

A Meeting of the
Ordinance/Legislation Committee

J's Restaurant

7:00 a.m., January 12, 1981

Present:	Tom Tucker, Chairman	Mike Warren, City Administrator
	Maybell DeMay	Rick Faus, City Attorney
	Alan Halstead	Terry Mahr
	Rick Rementeria	Don Tarlow, Rep. - Harmon CTV
	Elvern Hall, Mayor	Sylvia Sycamore, Rep. - Liberty CTV
	Arvilla Page, Recorder	Dave Dietz, Rep. - Liberty CTV

Questions from new members were answered. Mr. Tucker reviewed previous meetings on cable television and asked that new members be given copies of the minutes of previous meetings.

An evening meeting was scheduled for Thursday, January 22, 1981 at 7:30 P.M. to review the proposed ordinance in full and make any changes needed.

Mr. Tarlow asked that he receive a copy of the Yamhill County draft ordinance on Cable Television.

Mr. Tucker reported the consultant under consideration was the consultant for McMinnville and for East Portland.

Mr. Warren asked Mr. Dietz questions about rental and connection fees and the percentage of franchise fee. Franchise can be 3% or up to 5% with FCC approval. The added 2% must be designated to servicing the franchise.

Mr. Tucker asked Mr. Warren to contact Dundee regarding a member of their Council attending the Committee meetings.

Mayor Hall stated this Committee is also the Legislative Committee and will soon begin receiving material from the League of Oregon Cities for their review and recommendation.

Copies of the request from Newberg Garbage Service for an exclusive recycling franchise will be made for all members of the Committee to review at the next meeting, Monday, 7:00 A.M., January 19, 1981.

Meeting adjourned.

TYPICAL CATV AWARD PROCESS

<u>Day</u>	<u>Event</u>
0	Start
30	Finish draft ordinance
60	Adopt RFP format
70	Mail package to interested bidders
90	Select consultant
115	Oral presentations and bid submission
120	Mail bid copies to consultant and other bidders
140	Hearing to accept consultant's report and bidder's comments on other bids.
150	Second hearing for operator responses and rebuttals
160	Meeting to make decision
170	Meet with successful bidder to finish ordinance
190	Begin formal ordinance adoption process

These are quite obviously minimum timeframes, which reemphasises the importance of getting underway quickly.

A Meeting of the
Ordinance Committee

J's Restaurant

January 19, 1981

Present: Tom Tucker, Chairman
Maybelle DeMay
Alan Halstead
Rick Rementeria

Rick Faus, City Attorney
Arvilla Page, City Recorder

Also Present: Don Tarlow
Roger Gano

The Committee reviewed the Exclusive Franchise for Recycle materials requested by Newberg Garbage Service.

Mr. Faus presented his recommendations for amendment of the Garbage Collection Franchise Ordinance to include the recycling franchise.

Items discussed were:

- Fee based on gross revenues vs. net profits.
- Provision for review of the franchise.
- The right of the franchisee to not collect certain materials.
- The need for the franchisee to give notice to customers of rules.
- The right of the customer to hire drop boxes from another company when Newberg Garbage Service cannot provide the service within a certain period of time.

Mr. Faus stated he would contact Newberg Garbage Service and attempt to have the amendment in final form within two weeks.

Meeting adjourned.

A MEETING OF THE
ORDINANCE COMMITTEE

7:30 P.M.

Council Chambers

January 22, 1981

Meeting called to order by Chairman Tom Tucker.

Present:

Maybelle DeMay	Alan Halstead
Roger Gano	Rick Rementeria
Jack Crabtree, Mayor of Dundee	
Terry Mahr, Consulting Attorney	
Rick Faus, City Attorney	
Arvilla Page, City Recorder	
Mike Warren, City Administrator	

Mr. Mahr reviewed the need for a CATV consultant, the cost and the source of funding the costs. Cost would be approximately \$15,000. Funding can be from application fees and/or the franchisee underwrite the cost.

Mr. Les Page, CATV Consultant, 4242 Lakeview Blvd., Lake Oswego, Oregon made his presentation. He stated he had never worked for the cable television industry. His experience is entirely with municipalities. He offered references. He recently has been working with McMinnville and is currently working with Washington County. He is employed full-time by the City of Portland. He presented the aspects and phases of entering into a cable-vision franchise, the estimated consultant cost of each phase and the time frame up to granting the franchise. Time to granting of the franchise would be about 14 months. Newberg could expect to receive 4 or 5 applications. Public hearings should be held during the evaluation of the applications and after the evaluations. The successful applicant should be able to activate within 6 months and complete construction within 1 year. Subscriber costs currently average \$7.41 per month plus charges for HBO, Showtime, etc. Installations costs range from no charge for initial subscribers up to a possible \$85.00 for underground installation.

Hugh Buchanan, Harmon Cable of Denver, Colorado stated he believed Newberg could proceed faster than Mr. Page's proposal. Harmon has made 13 proposals during the past year, each one more complex than the previous. Proposals will offer many services. At present, there are only 25 channels available, some of which would not be wanted by Newberg residents.

Al Hanson, Rutherford & Hanson, McMinnville, representing Liberty CATV. Newberg has already done some of the work outlined by Mr. Page. There is a cost factor involved in above ground/below ground. The City should consider requiring that all new subdivisions be compatible with underground CATV.

Mr. Crabtree questioned whether an application fee of say \$500. could be charged and the successful applicant then pay the consultant's cost. Mr. Buchanan stated that would be a normal, expected procedure.

The Committee decided to place the matter of engaging a consultant on the agenda for Monday, January 26, 1981.

Motion: Halstead - DeMay to adjourn. Carried unanimously.

A MEETING OF THE
ORDINANCE/LEGISLATIVE COMMITTEE

J's Restaurant

7:00 A.M. January 26, 1981

Present:	Tom Tucker, Chairman	Rick Faus, City Attorney
	Maybelle DeMay	Terry Mahr, Legal Consultant
	Alan Halstead	Don Tarlow, Rep. Harmon CATV
	Rick Rementeria	Dave Dietz, Rep. Liberty CATV
	Elvern Hall, Mayor	
	Arvilla Page, Recorder	

The Legislative Bulletin from LOC was discussed. No recommendations were made at this time.

Mr. Mahr stated he had checked with Washington County and McMinnville regarding the references of CATV Consultant, Les Page. They had each checked references given by Mr. Page and were themselves pleased with his work. Mr. Page's cost as proposed by him would be a maximum of \$15,000.

Cost factors and schedule of payments to the consultant were discussed.

Motion: Halstead - Rementeria to contract with Les Page as CATV consultant. Carried unanimously.

The status of Dundee and the need for a formal agreement between Dundee and Newberg was discussed. Dundee should have a representative at all meetings of the Committee when CATV is on the agenda.

The Committee decided to hold a work session to review the McMinnville Ordinance and continue work on CATV on Thursday, January 29, 1981 at 7:30 P.M. in the Council Chambers.

CATV will not be on the agenda for February 2, 1981 morning meeting.

Meeting adjourned.

A MEETING OF THE
ORDINANCE/LEGISLATIVE COMMITTEE

Council Chambers

7:30 P.M. January 29, 1981

Present: Tom Tucker, Chairman Richard Faus, City Attorney
 Maybelle DeMay Arvilla Page, Recorder
 Alan Halstead Terry Mahr, Legal Consultant
 Richard Rementería Al Osborne, Councilman - City of Dundee
 Roger Gano

Also Present: Les Page, CATV Consultant
 Dave Dietz, Representing Liberty CATV

The meeting was called to order by Chairman Tucker.

A resolution with attached agreement was read recommending to the Council the hiring of George L. (Les) Page as CATV Consultant. Motion: Halstead-Rementería to adopt the resolution. Carried unanimously.

The Committee discussed Dundee participation. Each City will enact an enabling ordinance. The RFP will be joint. All billings and reimbursement will be to Newberg. There will be no cost to Dundee. The only foreseeable problem would be if Dundee were to choose a separate company from Newberg. This would be unlikely because of the small market in Dundee.

The Committee began review of the McMinnville ordinance which will probably be the basis for the Newberg and Dundee ordinances. The Committee reviewed to page 24 of the 58 pages with only changes in title and responsibility designations needed.

The Committee discussed the amount of the application fee. All agreed the fee should be high enough to discourage casual applications, but not so high as to discourage serious but not the largest applicants. Motion: Gano-Halstead to recommend to the Council an application fee of \$2,000. Carried unanimously.

Ordinance Committee meeting on CATV adjourned to Thursday, February 5, 1981 at 7:30 P.M.

A MEETING OF THE
ORDINANCE/LEGISLATIVE COMMITTEE

J's Restaurant

7:00 A.M. February 2, 1981

Present:	Tom Tucker, Chairman	Elvern Hall, Mayor
	Maybelle DeMay	Rick Faus, City Attorney
	Alan Halstead	Arvilla Page, Recorder
	Rick Rementeria	

Garbage Franchise (recycling). Various aspects of the proposed franchise were discussed and recommendations made as follows:

1. Percentage vs. flat rate franchise fee. Recycling is not at present profitable but may be in the future. Separate books are not kept on the garbage hauling and recycling. Recommendation: A flat fee each year for 3 years with review at any time by either party.
2. Receptacle types. Metal vs. plastic was discussed. Some plastic containers are a hazard to the handlers. Plastic containers are being used. Recommendation: Plastic containers should not be illegal but their use should be discouraged through education.
3. Rotating franchise period. Requested is an automatic extension of the period to 10 years each year. The Committee felt this was too long a period. Recommended: Rotating period with term of franchise to be established after further checking on depreciation schedules of equipment.
4. Dump privileges. The City Attorney will check with the County Dump Site for specific requirements.
5. Exclusive franchise. Local charitable organizations would not be affected as they already work with the franchise holder. Recommendation: The recycling franchise be exclusive.
6. Setting of garbage facilities at developments. This is already part of the site review process. It should be included in the zoning ordinance.
7. Time limit on delivery of drop boxes. Drop boxes can be provided in 24 to 36 hours as boxes can be borrowed if necessary. Mr. Tucker stated it should be no longer than 24 hours.
8. Definition of gross revenues. Further checking is needed on the change requested in the definition to cash receipts.
9. Renegotiation of franchise. Change date requirement from November 1 to anytime upon written notice. Recommendation: Change the renegotiation to anytime during the year.

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Ordinance/Legislative Committee
February 2, 1981

State Legislation: The Legislative bulletins were reviewed. SJR #4 - tax base increased by new construction, SB #59 - deferred taxes on farm use, and SB #314 - LCDC Postacknowledgement were discussed. Mrs. DeMay and Mr. Halstead asked that copies of SB #59 be obtained. Mrs. DeMay reported she and the City Planner appeared at the hearing on SB #60 which would allow mobile homes in any zoning.

Meeting adjourned at 8:45 a.m.

