	TCT	605-4984
Duane Basworth	Davis Wright Tremaine	241-2300
Stephen Archibald	Troutdale	
Rosanna Archibald	Troutdale	
Lorraine M. Dominic	3480 SE Elg. Pl. Troutdale	667-3236

--PLEASE COMPLETE THE FOLLOWING--

NAME <small>(please print)</small>	ADDRESS	PHONE #
Rob Bradley	26000 26000 SE Stark	4917636
Shannon Turk	705 SE 10 th St	669-2091

DATE 5/11/99

PAGE # 2