



CITY OF TROUTDALE

"Gateway to the Columbia River Gorge"

AGENDA

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

Mayor

Paul Thalhoffer

City Council

Pat Smith
David Ripma
Bruce Thompson
Jim Kight
Paul Rabe
Doug Daoust

Tuesday June 12, 2001 – 7:00 P.M.

- (A) 1. **PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE**
- (A) 2. **CONSENT AGENDA:**
2.1 Accept Minutes: May 22, 2001 Regular Meeting.
2.2 Approve Liquor License: Rainbow's End Cafe.
2.3 Resolution: A Resolution authorizing an Interfund Loan from the General Fund to the Parks Improvement Fund.
2.4 Resolution: A Resolution providing for the Receipt and Expenditure of Specific Purpose Grants; providing for General Fund Appropriation Increase and Making Appropriation for Fiscal Year 2000-01.
2.5 Resolution: A Resolution Authorizing the Transfer of Cable Franchise held by TCI Cablevision of Ohio, Inc. to AT&T Broadband of Ohio, LLC.
- (I) 3. **COMMENDATIONS AND AWARDS:** Presentation of a Public Safety Award to Casey Betts and Grant Fretz. *Chief Nelson*
- [A] 4. **PROCLAMATION:** Proclaiming June 2001 as Muscular Dystrophy Association Month in the City of Troutdale. *Patricia Katen*
- (I) 5. **PUBLIC COMMENT:** Please restrict comments to non-agenda items at this time.
- [A] 6. **RESOLUTION:** A Resolution adopting Mt. Hood Cable Regulatory Commission's Customer Service Standards for Cable Franchises. *Norm Thomas, MHCRC Chair*

(A) 7. **MOTION:** A Motion approving the Mt. Hood Cable Regulatory Commission's Fiscal Year 2001-2002 Proposed Budget.

Norm Thomas, MHCRC Chair

[A] 8. **PUBLIC HEARING / ORDINANCE (Introduced May 22, 2001):** An Ordinance Adopting Amendments to Title 12, Public Works, as it Applies to System Development Charges for Transportation Systems.

Jim Galloway, Public Works Director

[A] 9. **RESOLUTION:** A Resolution Establishing a Public Art Acquisition Policy.

Rich Faith, Community Development Director

[A] 10. **PUBLIC HEARING / RESOLUTIONS:**

A) A Resolution adjusting the rate and capital improvement plan for water system development charges and rescinding Resolution No. 1491.

B) A Resolution adjusting the rate and capital improvement plan for sanitary sewer system development charges and rescinding Resolution No. 1492.

C) A Resolution adjusting the rate and capital improvement plan for transportation system development charges and rescinding Resolution No. 1493.

D) A Resolution adjusting the rate and capital improvement plan for storm water system development charges and rescinding Resolution No. 1494.

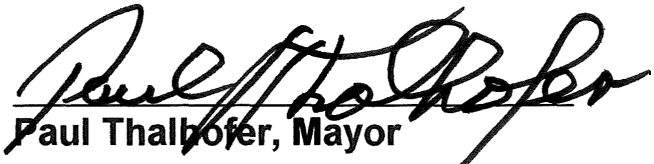
Jim Galloway, Public Works Director

[A] 11. **PUBLIC HEARING / RESOLUTION:** A Resolution Adopting a Supplemental Budget for Fiscal Year 2000-01 and making appropriations.

Kyra Williams, Finance Director

(I) 12. **COUNCIL CONCERNS AND INITIATIVES**

(A) 13. **ADJOURNMENT**


Paul Thalhofer, Mayor

Dated: 6-5-01

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

June 12, 2001

Mayor Thalhofer called the meeting to order at 7:01pm.

1. PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE

Mayor Thalhofer called on Councilor Ripma to lead us in the Pledge of Allegiance.

PRESENT: Smith, Ripma, Thompson, Thalhofer, Rabe, and Daoust.

ABSENT: Kight (excused).

STAFF: Allen, Faith, Galloway, Kvarsten, Nelson, Stickney and Williams.

GUESTS: See Attached List.