A MEETING OF THE
ORDINANCE/LEGISLATIVE COMMITTEE

Council Chambers

7:30 P.M. February 5, 1981

Present:	Tom Tucker, Chairman	Rick Faus, City Attorney
	Maybelle DeMay	Arvilla Page, Recorder
	Roger Gano	Les Page, CATV Consultant
	Alan Halstead	Al Osborne, Dundee Councilman
	Richard Rementeria	

The Committee continued review of the McMinnville Cable Television Ordinance at page 25 making changes as needed for use by Newberg. Mr. Page offered clarification of various sections as requested.

Section 22a, page 39 is to be reviewed by the Building Official as to the wording.

Review of the entire ordinance was completed by the Committee. Mr. Page will review the entire ordinance with changes for content and continuity.

The Committee will begin review of the request for proposal at the next meeting, Thursday, February 12, 1981 at 7:30 P.M. .

Meeting Adjourned.

A MEETING OF THE
ORDINANCE/LEGISLATIVE COMMITTEE

J's Restaurant

7:00 a.m. February 9, 1981

Present: Tom Tucker, Chairman Elvern Hall, Mayor
Maybelle DeMay Doreen Turpin, Librarian
Alan Halstead Rick Faus, City Attorney
Arvilla Page, Recorder

Absent: Rick Rementeria - Excused

Mr. Faus stated that he had returned the revised garbage ordinance to Newberg Garbage Service. They have not yet returned it with their comments.

Mr. Faus presented proposed amendments to the Building Code Ordinances. Fee schedules will be adopted by resolution. Fees as assessed for storm sewers were discussed. Major changes in the ordinance will be section 12 which will be changed to civil penalty rather than jail term.

Mr. Faus presented proposed amendments to Ordinance No. 929 which will permit the City Engineer to require construction of sidewalks where none existed previously. The Committee also recommends section 21 and 22.

The Committee discussed Senate Bill 86 which makes changes in Tort Liability Notice. The Committee recommends opposition to changing.

The Committee discussed Senate Bill 59. This bill removes the Farm Deferral Classification from land inside Urban Growth Boundaries. The Committee felt this would force development of all land inside Urban Growth Boundaries immediately. They recommend opposition and objection to the amendment.

Mr. Faus stated he and the librarian, Doreen Turpin, had searched the records and can find no by-laws for the Library Board to operate by. The Board was established officially by the City in 1939 but no record of by-laws was found. He will be presenting proposed by-laws for the Board.

Mrs. Turpin reported there is a workshop scheduled at Chemeketa Community College on the use of cable television by libraries on February 25th at 9:00 a.m.

The Committee discussed the future of library service with computer terminals and video cassette services as well as cable television.

Committee discussed House Bill 2464 which removes the interest limit on bonds to improve municipal water and electric systems. The Committee was split on their recommendation on this and asked the City Attorney to contact Representative Rutherford with comments as made by the Committee.

Chairman Tucker reported receiving correspondence from Liberty Cable Television asking the City to take a stand on underground installations in new subdivisions to see that conduit is provided by the subdivider that is adequate to install cable television.

Meeting adjourned.

A MEETING OF THE
ORDINANCE/LEGISLATIVE COMMITTEE

Council Chambers

7:30 P.M. February 12, 1981

Present:	Tom Tucker, Chairman	Al Osborne, Dundee Councilman
	Maybelle DeMay	Les Page, City CATV Consultant
	Alan Halstead	Terry Mahr, Attorney for Committee
	Richard Rementeria	Richard Faus, City Attorney
	Roger Gano	

Guests Present: Mel Schroeder, GFC
Don Tarlow, Harmon CATV
Doreen Turpin, Newberg City Library
Sylvia Sycamore, Liberty CATV

Meeting was called to order at 7:30 P.M.

Referring to page 36 of the enabling ordinance, there was discussion as to whether a fee should be charged for the use and safe return of studio and equipment to be supplied to the public under the franchise. After discussion it was moved by Gano and seconded by DeMay that the requirement of the fee be struck from section 20 subparagraph C(1). Passed with Rementeria opposed.

Page made summary comments regarding altering the request for proposals to reflect the coverage of both in the Newberg and Dundee area. He indicated the substantive issues were how to implement joint administration of the franchise. Tucker indicated that the City Administrator will have input on this particular aspect. Page indicated that it is possible the subscriber costs in Dundee would be greater than those in Newberg because of the cost of running cable between Newberg and Dundee. Thus, substantive questions involving relationship of Newberg and Dundee would involve the establishment of separate or joint rate requirements, the administration of subscriber rates and whether or not there should be a joint cable committee or commission involving both cities. Mahr indicated he felt there would be little for a cable committee to do once the franchise was granted except be involved in rate setting. Page indicated that a committee structure is the most common way, at least for larger cities, to administer rates. Page indicated that a cable television commission may be the best way to go where there are two cities involved. Page made a request that the City approach the City of McMinnville and ask that they not publish his evaluation of the McMinnville proposals until after all proposals are received by the City of Newberg. The timing for evaluation of proposals was discussed with Page indicating that the 75 day/time period for the evaluation of proposals was about right, that 60 days was too little time and 90 days was really too much time. Mahr indicated that the committee should discuss possibility of holding a joint meeting of the City Councils of Newberg and Dundee. The purpose of the joint meeting would be to discuss the joint RFP with the City of Dundee and also read and pass the enabling ordinance prior to the City Council meeting on March 2nd. It was moved by Halstead and seconded by Rementeria that a joint special meeting of the Newberg City Council be held on Thursday, February 26th at 7:30 P.M. in the City Council Chambers of the City of Newberg on the enabling ordinance with an alternative date of February 25th being proposed if Dundee could not make it to that meeting. It was passed with DeMay voting nay.

The Committee then turned to specific alterations of the requests for proposals beginning with page 1 of the RFP. It was determined that the entire RFP should

be altered to reflect the participation of both the City of Newberg and the City of Dundee by changing the reference to City in the RFP. It was decided to delete paragraph 2 from page 2 of the RFP. There was a great deal of discussion regarding paragraph 3 of RFP page 2 which dealt with committee contacts with individual cable operators. Page gave a long discussion of this paragraph and its function and recommended that it be retained with only minor changes. It was recommended that the first two sentences of paragraph 3 be changed to read as follows:

"The selection of a cable television franchise operator should be accomplished in an open manner without individual contacts between applicants and the Council or Committee. The Council and Committee affirm this policy and commit themselves to selecting the best cable television franchise operator responding to the request for proposal ..."

It was moved by DeMay and seconded by Gano that this language be adopted. The paragraph was approved with changes with Tucker voting nay.

RFP page 3 was changed to reflect 20 copies to be submitted and a filing fee of \$2,000.00 to be submitted by applicants for franchise who also voted that paragraph 2 of page 3 of the RFP be altered to provide demographic information and map information on a separate attachment to the RFP. Mahr was designated to produce this attachment.

RFP page 7, it was decided to strike specific reference to interconnection with the Portland Regional System and make this more general in favoring interconnection with all regional systems.

RFP pages 8 and 9, discussion occurred as to what agencies and organizations should be listed as having interest in the cable television system. After much discussion, over specific inclusions, Terry Mahr was designated to put together this list and make the list as comprehensive as possible to aid applicants in making contacts with relevant agencies.

RFP pages 11 through 18. Page explained the technical standards being applied and indicated that these are good basic standards for a cable television system and should be enumerated in the RFP. These standards were approved by the Committee. Page explained the residential reverse system as outlined on page 16 of the RFP and minor changes in language were made on RFP pages 19 and 20.

It was moved by Gano and seconded by Halstead that the Committee accept the RFP with the amendments discussed. This was passed unanimously by the Committee. It was moved by Halstead and seconded by Gano to adjourn and this was approved unanimously by the Committee and the Committee adjourned at 10:05 P.M.

A MEETING OF THE
ORDINANCE/LEGISLATIVE COMMITTEE

Monday, February 23, 1981 - 7:00 A.M.

J's Restaurant

Present: Alan Halstead Richard Faus, City Attorney
Maybelle DeMay Arvilla Page, City Recorder
Richard Rementeria
Elvern Hall, Mayor

The Committee continued discussion of the garbage franchise ordinance. Mr. Faus stated he had been unable to clarify with the franchisee the cash receipts versus revenue. Motion made by Halstead, seconded by DeMay not to use the wording cash receipts. *Motion Carried*

Under recyclable materials, change the wording to read any materials that are collected for further processing to save energy and/or raw materials.

The Committee recommends that the fee for the franchise on recyclable materials be \$100.00 annually with the right of negotiation at any time.

Under section 6, final addition as proposed by the franchisee, strike the franchisee may subcontract such as for specialized equipment one time large demolition truck, etc.

Title of section 7 needs to be reworded. It now reads Accumulation of Garbage is Prohibited. Interference with collection and receptacles prohibited.

The Committee discussed section 8 on requirements for receptacles. It was felt that the franchisee could make their own rules and regulations with the addition of "as approved by the City".

On the proposed changes to section 11, the City Attorney stated there would be no need to repeal the existing ordinance; the ordinance can still be amended.

The Committee discussed further the definition of a container and recommended that the word metal be changed to approved construction.

The Recorder was asked to check the council minutes for rate change granted to Newberg Garbage Service. Note from the Recorder: The record was checked and on November 17, 1980 at an adjourned meeting of the City Council, Council passed Resolution 80-866 granting rate increase to Newberg Garbage Service.

The Committee reviewed legislation before the State Legislature. DeMay moved and Halstead seconded that the City Attorney write a letter in opposition to Senate Bill 86. Also, to write letter in support of House Bill 2434 and in support of House Bill 2121. Motion carried.

Meeting adjourned.

A MEETING OF THE
ORDINANCE/LEGISLATIVE COMMITTEE

Monday, 7:00 A.M.

March 9, 1981

J's Restaurant

Present:	Maybelle DeMay	Richard Faus, City Attorney
	Alan Halstead	Elvern Hall, Mayor
	Richard Rementeria	Arvilla Page, City Recorder

The Committee reviewed the final form of the garbage franchise ordinance. Recommendations were on the fifth line of the second page to add back haul for hire which had been inadvertently omitted. Also to change dates to current required dates. Motion: Halstead-Rementeria to recommend the garbage franchise ordinance to Council. Carried unanimously.

The Committee reviewed League of Oregon Cities Legislative Bulletin. The Committee recommends opposing House Bill 2752, House Bill 2358, House Bill 2616, House Bill 2602, House Bill 2776 and Senate Bill 434.

The Committee recommends support of House Bill 2061, House Bill 2783 and 2784, House Bill 2578.

Meeting adjourned.

Monday, 7:00 A.M.

