

**CITY OF MILWAUKIE
CITY COUNCIL MEETING
MARCH 1, 2011**

CALL TO ORDER

Mayor Ferguson called the 2097th meeting of the Milwaukie City Council to order at 7:00 p.m. in the City Hall Council Chambers.

Present: Mayor Ferguson, Council President Greg Chaimov and Councilors Dave Hedges, Joe Loomis, and Mike Miller

Staff present: City Manager Bill Monahan, City Attorney Tim Ramis, City Recorder Pat DuVal, Community Development and Public Works Director Kenny Asher, Planning Director Katie Mangle, Senior Planner Susan Shanks, and Finance Director Casey Camors

PLEDGE OF ALLEGIANCE

PROCLAMATIONS, COMMENDATION, SPECIAL REPORTS AND AWARDS

A. Milwaukie High School Student of the Month

Mayor Ferguson and City Council recognized Reuben Ofoia as the Milwaukie High School Student of the month.

B. Portland – Milwaukie Light Rail Design Workshop

Mr. Asher announced the upcoming workshop on March 7, 2011 in the Milwaukie High School Commons.

CONSENT AGENDA

Councilor Hedges requested that item C be removed for a separate vote:

It was moved by Councilor Chaimov and seconded by Councilor Miller to approve the consent agenda consisting of:

- A. Resolution 19-2011: A Resolution of the City Council of the City of Milwaukie, Oregon, Approving the Proposed Merger of Mel Deines Sanitary Service, Inc. and P. Deines Sanitary Services, Inc. to Result in the 100% Ownership of Mel Deines Sanitary Service, Inc. and Amending Resolution 56-2005 and the Solid Waste Service Area Map to Reflect this Change;
- B. Resolution 20-2011: A Resolution of the City Council of the City of Milwaukie, Oregon, Appointing Russ Stoll to the Milwaukie Planning Commission;
- D. Resolution 22-2011: A Resolution of the City Council of the City of Milwaukie, Oregon, Appointing Art Ball to the Public Safety Advisory Committee as a Member-at-Large;
- E. Resolution 23-2011: A Resolution of the City Council of the City of Milwaukie, Oregon, Authorizing the City Manager to Increase the Personal Services Agreement with aHa Consulting Inc. in an Amount Not to Exceed \$5,000 through the End of the Fiscal Year 2010/2011; and
- F. City Council Minutes:
 - 1. November 16, 2010 Work Session
 - 2. December 7, 2010 Work Session
 - 3. December 7, 2010 Regular Session

CITY COUNCIL REGULAR SESSION – MARCH 1, 2011

MINUTES

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4. December 21, 2010 Work Session
5. December 21, 2010 Regular Session
6. January 4, 2011 Regular Session

Motion passed with the following vote: Councilors Chaimov, Hedges, Loomis, and Miller and Mayor Ferguson voting 'aye.' [5:0]

It was moved by Councilor Chaimov and seconded by Mayor Ferguson to adopt the resolution appointing Linda Hedges to the Public Safety Advisory Committee as a member at large. Motion passed with the following vote: Councilors Chaimov, Loomis, and Miller and Mayor Ferguson voting 'aye' and Councilor Hedges abstaining [4:0:1].

- C. Resolution 21-2011: A Resolution of the City Council of the City of Milwaukie, Oregon, Appointing Linda Hedges to the Public Safety Advisory Committee as a Member-at-Large;

AUDIENCE PARTICIPATION

Richard Recker, Milwaukie, discussed the North Clackamas School District's proposed closure of Hector Campbell Elementary School and consolidation with Ardenwald, Lewelling, and Linwood Elementary Schools. He urged support for the District's adoption of the nationally-acclaimed curriculum and program from Sojourner School at Concord and provide an all-school offering at the Campbell site.

PUBLIC HEARING

A. Land Use and Development Review Tune-Up Project Code Amendment

Mayor Ferguson called the public hearing on the legislative Zoning Ordinance and Comprehensive Plan amendments initiated by the City of Milwaukie to order at 7:20 p.m.

The purpose of the hearing was to consider an ordinance to adopt proposed amendments to the Zoning Ordinance and Comprehensive Plan which included Title 14 Sign Ordinance, Title 17 Land Division Ordinance, and Title 19 Zoning Ordinance of the Milwaukie Municipal Code and Chapters 1 and 2 of the Milwaukie Comprehensive Plan and minor amendments to Titles 2, 3, 12, 13, and 18. The land use applications for these amendments were ZA-10-02 and CPA-10-03.

This was a legislative decision by the Council based on the following standards: state-wide planning goals; applicable federal or state laws or rules; any applicable plans and rules adopted by Metro; applicable Comprehensive Plan policies; and applicable provisions of implementing ordinances.

Mayor Ferguson reviewed the order of business. The City Council decision was the final decision of the City. All testimony and evidence was directed toward the applicable substantive criteria. Failure to address a criterion or raise any issue with sufficient detail precluded an appeal based on that criterion or issue. Any party with standing could appeal the decision of the City Council to the State Land Use Board of Appeals (LUBA) according to the rules adopted by that Board. Persons with standing were those who submitted written comments or testified and signed the City Council Attendance sign-up sheet.

There were no declarations of potential or actual conflicts of interest as defined in ORS 244. No member of the audience challenged any Council member's ability to participate in the decision.

Ms. Shanks provided the staff report including a project overview of the proposed amendments that were intended to modernize and improve the effectiveness of the City's land use and development review process. The Planning Commission worked with staff to develop the amendments during six work sessions, and a 2-person Planning Commission subcommittee met with staff for more focused discussions. At its February 8, 2011, public hearing, the Commission voted unanimously to recommend the amendments to Council for adoption.

The tune-up was needed because the current zoning code was old and messy and creating inefficiencies and confusion. The comprehensive update should remedy the problems created by past piecemeal efforts. The existing code did not convey current planning and technology advancements or changes to the Oregon Revised Statutes (ORS). Land use development was a basic function of a municipality. The code was used on an almost daily basis but was unwieldy and inconsistent for both staff and applicants. The City's review process should provide the decision makers – the City Council, Planning Commission, and Planning Director – with the needed tools and allow the public to participate in a meaningful way.

Ms. Shanks discussed the amendments in general which included code organization, review procedures, and land use applications. Not being proposed were zoning or use changes and development standards. She discussed public outreach efforts and public comments. Three people testified at the first Planning Commission hearing and only one at the second which was mostly in support of the amendments but raised a few concerns. After sending out the requisite Measure 56 notices, the Planning Department received approximately six calls from property owners inquiring how the amendments might affect them.

Ms. Shanks referred to packet page 440 and discussed review procedures that provided the framework for how the City conducted development review and land use review. This was how a determination was made as to whether an application triggered a development review, who received notification, decision timeframe, and decision and appeal authority. Most of the City's review procedures were dictated by State law. She provided an overview of the application and review types and how the 120-day clock was applied. Land use applications would be reorganized and modified including nonconforming uses and variances and expiration or extension dates for certain types of approvals would be identified. A new development review application would formalize existing practice and bridge the gap between the City's land use and development review functions. Further there was a process whereby certain kinds of nonconforming uses may be discontinued by the City through amortization. Ms. Shanks discussed the appeal process recommendation with on the record hearings. The proposal also recommended minor changes to the Comprehensive Plan, updated the public involvement processes, and condensed and clarified amendment procedures. The Planning Commission recommended adoption of the proposed ordinance with findings, and staff recommended adopting the proposed fee resolution reflecting the amendments.

No additional correspondence was submitted after preparation of the Council packet.

Testimony in support: **Lisa Batey**, chair-elect of the Milwaukie Planning Commission, supported adoption of the proposed code amendments. In her experience on the Planning Commission the code was old and messy as well as having holes and gaps. This was an important document to help things work better for both applicants and staff and was a good base upon which to build the more substantive issues such as residential standards.

There was no further testimony on the matter.

Councilor Miller noted a minority of Planning Commissioners wanted to maintain the existing appeal approach and asked Ms. Shanks to elaborate.