Mayor Thalhofer asked are there any agenda updates?

Kvarsten replied we have no updates this evening.

2. CONSENT AGENDA:

- 2.1 Accept Minutes: May 22, 2001 Regular Meeting.**
- 2.2 Approve Liquor License: Rainbow's End Cafe.**
- 2.3 Resolution: A Resolution authorizing an Interfund Loan from the General Fund to the Parks Improvement Fund.**
- 2.4 Resolution: A Resolution providing for the Receipt and Expenditure of Specific Purpose Grants; providing for General Fund Appropriation Increase and Making Appropriation for Fiscal Year 2000-01.**
- 2.5 Resolution: A Resolution Authorizing the Transfer of Cable Franchise held by TCI Cablevision of Ohio, Inc. to AT&T Broadband of Ohio, LLC.**

MOTION: Councilor Thompson moved to adopt the Consent Agenda. Seconded by Councilor Rabe.

YEAS: 6
NAYS: 0
ABSTAINED: 0

3. COMMENDATIONS AND AWARDS: Presentation of a Public Safety Award to Casey Betts and Grant Fretz.

Mayor Thalhofer called this item.

Chief Nelson stated tonight we have two awards that we would like to present. However, one of the recipients was not able to attend. I would like to briefly review the incident that took place and prompted us to give out these awards. On April 11, 2001 about 5:37pm, Troutdale Police Officers Jim Leak and Joel Wendland were dispatched to a call on the Sandy River near Tad's Chicken'N Dumplins. There was a report of an upside down rubber raft going downstream in front of Tads. Additional information said that there were shoes and oars floating downstream as well. Officer Leak found two female occupants of the boat stranded on the west bank of the Sandy River. Officer Leak then observed two men in a boat near the area and asked them for assistance rescuing the two girls. The two men, Casey Betts and Grant Fretz, agreed to help. The first attempt to get them off the rocks was unsuccessful. The second attempt they ended up having to walk there boat in the water up to the two young ladies and assisted them into the boat and provided them with life jackets and brought them across the river to Officer Leak. Officer Leak then transferred them to Lewis and Clark State Park where AMR was located and the two were checked out by medical personnel. There were no serious injuries, however they were very cold from being in the river. The Troutdale Police Department would like to recognize Mr. Casey Betts and Mr. Grant Fretz for their courage and selflessness in assisting the Troutdale Police Department in rescuing these two eighteen year old ladies. Their assistance avoided Troutdale Police Department from calling in additional emergency response and most importantly it prevented these two ladies from having additional injuries. Chief Nelson presented Grant Fretz with a plaque that read, "you are being awarded a Good Samaritan award from the Troutdale Police Department for your selflessness and courage."

4. PROCLAMATION: Proclaiming June 2001 as Muscular Dystrophy Association Month in the City of Troutdale.

Mayor Thalhofer read the proclamation.

Patricia Katen, Muscular Dystrophy Association, thanked the Council for supporting their efforts.

Bruce Fisk, an area resident, stated I want to thank you for helping with this fund raising. This is really important to us. It brings money in that we can't get anywhere else to buy medical equipment, chairs, canes, and doctor appointment. These fundraisers really make a tremendous impact. There are 40 families locally that MDA is helping. This money goes directly to those people that need help.

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

Mayor Thalhofer called this item and asked; is there anyone here to speak to us on a non-agenda item?

No public comments given.

6. RESOLUTION: A Resolution adopting Mt. Hood Cable Regulatory Commission's Customer Service Standards for Cable Franchises.

Mayor Thalhofer called this item and read the Resolution title.