March 23, 1981

A MEETING OF THE
ORDINANCE/LEGISLATIVE COMMITTEE

J's Restaurant

Present: Alan Halstead Richard Rementeria
 Maybelle DeMay Elvern Hall, Mayor

Staff Present: Richard Faus, City Attorney

The Committee reviewed the League of Oregon Cities Legislative Bulletins numbers 8 and 9 and took the following positions on the following listed measures:

- A. House Bill 2916 regarding land use which makes LCDC advisory - Support.
- B. Senate Bill 447 land use which broadens the appeals of local decisions - Oppose.
- C. Senate Bill 509 vacation of land regarding consent of abutting owners - Support.
- D. House Bill 2679 library circulation records confidentiality - Support.
- E. House Bill 2046 park law violation procedure removing criminal penalty - Support.
- F. House Bill 2480 phony drivers license prohibition repeal - Oppose.
- G. House Bill 2793 solid waste reduction program required - Oppose.
- H. Senate Bill 497 energy requiring removal of fireplaces by local government units - Support.
- I. House Bill 2889 air pollution exemption for fireplaces - Oppose.
- J. House Bill 2955 regarding vehicle fine money distribution to State - Oppose.
- K. Senate Bill 516 open meetings law requirement that party prove violation - Support.
- L. House Bill 2535 drug paraphernalia ban - Support.
- M. House Bill 2585 minor drug paraphernalia ban - Support.
- N. House Bill 2632 adult book store ban in residential areas - Support.
- O. House Bill 2897 controlled substance fine increase - Support.
- P. House Bill 2020 traffic patrol bill requiring respecting of traffic patrol - Support.
- Q. Senate Bill 407 pedestrian right-of-way requiring yielding of right-of-way - Support.

These positions were taken based on unanimous support of all Committee members present.

Meeting adjourned at 8:02 a.m.

Monday, 7:00 A.M.

April 6, 1981

A MEETING OF THE
ORDINANCE/LEGISLATIVE COMMITTEE

J's Restaurant

Newberg, Oregon

Present: Maybelle DeMay Richard Faus, City Attorney
 Alan Halstead Elvern Hall, Mayor
 Rick Rementeria Arvilla Page, City Recorder
 Robert Weisenback, Building Official

The Committee reviewed League of Oregon Cities Legislative Bulletins No. 10 and No. 11. On Bulletin No. 10 the Committee opposed all House Bills and Senate Bills regarding collective bargaining. On property tax exemption, the Committee opposes House Joint Resolution 10 and House Bill 2780. They support House Bill 2783 and House Bill 2784. Under environment, the Committee opposes House Bill 3056, solid waste. Under ethics/elections the Committee opposes Senate Bill 785 and Senate Bill 807. Under finance/taxation the Committee supports House Bill 2181, House Bill 3111, House Joint Resolution 27. The Committee decided they need more information on House Joint Resolution 34 on property tax exemption. Under land use the Committee supports Senate Bill 470, Senate Bill 665, Senate Bill 706 and opposes Senate Bill 653. Under law enforcement, the Committee supports House Bill 2387, House Bill 2953, House Bill 3116, Senate Bill 634 and Senate Bill 707. The Committee opposes House Bill 3126 and Senate Bill 614. Under local government the Committee supports House Bill 3034 and opposes House Bill 3120 and Senate Bill 755.

On Bulletin No. 11 the Committee supports under energy Senate Bill 33, Senate Bill 39, Senate Bill 52, House Joint Resolution 6. Under environment, the Committee supports Senate Bill 505 and Senate Bill 853. Under ethics/elections the Committee supports Senate Bill 744. Under labor/personnel the Committee opposes Senate Bill 753 and Senate Bill 787. Under land use the Committee would like more information on House Bill 2745, subdivision plat survey. The Committee supports Senate Bill 693, land use state agency coordination. Under local government, the Committee opposes House Bill 2785, House Bill 3102. The Committee supports Senate Bill 488, Senate Bill 644, Senate Bill 751, House Bill 2911, Senate Bill 874. Committee discussed the need to have a longer period of time at each meeting to discuss legislative bulletins and the advisability of having the meetings on another day of the week. It was decided to continue the meeting on Mondays and in the morning and to try to get the legislative bulletins available earlier. The Committee agreed to oppose strongly House Bill 2735 which restricts the use of building permit fees and to support the bill increasing inspection fees.

Meeting adjourned.

A MEETING OF THE
ORDINANCE/LEGISLATIVE COMMITTEE

Monday, April 13, 1981

7:00 A.M.

J's Restaurant

Present - Tom Tucker, Chairman
Maybelle DeMay
Alan Halstead

Richard Rementeria
Richard Faus, City Attorney
Elvern Hall, Mayor
Arvilla Page, Recorder
Bob Weisenback, Building Official

The Committee discussed requirements to update ordinances, the ordinance covering the administration of the State Building Code.

Motion: Halstead-DeMay to update Ordinance No. 1740. Carried unanimously.

Mobile home siting was discussed. It was noted there is quite a difference of appearance between Wildwood and Jeffrey Court under the same rules. The Committee recommends continued opposition to Senate Bill 60 which permits siting of mobile homes in R-1 zoning on single lots and it was requested that Mr. Warren convey this information to the legislature.

The Committee discussed the future role of LCDC.

House Bill 2398 was discussed which allows tax exemption for five years for new industry. Three Committee members support it; one opposed it. Mr. Halstead opposed but agrees that it probably is needed as it is offered in other areas.

The Committee reviewed Legislative Bulletin No. 12. Committee supports House Bill 3142, revenue bonds under finance/taxation and Senate Bill 301 taxes on gasohol. Under housing, the Committee decided to take no position on House Bill 2280, housing revenue bonds. They support House Bill 2789, landlord/tenant. Under labor/personnel, collective bargaining the Committee opposes all House and Senate Bills listed. Under local government, the Committee supports House Bill 2778, land surveyors practiced by engineers - support. Senate Bill 198, eminent domain, under transportation, they oppose House Bill 2033, transportation commission rule changes. Oppose Senate Bill 1, transportation regulations. Support Senate Bill 2, enforcement of vehicle weight laws. Oppose Senate Bill 765, vegetation within road right-of-way. Under Oregon Liquor Control Commission, the Committee decided to take no stand on the bill offered.

Meeting adjourned.

A MEETING OF THE
ORDINANCE/LEGISLATIVE COMMITTEE

7:00 A.M., April 20, 1981

J's Restaurant

Present: Tom Tucker Richard Faus, City Attorney
 Maybelle DeMay Arvilla Page, City Recorder
 Alan Halstead
 Richard Rementería

Mr. Faus reported he is working on penalty and enforcement provisions of 52 ordinances in an attempt to coordinate. This will be presented to the Committee soon.

The Committee reviewed Legislative Bulletin No. 14. Committee supports those bills sponsored by League of Oregon Cities as follows:

House Bill 3082, Citizens Bonds; House Bill 2484, Voluntary Quits;
House Bill 2581, Coordination of Benefits; House Bill 2908, Medical
and Dental Premiums; Senate Bill 490, Actuarial Costs.

The Committee supports House Bill 3082, the League's Mini Bond Bill which allows the sale of small denomination bonds by Cities through the local citizens. Committee opposed House Bill 2521 which vetoes the right of a city to veto incorporation of another city within 3 miles.

Committee again voiced their support for SJR 4, a League Bill to seek a constitutional amendment to allow the value of new construction to be added to the city's tax base.

Under Finance/Taxation the Committee after much discussion decided to support Senate Bill 79, interest on judgments.

Under Insurance the Committee supports House Bill 2636, Health Insurance for post mastectomy treatment and Senate Bill 679, agent to agent insurance transactions.

Under Labor/Personnel miscellaneous the Committee supports Senate Bill 762, EMT Certificate Denial Appeal and opposes Senate Bill 862, LEDS deleted from BPST.

Under Law Enforcement General the Committee opposes Senate Bill 818, rural area correction centers.

Under Law Enforcement, Juvenile the Committee opposes House Bill 3118, harboring of runaway juvenile as going to far. Opposes Senate Bill 821, juvenile detention standards. Oppose Senate Bill 834, juvenile law revision; and Senate Bill 860 juvenile matters removal bill. Committee supports Senate Bill 876, confidentiality of juvenile cases exemption.

Under Law Enforcement Process the Committee opposes House Bill 2682, police records access and Senate Bill 541, Municipal Court Appeals Revision. Committee supports Senate Bill 677, City Attorney permitted to prosecute unlawful trade practices.

Under Law Enforcement Vehicle Operation, the Committee opposes House Bill 2010, DUII penalty increase; Senate Bill 796, operators license violation penalty increase; Senate Bill 798, abandoned vehicle custody modification; Senate Bill 832, DUII penalty increase.

The Committee took no stand on other bills summarized in the Legislative Bulletin No. 14.

Meeting adjourned.

A MEETING OF THE
ORDINANCE/LEGISLATIVE COMMITTEE

7:00 A.M.

April 27, 1981

J's Restaurant

Present: Tom Tucker Elvern Hall, Mayor
 Alan Halstead Arvilla Page, Recorder
 Rick Rementeria

The Committee reviewed Legislative Bulletin No. 15.

The Committee requested that staff contact Senator Meeker and indicate the continued support of House Bill 2813, the 10% Interest Bid Bill, which is stalled in Senate Committee.

The Committee supports House Bill 2526 requiring State payment for any State mandated program that imposes costs on local governments. The Committee opposes House Bill 2955 which establishes minimum bail schedule and redistribution of fines from Municipal Courts to the State General Fund.

The Committee supports two bills, House Bill 2710 and 2910 which would have the State recognize the burden to cities of providing services to State owned property.

The Committee opposes House Bill 2937 local auction vehicle registration fees and House Bill 3178, 911 mandate.

The Committee discussed cable television and the advantages and disadvantages of self owned, joint ventured or franchised.

The Committee discussed sources of revenue possibilities by sale of water to other cities and providing sewer services to other cities.

Meeting adjourned.

A MEETING OF THE
ORDINANCE/LEGISLATIVE COMMITTEE

7:00 A.M.

May, 4, 1981

J's Restaurant

Present:	Tom Tucker	Elvern Hall, Mayor
	Maybelle DeMay	Arvilla Page, Recorder
	Alan Halstead	
	Richard Rementeria	

Legislative Bulletin Number 16 was reviewed by the Committee.

The Committee again expressed their support for SJR 4 a bill to allow new construction value to be figured into tax base calculation.

The Committee did not agree to support or oppose Senate Bill 698 which requires cities to pay compensation for removal of billboards.

Under labor bills the Committee opposes House Bill 2141, House Bill 2230 and House Bill 2006. The Committee supports House Bill 2481 a League sponsored bill that would require disability benefit coordination.

The Committee supports House Bill 3187 and Senate Bill 916 under economic development with Halstead opposing on principal.

The Committee opposes Senate Bill 683A under finance/taxation which dedicates auto insurance premium taxes to repair and maintain city and county bridges. The bill requires work to be contracted out. The Committee supports Senate Bill 927 double taxation with the change of wording from allows to requires County to share certain county revenues with cities situated within the County.

Under land use the Committee opposes House Bill 3175.

Under law enforcement the Committee supports House Bill 2942 interfering with a peace officer and House Bill 3008 metal purchase records bill.

Under local government the Committee supports House Bill 2858 vector control district rat authority and opposes House Bill 2939 day care special districts. The Committee opposes Senate Bill 521 handicapped access building code which expands the definition of public buildings by deleting area and height requirements. The Committee supports Senate Bill 677 prosecuting attorney status for City Attorneys.

Meeting adjourned.