Ms. Shanks responded this was about whether an appeal should be unrestricted and whether new evidence or testimony should be allowed before the City Council on appeal or should it just be the evidence presented to the Planning Commission at the initial hearing. The minority opinion was that the City Council was made up of the elected officials and that the applicant might feel more satisfied if he/she could have an unrestricted de novo hearing and that the information should not be restricted to what was presented before the Planning Commission. It was also thought the less experienced applicants might have been more successful at the Planning Commission level had they had some professional help.

Councilor Loomis understood the intent of this review was to make the process more usable for the Planning Commission, applicant, and staff. He trusted the Commission and staff to implement amendments that improved the process for all parties.

Councilor Hedges appreciated the work and asked what happened if the appellant came across evidence of which he had previously had no knowledge.

Ms. Shanks replied the applicant could resubmit the application and go back to the Planning Commission. The evidence would be in the record from the Planning Commission forward in the re-application. The Type 1 fee was \$150, and Type II was \$900. The City Council appeal fee was \$500.

Councilor Hedges had some sympathy for those who would pay additional money, although it would not likely happen too often. He was minded toward the Planning Commission minority view.

Ms. Shanks explained it was not that frequent that people came up with new evidence, and this amendment was seen to be fixing a problem. The perceived problem was effective use of City Council and staff time. She noted staff provided a lot of assistance to property owner applicants leading up to a Planning Commission hearing.

Ms. Mangle added the cost of a Type I application was \$150, Type II \$900, and Type #3 \$1,700. She believed the fee was about \$1,000 to appeal a Planning Commission decision to the City Council.

Councilor Chaimov had his concerns addressed in the days leading up to this hearing.

Councilor Miller agreed with Councilor Hedges that applicants should have an open process. He thought applicants' inexperience was a greater reason for having a more open process in appealing to the City Council. He felt this section should remain "as-is." He also had a question regarding accessory dwellings that deleted "gross" and added "net." If he understood correctly, the City would be allowing much larger buildings than presently allowed.

Ms. Shanks replied the Councilor's conclusion was correct although perhaps exaggerated as a wall thickness was about 6-inches. How measurements were made would make a small difference. This was not really a policy change. The information necessary to make the calculations would be available on the site plan and building permit application.

Councilor Miller asked if these were considered accessory buildings or accessory dwellings.

Ms. Shanks replied they were accessory dwellings, and she discussed the dwelling unit sizes allowed in Milwaukie's residential zones.

Councilor Hedges referred to staff report page 223 and asked if subarea 4 was the MacFarlane site and if so seemed to allow high density residential

Ms. Shanks replied that section had not been amended, although it had been re-numbered with the code reorganization. She added the R-O-C zoning designation and MU overlays did not always play well together.

Ms. Mangle commented this was an example why sites could be difficult to redevelop.

Councilor Loomis referred to staff report page 411 and asked for an explanation of the tree permit fee.

Ms. Mangle explained that changes last year were made to partially cover the cost of issuing the permits. Engineering was also charging the applicant for a right-of-way permit. Those fees were combined, and staff was open to different approaches. It got to the question of recovering expenses and determining what behaviors should be encouraged.

Ms. Shanks discussed tree removal and associated fees currently being charged.

It was moved by Councilor Chaimov and seconded by Councilor Hedges to close the public hearing. Motion passed with the following vote: Councilors Chaimov, Hedges, Loomis, and Miller and Mayor Ferguson voting 'aye.' [5:0]

Mayor Ferguson closed the public hearing at 8:22 p.m. for Council deliberation:

Councilor Chaimov stated Types I and II applications were largely ministerial, and he felt confident these could be handled by the Planning Director and the Planning Commission. He did not believe new evidence coming to the City Council was appropriate and did not want to make a decision on an issue that had not gone to the Planning Commission. He would probably vote to remand the issue back to the Planning Commission. This happened infrequently, and he felt the amendments were excellent.

Mayor Ferguson was inclined to agree with Councilor Chaimov and was concerned the City Council would be in an awkward position to make a ruling based on new evidence which the Planning Commission and planning staff had not had an opportunity to witness.

Councilor Miller wanted citizens to have every opportunity to come before the Planning Commission and City Council. He was not as concerned about new information. Most people wanted the opportunity to be heard.

Councilor Hedges agreed with mainly what Councilor Miller had said and felt there should be a way to appeal with new evidence. He thought it was wrong to disadvantage people from a monetary point of view if they were not experts. People had a right to be heard by elected representatives if they felt it was needed.

Councilor Loomis understood Councilors Miller's and Hedges' points of view. It was not an issue for him either way, but he would vote for the amendments.

It was moved by Councilor Chaimov and seconded by Councilor Loomis to approve the first and second readings by title only and adoption of the ordinance amending Comprehensive Plan Chapters 1 and 2, and the Milwaukie Municipal Code Title 2 Administration and Personnel; Title 3 Revenue and Finance: Title 12 Streets, Sidewalks, and Public Places; Title 13 Public Services; Title 14 Sign Ordinance; Title 17 Land Division Ordinance; Title 18 Flood Hazard Regulations; and Title 19 Zoning Ordinance to Revise and Improve the Process for Review and Approval of Land Use Applications and Development Permits (Files ZA-10-02 and CPA-10-03).

Councilor Miller moved to amend the main motion by removing paragraph 7 from page 8 of the document where it stated, "a minority of commissioners wanted to maintain the existing approach of allowing ... especially in situations where more up-to-date or better information could be made available for Council."

Councilor Chaimov understood the intent of the motion was to keep the current appeal provisions.

Mr. Miller said his intent was to remove that one section and go back to the original code language.

Ms. Mangle understood that when City Council heard an appeal, Councilor Miller wanted it to be able to hear new evidence. Further, all appeals should be able to go to the City Council.

Councilor Chaimov thought Councilor Miller was aiming to retain the current process of de novo appeal and not de novo restricted to the information before the Planning Commission. He saw two issues. Type I applications such as lot line adjustments which under the current plan would not be appealed to the City Council largely because the City Council had no discretion to exercise. The second issue was when there was an appeal to the City Council should it consider new evidence developed after the Planning Commission heard the case. He understood Councilor Miller's concern was with the second issue and the City Council's hearing new evidence.

Mayor Ferguson called for a recess at 8:35 p.m. and reconvened the meeting at 8:47 p.m.

Ms. Shanks reviewed the underline strikeout reflecting appeals going to the Planning Commission or City Council.

Councilor Hedges seconded Councilor Miller's amendment. Motion failed with the following vote: Councilors Miller and Hedges voting 'aye' and Councilors Chaimov and Loomis and Mayor Ferguson voting 'no.' [2:3]

The main motion passed with the following vote: Councilors Chaimov and Loomis and Mayor Ferguson voting 'aye' and Councilor Hedges and Miller voting 'no.' [3:2]

Mr. Monahan read the ordinance one time by title only.

Mayor Ferguson announced the second reading of the ordinance would be at the regular session of March 15, 2011.

OTHER BUSINESS

A. Resolution Setting Fees for Service

Ms. Shanks reviewed the proposed fee schedule.

It was moved by Councilor Chaimov and seconded by Councilor Loomis to adopt the resolution setting fees for services to be effective the same date as the ordinance read for the first time at this meeting. Motion passed with the following vote: Councilors Chaimov, Hedges, Loomis, and Miller and Mayor Ferguson voting 'aye.' [5:0]

RESOLUTION NO. 24-2011:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, SETTING FEES FOR SERVICES.

B. Regional Committee Assignment

It was moved by Councilor Chaimov and seconded by Councilor Loomis to adopt the resolution nominating Mayor Jeremy Ferguson as the City of Milwaukie's representative to the Clackamas County Service District #1 RiverHealth Advisory Board. Motion passed with the following vote: Councilors Chaimov, Hedges, Loomis, and Miller and Mayor Ferguson voting 'aye.' [5:0]

RESOLUTION NO. 25-2011:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, NOMINATING MAYOR JEREMY FERGUSON AS THE CITY OF MILWAUKIE REPRESENTATIVE TO THE CLACKAMAS COUNTY SERVICE DISTRICT #1 RIVERHEALTH ADVISORY BOARD.

