

**MINUTES
FAIRVIEW CITY COUNCIL REGULAR MEETING
FAIRVIEW CITY HALL
300 HARRISON
FAIRVIEW, OREGON 97024**

FEBRUARY 18, 1998 -- 7:30pm

**I. CALL TO ORDER/
ROLL CALL**

Mayor Vonderharr called the meeting to order at 7:30pm.

PRESENT: Mayor Roger Vonderharr
Councilor Sherry Lillard
Councilor Mike Weatherby
Councilor Dave McCutcheon
Councilor Len Edwards
Councilor James Raze
Councilor Steve Owen

STAFF PRESENT: Marilyn Holstrom, City Administrator
Gilbert Jackson, Chief of Police
Jeffrey Sarvis, Director of Public Works
Roy Wall, Finance Director
John Pettis, City Planner
Caren Huson, City Recorder

II. CONSENT AGENDA

Councilor Edwards moved and Councilor McCutcheon seconded the motion to approve the Consent Agenda, consisting of: a Park Maintenance Agreement with the Fairview Village Homeowners' Association, Inc.; a Bid Award for Three Stormwater Projects; and, the Minutes of February 4, 1998.

AYES: 7
NOES: 0
ABSTAINED: 0

**III. CITIZENS WISHING TO
SPEAK ON NON-AGENDA
ITEMS**

Mayor vonderharr called for persons wishing to speak on non-agenda items. As there was no response, the session continued.

IV. COUNCIL BUSINESS

**A.ORDINANCE/RESOLUTION -
Cable Franchise**

Rich Goheen, 1717 NE 205th Avenue, Fairview, approached the podium and stated that he was the City's representative to the Mt. Hood Cable Regulatory Commission. Mr. Goheen presented the history of cable television in East County, and introduced Julie Omelchuck of the Commission. Mr. Goheen stated that a new cable franchise agreement was before the Council, and that it was the result of three years worth of work; another item for Council's consideration was amendments to the Intergovernmental Agreement which originally organized the Commission. Mr. Goheen reviewed the flexibility and stable guidelines which had been built into the 12-year franchise agreement. Mr. Goheen noted that the amendments to the IGA were a result of the new franchise agreement and the rest were simply housekeeping changes. Local grant funds would be made available from cable profits, and continued funding for MCTV would remain. Mr. Goheen concluded by stating that the Commission was recommending approval of the proposed IGA

amendments.

Councilor Weatherby asked if TCI had any plans to buy out Paragon Cable. Mr. Goheen responded that that was a strong rumor, that documentation had not been done yet which stated TCI's intent to take over Paragon Cable. Councilor Weatherby questioned if the public would have any say in a proposed buy out. Ms. Omelchuck responded that local jurisdictions would have to approve any transfer; however, the federal law has guidelines under which local jurisdictions can conduct their review. Councilor Weatherby stated that a Committee had been looking into the possibility of East County cities moving into Clackamas County, and asked how that would affect the proposed agreement. Pamela Beery, City Attorney, responded that the IGA would have to be reviewed, but the franchise should remain unaffected.

Councilor Raze questioned how cable pricing was dealt with in the proposed agreement. Mr. Goheen responded that federal laws control basic cable rates, but secondary pricing was determined by the local cable providers. Councilor Raze commented that technology was making things easier and better, and that a 12-year agreement seemed awfully long since no competitive pricing was involved. Mr. Goheen responded that 12 years really would have nothing to do with pricing, because the same format would always have to be followed, and that there are requirements to upgrade all systems. Ms. Beery added that the proposed franchise was non-exclusive and that other cable providers could provide service in Fairview.

Councilor McCutcheon asked where Paragon Cable saw themselves in five years. Mr. Goheen responded that Paragon Cable views themselves as a major player in the region.

Councilor Owen questioned that, with all the new development occurring, if that was actually building Paragon's base or were they losing more customers to satellite dishes, etc. Ms. Omelchuck responded that the numbers show that East County has actually seen growth in the number of cable subscribers.