A MEETING OF THE
ORDINANCE/LEGISLATIVE COMMITTEE

Monday, 7:00 A.M.

May 11, 1981

J's Restaurant

Present:	Tom Tucker	Elvern Hall, Mayor
	Maybelle DeMay	Richard Faus, City Attorney
	Alan Halstead	Arvilla Page, City Recorder
	Richard Rementeria	

The Committee reviewed Legislative Bulletin No. 17.

The Committee is opposed to all taxes on page 3 of the legislative bulletin.

The Committee discussed the bill lifting interest limit on city bonds. House Bill 2813 has passed the Legislature and has been signed by the Governor. It imposes a 12% interest ceiling on state general obligation bond issues. It allows cities to sell at whatever level interest rate the City considers appropriate.

The Committee again stated their opposition to House Bill 2141 which eliminates fact finding for police and fire units.

The Committee opposes House Bill 3225 employment under economic development and House Bill 3227 economic development revolving fund.

Under land use the Committee opposes House Bill 3216 which eliminates goals, revises local and state land use planning provisions, gives Governor authority to prescribe and administer plan and ordinances where none have been adopted. It revises authority of county planning commissions and makes other related changes.

The Committee discussed the weekend crafts fair begun this week on the bowling alley parking lot. Parking location and traffic access problems were discussed for that location. The Committee suggests that a better location might be the closure of school street on Saturdays and Sundays with parking in the bank lots. This would take coordination by the City and it was suggested that the Administrator investigate this possibility.

Meeting adjourned.

A MEETING OF THE
ORDINANCE/LEGISLATIVE COMMITTEE

7:00 A.M.

May 18, 1981

J's Restaurant

Present:	Tom Tucker	Elvern Hall, Mayor
	Maybelle DeMay	Richard Faus, City Attorney
	Alan Halstead	Arvilla Page, City Recorder
	Richard Rementería	

The Committee reviewed Legislative Bulletin No. 18.

The Committee supports House Bill 3082, Citizen's Bonds or Mini Bonds; Land Use Bills HB 3221, HB 3222, HB 3223, HB 3224, HB 3236 and Senate Bill 935.

Committee discussed Senate Bill 914 which would allow the County to impose a gas tax where the county voters had approved a statewide tax but the tax was not approved on a statewide basis. The Committee took no position.

The Committee again expressed their opposition to the bill which would require plants to notify six months in advance before closure.

The Committee stressed their support of any legislation which would place the burden of proof on LCDC or on an applicant on any appeal of a land use decision by the City.

The Committee took no position on House Bill 2752 which concerns executive sessions for evaluations of chief administrative officers.

On non legislative matters the Committee discussed the lack of convention and meeting spaces in Newberg. No solution was proposed but the Committee was in agreement that any plans for such a facility should be supported.

Meeting adjourned.

7:30 P.M.

MAY 20, 1981

A MEETING OF THE
ORDINANCE/CABLE TV COMMITTEE
COUNCIL CHAMBERS

NEWBERG, OREGON

The meeting was called to order by Chairman Tom Tucker.

Present: Maybelle DeMay - Council, Newberg
Alan Halstead - Council, Newberg
Rick Rementeria - Council, Newberg
Tom Tucker - Council, Newberg
Neil Cohen, Council, Dundee
Elvern Hall, Mayor, Newberg
Richard Faus, City Attorney, Newberg
Arvilla Page, City Recorder, Newberg
Terry Mahr, Consulting Attorney
Les Page, Cable TV Consultant

Also Present: Sylvia Sycamore, for Liberty Cable TV
Don Tarlow for Harmon Cable TV

Les Page presented an evaluation format which may be used by the Committee to evaluate the proposals. He stated he had used the format three times previously. The use of the proposed evaluation format would be a useful tool in comparing the various proposals that will be received.

Terry Mahr presented updated housing unit figures for both Newberg and Dundee. These were obtained from the 1980 Census and is the final compilation of the housing unit count. The census shows 3,886 housing units for Newberg and 409 housing units for Dundee. This is higher than the Newberg Comprehensive Plan projection. The higher housing unit figure will be of interest to the cable television applicants and will make the franchise more desirable. 29 requests for proposals have been received. Les Page stated based on that many requests there should be 4 to 6 proposals.

Mr. Page stated that the applicants will not be allowed to change anything in the proposals after they have been received. They will be permitted to make oral presentation before the Council at public hearings.

The schedule of events was discussed. After the proposals are received the applicants will make oral presentation to the Council at public meetings, the proposals will be evaluated by Mr. Page, and the applicants will make their objections. The Committee will then meet to consider support of Mr. Page's evaluations. Mr. Page will then present his evaluation to the full Council, with the Committee making a recommendation to the Council. The applicant will be permitted to make comments at that time. The Council will then select the applicant and will enter into negotiations on various terms.

A time schedule for these events will be prepared after all proposals are received.

Motion: Halstead-Tucker to adjourn. Carried unanimously.

A MEETING OF THE
ORDINANCE/LEGISLATIVE COMMITTEE

7:00 A.M.

J's Restaurant

June 1, 1981

Present:	Tom Tucker	Elvern Hall, Mayor
	Maybelle DeMay	Richard Faus, City Attorney
	Alan Halstead	Arvilla Page, City Recorder
	Richard Rementeria	Marvin Schneider, Owner, Newberg Garbage

The Committee reviewed three changes in the garbage franchise requested by Mr. Schneider. In Section 1 he requests that a change be made to the definition of recyclable materials to read: any materials that are collected for further processing to save energy and/or raw materials or transfer to another party for such processing. In Section 6 to add a subparagraph 3 which reads as follows: Grantee may subcontract with others to provide a portion of the service where Grantee does not have the necessary equipment or service. Such a subcontract shall not relieve the Grantee of total responsibility for providing and maintaining service and from compliance with this ordinance. And finally in Section 8 bottom of the section change the language to read: The Grantee shall provide drop box service by providing drop box to customer requesting such service within 24 hours of such request - deleted.

Mr. Schneider explained his reasons for making the requested changes. On the Section 6 change, during emergencies he would be able to get added help and new services could be offered that they do not have until the service requirements are such that they can provide additional equipment. On Section 8 the ordinance also provides and requires that they provide good service. Most of the time drop box would be provided in much less than 24 hours. The change in definition of recyclable materials in Section 1 is to further clarify recyclable materials and a right to collect.

Motion: Halstead-Rementeria to recommend the changes to the Council. Carried unanimously.

The Committee decided not to review Legislative Bulletin No. 19 dated May 22, 1981.

The Committee discussed the LCDC review schedule of the Newberg Comprehensive Plan. Mayor Hall stated it is possible the City will have to comply with a new goal 5, particularly if the plan is not reviewed at the June meeting. It appears that the plan will not be reviewed by LCDC until August or September. Mayor Hall stated he had protested to ~~Reg. Kerveston~~ ^{Reg. Kerveston}. Goal 5 was changed after the Newberg Comprehensive Plan was submitted to LCDC.

The Committee reviewed Legislative Bulletin No. 20 dated May 29, 1981.

The Committee restated their support of the mini bond bill. They also support House Bill 2908 which authorizes cities individually and jointly to self insure for health insurance for their employees.

The Committee discussed post acknowledgment legislation as outlined in the bulletin. A Senate subcommittee has reached agreement on a bill outlining the future land use planning responsibilities of local governments and LCDC and it will be assigned a new bill number. The Committee discussed proposals from the housing industry relating to

the post acknowledgment process. The Committee stated their opposition to the five listed in the bulletin as subdivisions, capital improvement program, housing goal, annexation and upzoning.

House Bill 2483 which proposes to eliminate the July 1 deadline for retroactivity of police and fire labor contracts was opposed by the Committee.

Under Bill Summaries, House Bill 3051 Oregon Energy Independence Commission, the Committee stated they would need more information to make a recommendation. Under Transportation, House Bill 2524, Tire Tax, the Committee opposes this bill.

Meeting adjourned.

A MEETING OF THE
ORDINANCE/LEGISLATIVE COMMITTEE

Monday, 7:00 A.M.

J's Restaurant

June 8, 1981

Present: Tom Tucker Elvern Hall, Mayor
Richard Rementeria Arvilla Page, Recorder
Alan Halstead Richard Faus, City Attorney

Absent: Maybelle DeMay

Legislative Bulletin No. 21 was not available for review.

Mr. Faus presented an Action Alert bulletin from the League of Oregon Cities requesting response to the Legislature on Senate Bill 945 in support and Senate Bill 419 opposing. Senate Bill 945 defines the postacknowledgment role of LCDC and local governments. Senate Bill 419 contains a series of proposals to alter or increase current planning and zoning requirements in urban areas. A public hearing is scheduled Wednesday, June 10, 1981 at 3:00 p.m. by the Senate Committee on Environment and Land Use.

The Committee discussed the use of the Old Fashioned Days Logo as an official City logo. Different uses of the logo were discussed. Motion: Halstead-Rementeria to recommend to the Council the use of the Old Fashioned Days' old fashioned bicycle logo. Carried unanimously.

The Committee discussed the County action on the landfill application. The application was withdrawn by Mr. McPhee because a needed piece of property was not available.

Mr. Halstead reported a meeting on Friday with Bud Schmidt of the Community Action Program and Mike Warren, City Administrator. A grant application in the amount of \$1,000,000. has been made for rural redevelopment. A possible use of this money could be seed money to attract a motel to Newberg. The money must be targeted to create jobs.

Meeting adjourned.

A MEETING OF THE
ORDINANCE/LEGISLATIVE COMMITTEE

7:00 A.M.

J's Restaurant

June 15, 1981

Present:	Tom Tucker	Elvern Hall, Mayor
	Maybelle DeMay	Richard Faus, City Attorney
	Alan Halstead	Arvilla Page, City Recorder
	Richard Rementería	

Legislative Bulletin No. 22 was not at the post office this morning.

Mr. Faus reported he had not heard from the Crafts Fair people. He has obtained copies of the Portland ordinance. The Portland ordinance is probably usable for Newberg. Ordinances usually are tied to specific sponsors.

The Committee discussed sidewalk sales. Requests have been received by several merchants to have sidewalk sales for grand openings and special sales. Present ordinance prohibits any merchandise any merchandise on the sidewalks. Sidewalk sales have been permitted during city wide events. Committee recommends an ordinance be prepared allowing sidewalk sales by permit.

The Committee discussed bicycles and skateboards on First Street. It was recommended that the ordinance prohibiting bicycles riding on the sidewalk on First Street be enforced more vigorously. It was also suggested that the streets should be posted.

The Committee asked for a status report on Jeffrey Park. Mr. Faus replied they have complied with all the City's requests in so far as the City has the authority to make the request. The Committee recommends that all letters to the Council need to have response from the City.

City Attorney stated he had not yet pursued the question of whether people could be required to take an oath before they testified at public hearings.

The Committee also discussed industrial development bonds and their uses by big business and the recent land fill permit application.

Meeting adjourned.

A MEETING OF THE
ORDINANCE/LEGISLATIVE COMMITTEE

Monday, 7:00 A.M.