C. Council Reports

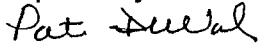
The Mayor and Councilors discussed meetings they had attended on behalf of the City and announced upcoming community events.

ADJOURNMENT

It was moved by Councilor Hedges and seconded by Councilor Miller to adjourn the meeting. Motion passed with the following vote: Councilors Chaimov, Hedges, Loomis, and Miller and Mayor Ferguson voting 'aye.' [5:0]

Mayor Ferguson adjourned the regular session at 9:08 p.m.

Respectfully submitted,



Pat DuVal, Recorder

REGULAR SESSION

REVISED AGENDA AGENDA

**MILWAUKIE CITY COUNCIL
MARCH 1, 2011**

MILWAUKIE CITY HALL
10722 SE Main Street

2097th MEETING

REGULAR SESSION – 7:00 p.m.

- | | Page # |
|---|---------------|
| 1. CALL TO ORDER
Pledge of Allegiance | |
| 2. PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS | |
| A. Milwaukie High School Student of the Month Reuben Ofoia | |
| B. Portland-Milwaukie Light Rail Design Workshop
Staff: Kenny Asher, Community Development and Public Works Director | |
| 3. CONSENT AGENDA <i>(These items are considered to be routine, and therefore, will not be allotted Council discussion time on the agenda. The items may be passed by the Council in one blanket motion. Any Council member may remove an item from the "Consent" portion of the agenda for discussion or questions by requesting such action prior to consideration of that portion of the agenda.)</i> | |
| A. Merger of Mel Deines Sanitary and P. Deines Sanitary Services – Resolution | 2 |
| B. Appoint Russ Stoll to the Planning Commission – Resolution | 6 |
| C. Appoint Linda Hedges to Public Safety Advisory Committee At-Large Position – Resolution | 7 |
| D. Appoint Art Ball to Public Safety Advisory Committee At-Large Position – Resolution | 8 |
| E. Approve Increase of Personal Services Agreement with aHa Consulting, Inc. for Website Design Services – Resolution | 9 |
| F. City Council Meeting Minutes: | 13 |
| 1. November 16, 2010 Work Session | |
| 2. December 7, 2010 Work Session | |
| 3. December 7, 2010 Regular Session | |
| 4. December 21, 2010 Work Session | |
| 5. December 21, 2010 Regular Session | |
| 6. January 4, 2011 Regular Session | |
| 4. AUDIENCE PARTICIPATION <i>(The Presiding Officer will call for statements from citizens regarding issues relating to the City. Pursuant to Section 2.04.140, Milwaukie Municipal Code, only issues that are "not on the agenda" may be raised. In addition, issues that await a Council decision and for which the record is closed may not be discussed. Persons wishing to address the Council shall first complete a comment card and return it to the City Recorder. Pursuant to Section 2.04.360, Milwaukie Municipal Code, "all remarks shall be directed to the whole Council, and the Presiding Officer may limit comments or refuse recognition if the remarks become irrelevant, repetitious, personal,</i> | |

impertinent, or slanderous.” The Presiding Officer may limit the time permitted for presentations and may request that a spokesperson be selected for a group of persons wishing to speak.)

5. **PUBLIC HEARING** *(Public Comment will be allowed on items appearing on this portion of the agenda following a brief staff report presenting the item and action requested. The Mayor may limit testimony.)* **38**

A. **Land Use and Development Review Tune-Up Project:
Code Amendment – Ordinance
Staff: Susan Shanks, Senior Planner**

6. **OTHER BUSINESS** *(These items will be presented individually by staff or other appropriate individuals. A synopsis of each item together with a brief statement of the action being requested shall be made by those appearing on behalf of an agenda item.)*

A. **Fee Schedule Revision Reflecting Title 19 Code Amendments –
Resolution
Staff: Susan Shanks, Senior Planner**

B. **Regional Committee Assignment – Resolution**
C. **Council Reports**

7. **INFORMATION**

8. **ADJOURNMENT**

Public Information

- **Executive Session:** The Milwaukie City Council may meet in executive session immediately following adjournment of the regular session pursuant 192.660(2).
- All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions as provided by ORS 192.660(3) but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.
- For assistance/service per the Americans with Disabilities Act (ADA), please dial TDD 503.786.7555
- The Council requests that all pagers and cell phones be either set on silent mode or turned off during the meeting.

3.

CONSENT AGENDA



To: Mayor and City Council

Through: Bill Monahan, City Manager

From: JoAnn Herrigel, Community Services Director

Subject: Approval of Merger of Mel Deines Sanitary and P Deines Sanitary Services

Date: February 15, 2011

Action Requested

Pass a resolution approving the proposed merger of Mel Deines Sanitary Service, Inc. and P. Deines Sanitary Services, Inc. to result in 100% ownership by Mel Deines Sanitary Service, Inc. and amending Resolution 56-2005 and the Solid Waste Service Area map to reflect this change.

History of Prior Actions and Discussions

May 1994: Council approved resolution 11-1994 granting exclusive franchises to seven garbage companies for solid waste management services.

December 2005: Council approved resolution 56-2005 granting non-exclusive franchises to seven garbage companies for solid waste management services.

January 18, 2011: Council approved a resolution granting the transfer of Deines Brothers Sanitary Service's franchise area (Area 3) to Hoodview Disposal and Recycling and the proposed transfer of Deines Brothers Sanitary Service's 50% interest in the P. Deines franchise area (Area 4) to the owner of Mel Deines Sanitary Service.

Background

The City currently holds franchises for seven garbage companies that provide garbage, recycling and yard debris collection service to residential and commercial customers in the City. In January, City Council approved the transfer of Deines Brothers Sanitary Service's 50% interest in P. Deines Sanitary Service Inc. to Tim Deines, the owner of Mel Deines Sanitary Service. At this point, Tim Deines, and his staff are providing garbage service to all customers in franchise Area 4 and Area 1, which are contiguous. Soon after this Council action, Tim Deines notified the City that he planned to merge P. Deines and Mel Deines, so that the surviving entity would be Mel Deines Sanitary Services Inc.. The proposed action would simply change the name of the firm providing service in Area 4 to Mel Deines. The two franchise areas would remain distinct and no service provision or rate changes would result from this merger.

According to City Code section 13.24.130, Transfer of Franchise, a merger such as is being proposed by Mel Deines is considered a transfer of franchise and must be approved by City Council. A franchisee proposing to transfer a franchise must provide the City with no less than sixty (60) days' advance written notice of any proposed transfer and the City must act on the franchisee's request within 60 days of the notification. The City may "not unreasonably refuse to consent to an assignment of the franchise to a proposed assignee that has

sufficient knowledge, experience, and financial resources so as to be able to meet, to the satisfaction of the City Council, in its sole discretion, all obligations of the franchisee.”

Mel Deines has complied with the requirements of MMC 13.24.130 which guides the transfer of franchises. Staff has reviewed all submittals by both companies involved and based on this review recommends that Council approve the proposed transfer.

The review of the submittals has determined that:

- The proposed merger will have a minimal impact on 280 residential customers in franchise area 4. These customers would be notified that the name of their hauler had changed but that their provider and all their contact information would remain the same.
- Mel Deines has a very good service record in the City of Milwaukie and appears financially and technically capable of continuing to provide service to the customers in franchise Areas 1 and 4.

Mel Deines Sanitary staff are preparing letters to be mailed to each of the customers in franchise area 4, notifying them of the name change and reassuring them that no additional changes will result from this merger.

Concurrence

The City Manager and City Attorney concur with staff’s recommendation.

Fiscal Impact

No impact on the City’s budget will result from this action. Garbage rates will not be impacted by this transfer.

Work Load Impacts

No significant change in work load is anticipated to result from this transfer.