Mayor Vonderharr asked if it was logical to expect that Paragon Cable or other local companies would be forming local Internet access. Craig Hiding, Vice-President of Operations for Paragon Cable, responded that they currently have a product called "Roadrunner" and that residents of local cities can receive the service and access their City Hall, Library, pay bills, etc. The franchise allows for enormous flexibility, and this franchise more than others provides for more flexibility to grow into the 21st Century.

Councilor Edwards moved and Councilor Lillard seconded the motion to approve Resolution 2-1998, A RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN AMENDED INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF GRESHAM, FAIRVIEW, WOOD VILLAGE, TROUTDALE, AND PORTLAND, AND MULTNOMAH COUNTY, RELATING TO THE MT. HOOD CABLE REGULATORY COMMISSION, AND ESTABLISHING AN EFFECTIVE DATE FOR SUCH AMENDMENTS.

AYES: 7
NOES: 0
ABSTAINED: 0

Councilor Edwards moved and Councilor Lillard seconded the motion to read Ordinance 3-1998 by title only.

AYES: 7
NOES: 0
ABSTAINED: 0

Marilyn Holstrom, City Administrator, read Ordinance 3-1998 by title only.

Councilor Edwards moved and Councilor Lillard seconded the motion to adopt Ordinance 3-1998, AN ORDINANCE GRANTING A NON-EXCLUSIVE FRANCHISE TO KBL MULTNOMAH CABLESYSTEMS, L.P. (PARAGON CABLE) TO CONSTRUCT, OPERATE AND MAINTAIN A CABLE SYSTEM WITHIN THE CITY LIMITS OF THE CITY OF FAIRVIEW, OREGON, AND ESTABLISHING AN EFFECTIVE DATE.

AYES: 7
NOES: 0
ABSTAINED: 0

**B.ORDINANCE - Sewer
Allocation Agreement**

Administrator Holstrom reported that the Council was aware of the sewer capacity situation in regards to the Gresham Treatment Plant; Fairview has no more capacity in the plant, and staff spent much time working with Gresham in trying to acquire additional capacity. As Gresham indicated they had no extra capacity, Fairview entered into negotiations with Fujitsu and executed an agreement with them in which they loaned Fairview 100,000mgd. Administrator Holstrom commented that an agreement then came before the Council that would enter the City into agreement with developers for sewer allocation; what was lacking, however, was what the City would do when new developers wished to get in line for additional sewer capacity should more be allocated to the City. Administrator Holstrom stated that the item before the Council would put a sewer allocation policy in place; if the Council approved of the policy, then a public hearing would be held on March 4, 1998.

Councilor Raze asked how he should handle the item as he would probably be one of the developers in line for sewer allocation. Ms. Beery responded that Councilor Raze could participate in tonight's discussion, but that he would have to abstain from the item during the public hearing and voting process.

Councilor McCutcheon questioned if the City would still be working off of allocation agreements once the treatment plant has expanded in the year 2001. Administrator Holstrom responded no, as the City would have purchased all the capacity it would need for buildout. Administrator Holstrom stated that staff is currently negotiating with Fujitsu to borrow a certain number of mgd per day above the 100,000mgd we are currently borrowing. Councilor McCutcheon asked what the City would do if Fujitsu indicates that they have no more sewer capacity to lend. Administrator Holstrom responded that the City would then go back to Gresham to discuss the situation.

Ms. Beery commented that the proposed sewer allocation policy had been written to minimize any legal risk, and that the process advises developers from the beginning that when they submit a complete application, they would be placed in line for sewer capacity.

As there were no further questions or comments, Mayor Vonderharr asked that the sewer allocation policy public hearing be scheduled for March 4th.

**C.APPOINTMENTS - Budget
Committee**

Roy Wall, Finance Director, reported that the Budget Committee meets every year to approve the following fiscal year's budget; this year, six committee members' terms ended. Director Wall stated that staff had asked for volunteers to serve on the Budget Committee, and received seven applications which were in the Council's packet. Director Wall indicated that one of the applicant's, Robert Andrews, was requesting reappointment to the Committee.