J's Restaurant

June 22, 1981

Present:	Tom Tucker	Elvern Hall, Mayor
	Maybelle DeMay	Richard Faus, City Attorney
	Alan Halstead	Arvilla Page, City Recorder
	Richard Rementeria	

The Committee reviewed Legislative Bulletin No. 23.

The Committee discussed House Bill 2937 which would allow the County to impose a local vehicle registration fee and House Bill 3069 which would allow the County to impose a countywide gas tax. The Committee could not agree on a recommendation and no recommendation was made.

The Committee opposed House Bill 3260, Fire and Safety Code. Basis for the opposition was that the Fire Marshal should be expert and responsible for all plans inspected.

The Committee voiced strong support for SJR 4 and SB 941 tax base increase bills which would allow the value of new construction to be added to the tax base.

The Committee questioned what impact their support and opposition to various bills has on the legislature. Mr. Faus reported that the phone conferences each Tuesday morning appear to be very effective. No record has been kept on the support given to the City's recommendations.

Appeals bills, Senate Bill 541 and House Bill 2959. Mr. Faus stated he felt law is now adequate and no change is needed. The Committee made no recommendation.

House Bill 3205 the Saturday night special transfer prohibition. The Committee opposes this bill as not enforceable.

Meeting adjourned.

A MEETING OF THE
ORDINANCE/LEGISLATIVE COMMITTEE

7:00 A.M.

J's Restaurant

July 6, 1981

Present: Tom Tucker Elvern Hall, Mayor
 Maybelle DeMay Richard Faus, City Attorney
 Alan Halstead Arvilla Page, City Recorder
 Richard Rementeria

The Committee reviewed the garage sale ordinance. The Committee recommended amending Section 6 to read: "Advertisement Restrictions. Garage sales shall be advertised only by signs placed on the yard of the property on which the sale is conducted and/or directional signs placed on private property, other than radio and newspaper advertising."

It was suggested that a separate insert be included with water bills for several months outlining new regulations and rules covering garage sales.

Committee reviewed the street tree ordinance. Mr. Faus stated the ordinance had been reviewed by the Public Works Director, the Planner, and the Public Works Committee.

The Committee discussed Section 2 and whether Hancock and Second Street should also be included. Mr. Faus stated that the ordinance is limited to First Street only as a test. The ordinance can easily be amended at a later time to include other streets.

Report on cable television. Recommendation is expected from Les Page, Cable Television Consultant, in two or three weeks.

The Committee reviewed Legislative Bulletin No. 25. On House Bill 2483, binding arbitration date, which has passed the House, the Committee recommends urging Senator Meeker strongly to vote no.

The Committee made no recommendations on any other items in the bulletin.

Mr. Faus reported he and the City Planner had had a conference with LCDC. LCDC staff feels the plan is acknowledgeable. It would have to be challenged as to the new administrative rule on goal 5 by some outside party in order for it not to be acknowledged. Hearing on the Newberg Comprehensive Plan will be held in August at Newport.

Meeting adjourned.

A MEETING OF THE
ORDINANCE/LEGISLATIVE COMMITTEE

7:00 a.m.

J's Restaurant

July 13, 1981

Present - Tom Tucker
Maybelle DeMay
Alan Halstead
Richard Renenteria

Elvern Hall, Mayor
Richard Faus, City Attorney
Arvilla Page, City Recorder

The Committee discussed the Council/Staff conference held Saturday, July 11 and the needs expressed by the participants for the future.

The garage sale ordinance which was tabled by the Council was discussed. Mr. Tucker stated the Council should not table controversial ordinances. Mrs. DeMay stated she would oppose the ordinance if the zoning ordinance could control overt abuses. Mr. Faus stated it could not be controlled by the zoning ordinance in all zone designations. No business license is required for any business. An occupancy permit is required for new businesses or when a business changes character or ownership. The occupancy permit relates to fire, health & safety. Mr. Faus was requested to report back to the Committee more fully on enforcement by zoning ordinance. Mrs. DeMay stated garage sales generate traffic and create a nuisance when signs are not removed. Mr. Faus stated nuisance abatement is a cumbersome process to use.

Mr. Rementeria reported that bicycles will no longer be licensed by the City of Portland. The driver's license of a family member will be engraved on the bike in place of licensing. This is something the City of Newberg should consider because the bikes could then be traced through state motor vehicles.

Mr. Faus reported that on Saturday, HB 2225, LCDC Post Acknowledgment passed the House. This bill is supported by the League along with SB 945 and the two bills will now go to a compromise committee before final vote.

Update on Newberg Comprehensive Plan. No Goal 5 objections have been received. July 22 is the deadline for receipt of objections from all groups.

The Committee discussed selling City bonds with proceeds to be loaned to the cable television franchisee to earn interest income for the City. Mrs. DeMay stated she did not believe that would be proper use of City funds. Mr. Tucker stated the City has got to get involved in private enterprise to get funds for future needs of the City.

Mr. Halstead and Mr. Tucker stated their objections to HB2218 increasing cigarette taxes with revenue to be used for property tax relief. These taxes should not be used to subsidize property taxes.

The Committee voiced strong opposition to SB 419 a housing and land use bill. The bill mandates activities by cities. Several members of the Committee stated they would call Senator Meeker.

The Committee briefly discussed HB 2296 the Governor's Safe Drinking Water Bill.

Meeting adjourned.

A MEETING OF THE
ORDINANCE/LEGISLATIVE COMMITTEE

Thursday, 5:00 P.M.

Council Chambers

July 16, 1981

Meeting was called to order by Vice Chairman Maybelle DeMay.

Present:	Maybelle DeMay	Terry Mahr, Legal Counsel
	Alan Halstead	Les Page, Cable TV Consultant
	Richard Rementeria	Rick Faus, City Attorney
		Arvilla Page, City Recorder

Also Present: Sylvia Sycamore, Representing Liberty Cable Television
Don Tarlow, Representing Harmon Cable Television
Jim Carlson, Representing Western Satellite

Mr. Mahr stated the meeting was called to discuss consideration of some ownership of the cable television system by the City.

Mr. Page stated it was possible for the City to have ownership in a cable television system. He stated he would take no position on the matter as he has not studied it. Some cities have done so. The cable companies should make comments or proposals on the subject, separate from the basic proposal.

Mr. Mahr stated he had had a meeting with the Dundee Mayor, the Newberg Administrator and two members of the cable television committee. The subject was discussed but they made no recommendation. The question is whether it would be appropriate for the City to have part ownership of the cable company and would like to have ideas from the cable companies on the matter.

Mr. Rementeria stated he did not believe the City should compromise either of the good proposals that have been received just to get a piece of one of the companies.

The Committee discussed various methods of financing participation in a cable company, federal limitations that might be on participation by the city and the amount of time that would be needed for the City to participate if they would need to sell bonds.

Mr. Mahr stated the reason part ownership is being discussed is because it is well known that cable television companies are lucrative operations. The City on the other hand is looking for ways to generate additional revenue.

Mr. Tarlow, representing Harmon Cable Television stated it would be premature for the companies to make a statement at this time, before checking with their home offices. Also, there would be a big time delay if the City proceeds in this direction.

After further discussion, the Committee determined that advice was needed from bond counsel. Mr. Halstead made the motion and Mr. Rementeria seconded the Committee pursue the subject of obtaining advice from the bond counsel and with ideas from the cable companies to be presented to the Committee the morning of August 3, 1981. Information to be ready for the Council packets on July 31, 1981. Motion carried.

A MEETING OF THE
ORDINANCE/LEGISLATIVE COMMITTEE

Monday, July 20, 1981

7:00 A.M.

July 20, 1981

Present:	Tom Tucker	Richard Faus, City Attorney
	Maybelle DeMay	Arvilla Page, City Recorder
	Alan Halstead	Terry Mahr, Consulting Attorney for
	Richard Rementería	Cable Television

Legislative Bulletin No. 27 was not available at the post office this morning.

Mr. Mahr reported that a meeting had been arranged with bond consultant, Rankin, McMurray on Wednesday to investigate city participation in the cable television company. Look at any alternatives, substitutional provisions, industrial bonds by lease. At that meeting will be Richard Rementería, Chairman of the Finance Committee; Tom Tucker, Chairman of the Ordinance Committee; Rick Faus, City Attorney and Michael Warren, City Administrator. Since this meeting to obtain more information could not be arranged sooner, the plan is to give the cable operators another week to offer their proposals.

Because of time that would be required for the City to arrange any financing for participation, it is suggested that the cable TV proposals be processed as scheduled and include an option of participation at a certain percentage amount. Any participation by the City must be of benefit to the City in the form of additional revenue and could possibly result in lower rates to the citizens. Mr. Tucker stated that rates reduction would only help those subscribing and not citizens as a whole.

The main reason the city would want to participate in the cable television is generate additional revenue for the city.

The committee requested that they be informed of the city's bonding capacity, the amount of capacity that is uncommitted.

Committee discussed reasons that various industries have looked over Newberg and then went to other cities and areas.

Meeting adjourned.

A MEETING OF THE
ORDINANCE/LEGISLATIVE COMMITTEE

Monday, 7:00 A.M.

J's Restuarant

July 27, 1981

Present: Tom Tucker, Chairman Richard Faus, City Attorney
Maybelle DeMay Arvilla Page, City Recorder
Richard Rementeria
Alan Halstead

Mr. Tucker reported on the meeting of the City Attorney, City Administrator, Terry Mahr and himself with bonding attorney, Howard Rankin regarding cable television and revenue sources for the city. The best option for the city to obtain any revenue by way of cable television appears to be by the city leasing city owned property to the cable company.

The Committee reviewed League of Oregon Cities Legislative Bulletin No. 28 dated July 25, 1981. The Committee continues to oppose the retirement bills which would create a fiscal burden on the cities. These are Senate Bill 148, Senate Bill 494 and Senate Bill 843.

House Bill 2908 that would allow the League and the Association of Oregon Counties to self insure has been changed to House Bill 3284. The Committee supports this bill.

SJR 4 and Senate Bill 941 allowing the addition of new construction to the tax base is now before the House and will be before the voters in May, 1982 if approved. The Committee supports these two bills.

Senate Bill 32 an insurance bill which would be an important tool for arson investigations is stuck in Conference Committee and the League has asked for cities support on this bill.

The Committee continues to oppose the Senate Justice Court of Appeals bill. This bill would make the municipal court courts of record and would require more sophisticated and costly recording of the municipal court actions.

The Committee continues to oppose Senate Bill 419 which would give LCDC power to review local charters and includes mandatory capital improvement programmings.

The Committee opposes Senate Bill 207 which requires cities to report all capital improvement contracts to the Bureau of Labor.

Comprehensive Plan update. Hearing on Newberg Comprehensive Plan is scheduled for either August 6th or 7th at Newport. No objections have been received from any source. The final LCDC staff report has not been seen but indications are that it will not be unfavorable. All members of the Council, Planning Commission and staff possible should attend the hearing. An attempt is being made to arrange transportation.

Meeting adjourned.