Attachments

Resolution with attached revised Garbage Zone map.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, approving the proposed merger of Mel Deines Sanitary Service, Inc. and P. Deines Sanitary Services, Inc. to result in 100% ownership by Mel Deines Sanitary Service, Inc. and amending Resolution 56-2005 and the Solid Waste Service Area map to reflect this change.

WHEREAS, Mel Deines Sanitary Service has been franchised and providing garbage and recycling services to customers in Garbage Collection Area 1 and portions of Area 4 in the City of Milwaukie for over 30 years; and

WHEREAS, Mel Deines Sanitary has requested a transfer of Area 4 to their company as a result of a merger of P.Deines and Mel Deines Sanitary Services;

WHEREAS, Milwaukie City Code section 13.24.130, Transfer of Franchise, describes the requirements for transfer of franchises and Mel Deines has met all those requirements; and

WHEREAS, the City's review of financial and technical documents submitted by Mel Deines Sanitary Service and their accounting consultants indicate that they have the knowledge, experience and financial resources to meet all obligations of a garbage franchisee;

NOW, THEREFORE, BE IT RESOLVED that:

Section 1: The transfer of Solid Waste Franchise Area 4 to Mel Deines Sanitary Services is hereby granted.

Section 2: The list of franchised haulers in the City of Milwaukie, adopted by Resolution 56-2005, shall be replaced with the following:

Clackamas Garbage., Inc.
Hoodview Disposal and Recycling
Mel Deines Sanitary Service, Inc.
Oak Grove Disposal Co..
Waste Management of Oregon, Inc.
Wichita Sanitary Service

Section 3: The Map of the Solid Waste Franchise Service Areas of the City of Milwaukie, also adopted by Resolution 56-2005, shall be amended to list Mel Deines Sanitary Services as the service provider for Area 4.

Introduced and adopted by the City Council on _____ .

This resolution is effective on _____ .

Jeremy Ferguson, Mayor

ATTEST:

APPROVED AS TO FORM:
Jordan Schrader Ramis PC

Pat DuVal, City Recorder

City Attorney

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, APPOINTING RUSS STOLL TO THE MILWAUKIE PLANNING COMMISSION.

WHEREAS, a vacancy exists on the Milwaukie Planning Commission; and

WHEREAS, Milwaukie Charter Section 26 provides that, "the mayor, with the consent of the council, shall appoint the various committees provided for under the rules of the council or otherwise and fill all vacancies in committees of the council from that body," and

WHEREAS, Russ Stoll possesses the necessary qualifications to serve on the Milwaukie Planning Commission and has indicated his desire to serve.

Now, therefore, the City of Milwaukie, Oregon resolves as follows:

SECTION 1: That Russ is appointed to the Milwaukie Planning Commission.

SECTION 2: That his term of appointment shall commence immediately upon passage of this resolution and shall expire on March 31, 2012.

SECTION 3: This resolution takes effect immediately upon passage.

Introduced and adopted by the City Council on March 1, 2011.

Jeremy Ferguson, Mayor

ATTEST:

APPROVED AS TO FORM:
Jordan Schrader Ramis PC

Pat DuVal, City Recorder

City Attorney

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, APPOINTING LINDA HEDGES TO THE PUBLIC SAFETY ADVISORY COMMITTEE AS A MEMBER-AT-LARGE.

WHEREAS, a vacancy exists on the Public Safety Advisory Committee for a member-at-large; and

WHEREAS, Milwaukie Municipal Code Section 2.24.020(B) provides for appointment of members of the Milwaukie Public Safety Advisory Committee "by the council;" and

WHEREAS, Linda Hedges possesses the necessary qualifications to serve on the Committee and has indicated her desire to serve.

Now, therefore, the City of Milwaukie, Oregon resolves as follows:

SECTION 1: That Linda Hedges is appointed to the Milwaukie Public Safety Advisory Committee as a member-at-large.

SECTION 2: That her term of appointment shall commence upon adoption of this resolution and shall expire on March 31, 2013.

SECTION 3: This resolution takes effect immediately upon passage.

Introduced and adopted by the City Council on March 1, 2011.

Jeremy Ferguson, Mayor

ATTEST:

APPROVED AS TO FORM:
Jordan Schrader Ramis PC

Pat DuVal, City Recorder

City Attorney

Resolution No. _____

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, APPOINTING ART BALL TO THE PUBLIC SAFETY ADVISORY COMMITTEE AS A MEMBER-AT-LARGE.

WHEREAS, a vacancy exists on the Public Safety Advisory Committee for a member-at-large; and

WHEREAS, Milwaukie Municipal Code Section 2.24.020(B) provides for appointment of members of the Milwaukie Public Safety Advisory Committee “by the council;” and

WHEREAS, Art Ball possesses the necessary qualifications to serve on the Committee and has indicated his desire to serve.

Now, therefore, the City of Milwaukie, Oregon resolves as follows:

SECTION 1: That Art Ball is appointed to the Milwaukie Public Safety Advisory Committee as a member-at-large.

SECTION 2: That his term of appointment shall commence upon adoption of this resolution and shall expire on March 31, 2013.

SECTION 3: This resolution takes effect immediately upon passage.

Introduced and adopted by the City Council on March 1, 2011.

Jeremy Ferguson, Mayor

ATTEST:

APPROVED AS TO FORM:
Jordan Schrader Ramis PC

Pat DuVal, City Recorder

City Attorney

Resolution No. _____



To: Mayor and City Council
Through: Bill Monahan, City Manager
From: Pat DuVal, City Recorder
Subject: Extend Personal Services Agreement with aHa Consulting, Inc. for Website Design Services
Date: February 20 for March 1, 2011 Regular Session

Action Requested

Adopt a resolution authorizing the City Manager to extend the City's personal services agreement with aHa Consulting, Inc. in an amount not to exceed \$5,000 to continue upgrading the City's website through the end of fiscal year 2010/2011.

History of Prior Actions and Discussions

May 2010: Staff solicits proposals for City website redesign services
June 2010: Council approved contract for aHa Consulting Inc. for website redesign services
October 2010: City's redesigned website goes live
February 2011: City Council work session website tour

Background

The City solicited proposals from three website design companies, and after reviewing the firms' submittals and references, aHa Consulting, Inc. of Lake Oswego was selected. The personal services agreement was within the City Manager's signature authority and signed in June 2010. Among the main objectives of the website redesign was improved communication with the public by providing relevant, up-to-date information on the homepage. Further, the City wished to enhance its online services including constituent contacts, public meeting notices, utility and court payments, forms, email subscriptions, video integration with the existing Granicus system, public service announcements, and social media.

The system evolves as Council and staff develop the City's communication strategy and evaluate the effectiveness of its public outreach efforts. The Community Services Department has general website management oversight, and each department is responsible for the relevance, maintenance, and timeliness of its "microsite" content. Our overarching goal, we believe, is to provide website visitors with quick access to the

content most relevant to them. This sometimes means a change in the way we do business. City Council recently viewed one such modification recommended by the Engineering Department to streamline its project bidding and request for proposals (RFP) process. If successfully launched, this feature would save staff time and printing and postage costs. At the recent work session, one Councilor observed there might be value in producing an executive report on the types of citizen's questions submitted to the website and staff responses and response times. This is a feature staff can investigate.

Although much of the website work is done in-house, occasionally staff must rely on the vendor for programming assistance outside the scope of our expertise to make enhancements. Staff recommends the City Council approve an extension of the aHa Consulting, Inc. personal services agreement in an amount not to exceed \$5,000 for the remainder of fiscal year 2010/2011 to address programming needs. These funds would be directed toward supporting the proposed Council goal of improved two-way communication between the City and its citizens as well as encouraging more effective use of public resources.

Fiscal Impact

The financial impact would not exceed \$5,000 in the current fiscal year. The City Recorder was the project manager of the website redesign effort, and the Records and Information Management budget has sufficient funds in contractual services for additional work suggested by Council in its goal setting process.