Norm Thomas, MHCRC Chair, stated one of the things that we found when we reviewed the customer standards and how to enforce them was that there really wasn't too many standards that applied. What we wanted to do was to come up with a standard, especially with the new franchises coming in, that would apply across the board and be fair and equal to everybody so that everyone has the same customer expectations. We used three different sources and put them together along with the FCC. At this point there are five existing different franchises that the MHCRC enforces and the City of Portland Code has something a little different than everybody else. What we needed to do was to combine those together. The Portland City Code required that the phones be answered within sixty seconds ninety percent of the time, while the FCC required the phones be answered by an actual qualified customer service representative within thirty seconds ninety percent of the time. What we needed was a standard. We were able to look at that and work with the companies and we came up with primarily, a lot of the FCC standards. The process was that MHCRC appointed a task force to develop a single set of customer service standards for all Mt. Hood Cable Regulatory Commission member jurisdictions. They reviewed standards from other franchises, codes and ordinances around the Country. Input was requested from AT&T, WIN, and RCN. The task force's proposed standards essentially codified the existing FCC standards and supplementing them only where needed. Drafts were circulated and re-circulated amongst the various franchisees for review. The MHCRC moved to recommend those standards for adoption by local jurisdictions at it regular meeting in March of 2001. There was no industry opposition before or during the meeting. The proposed standards are set for adoption at all six jurisdictions this month.

Councilor Ripma asked did any of the other jurisdictions that have already adopted these standards have any changes to them.

Thomas replied not to my knowledge.

Councilor Ripma asked what is the remedy if they don't meet these standards?

Thomas replied currently we have a \$180,000 claim outstanding against AT&T depending on whether they are able to meet their requirements. Over the last six months they were not meeting their customer service requirement on the west side, they were at about thirty percent instead of ninety percent. There are fine mechanisms that go into place.

Councilor Ripma asked did they ever consider allowing customers not to have to pay their bill for a month or two that is what would really hurt them. Was that ever discussed?

Thomas replied not as far as the task force.

Mayor Thalsofer stated you can get a reduction in your bill if you are having service problems. I had a lot of problems with the digital system and I have had service representatives out on a number of occasions. Each time I was given a substantial cut in my monthly bill. I appreciate the way that they handled that.

Councilor Rabe asked on the quarterly reports, does the commission evaluate those reports?

Thomas replied yes. We have actually been getting them on a monthly basis. We evaluate them and if they don't meet the standards then we start a customer service violation process, which involves a hearing.

Councilor Rabe asked do you consider the level of cooperation to be pretty good?

Thomas replied it has been so far.

Councilor Rabe asked when they are fined and they actually pay, where does the money go?

Thomas replied it comes into MHCRC and we send that on to the jurisdiction.

Kvarsten stated the money received from franchise fees goes to the general fund. If we were to receive any kind of penalty fees that would be assessed, it would also fall to the general fund.

Councilor Daoust asked who monitors these customer service standards?

Thomas replied the cable office staff.

Councilor Daoust stated so they monitor their own?

Thomas replied we require the company to turn it in, in other words they give us the information and we look at it. So far the information they have given us is accurate.

Councilor Daoust asked how do you know it is accurate?

Julie Omelchuck, Assistant Director of MHCRC staff, stated to clarify the MHCRC has its own staff and that is who monitors the statistics, it is not the cable company monitoring its own statistics. We got involved with their computer-generated program in understanding how they are calculating their statistics for phone answering service. It is built into the phone companies, which is not AT&T, it is the local phone company. So it is an automatically generated report.

MOTION: Councilor Daoust moved to adopt the Resolution adopting Mt. Hood Cable Regulatory Commission's Customer Service Standards for Cable Franchises. Seconded by Councilor Rabe.

Councilor Daoust stated I think it is a good idea to have oversight over companies like this.

Councilor Rabe stated I agree.

Mayor Thalhoffer stated I have received excellent customer service from the cable company.

YEAS: 6
NAYS: 0
ABSTAINED: 0

7. MOTION: A Motion approving the Mt. Hood Cable Regulatory Commission's Fiscal Year 2001-2002 Proposed Budget.

Mayor Thalhoffer called this item.