A MEETING OF THE
ORDINANCE/LEGISLATIVE COMMITTEE

Monday, 7:00 A.M.

J's Restaurant

August 3, 1981

Present:	Tom Tucker, Chairman	Elvern Hall, Mayor
	Maybelle DeMay	Rick Faus, City Attorney
	Alan Halstead	Arvilla Page, City Recorder
	Richard Rementeria	Terry Mahr, Cable Television Consulting Attorney

Mr. Tucker stated the Committee should be aware of the deregulation possibility of cable television at the national level and how it would affect Newberg. The City would not be able to control cable television by granting franchises. Any cable company could come in without the City's permission. Senator Packwood is the Chairman of the Committee that is considering the deregulation of cable television.

Mr. Mahr reported the cable companies will submit their letters on potential for the City to participate in cable television revenues on Friday of this week. Television Cable Consultant, Les Page, was still out of town. The letters could probably be given to the Administrator for review.

The Committee discussed the record of Senators Meeker and Representative Rutherford during the Legislative Session and how they voted on various issues. The League of Oregon Cities will have this information available shortly.

SJR 4, the addition of new construction, has been passed by the Legislature. The form in which it passed placed a 15% limit on additions to the tax base by this route. Also, the measure will go to a vote of the people.

Comprehensive Plan Report. The LCDC Staff is recommending acknowledgment on the Comprehensive Plan. The 18 acre school property has been referred to LCDC by the Land Use Board of Appeals. This should not affect acknowledgment of the plan.

The Comprehensive Plan will be reviewed for acknowledgment by LCDC on Thursday, August 6, 1981 at Newport at the Marine Sciences Center. The plan is to obtain a bus or van to leave Newberg at 6:00 a.m. for all those people who wish to appear at the hearing. Transportation would leave at 6:00 a.m. Thursday morning.

The Committee discussed the sign ordinance. Complaints have been received about businesses not being able to repaint or remodel present signs. Mr. Tucker stated the Council should work for sign improvement over a period of time and not require that signs be changed immediately. Mr. Faus stated that most time frames for changing signs in complying with ordinances is 5 to 10 years. Mr. Rementeria stated he believed revised signs will be a part of the renewed downtown area and with the rerouting of traffic some small businesses have more than one sign. What is needed is sign zones. Second Street and Hancock Street could have one type sign requirement and First Street would have a different level of signing.

The Committee agreed that the advice of the Chamber of Commerce is needed for ideas. There also is a need to show businesses the City's intent to improve the downtown area.

Mrs. DeMay asked whether the Committee is going to continue work on the tree ordinance.

A MEETING OF THE
ORDINANCE/LEGISLATIVE COMMITTEE

7:00 a.m., Monday

J's Restaurant

September 14, 1981

Present: Tom Tucker Elvern Hall, Mayor
 Maybelle DeMay Arvilla Page, City Recorder
 Alan Halstead Terry Mahr, Consulting Attorney
 Richard Rementeria Les Page, Cable Television Consultant

Also Present: Dave Dutz, Liberty Cable Television
 Sylvia Sycamore, Liberty Cable Television
 Don Tarlow, Harmon Cable Television

Les Page stated he believed both cable companies had done a fine job. A few things were overlooked and a few things were shortchanged. He stated he has reviewed the comments from the cable companies. Their objections have been noted but their overall scores would remain the same.

Mr. Page stated he gave no weight to either for cooperation with George Fox College. On reading the performance of each company, both are in the top range in the industry. Both companies state their repair response will be within 24 hours. On studio use, one offer is no better than the other. Harmon, however, indicates better local staffing. Both applicants indicate cooperation with George Fox for studios. George Fox College should be represented at the public hearing and ask the applicant to talk to that point.

Mr. Page stated both applicants had challenged the evaluation process. Some yardstick is needed to make a choice. This is just one tool. He advised the Committee to not let the operators discredit the analysis approach to making a choice.

Mr. Tucker stated his concern about whether the George Fox cooperation would allow high school students access as needed. This will need to be clarified at the hearing.

Dates for future meetings were discussed. The Ordinance Committee will meet again in the Council Chambers at 7:30 p.m. on Tuesday, September 22, 1981. This will be a public hearing with testimony being taken from the operators, agencies, the public and any interested person. The Committee, at that time, will make an official recommendation to the joint meeting of the Council as to which applicant the City should enter into a franchise agreement with. Mayor Crabtree of Dundee will appoint a member of his Council to represent Dundee at this meeting.

City Councils of Dundee and Newberg will meet jointly in the Newberg Council Chambers at 7:30 p.m. October 1, 1981. This will be a public meeting in which testimony will be received from the operators, agencies, the public and any interested person. The purpose of the meeting will be to make a decision as to which applicant the cities will begin negotiations with to enter into a franchise agreement.

Mr. Mahr stated all interested parties and agencies will be notified of the September 22nd and October 1st meetings.

The Committee agreed that at the public hearings the applicants should be prepared to address the question of local origin access and to justify their approach.

Mr. Page asked that both cities Mayors send comments to Senator Packwood regarding the pending federal legislation which would remove the rights of cities to grant franchises to cable television companies.

Committee discussed the possible rental of City property to the successful applicant. No recommendation can be made at this time as the property purchase is still pending.

Meeting adjourned.

ORDINANCE/CABLE TV COMMITTEE
TUESDAY, 7:30 P.M.
SEPTEMBER 22, 1981
COUNCIL CHAMBERS

The meeting was called to order by Chairman Tom Tucker.

Roll Call:

Maybelle DeMay	Richard Rementeria
Alan Halstead	Tom Tucker

Also Present:

Councilman Neil Cohen, Dundee
Mayor Elvern Hall, Newberg
Terry Mahr, Consulting Attorney
Les Page, Cable TV Consultant
Arvilla Page, Newberg City Recorder
Richard Faus, Newberg City Attorney

Chairman Tucker asked the members of the Committee to declare any conflicts of interest. Mr. Tucker declared that he had had a conflict in the past but none now existed and he did not wish to abstain. The nature of the conflict was that Harmon Company had asked if he would like to rent property. No action was taken on the offer. No other committee members declared a conflict.

Mr. Page, Cable TV Consultant, presented his report. All members of both City Councils have received a printed copy of this report and copies have been available at the City Recorder's office and at the Library. Responses of the two operators have also been distributed to both City Councils. Mr. Page stated that both operators presented good proposals. Only one other major company has a better performance rating than these two operators. Mr. Page told the committee that each company will try to broaden it's proposal. He recommended that the committee stick with the evaluation report as presented and he recommended that they should go with the number one evaluation unless they have overwhelming reason to not do so. Mr. Page stated that after the number one choice is made there will be very strenuous negotiations, and at that time the Councils will be able to incorporate good ideas presented from both operators. If the first choice operator does not accept a contract within a reasonable time then the Councils would go to the second choice.

Letters from George Fox College and Metro-Educational Telecommunication Consortium were read into the record. Each stated their desires and needs as regards to cable television.

Mr. Tucker stated that since Liberty Cable Television was first at the previous presentation Harmon and Company would be first to present testimony.

Don Tarlow, Attorney, 518 E. First St., Newberg spoke for Harmon and Company. He stated that when the facts are understood and analyzed the franchise would be awarded to Harmon and Company. The purpose of an evaluation is a tool to be used. It is not a dictate. Mr. Page has prepared the evaluation based on his opinion of what is best for Newberg. His evaluation says that both companies are essentially equal. Both are qualified. Both rate top in performance. The only

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Ordinance Committee Meeting

spread is in experience and in subscriber complaint procedure. That spread should be removed. Neither company lacks experience or capability. Liberty is bigger but not better. This would be a relatively small system for Liberty. On consumer complaint procedure, Harmon's portion of the proposal was left out due to clerical oversight. Harmon does have a consumer complaint procedure. They must have one to operate. Franchise will have to be awarded on the basis of the hard aspects of the bid.

Hugh Buchanan, Vice President in charge of franchising, presented slides with data on the company, as presented in it's proposal. The company has been in business since 1972. They have 20 systems in operation. Harmon believes in local management. All billing and operations would be from Newberg.

Mike Krueger, Senior Vice President of Harmon Company, stated Harmon would offer immediate 54 Channel capacity, security system, local programing, and lower rates. Liberty would not initially install the 54 channel converter. Even though only 33 channels are available initially, a converter should be able to handle all channels available now and in the future. It would cost \$200,000 to change the converters later. A 54 channel converter offered by Harmon is an upgradable converter with a simple installation of a computer chip. Twelve years ago only 12-15 channels wer available for cable television. There are now 33. Harmon will construct a second cable to institutions so the institutions can transmit privately without going on to subscriber service. This will be done initially. Liberty states that they will put in the B cable when the need developes. On Home Security, which Harmon offers, Liberty does not offer. On local origination, Harmon expects to do 20 hours per week exclusively of Newberg and Dundee. Harmon plans to staff with a local manager and assistant, plus a technician, plus other people to operate the business. Liberty's offer would be a subsidiary of their Portland office. In programming, Harmon offers the CBS Cultural which will be available October 14, ACSN Educational, and Warner music channel. In addition, Harmon offers news and sports on one channel. Liberty has split news and sports into three channels. In subscriber rates, Harmon's is less in every catagory. Subscribers would save \$60-\$100 per year with Harmon. Harmon's rates are guaranteed for two years. Newberg/Dundee should not be charged more than other cities in the area. Harmon is a company that is trying to grow. They are actively seeking other franchises in Oregon.

Dundee Councilman Cohen asked Mr. Krueger where he believed Liberty is superior to Harmon. Mr. Krueger responded that Liberty does have a two months faster construction schedule.

Chairman Tucker called for a five minute recess.

The meeting was called back to order by Vice-Chairman DeMay. Mr. Tucker was excused because of illness.

Don Tykeson, President of Liberty Cable Television stated he was raised locally and has a personal responsibility to provide first class systems to Newberg and Dundee. Liberty is headquartered in Eugene, Oregon. It is the 19th largest cable television company in the United States, and the largest in Oregon. Liberty has over 200,000 subscribers and operates

six television stations. There are 300 Oregon shareholders in Liberty. Decisions will be made quickly because Liberty is local. Being local is an asset that cannot be matched by others. More than 23,000 Oregon subscribers offer a solid base. Bigness is not bad. The spread on the evaluation report should be more. Construction will be completed in 8 months by Liberty versus 10 months for Harmon. Liberty already has a working relationship with the utilities. Liberty will not have to hope to interconnect with Portland. They are the Portland system. They have done extensive surveys of local citizens. Any improvements will be state of the art at that time. Liberty will have three earth stations immediately. Liberty has a strong line of credit in Oregon. Liberty will build or rent facilities in Newberg. Liberty based their programming bid in response to the survey responses. Each company has offered four services that the other company did not offer. Liberty does do what it says it will do. It is not testing in Newberg/Dundee, but will bring experience. Liberty's plan for institutional service will more than fill the needs, desires and capacities of institutions. There will be full privacy under the Liberty system. Local staffing is the most important ingredient. Trained, experienced staff are vital. Liberty has budgeted higher for staff than Harmon to obtain the best personnel. On interactive services, the equipment is being tested now. Costs are coming down dramatically. Security services will be available early in the franchise. Liberty will bank locally, purchase locally and hire locally. Liberty believes that a local studio is needed. Newberg will not be a subsidiary of Portland. Liberty has bid equipment to operate both a studio and a mobile van, Harmon has not. Liberty has bid higher rates because their system is better and their rates are guaranteed for three years. Future rate increases will be in line with Liberty's ten year projections. Liberty will make a larger investment than Harmon and the rates are not out of line for quality and stability. The rates reflect realism.