Work Load Impacts

Impacts are difficult to gauge at this time because as we continue website enhancement efforts business practices are changing. In the case of adding the bidding/RFP website, administrative assistants' workloads will be reduced. In the area of online payments the City anticipates fewer calls to City Hall as the transition is made from manual, paper-based processes to automated, electronic-based processes. On the other hand, as access to City services improves, such as ease of making public records requests, we have more contacts and responses to fulfill.

Attachment

1. Resolution

ATTACHMENT 1

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AUTHORIZING THE CITY MANAGER TO INCREASE THE PERSONAL SERVICES AGREEMENT WITH AHA CONSULTING, INC. IN AN AMOUNT NOT TO EXCEED \$5,000 THROUGH THE END OF FISCAL YEAR 2010/2011

WHEREAS, the City of Milwaukie entered into a personal services agreement with aHa Consulting, Inc. for website redesign services in June 2010 for an amount not to exceed \$25,000; and

WHEREAS, the amount of that personal services agreement was within the City Manager's authority to obligate the City; and

WHEREAS, the City Council has identified the goal of cultivating other avenues of two-way communication between its citizens; and

WHEREAS, an element of that goal is to evaluate the effectiveness of the City's public outreach and communication strategy; and

WHEREAS, a potential outcome of that goal is to modify the City's business practices through online services, and

WHEREAS, certain modifications are outside the scope of staff expertise and require professional programming services to accomplish in excess of the original personal services agreement with aHa Consulting, Inc.; and

WHEREAS, increasing the amount of the personal services agreement beyond \$25,000 requires City Council authorization;

NOW, THEREFORE, THE CITY OF MILWAUKIE DOES ORDAIN AS FOLLOWS:

Section 1: That the City Council of the City of Milwaukie authorizes the City Manager to increase the City's personal services agreement with aHa Consulting, Inc. in an amount not to exceed \$5,000 to continue to upgrade the City's website through the end of fiscal year 2010/2011.

Section 2: That the City's personal services agreement with aHa Consulting, Inc. should not exceed \$30,000 through the end of the fiscal year 2010/2011.

Section 3: This resolution takes effect immediately upon passage.

Introduced and adopted by the City Council on March 1, 2011.

Jeremy Ferguson, Mayor

ATTEST:

APPROVED AS TO FORM:
Jordan Schrader Ramis PC

Resolution

Pat DuVal, City Recorder

City Attorney

Resolution

MINUTES

3.F.1.

MILWAUKIE CITY COUNCIL WORK SESSION NOVEMBER 16, 2010

Council President Chaimov called the work session to order at 5:30 p.m. in the City Hall Conference Room.

Council Present: Mayor Jeremy Ferguson (arrived 5:32 p.m.), Council President Greg Chaimov and Councilors Deborah Barnes, Joe Loomis, and Susan Stone. Councilors-elect Dave Hedges and Mike Miller

Staff Present: City Manager Bill Monahan, Planning Director Katie Mangle, Engineering Director Gary Parkin, Engineer Wendy Hemmen, Associate Planner Ryan Marquardt, Community Development and Public Works Director Kenny Asher, Civil Engineer Jason Rice

Riverfront Board Interviews

Mayor Ferguson and Councilors interviewed Gary Klein, Mike Stacey, and Jason Loomis for reappointment to the Riverfront Board.

Zoning Code Amendment Projects: Development Review Tune-Up and Residential Standards

Ms. Mangle provided the staff report and gave a brief overview of upcoming projects. The Planning Commission had been holding regular work sessions on a number of projects including the Natural Resources Overlay, Development and Land Use Tune-Up, and soon the residential standards. The Tune-up would be a big step forward for the City, and she summarized the development review process. Most of the process was driven by the zoning code which had not been reviewed for decades. When she started with Milwaukie in 2006, the sentiment among Planning Commissioners and staff was that the code was getting clunky. Staff did not have the capacity to do a whole new code, so they had been doing multi-year projects to systematically replace chapters. The next project coming to the City Council would be the Tune-up Project. The Planning Commission and a sub-committee had been working with staff diligently going through the processes to make sure missing tools were added and that they were what the community wanted. She would explain the project in more detail in December. Staff was looking for approval from the Planning Commission in January and City Council in March. Following that project would be Residential Development and Design Standards which would include a lot of public involvement.

Councilor Stone asked how much impact the code revision could have on allowing mobile homes as part of infill.

Ms. Mangle replied state statutes drove most of that, but the code can and does control the placement of the mobile homes on a property. Things could be done differently, but there were certain limitations.

Mr. Monahan explained the City's individual lot standards can be tailored to fit with community desires within single-family subdivisions.

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RS PAGE 13

Councilor Barnes was pleased the City would soon work on its residential design standards and recommended a link on the City's website for interested persons.

Citywide School Zone Standardization Update

Mr. Parkin reviewed the goal of standardizing all Milwaukie school zones in the interest of consistency and enforceability. He reviewed his previous work session presentation and City Council direction at that time. He noted a recent staffing change and Ms. Hemmen's subsequent involvement. Staff spoke with the North Clackamas School District and private schools about the City's proposed changes.

Ms. Hemmen reported the District did outreach to all of its affected schools. Staff met with the Portland Waldorf School and St. John's Catholic, and members of the Public Safety Advisory Committee (PSAC) attended the Ardenwald and Historic Milwaukie Neighborhood District Association (NDA) meetings. Parties understood there was a strong need to identify improvements at the crosswalks beyond signage with a focus on making physical improvements for increased pedestrian safety. The Portland Waldorf School did not have any recommendations, and St. John's asked for consideration of a crosswalk at 25th Avenue. Ms. Hemmen provided a map showing the crosswalk locations. PSAC concurred on the zones, but there was some discussion regarding Harrison Street and pedestrian safety to Milwaukie Elementary. Some PSAC members thought improvements could be made on Washington and Monroe Streets near 47th Avenue in the Hector Campbell Neighborhood. Ardenwald had concerns related to 32nd Avenue and the signage on Filbert and Olsen near the walking path. Historic Milwaukie discussed the need for flashers and enhanced enforcement in the school zones. The major change from the original report was that the flashers were being kept in their current locations. It seems these flashing lights were part of an archaic system and could now be replaced all at one time for about \$14,000. The Engineering Department was moving forward, and all the lights should be replaced by the end of Christmas break. Clackamas County programs the operation of the lights based on the District schedule. She described the differences between school zones with and without flashers.

Councilor Stone asked if there was a way to make it safer at all times.

Mr. Parkin replied one did not mix signage with flashers.

Ms. Hemmen added there were a couple of different options. One, flashers when students were arriving or leaving the school with a sign indicating a reduced speed was required while the lights were flashing. Two, signs with no flashers requiring a reduced speed when children were present. Three, signage in a school speed zone requiring a reduced speed from 7am – 5pm on all school days. The best option had to be determined for each zone. She suggested there might be a way to look at 32nd Avenue as an entire corridor and figure out a way to improve pedestrian safety through the Walk Safely Milwaukie Program. Staff believed it had achieved a standardization that provided for safe, consistent, and enforceable school zones. It should be completed in 2-½ years.

Councilor Loomis thanked Ms. Hemmen and Mr. Parkin for meeting with him at the Filbert walking path and emphasized he did not want to reduce pedestrian safety awareness in that area.

Ms. Hemmen said the signs would stay, but it will not be classified as a school zone.

Councilor Loomis thought that the Walk Safely Milwaukie Program could help by installing a raised crosswalk and bulbouts next to the path. Drivers do not see pedestrians until they were nearly on the street. Although there have not been any accidents, he was concerned there might be.

Ms. Hemmen clarified that a school zone crossing would remain, but it will not be a speed reduction zone. The advanced warning signs will remain.

Councilor Stone thought it would be safer to install speed bumps on either side of the crosswalk instead of having a raised cross walk.

Mr. Parkin said using the raised crosswalk were a better visual, and the sides were painted to draw attention. Additionally, the raised crosswalk was not a problem for emergency vehicles.