Norm Thomas, MHCRC Chair, stated part of our responsibility at MHCRC is to advocate for public interest and to regulate the development of cable communication systems and monitor and help resolve cable subscriber concerns. We also facilitate the planning and implementation of the use of the cable communication technologies that makes use of the public right-of-way. This last year we processed the first ever competitive cable broadband services franchises. MHCRC led the lengthy franchise public hearings process resulting in unanimous approval by all jurisdictions of new cable and broadband internet telecommunications service providers entering the residential market. We have also led the Nation in national debate over "open access" on the internet cable. We have completed the major residential cable system upgrade. We granted \$775,000 to advance education and community-based technology. We guided development of the community institutional network (I-Net) and provided consumer protection and franchise oversight. The major revenue sources are cable franchise fees from Gresham, Troutdale, Fairview, Wood Village and Multnomah County. The projected revenues for fiscal year 2001-02 are \$751,065 which is a 1.5% increase over the current years revised forecast. Administrative budget contributions from the City of Portland is \$250,000. Public Education Government Capital total \$1.4 million. Our major expenditures include \$700,000 community access capital grant program. \$771,472 community access capital grants to MCTV and Portland Cable Access which allows them to buy hardware. \$436,814 to Community Access payments to MCTV and \$377, 108 for the Commissions administrative budgets. The net contribution for Troutdale is \$13,221. Each jurisdiction is estimated to receive franchise fee balance, Troutdale's is \$20,915.

Mayor Thalhoffer asked at the end of the year the City gets back 27,000.

Thomas replied that is correct.

Councilor Daoust asked the \$700,000 for community access capital grants, what all does that go for?

Thomas replied that is split between PCA and MCTV and that helps them purchase new equipment.

Mayor Thalhofer asked is there anyone here to speak to us on this issue?

No comments received.

MOTION: Councilor Daoust moved to approve the Mt. Hood Cable Regulatory Commission's Fiscal Year 2001-2002 proposed Budget. Seconded by Councilor Ripma.

Councilor Daoust stated I have reviewed the budget and it looks straight forward.

Councilor Ripma stated I agree.

Mayor Thalhofer stated I think that the Commission has done a really good job and we are very well served out here.

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

8. PUBLIC HEARING / ORDINANCE (Introduced May 22, 2001): An Ordinance adopting amendments to Title 12, Public Works, as it applies to System Development Charges for Transportation Systems.

Mayor Thalhofer read the Ordinance title and opened the Public Hearing at 7:40pm.

Jim Galloway, Public Works Director, stated this is the second reading of a proposed ordinance to make certain changes to Title 12 pertaining to transportation system development charges. The Council has in the past expressed an interest in using transportation SDC's to do a number of things to include funding capital improvements for pedestrian and bikeways, public transit amenities, possibly even public parking facilities. You have asked on previous occasions whether or not those funds could be properly spent for those purposes. Looking into it, with the assistance of the City Attorney's Office, we concluded that there was probably some doubt the way that our ordinance is currently drafted as to whether or not that could be done. That was primarily because we use the term "street system" as opposed to a "transportation system". So the main focus of this proposed ordinance is to amend the code and to substitute the definition of transportation system and make it broad enough to include street system but also include some of the other components that the Council has been interested in in the past. In addition to that change, two other portions of that chapter of the code would be amended to substitute the term transportation system for street system and also in section 12.02.030, we proposed to insert

the words "or otherwise places demand on" to go along with connects or uses to make sure that it is clear when a system development charge might be imposed. In addition we have provided language, provided by the City Attorney's Office, indicating why this particular change would not be amending the methodology and therefore did not require the 45-day notice that the state law would otherwise require.

Councilor Rabe asked basically you are just trying to make sure that there is clarification as to what could be done with the system development fees, is that correct?

Galloway replied that is correct.

Mayor Thalhofer asked is there anyone here to speak to us on this issue?

No public comment received.

Mayor Thalhofer closed the Public Hearing at 7:44pm.

MOTION: Councilor Ripma moved to adopt the Ordinance. Seconded by Councilor Daoust.

Councilor Ripma stated these are good changes that will allow appropriate uses for the system development charges.

Councilor Daoust stated I appreciate the flexibility to use these fees to provide pedestrian and bikeways, parking facilities and other things besides roads.

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

9. RESOLUTION: A Resolution establishing a Public Art Acquisition Policy.

Mayor Thalhofer read the Resolution title.