Gerrie Braun, 402 S. College and Bert Pennock, 115 E. North asked questions of Mr. Tykeson. Questions were whether Liberty planned programming designed for the older audiences and whether other citizens were subsidizing the institutional cables. Mr. Tykeson responded that there is a proposed network in the planning stage for over 55 audiences with a 40/60 con-commercial/commercial mix. Liberty is very active in local programming working with Senior Citizen's groups. The subscribers would not be subsidizing the institutions. The institutions would receive one free drop. Additional drops would be on a cost basis. Mr. Pennock stated that he was bothered by the 7 point difference. Seven points is very close. He stated that the question is really who can do the job. Liberty does not impress him by throwing dollars. Councilman Cohen asked Mr. Pennock if he had read the evaluation. Mr. Pennock stated that he had not.

Rebuttal:

Mike Krueger speaking for Harmon stated Liberty has emphasized financing. Harmon Company followed the instructions in the RFP. Liberty has written in an inflation factor. On equipment, Mr. Page has stated that the equipment is comparable. Liberty has stated Harmon would have a revenue shortfall. Harmon does not believe that they would have a revenue shortfall and Mr. Page did not note any revenue shortfall in his evaluation. Even if a revenue

shortfall were to occur in Newberg, this would not sink the company. Harmon did not do a market survey of Newberg in particular, but has recently completed one in Woodburn which is a similar city nearby. Mr. Page, the consultant, has stated that Harmon is sound financially.

Don Tarlow for Harmon. Mr. Page has given Harmon bonus points for offering more to the people, by offering 54 channel cable and converter. Liberty states that they are saving money for the future. If Liberty is saving money, why are their subscriber rates almost 20% higher. The service that they offer is no better.

Rebuttal:

Dave Deitz for Liberty. Liberty has offered programming which is Newberg oriented and new services will be made available as soon as they become available. Liberty has proposed more dollars for local access programming, Liberty does not make oversights in their proposals.

Public Hearing closed.

Les Page, Cable Television Consultant, was asked to make comments on the two proposals before the Council Committee. He stated the Committee and the Council will be able to negotiate adjustments of the proposal when writing the franchise agreement. The equipment offered by both companies is equivalent.

Motion: Halstead-Rementeria to recommend to the City Council, Harmon and Company based on the difference in the rate schedules. Vote on the motion: Yes - Halstead, Rementeria. Nay - DeMay. Motion carried.

Dundee Councilman Cohen stated he will recommend to the Dundee Council the proposal of Harmon and Company.

Meeting adjourned 10:30 p.m.

(243)
Tape

A MEETING OF THE
ORDINANCE/LEGISLATIVE COMMITTEE

7:00 A.M., Monday

J's Restaurant

October 19, 1981

Present: Maybelle DeMay Michael Warren, City Administrator
 Alan Halstead Bob Sanders, City Engineer
 Richard Rementeria Clay Moorhead, City Planner
 Elvern Hall, Mayor Richard Faus, City Attorney

Also Present: Jim DeYoung

Members present in the absence of Councilman Tucker decided to cover agenda item 2B, Peddlers License Ordinance Draft first. Mr. Faus indicated that this was an effort to update the old ordinances regarding peddlers and amusement shows, etc. and that it conformed to current policy.

Mr. Rementeria indicated his concern that the portions of the ordinance regarding full City Council approval for activities on City property might be to inflexible and indicated a preference for having this duty delegated to the Mayor and/or City Administrator for approval of activities on City property.

Further concern was also expressed that there not be too much discretion in the ordinance.

It was the concensus of the ~~Council~~ ^{Comm. free} that the ordinance should be changed to allow the Mayor and/or City Administrator the authority to allow such uses on City property rather than require action by the full Council.

DeMay moved and other members concurred that the committee should move on to discussion of agenda item 2A regarding time frames for payment of sewer and water tap fees. Michael Warren reviewed the substance of his memo of October 14, 1981 and the memo of Bob Sanders of October 13, 1981, copies of which are attached as Exhibit A to these minutes. Warren indicated that this did represent a change in payment policy which had been in effect since February which had been instituted to conform to our ordinances, eliminate collection problems and avoid the City essentially floating loans in this area. Further indicated this meeting was in response to a request by Jim DeYoung to review this fee payment policy. There was discussion of when this issue had been brought up last summer and the fact that the policy represented our current ordinances.

DeYoung commented that the persons referred to on Mike's memo were by and large not persons currently involved in the building business with the exception of Joe Young and David Abbott. Young indicated that he didn't feel it was fair to pay for something before the City could proceed to provide the service and pay for something prior to the developer actually needing this service. He indicated that the primary issue is economics and that a developer pays a huge interest rate on his upfront money ranging up to 21% and that if these fees are paid in advance of actual hookup, they incur the interest expense over time. He indicated that a formal water hookup was seldom needed at the beginning of development and suggested that the water and sewer fees be collected at the time request is made for the placement of water meter. He indicated there is a distinction between water and sewer permit fees needing to be paid immediately and a building permit which requires inspections almost immediately.

Committee members ask questions of Bob Sanders regarding the actual cost of tap fees. Bob Sanders indicated that previous experience showed that between 25 and 30% of all developments use temporary water and sewer hookup. In the past, prior to the payment of fees, such hookups are normally needed early in the building process to test pipes, etc. DeYoung confirmed this and indicated that it only took approximately 10 gallons of water to make the needed tests of pipes, etc. Warren indicated that the purpose of this policy was not to try to inconvenience people but was rather an attempt to run this City efficiently and to utilize the policy which many cities already utilize. Bob Sanders indicated that he inquired at the recent public works conference what policy other cities are using and found in the eight cities he inquired of, that all were utilizing a pay at the time of building permit policy. These cities included Gresham, Forest Grove, Newport, Lincoln City, Portland, Oregon City, Springfield, Ashland and all these cities were very firm in collecting it except that at the City of Portland because it had an ongoing Bancrofting Development Fees Program, it did allow the financing through Bancroft Bonding of development fees only. Otherwise, all fees were collected at the time of issuance of building permit. Bob Sanders further indicated that there were difficulties in having fees go on unpaid after closing an occupancy of homes where it became extremely difficult to collect such fees.

At 7:48 a.m. Mayor Hall was required to leave the meeting. He indicated prior to leaving the meeting that his recommendation was that the policy be left as it is and enforced.

DeYoung indicated some disappointment with the rapidity of placing lines once they are required and supplied examples of times when he indicated he didn't feel that the City acts quickly enough. He further indicated that the ordinance was inflexible in not letting any latitude for adjustments that the Uniform Building Code Rules and Regulations provided a place for exceptions and discretion on the part of the building official but that this policy did not seem to allow the same with regard to tap fees. He felt the City staff was capable of administering exceptions to the policy and that there was no problem in payment.

Warren indicated there were problems in making the exceptions in that it was likely that the City staff could get bogged down in considering requests for exceptions on such policies whereas under the current policy there is no problem in either the administrative time in considering the exceptions or in administrative time that might be necessary to pursue collections.

There was discussion by Rememteria and Halstead on the possibility of tying the payment of fees to the request at some point for building inspection. After some discussion, consensus of all parties present was that tying them in that manner might be unworkable.

Young indicated that the current policy was quite inflationary because of course the costs of financing the tap fees over time would ultimately be passed on to the consumer. With this he reiterated the 21% interest costs on monies utilized by the developer in paying these taps. There was discussion by committee members of whether or not there should be an experimental change in the policy to determine whether alterations were workable. Warren and Bob Sanders both indicated that there would be problems in trying to deal with this matter on an exception basis. DeYoung suggested that simply changing the ordinance to require the sewer and water tap fees to be paid at the time the builder needs the taps. Warren indicated that there might be a problem in staffing such a thing or in having an officer to administrate these exceptions.

Committee members concurred that until a reasonable alternative to the current policy was brought to the attention of the Committee that the current policy should remain in force. Prior to the end of the discussion, Bob Sanders passed on Tom Tucker's recommendation that there should be some accommodation made to the developer's needs in this case. The Committee concurred, however, that the current policy should remain in effect and did not schedule further hearings on the matter or schedule it for Council review.

The meeting was adjourned at 8:45 a.m.

A MEETING OF THE
ORDINANCE/LEGISLATIVE COMMITTEE

Monday, 7:00 A.M.

J's Restaurant

November 16, 1981

Present:	Tom Tucker	Arvilla Page, City Recorder
	Maybelle DeMay	Andy Anderson, Publishers Paper Co.
	Alan Halstead	

The Committee discussed the proposed ordinance designating truck routes for all trucks of 10,000 pounds or more on the City streets.

The Committee discussed the history and condition of Wynooski Street. Most of the street belongs to the City with only the section between 9th and 11th in the County. Mr. Tucker stated he believed the citizens were upset about the temporary situation. The situation was caused by Publishers Paper Company washout and the City's water line construction causing increased traffic and rerouting on Wynooski. Truck traffic coming from the east should use Springbrook to Highway 219 and Dog Ridge Road. Traffic from the west has always used the route of South College to Fourth and Fourth to Wynooski and then south.

Mr. Halstead stated that at the time of the resolution designating truck routes Publishers Paper Company was putting in their deinking plant and the attempt of the City was to get the trucks routed off River Street.

Mr. Tucker pointed out that Publishers Paper has always worked with the City to reduce the traffic on Wynooski Street even though Wynooski has historically been a truck route.

The Committee recommended making the following changes and additions to the proposed ordinance. 1) Add as truck route, Second Street from Main to South River; 2) West Third Street from 99W on the west to South Main Street; 3) South College Street from East First Street to East Fourth Street and Fourth to Wynooski Street; 4) East Illinois Street from Main to North College; 5) Wynooski Street to its intersection with Eleventh Street.

Add a sentence in the ordinance as in the old ordinance regarding delivery restricted to that route which is shortest.

Revise the wording in Section 1 of the proposed ordinance.

Rick Faus, City Attorney, now present.

The Committee discussed growth versus non-growth and the impact that new schools and industries have on the street system. Streets should be planned before new growth and not after the fact.

The Committee recommended that a map of the truck routes be attached to the ordinance as Exhibit A.

After discussion, the Committee recommended also adding to the designated truck routes North Springbrook Street from 99W to the Southern Pacific Railroad track and Crestview from Springbrook west to the ADEC Industrial Park.