Councilor Loomis observed the problem was one of speed, not visibility, and the raised crosswalk would bring awareness to the path.

Councilor Stone said the Neighborhood Traffic Management Program (NTMP) started when a child got injured. She wanted to know if safe walking route maps were still distributed to students and what the School District was doing in terms of education.

Mr. Parkin believed the District had grant money to address safety education including traffic safety.

Ms. Hemmen said the District had revised its walking routes, and she had included those that applied to Milwaukie in her report.

Proposed Procedural Amendments Regarding Issuance of Tree Permits

Mr. Marquardt discussed proposed limited amendments to the existing tree cutting ordinance. He explained the current permit process and noted the City issues about 8-10 permits per year for trees in the public right-of-way. The amendments affect the administrative aspects of the process not policy. The four changes proposed were transferring the permit process authority from the Planning Director to the Community Development Director, clarifying the hearing and appeal process, adding removal criteria to allow for construction of right-of-way improvements, and adding a replanting requirement. The overall idea for the amendments was to make limited amendments to improve efficiency, clarify processes, and be more environmentally responsible.

Councilor Chaimov was in favor of proceeding

Councilor Stone questioned the administrative decision on the appeal timeframe.

Mr. Marquardt said the appeal period would be 5 days, and then it would go to Council on the next available agenda. Permits were issued only if code criteria were met. He added it was a tree removal process with a strong preservation aspect.

Councilor Stone was interested in including something in the City goals regarding retention of the tree canopy and tree preservation. She thought the language about removing trees for right-of-way construction was vague.

Mr. Marquardt understood her concern. The intent of the clause was that construction should be modified if reasonable and based on sound judgment.

Councilor Barnes asked if there was a fine for cutting trees in the right-of-way without a permit. She also thought if the City had to remove a tree that it should plant a tree.

Mr. Rice replied the City rarely had to cut down trees. The long-term goal was to plant more trees in the right-of-way than had to be removed. Currently the City would take down a tree if an arborist's report indicated a tree was dying and could endanger the public. In that instance it did not have to be replaced because of the way the current code was written.

Councilor Barnes discussed the feasibility of a heritage tree program and suggested pursuing a grant.

Councilor Stone asked if someone needed to remove a diseased tree in the right-of-way would the tree being replaced have to be put back in the same area.

Mr. Rice discussed street trees replanted in the vicinity of the one removed, tree selection and proximity to the sidewalk.

Councilor Stone was not sold on the replanting requirement.

Mr. Marquardt said a majority of the cases would have the requirement, but when it was not appropriate the Community Development Director could make that determination.

Mr. Rice added there could be instances when it would not make sense to plant a tree.

Mayor Ferguson discussed having a celebration honoring Councilors Barnes and Stone for their service on December 21st.

Mayor Ferguson adjourned the work session at 6:40 p.m. to go into Executive Session pursuant to 192.660 (2) (h) to consult with counsel concerning legal rights and duties regarding current litigation or litigation likely to be filed.

Respectfully submitted,

Pat DuVal, City Recorder

MINUTES

**MILWAUKIE CITY COUNCIL WORK SESSION
DECEMBER 7, 2010**

Mayor Ferguson called the work session to order at 5:37 p.m. in the City Hall Conference Room.

Council Present: Council President Greg Chaimov and Councilors Deborah Barnes, Joe Loomis, and Susan Stone. Councilors-elect Dave Hedges and Mike Miller

Budget Review Board Present: David Aschenbrenner, Leslie Schockner, and Gabe Storm

Staff Present: City Manager Bill Monahan, Deputy City Recorder Juli Howard, Interim Finance Director Andy Parks, Community Development and Public Works Director Kenny Asher

Joint Session with Budget Review Board to Review Fiscal Policies

Mr. Parks introduced the Budget Review Board members. Over the past several months he had been working on the policies and reviewing responsibilities. They drafted a work plan and want to get feedback from Council. He added that the fund structure was an evolving discussion which Mr. Monahan would address.

Mr. Aschenbrenner said they spent several meetings going through policy and thought this document was a good starting point. He wanted to answer any questions and get feedback. He reviewed the highlights which included getting the capital improvement plan (CIP) ahead of the budget. He still encouraged public comment during the process.

Ms. Schockner has had questions about process and structure every year. The adoption of policies will be in the best interest of the City. It was a framework under which they could operate regardless of staff turnover. She had quite a few questions and pushed for policies specific to the budget. It would automate and make it easier for volunteers, Council, and staff. They were modeled after GFOA which was a plus, and used policies that many cities have used but were modified to a small city. She recommended adopting formal policies and said it was a big step forward.

Councilor Barnes asked what was meant by initiate periodic service levels and programs.

Mr. Aschenbrenner responded that it was a high overview of looking at different departments to determine if we are meeting budget goals. He said as an example, if approved, they would meet first with the library. They had already met with the library twice to get an understanding their different departments and what they do and find out how as a Budget Committee we can help them get to where they want to be, and make sure we are on the same track.

Ms. Schockner added it was an opportunity that offered to look at one operation in the context of comparisons with other cities. It wasn't intended to be an annual review of every department, but an opportunity for the Budget Committee to do some intensive work with some departments.

CITY COUNCIL WORK SESSION – DECEMBER 7, 2010

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Mr. Parks added this was not a concept that staff or the Budget Review Board came up; it was directive from Council Resolution 24-2001. He wasn't sure why it hadn't been followed, but thought at that time the Budget Committee felt that it was a rubber stamp that came in at the end of the process. This Board had the potential to have a lot of knowledge and expertise and can provide some assistance back to the Council. How do you engage the committee on an annual basis and keep them engaged, and they came back with the process outlined in the resolution. It was not meant to be intrusive, but it was in partnership and would help them to better understand and be better educated. That would ultimately help the Council and the community better understand what is going on and was helpful for transparency and accountability.

Councilor Barnes was concerned with micro managing.

Mr. Aschenbrenner replied they don't want to do that and was not the direction they would go.

Councilor Barnes asked how the budget group and council reached consensus, and how does the group decide what is important to the community. If this was approved it would be a challenge, and it would take a bigger time commitment. We have to ask the community what their priorities are and that would be difficult.

Mr. Miller agreed at some point we would have to go to the citizens and ask them. The people that Council hears from are pro or against. We need to ask citizen which projects are important to have a basis for a decision.

Mr. Aschenbrenner thought a survey was good, but it should be done periodically and not every year. On a yearly basis we hear from citizens and staff. Surveys were a good idea for big topics, but he said we need to rely on staff, volunteer board members and council on what they have heard to determine the priorities.

Ms. Schockner said it should be clear the budget process calls for having a list of priorities, but doesn't call for the budget committee to be doing that. She thought it was opportunity for an education process that could be implemented through NDA's and other entities to inform people on what the City does and have some measures of the work that we do so people can relate to and understand. So that those measures could become part of the budget process from year to year. When she worked for the City of San Antonio they began using GFOA policies, and went through an elaborate exercise that listed all services that were provided.

Councilor Barnes said we need to get a better cross section of people than those that attend meetings. We also need to get input from staff to find out what they have been hearing.

Mr. Aschenbrenner said these policies will take time to implement. They are goals to reach and policies that they want to see.

Councilor Stone said it was difficult to find out how to rank projects and what citizens prioritize. She thought getting input from the NDA's was a good way to get a pulse on what is going on. Getting a better connection between the council and the NDA leadership would be helpful to prioritize. She liked that it was an objective process with criteria. She would like to know if there would be a benefit analysis done with each project. On a policy level, Council is elected to wisely spend tax payer dollars. She thought the process would work well with the Budget Review Board. She wondered about the evaluation piece and the time frame.