Rich Faith, Community Development Director, stated in late 1999 you asked the Parks Advisory Committee (PAC) to take a look at the issue of establishing a Public Art Acquisition Policy. The PAC took that on and studied the issue and began drafting a proposal. Their proposed policy was brought to you on July 25, 2000. There was some public comment and some concerns that were voiced about the policy. Based on the concerns that were raised the Council referred the policy back to the PAC with the instruction to consult with the local artist community to work out some of the bugs in the initial proposal. The PAC then continued to work on the policy, they brought it back to you for your consideration on March 13, 2001. At that time the Council once again had some issues with the proposal as it was written and sent it back to the PAC for more work. There were basically two items that the Council had issues with in the March 13th version of the policy. The first was, as it was

written at that time, it appeared that the City would have to go through a call for artists if there was a "on-the-spot" purchase of a completed art piece that there seemed to be agreement that the piece would be ideal for a particular location. The second item, as it was written, did not give the Council the final word on a art proposal that did not meet the approval of the PAC. Those are the two specific issues that you asked the committee to take another look at and they have studied those issues in greater depth and incorporated some changes to try to address them. There were also a number of other minor changes that were made for clarity and consistency throughout the policy. The Committee thinks that they have addressed your concerns and that the policy as it is now written should meet your approval and they are recommending that you adopt this policy.

Councilor Ripma asked did Rip Caswell, our local artist, have a chance to look at this policy?

Faith replied we sent him a copy of the proposal and asked him to let us know if he had any concerns with it and I have heard nothing from him. He was invited to attend the last meeting we had and he did not attend.

MOTION: Councilor Ripma moved adoption of the Resolution. Seconded by Councilor Rabe.

Council thanked the PAC and staff for a job well done.

Councilor Smith stated this is something new for us and I hope it works out. When they appoint a board are they appointing people that are in the art industry?

Faith replied that is spelled out under the selection procedure. It says that the Selection committee that the PAC will establish to look at a public art proposal shall include representatives from the PAC, artists or art professional appropriate to the proposed acquisition, and other interested persons.

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

10. PUBLIC HEARING / RESOLUTIONS:

- A) A Resolution adjusting the rate and capital improvement plan for water system development charges and rescinding Resolution No. 1491.**
- B) A Resolution adjusting the rate and capital improvement plan for sanitary sewer system development charges and rescinding Resolution No. 1492.**
- C) A Resolution adjusting the rate and capital improvement plan for transportation system development charges and rescinding Resolution No. 1493.**
- D) A Resolution adjusting the rate and capital improvement plan for storm water system development charges and rescinding Resolution No. 1494.**

Mayor Thalhofer opened the Public Hearing at 7:57pm and read the Resolution titles.

Jim Galloway, Public Works Director, stated we have before you resolutions for the annual update of system development charges (SDC'S). We utilized the same process that we have for the last several years, I will briefly recap that. We take a look at the list of projects included in the capital improvement plan for each of those SDC's. We remove projects that have been completed or for some reason are no longer needed on the list. We add or modify any projects that are necessary to the list. We computed the estimate for the cost of those projects, if we have a good hard figure perhaps if a consulting engineer has already taken a look at a project and given us an estimate, we will utilize that figure. If not, we make an adjustment, basically an inflationary adjustment, using the cost construction index that we take from the Engineering News Record magazine and then we recalculate the rate. Overall we are looking at a 2.9% rate increase. One of the things that did come up a few years ago is the notification piece. We have complied with the state law and we have sent out a notice 45 days in advance to anyone who has asked to be placed on a list to receive such notice, in this case two agencies have done that. Both of them were noticed and copies of the documents were available for public review and also a notice summarizing the actions has been available for any interested builders or developers at the permit counter for the past month or so. We have made an effort to get the word out. Exhibit 1 takes a look at our rates compared to the rates of nine other jurisdictions. Three are our east county sister cities, three are cities in the metro area immediately larger and three cities in the metro area with immediately smaller population to the City of Troutdale. As you can see, there is one jurisdiction with considerably higher rates than Troutdale, four of the cities have rates very comparable to Troutdale and four that are significantly lower than Troutdale.

Councilor Rabe asked the \$790 that are assessed on Parks SDC's, is that up or down?