The Committee discussed whether they should participate in the Charter Revision by the Mayor's Task Force Committee. Mr. Halstead stated he would like the Ordinance Committee to have at least a copy of the agenda and minutes. Committee would be kept current so that the Charter can be put to a vote of the people in a timely manner. Mrs. DeMay recommended and other members concurred that the whole Council should be advised of the progress on the Charter Revision.

Meeting adjourned.

ORDINANCE/LEGISLATIVE COMMITTEE
Cable Television - Special Meeting

Wednesday, December 19, 1981

7:30 P.M. Council Chambers

Meeting was called to order by at 8:00 P.M. by Chairman Tom Tucker.

Present: Maybelle DeMay
Richard Rementeria
Tom Tucker
Neil Cohen
Floyd Aylors

Absent: Alan Halstead, committee member

Staff Present: Terry Mahr
George L. Page
Richard Faus

Public Present: Elizabeth Harney, member of the press
Donald Tykeson
Mrs. Tykeson
William Rutherford
Rob Corrao
Sylvia Sycamore
Donald Tarlow
Bert Pinnock
Quentin Probst, Councilman

Mr. Mahr was called upon to review the franchise ordinance section by section and to explain its contents. DeMay asked with regard to section 3(c) whether there would be an ability to require payment for locally produced programming which was broadcast outside the local area. Page indicated that this is something that really couldn't be addressed in the ordinance as it would be more a private matter. He did indicate the cable access committee might have a legitimate interest in such an issue if it were formed. Mahr continued a point by point review and explanation of all ordinance provisions. He explained that section 4(a-e) were meant to insure that operator would go forward diligently to install the system, that in years past franchises would be let and never acted upon but this was not the case in industry today. With regard to section 7 DeMay asked why there was an allowance of pedestal installation instead of requiring underground vaults. Mahr explained that the difference was primarily one of cost with vaulting being considerably more expensive than pedestals. Mahr indicated that he felt that esthetic problems could be addressed through the ordinance as it is and also through site review ordinance. DeMay expressed concern that pedestals are subject to vandalism. Page indicated that this was true and also indicated that vaults were subject to flooding and other types of damage. Rementeria indicated that vaulting was probably the most costly. Tucker indicated the site review ordinance would probably tie in with this.

Section 7(e) DeMay questioned the one foot minimum on the curb placement and indicated the City Engineer, Bob Sanders, had been concerned about this as well. Page explained that this problem was thoroughly reviewed by himself with other engineers and that there was little evidence of roll over problems actually occurring where the backfilling was done properly. The problem with having a two foot minimum or any other minimum is that this might require the digging out and replacement of very expensive shrubbery. The one foot minimum gives a great deal of flexibility and with proper backfilling there should be no roll over problem. Tucker indicated

that the issue is whether the backfill is done properly and only if the backfill is done improperly would there be a problem.

Mahr continued to explain the provisions of the ordinance. There was discussion with regard to section 18 which was the merger provision. Mahr indicated that at least part of the reasoning for this provision that we expect Liberty to start immediately with efforts to construct the system. The question was asked as to whether or not there would be separate cost verifications for Newberg and Dundee. Dundee has no consulting engineer and it might be costly for them to verify costs. Cohen indicated this would probably be easy because all that Dundee would have would be cable laid. There was some discussion as to whether the Newberg Engineer could verify Dundee costs as well.

Tykeson indicated with regard to the 45 day and 60 day time frames on the merger that while it was expected that merger paperwork would be done by the end of the 60 day period this could not be determined for sure. Aylors indicated that the 60 day limitation on the buyout pursuant to the merger provision might not be enough time and there was general discussion that perhaps this provision should be reworked to accommodate a sale. The sale was to be made under the provisions of the merger clause. Mahr explained the reason for the time frames in section 21 and indicated that because we had no emergency clause on this ordinance it would not become effective for 30 days after its passage so time frames were set at 60 days after the actual effective date of the ordinance. It was determined after comment by Aylors that Dundee usually has emergency clause in all of its ordinances so it was agreed that they should be coordinated to be sure that they did not have an emergency clause and that all time frames were the same. Mahr concluded his presentation of the ordinance provisions.

Chairman Tucker asked if there were any questions from the audience regarding the ordinance provisions. Tarlow indicated he thought there would be input from his clients next Monday. Rementeria questioned regarding section 3(a) and suggested there should be a formula to determine fair market value of the system. Page indicated fair market value would be determined in arbitration proceeding but while there were a number of rule of thumb methods of determining the value it was felt that arbitration would be the best method of handling this problem. Tarlow asked what the definition of uncompensated damages was. Mahr replied it was somewhat vague but we wanted it there to allow for deduction when value was being determined. Page then took over in order to provide point by point coverage of the provisions of the rules and regulations resolution and the rates and charges resolution. During the discussion of section 1, loss and theft converters policy. Pinnock from audience asked what general charge and value of the converters was and the answer was between \$50.00 and \$70.00. Section 1(f) regarding offset for system service disturbance. Pinnock from audience asked who decides when 24 hours starts. Page indicated it was 24 hours from the time of failure of the system. Page indicated this is usually easy to determine as failure is usually caused by a pole being knocked down, etc. With regard to section 2 programming, Rementeria asked whether Channel 22 would be carried. Page replied that at this time Liberty was trying to get a waiver from FCC to avoid carrying this station. Page indicated that it appeared that 22 would become a pay service in the future and if so this could result in numerous problems in carrying it. Page further indicated on programming that WOR from New York had been deleted for full-time requirements of coverage based on increased costs for carrying it full-time instead of just at night and because of the redundancy of coverage on WOR which duplicates many of the other super stations already carried. He indicated the cost differential between carrying WOR full-time and just at night was the difference between 1¢ per family to 10¢ per family. This was a

high cost. Page indicated that if this were a service that many would like, the subscriber poll required by section 2(b) would uncover it and assuming it was cost effective it might be provided. Page noted that poll be on a trial basis for three years to determine whether it was sufficiently successful to continue. Page continued point by point review of the resolution. Section 2(d)2 Rementeria asked what play cable was. Page indicated that this included interactive type services including video games in television and other things that this and other services mentioned in section 2(d) were all experimental services but their feasibility would be determined soon. Page reviewed section 3 regarding technical standards. He indicated that a 54 channel would be required to be provided initially to all tier three subscribers. Pinnock from audience asked if subscribers to tier one and two initially would have to pay more to get tier three later on if they decided to have the extra services. Page indicated yes that persons in initial subscriber period could get tier three but if they change their minds later and wanted tier three they would have to pay for it themselves as opposed to having the system as a whole subsidize their indecision. Discussion was had on section 3(f) and it appeared valid to add tier three to the language of subsection f. DeMay asked whether schools and other facilities receiving free drops would be getting the tier three services. Page indicated yes they would receive up to tier three but without the pay services. Section 3(h) regarding the installation of second cable was discussed. Page indicating that this laid out a procedure for the determination of when the laying of the second cable was necessary. This was put in to develop and spell out a mechanism for requiring the addition of the second cable.

Page then moved on to a point by point review of the rates and charges resolution. Page reviewed how these rates and charges were arrived at and indicated that he took Liberty's letter of changes in rates when they decided to lease instead of buy properties, factored them out finding approximately a 23% reduction and factored this reduction amongst all their rates. He then lowered the Liberty rates incrementally in proportion to other rates. He indicated these rates were different than Harmon rates but differences on the high side reflected increased requirements in the franchise ordinance and increased requirements over and above services proposed by Harmon. Page was asked what these differences were and he said they primarily lay in an increase in programming over that offered by Harmon and Liberty initially and also took into consideration Liberty's guarantee for three years of their rates as opposed to Harmon's lack of guarantee of their rates. Page indicated he used his best logic in arriving at these rates but there was no overall formula used. He indicated the rates in his proposal were at the national average or lower and are quite reasonable, particularly in light of the three year rate guarantee. Page indicated that the City was firm in the negotiations regarding these rates. Pinnock from audience asked if Liberty intended on waiving its installation fee during the initial installation period. This was answered by Liberty representatives and Page in the affirmative but it was made clear that this was not required of them by the franchise ordinance. Tucker asked this question of Liberty. Corrao represented Liberty and indicated that their standard practice was the waiving of installation fees during initial period of installation would apply in Newberg and Dundee. Corrao indicated it was usually to the best interests of subscribers to apply and have initially installed the full range of services because there was no fee to disconnect services already obtained. Pinnock from audience asked about the converter deposit and asked whether the converter deposit would be returned with the return of the converter. Corrao of Liberty answered in the affirmative that the converter deposit is returned upon return of converter. Tucker indicated that through oversight he had not brought up during negotiations the question of special rates for senior citizens, and asked what Liberty's position regarding senior citizen rates would be. Aylors and Cohen also expressed

concerns on these lines. Cohen expressed general opposition to discounts which were for the provision of luxury services such as cable television but excluded from this special emergency call services which he felt perhaps should be provided to senior citizens. Tykeson indicated that senior citizens rates were normally not provided because cable television was a nonessential and further there are great difficulties in administering such rates. Rutherford indicated that practical difficulties might result from requests for various groups for special rates. Corrao indicated and Page agreed that senior citizens were taken into account in producing the low cost tier one and tier two services. DeMay asked whether there should be regular rates for care homes. Page indicated the demand for such a service in such care homes was very low, usually consisting of only one or two drops and that this was a service usually paid for by the care home for its residents and they would pay normal rates or bulk rates if demand was high. Tucker indicated he was satisfied with Liberty's comments on the matter of senior rates. Pinnock from audience indicated concern with cost of deposits on converters, i.e. the \$8.00 installation fee. Page indicated that the purpose of these fees was to defray costs on the part of operator and also pay for the cost of installation. Aylors asked whether in relation to the possibility of special, emergency or panic button services whether tier one facilities would accommodate these services for senior citizens. Corrao answered that it would and that in essence such a system would operate independently of the converter and channel and tier system of tier one and could be installed in such systems. Pinnock from audience asked whether the customer had a choice of what channels they could have carried on each tier, i.e. could they pick and choose the channels for each tier and this was answered in the negative with an explanation as to what channels were offered with each tier.

Page reviewed resolution section dealing with weekly comprehensive program guide and explained that this provision placed the ultimate responsibility for providing the guide on the cable operator but that they could make arrangements with newspapers, etc. to get it out and in order to avoid costs but did indicate that ultimately the responsibility would be the operators for producing and distributing such a guide.

Chairman Tucker asked for any questions regarding the resolutions. Page commented that the final franchise agreement included not just the ordinance and resolutions prepared here but also the enabling ordinance, the RFP, and the proposal of the operator. Page indicated he felt that this is a very comprehensive agreement and is generally fair and there was comment from members that it appeared to be a very fine ordinance. Chairman Tucker sought comment from the operator on the ordinance and the negotiations. Rutherford indicated that the City had been a very tough negotiator but that Liberty was pleased to have reached agreement. Tykeson seconded these comments. Chairman Tucker asked for any further comments by operators or other persons present. All parties indicated there might be additional comments at the Monday meeting.

Chairman Tucker adjourned the meeting until Monday, December 14, 1981 at 7:30 p.m. in the City Council Chambers.