Mr. Aschenbrenner responded that each board and commission is supposed to prepare a work plan each year and present it to Council. Some departments would have 2 done in a year and others maybe only have 1 for a year because of the size of the department. There would be discussion for their plan depending on the size of department. That would be a discussion between council and the city attorney. The city manager played a key role in that discussion

Councilor Stone wanted to add the word competency to the purpose statement so it would read, "The City of Milwaukie is committed to responsible fiscal management through financial competency, integrity, prudent stewardship of public assets, planning, accountability and full disclosure." She hoped everyone was agreeable as she thought that was needed. She also questioned a section in the expenditure control policies where Council approval is required when a budget category exceeds \$50,000. She understood it to be \$25,000.

Mr. Parks replied that the spending limit is \$25,000 and had to go to Council for approval. This policy change added an additional level of internal control and management within their approved department budget. He added that it would be a rare occurrence that this happened. This policy gave clear direction and more authority to move money within line items.

Councilor Stone responded that \$50,000 was a lot and that is why she questioned it.

Mr. Aschenbrenner said this policy would apply to items that were already approved within the budget. It gave management a way of moving funds within their budget between line items without going to Council. It would give the City Manager the authority to do that.

Mr. Parks added it was a different level of accountability, and required a need for the City Manager to be aware.

Mr. Monahan said it requires department heads to work within their budget.

Councilor Stone questioned the CIP investment policies changes. Changes to the CIP required City Manager or City Council approval. Why doesn't it require both?

Mr. Parks replied that from time to time there are projects that need to get taken care of quickly. His perspective was the Council hired the City Manager to make decisions and he would contact council. It gave the City Manager some latitude.

Mr. Monahan added that it would be for emergency projects. It would not be to modify the CIP list.

Councilor Stone asked if all 5 criteria had to be met to consider debt financing for capital projects and equipment.

Mr. Parks replied they didn't think they all had to be met. They should be considered by someone requesting the use of debt financing, and they should be able to report back on each of the elements.

Mr. Aschenbrenner said these are the things that Council may ask about.

Councilor Stone commented on the Economic Development Funding Policies on page 10 of the staff report. She felt it is important to know what citizens want and sometimes they have to be asked in the form of a vote. She proposed adding an item, "D. A benefit supported by tax paying citizens through a vote." The benefit had to be that the development doesn't negatively impact livability.

Councilor Barnes asked how livability is determined.

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Councilor Stone said we had struggled with that definition for years, but to her it was livability or an added value to their neighborhood. Any funding policy that could take away monetary resources from the City, such as Urban Renewal, should go to a public vote. She was concerned that there wasn't anything included that talked about a Policy decision that could have negative effects on resources.

Mr. Aschenbrenner replied that is something that he thought Council would address in their goal setting sessions.

Councilor Barnes assumed the Council would make a decision.

Councilor Stone said this is a policy and she didn't know if that could be included in the document.

Mr. Monahan said this section is not geared toward urban renewal. Urban renewal was an anticipation of economic development. He thought that was a discussion that council could take when a project arises.

Councilor Loomis asked what a good rate of return was on a survey, he thought 30% was good. He was concerned about the micro-managing part. He asked how much time this would take, and how much staff time would be required.

Mr. Aschenbrenner said that was a good question and they were going to meet once a month at the most or every other month. Most was information provided and then they meet with the liaison to ask questions. They were looking for feedback from departments. It was a matter another set of eyes to look at where they are going.

Councilor Loomis thought the City Council knew the Library issues. He commended the Budget Review Board on their effort and trying to make improvements.

Mr. Aschenbrenner said that learning department goals helped them understand better how they may need to help them meet their goals.

Mr. Storm said over time they want to go to every department to get more detail of each department to help with future decisions. He didn't have a clear picture of how their department budgets are working. He was viewing it as another set of eyes.

Mr. Aschenbrenner said it would help them get more information and possibly get comparisons from other jurisdictions. He gave an example, library staffing. They learned there are issues when there are 2 floors involved that required more staffing than other one level libraries. That is something they wouldn't have been aware of if they hadn't met with the library.

Ms. Schockner said it was an opportunity to look at all services in comparison to others in like fields. Using 5 year projections, done simply has a fiscal exercise, would be a benefit and they could take the time and look in the future for services. She added there are resources in the metro area that could help, and didn't just include getting reports from staff. They could look at data and get a broad picture to benefit the City.

Councilor Loomis commented that it seemed over reaching for a Budget Committee.

Mr. Monahan thought it just gave us another resource and set of eyes to see what the opportunities are to better present information about successes and needs of the departments, and what opportunities should be pursued in the

future. Getting more people that can understand each and every program is forward thinking and delivering great programs. The more people that understand the better.

Ms. Schockner saw this processes in doing reviews as part of a cycle of prioritizing because in the end of the process there will be a report that summarize what departments are doing in comparison to other cities. That would be something Council could use, as a collection of feedback, when they are talking to citizens. A simple document that lays out what dollars are buying and that could be the source of a collection of feedback.

Councilor Barnes said part of the council job was to understand what each department does. There was a fine line and she didn't feel comfortable because it could become political. She didn't want to see contradictory reports. Council talks to staff on a regular basis to hear what they need and why they need it. She appreciated they wanted to help and it could turn into something that she doesn't want. She didn't want it to be political.

Mr. Aschenbrenner asked what Councilor Barnes wanted the work plan to look like. They took the language from the resolution. He asked if the resolution needed to be changed so they could come up with a new work plan.

Councilor Barnes replied that she didn't know about the resolution. This was a change and we need to make sure we are transparent. She was concerned about over reaching or getting political.

Mr. Aschenbrenner said the policies are different from work plan.

Councilor Barnes said the policies are based on work plan.

Councilor Stone said the work plan was something that came from Council. She didn't see this periodic review into funds as being intrusive; she looks at it as another set of eyes. She doesn't have time to go to staff and discuss their budgets. She thought the Budget Committee getting that information and reporting back to Council wasn't a bad idea, and liked it. She had a question about reserve amounts for individual funds. The policy was for a 25% or three month reserve for the water, wastewater and stormwater funds. She wanted to know why it was for three months and not six.

Mr. Parks said those funds had so much volatility with that activity. Three months gave time to implement a plan.

Mayor Ferguson especially liked the draft budget calendar and thought that would be very useful. He had been frustrated at not completely understanding the cycle and it seemed to change every year. He liked most of the policies recommended. He appreciated they review what they were instructed to do by resolution. He thought the Budget Review Board should look at funds, but as a Council they need to review the charges of each board and commission, so they could identify needs their respective departments to determine goals.

Progress Report on the Downtown Milwaukie Light Rail Station Building

Mr. Asher introduced George Signori from Ankrom Moisan Architects who over the last year helped to develop a light rail station. He reviewed the project history including the MOU umbrella agreement with TriMet. The design had evolved and they were responding to community feedback that wanted an old fashioned looking train station. It seemed like a good idea, but it was difficult.

Mr. Signori was encouraged by the fact that Milwaukie thought about places that they want to create. It was an important site, and the position at the south end of town was a good building site. It would be the first building to greet and last that riders would visit at night. In order to look like a real train station it must be located near the tracks. That set up a public realm and semi-public realm platform. The building helped define the two distinct areas and mediate between them. There was approximately 8-10 feet of vertical space between them. It made sense to include retail use on the public side, examples included a bike shop, café and bike patrol offices opening onto the plaza. The other side, overlooking the platform, would include some creative office space and a bike shelter. This should be a better bike and ride stop, and they wanted to emphasize that. TriMet had an issue with visibility. They responded by creating a building that was active enough and that is where the creative office space came from. Research on usage of this type of space tended to be young, creative types, and their typical hours would ensure it was occupied at all hours of the day. In the initial drawings the station seemed isolated from view and the route didn't feel direct. The next version opened up the building for direct connection, which made sense, but there was an issue with train tower. At one time it was thought it might incorporate a museum and the stair tower might be part of that exhibit but as that program element moved out the tower became a long shot. so that led to the most recent scheme. In that version the tower was replaced with rooftop lantern which during the day allowed light in on the stairs, and at night it could serve as light house or beacon signaling the train is still running.

Councilor Barnes asked if we are settled on bike shop.