Galloway replied that is a no change. That was adjusted fairly significantly about three years ago.

Councilor Rabe asked and that is assessed one time when a residence is built?

Galloway replied that is correct. It is assessed at the same time as any of the other charges are to a residential unit only, it does not apply to commercial or industrial.

Councilor Rabe asked an apartment complex of lets say 10 units, is there some kind of SDC that is assigned to that construction that is in someway equivalent to what a single family pays?

Galloway replied yes. Are you specifically asking about the parks SDC?

Councilor Rabe replied yes.

Galloway stated it is per dwelling unit. So the example you gave of a 10-unit apartment complex, the fee would be ten times the rate.

Councilor Daoust asked the water SDC's, the capital improvement plan where we have a new well, do we have a location for that well?

Galloway replied we don't have one that is locked in at this point. What we have in mind and we bringing in the appropriate folks to take a look at it and tell us whether or not it is doable, is the area near the reservoir in the Columbia Park area.

Councilor Daoust asked how do you choose a location for a new well?

Galloway replied there are two or three factors. Certainly one of the biggest ones is to locate it in the appropriate water pressure zones where the need is greatest so that you don't have to a lot of additional pumping or pressure reduction work to get the water where you want it. There is also an examination of the ground water to make sure that you do have enough supply in the location and there are certain political and economical factors to take into play. That area meets the first criteria, we think it meets the second criteria and it also meets the important third, which is that the city already owns the land. Zoning is also another issue.

Mayor Thalhofer asked is there anyone here who would like to speak to us on this issue?

No public comment received.

Mayor Thalhofer closed the Public Hearing at 8:05pm.

MOTION: Councilor Rabe moved that we adopt Resolutions 10-A, 10-B, 10-C and 10-D. Seconded by Councilor Daoust.

Councilor Rabe stated it appears that these are primarily bookkeeping.

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

11. PUBLIC HEARING / RESOLUTION: A Resolution adopting a Supplemental Budget for Fiscal Year 2000-01 and making appropriations.

Mayor Thalhofer opened the Public Hearing at 8:07pm and read the Resolution title.

Kyra Williams, Finance Director, stated before you is a resolution to adopt a Supplemental Budget for Fiscal Year 2000-2001 and make appropriations. The purpose of this supplemental budget is to provide additional spending authority for higher than anticipated contract inspector costs in the Code Specialties Fund. This spending authority is funded by electrical permits and building review fees collected in excess of the adopted budget revenue projections. Local Budget Law does allow us to adopt this supplement budget at a regular Council meeting if it is less than 10% of the fund. We do meet that requirement.

Council did not have any questions.

Mayor Thalhoffer asked is there anyone here that would like to speak to us on this matter?

No public comments received.

Mayor Thalhoffer closed the Public Hearing at 8:08pm.

MOTION: Councilor Thompson moved to adopt the Resolution adopting a Supplemental Budget for Fiscal Year 2000-01 and making appropriations. Seconded by Councilor Rabe.

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

12. COUNCIL CONCERNS AND INITIATIVES

Mayor Thalhoffer called this item.

Council had no issues to bring forward.

13. ADJOURNMENT

MOTION: Councilor Ripma moved to adjourn. Seconded by Councilor Rabe.


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

Meeting was adjourned at 8:10pm.


Paul Thalhoffer, Mayor

Dated: 6-27-01

ATTEST:


Debbie Stickney, City Recorder

CITY OF TROUTDALE PUBLIC ATTENDANCE RECORD

June 12, 2001
CITY COUNCIL REGULAR MEETING

PLEASE COMPLETE THE FOLLOWING

NAME <small>☞</small> (please print) <small>☞</small>	ADDRESS	PHONE #
BOB PAINE	1022 SW 172 ND	503-988-4093
Patricia Katen - MDA	4800 SW Macadam Ave	503-223-3177
Julie S. Omelchuk MHCRC		503-823-4108
Norman Thomas	2751 SW Clark CT	503 667 4320
Lisa Deitz & Grant Fretz	38556 Hood St	503 668 6236
Bruce Fisk	9710 SE 222	503 666 2234
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