Council unanimously agreed to handle the reappointment separate from the appointment of new Budget Committee members. Councilor Raze moved and Councilor Edwards seconded the motion to reappoint Robert Andrews to the Budget Committee for a three year term.

AYES: 7
NOES: 0
ABSTAINED: 0

As there were only five positions available for appointment and six applications, Mayor Vonderharr asked Council to write down one name that they would want removed from the list. After receiving the written names, Recorder Huson announced that the majority of the votes stated that the name of Edward Hartless should be removed.

Councilor McCutcheon moved and Councilor Weatherby seconded the motion to appoint Robb Pierson, Becky DeWitt, Todd Johnson, Ron Fell, and Les Moore to the Budget Committee, each with a term of three years.

AYES: 7
NOES: 0
ABSTAINED: 0

V.DEPARTMENTAL REPORTS

A. Police

Gilbert Jackson, Chief of Police, reported that the Gresham Police Department was investigating the possibility of constructing their own dispatch center due to the high costs of dealing with BOEC; Fairview would be included as a part of that study. Chief Jackson stated that the City had sent out their police survey, and that, so far, 360 out of 1700 surveys had been returned, which was about a 19% response.

B.Public Works

Jeffrey Sarvis, Director of Public Works, stated that in regards to Gresham sewer bills, the City of Gresham was also concerned about the high BOD and TSS values that the plant operator was obtaining. As a check, Gresham split samples with OMI to determine the accuracy of sampling results. The split sample was sent to an independent laboratory and showed an actual decrease in pounds of BOD and TSS compared to OMI results. These values are more representative of Fairview's population and typical residential sewage concentrations. The lower sample results have been applied to the July and August 1997 billings. The actual savings to the City of Fairview thus far for those two months is \$40,300 (compared with the old sampling methodology). Director Sarvis reported that a new methodology of calculating the bill was negotiated with the City of Gresham, and will be based on a quarterly sampling of seven consecutive days, the results being used for the entire quarter.

Director Sarvis commented that he would be bringing before the Council a code and standards for the design of Fairview Lake Way within the next month or so.

C. Planning

Planner Pettis reported that at their February meeting, the Planning Commission approved a variance for one of the single-family lots in Fairview Village, and approved the construction of two office buildings in Fairview Village to be located on NE Market Drive east of Village Street. At their March 1998 meeting, the Commission will hear a Halsey Street zone change proposal, which is located across the street from the Fieldstone Apartments, and also have the proposed Cellular Tower ordinance on their agenda. Planner Pettis stated that he had held a pre-application meeting with J.T. Smith who would like to place a Planned Development in the Fairview Lake area. Planner Pettis commented that the City had applied for an ODOT grant to provide infill sidewalk on a portion of the south side of Sandy Boulevard, and that the applicant had withdrawn his LUBA appeal for the manufactured housing park he had proposed on Sandy Boulevard.

D. Finance

Director Wall reported that the City's 1998/99 budget calendar had been placed in the Council's mail boxes, and that the first meeting was scheduled for April 6th, with the following two Mondays also scheduled should they be necessary; the June 17th Council agenda was anticipated to contain the actual budget adoption. Director Wall stated that staff would present a written Municipal Court report and hold a discussion at a future Council meeting.

E. Administration

Administrator Holstrom asked the City Recorder to provide a report on the Library Committee. Recorder Huson stated that the Library Committee had met the previous evening, with two representatives of the County being present. The County indicated that they are looking for a minimum 3,000 square foot facility, and that they anticipate to have an East County branch opened by June 1999. Recorder Huson added that the County was currently seeking possible sites for the Library.

Administrator Holstrom reported that she had received a visit from Clark Wardle of the Multnomah Greyhound Park mediation process, who indicated that something would be going through the Wood Village Planning Commission soon, and that he wanted Fairview to be involved in the process.

Administrator Holstrom stated that most of the day had been spent with the consultant for the construction of a new City Hall, and that the Clackamas County process would be going into its second round for staff. Administrator Holstrom reminded the Council that a joint Planning Commission/City Council work session had been scheduled for April 22, 1998, at 7:00pm, and that on February 25th a Council work session had been planned at the Public Works Shop at 7:00pm.

Administrator Holstrom commented that Mayor Vonderharr had volunteered in the past to represent the three East County cities on the Metro Regional Solid Waste Advisory Committee, but that a formal motion was needed for appointment.

Councilor Raze moved and Councilor McCutcheon seconded the motion appoint Mayor Vonderharr to represent the three East County cities on the Metro Regional Solid Waste Advisory Committee.

AYES: 7
NOES: 0
ABSTAINED: 0

F. Legal

Ms. Beery stated that she had been working on the Gresham/LUBA intervention regarding affordable housing, and that all the attorneys involved would meet on March 2nd to set the ground rules.

**VI.MAYOR/COMMITTEE REPORTS AND
COUNCIL CONCERNS**

Councilor Lillard asked for an update on the Soundwall Committee. Administrator Holstrom responded that she had not heard from the Chairman of that Committee for six months. The Committee had submitted something for ODOT to review; ODOT had responded that there were some major problems with the proposal, but no Committee meeting was ever called. Councilor Lillard asked for the Chairman's phone number so that she could contact him and get the Committee back on course.

Councilor Weatherby stated that he had attended a Chamber of Commerce reception where they introduced their new Vice-President/General Manager and the new director for the Chamber.

Councilor McCutcheon reported that he had attended an Emergency Management Policy Advisory Committee meeting in which he was the only elected official present; he was quickly educated by staff who were present from Gresham, Multnomah County, etc.

Councilor Owen stated that earlier in the evening he had attended the Noise Abatement Advisory Committee meeting for the Port of Portland, where they had discussed the maintenance engine run-up study and a third runway at the airport. Councilor Owen suggested that the City attempt to get a representative involved on the Committee. Councilor Owen commented that he had been reviewing traffic calming device material, which was one of the Council's goals this year. Councilor Owen reported that he had witnessed children trying to cross the street near the NE 223rd/Sandy Boulevard railroad bridge, and emphasized that something needed to be done in widening that bridge. Mayor Vonderharr stated that he thought someone was going to start a petition for that area, and that The Outlook would be focusing an article on railroad bridges, especially the one at 223rd/Sandy, as a TriMet bus had recently hit the side of that bridge.

Councilor Edwards asked if anything could be done about the truck that was sitting for sale at the northeast corner of NE 223rd Avenue and Sandy Boulevard. Planner Pettis responded that letters had been written to the property owner.

Councilor Raze had no reports or concerns.

Mayor Vonderharr reported that he would be attending a meeting on February 24th with a Metro representative regarding affordable housing. Mayor Vonderharr stated that in regards to the joint Planning Commission/City Council work session which would be held in April, that he had received comments from some of the members of the Planning Commission that the Commission and Council needed to have a discussion of what they expect Fairview to look like at buildout so that both bodies are moving in the same direction; however, no one would dictate that individuals vote a certain way.

**VII.EXECUTIVE SESSION - ORS
192.660(1)(h)**

At 9:45pm, Councilor McCutcheon moved and Councilor Weatherby seconded the motion to adjourn into Executive Session per ORS 192.660(1)(h).

AYES: 7
NOES: 0
ABSTAINED: 0

At 10:20pm, Councilor McCutcheon moved and Councilor Weatherby seconded the motion to adjourn out of Executive Session and back into the Regular Session.

AYES: 7

NOES: 0
ABSTAINED: 0

VIII. ADJOURNMENT

Councilor McCutcheon moved and Councilor Weatherby seconded the motion to adjourn. Mayor Vonderharr adjourned the meeting at 10:20pm.

AYES: 7
NOES: 0
ABSTAINED: 0

Mayor Roger Vonderharr

Dated:

Caren C. Huson Quiniones
City Recorder