Mr. Asher said it was all speculative uses, but we have to know what we are going after.

Councilor Barnes wants this built with something in mind. If they build it, they will come. She wanted to think outside of the box.

Mr. Asher said as we are not building it; we couldn't afford to build. They would market an opportunity and TriMet would do a RFQ. We can tell them what we want in the RFQ, but we have to be cognizant that there will be no onsite parking and the footprint is small. Grocery stores need parking and a bigger footprint. The size tells you what the market is likely to provide. If the Council wants to brainstorm a plan they can put it into the RFQ. They felt that a bike shop was an attractive use and offers an amenity for downtown not currently available. They need to figure out what would pull in a developer in to build.

Councilor Barnes asked if Mr. Campbell had reached out to businesses.

Mr. Asher said that they have, and with Mr. Signori they have talked to developers. If Council wants them to keep going they would put together a marketing piece to see what is out there so by the time they want to put the RFQ out they will know.

Councilor Barnes said we should go out and see who we can get. The economy will hopefully get better, and there will be more opportunities.

Mr. Signori found in studies the building can take a lot of movement and is flexible. It could be modified with a real tenant.

Councilor Stone why is TriMet so sure we need 90 spaces for bikes. What is that based on?

Ms. Mangle had been working on station issues, and 90 spaces was the best estimate by TriMet staff who specialized in bike transit. He brought a lot of knowledge on stations usage in the system. The spaces were not required, but the network in place today would be better in the future. A lot of easy access biking roads lead to the station. It would be an easy 2-3 mile bike ride and would encourage that type of transportation and make it attractive to minimize parking issues.

Councilor Stone wanted to know where the bike parking would be. She thought it was important to protect the bikes. She liked the idea of getting food before getting on the train. A deli, bakery or a sandwich shop would be great. A small grocery. Floor retail allowed for food.

Mr. Signori agreed that some type of coffee shop similar to Starbucks would work.

Councilor Stone would like to see the use of stone or brick because that was what train stations were made of. We only have a chance to do this once.

Mayor Ferguson said it was worth noting that the current park and ride all of the bicycle storage was used every day, and 250 spaces of 327 car spaces were used on a daily basis. He liked the direction this was going. He would like to have a conversation with the school district and Chief Jordan to see if they needed a location for the school resource officer. The school had safety concerns, and if we can tie in access that might be an opportunity to address those issues and break down the barrier.

Mr. Asher said the school district was concerned with bathrooms. They didn't want people coming on campus looking for restrooms. They were able to say they had a solution and the school district liked that very much.

Mayor Ferguson adjourned the work session at 6:58 p.m.

Juli Howard, Deputy City Recorder

**CITY OF MILWAUKIE
CITY COUNCIL MEETING
DECEMBER 7, 2010**

3.F.3.

CALL TO ORDER

Mayor Ferguson called the 2091st meeting of the Milwaukie City Council to order at 7:00 p.m. in the City Hall Council Chambers.

Present: Mayor Ferguson, Council President Greg Chaimov and Councilors Deborah Barnes, Joe Loomis, and Susan Stone

Staff present: City Manager Bill Monahan, City Attorney Tim Ramis, Community Development and Public Works Director Kenny Asher, Planning Director Katie Mangle, Engineering Director Gary Parkin, Associate Planner Ryan Marquardt

PLEDGE OF ALLEGIANCE

PROCLAMATIONS, COMMENDATION, SPECIAL REPORTS AND AWARDS

A. Student of the Month Clarissa Patubo

Principal Mark Pinder introduced Milwaukie High School Student of the Month Clarissa Patubo.

B. Christmas Fleet Proclamation

Mayor Ferguson read a proclamation naming December 9 through December 21, 2010 as Christmas Ships Parade Weeks in the City of Milwaukie. Jesse Heitman, Christmas Fleet President, was present to accept the proclamation.

C. Milwaukie Poetry Series Third Season Report, 2009 - 2010

Tom Hogan, Milwaukie Poetry Series Committee Chair and Ledding Library Board member, reported on the Series' Third Season. He thanked the Council, Library Board and Poetry Committee for their support for this highly successful program. He reviewed this year's schedule that included readings, open mics, and writing workshops.

Councilor Loomis thanked Mr. Hogan and expressed appreciation for the Poetry Committee's coordination with Milwaukie High School.

Councilor Stone believed this program was a great addition to Library services and a benefit to the community.

Councilor Chaimov added that the Series was a treasure to the town and a draw to our community.

Councilor Barnes was pleased about how much Mr. Hogan had done for the City and hoped the City Council could help in any way possible.

Mr. Hogan replied that continued Council support of the Series made it possible. Although poets do not read for the honorarium, they do appreciate it. Sponsoring writers' workshops was important for the community and Milwaukie High School. The Poetry Committee worked hard to maximize support throughout the area, and he appreciated the team effort.

Mr. Zumwalt, Library Board member, thanked Mr. Hogan on behalf of the Library staff, Board, and citizens. Mr. Hogan took his love of poetry and turned it into a winner.

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DRAFT MINUTES

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Mr. Hogan closed with a poem by Oregon Poet Laureate Paulann Peterson.

D. Update on Proposes Sunnybrook Boulevard Extension

Mr. Parkin provided the City Council and community with an update on the plans for the Sunnybrook Boulevard Extension Project between 82nd Avenue and Harmony Road. This project was not in the City limits, but it had traffic and environmental impacts that extended into Milwaukie. The Sunnybrook Extension began as a small part of the larger project that proposed to widen Harmony Road from 82nd Avenue to Hwy 224 including a bridge over the railroad tracks at Linwood Avenue. As that project progressed through the environmental impact study, the cost was too great, and it lacked community support. Eventually, it was withdrawn, and a smaller project was sought. This spring Clackamas County hired a consultant to develop plans for just the Sunnybrook Extension piece. The Sunnybrook Extension was currently at 15% design. The smaller plan would preserve more trees and terminate in a roundabout that was yet to be designed. Clackamas County plans to have the project at 30% design by spring 2011.

Councilor Barnes was concerned that this road project had been a major issue with all of the neighborhoods, regardless of its scope. She asked if the signal timing had been changed on 82nd Avenue.

Mr. Parkin believed that was still on the list of things to do. He understood the intent was to change the signal timing in the entire corridor to improve traffic.

Councilor Barnes had been told it would take an hour to adjust the timing. She was concerned about traffic queuing during rush hour at Linwood Avenue and commented on the suggestion to have 2 traffic lanes going over the railroad tracks.

Mr. Parkin said the City brought that to the County's attention, but nothing had been done. He was told it was too expensive to add a lane with available funds.

Councilor Barnes said that Chris Runyard, who had done extensive restoration work in the Three Creeks area, had clearly stated his concern with a potentially larger footprint. The City of Milwaukie needed to tell the County this was not acceptable. All the Neighborhood Associations agreed that this project is not acceptable

Mr. Parkin added Clackamas County was weighing the option of widening 82nd Avenue to 7 lanes.

Councilor Stone referred to a letter that stated Milwaukie's opposition to the project for several reasons. It needed to be clear Milwaukie's position had not changed. She agreed with Councilor Barnes on signal timing. She felt traffic reports were sometimes inaccurate. She did not see how one could forecast for a project and traffic congestion when not all options had been considered.

Mr. Parkin said it was an EIS requirement that intersection timing be considered. The County did not feel it was sufficient for the needed traffic capacity.

Councilor Loomis had a different opinion and supported part the project. He was concerned about bike and pedestrian safety.

Mayor Ferguson wanted to ensure the County would follow through on its commitment to report back to the City Council.

CONSENT AGENDA

It was moved by Councilor Stone and seconded by Councilor Chaimov to approve the consent agenda consisting of:

- A. **Resolution 84-2010: A Resolution of the City Council of the City of Milwaukie, Oregon, Certifying Election Results for the November 2, 2010 General Election;**
- B. **Resolution 85-2010: A Resolution of the City Council of the City of Milwaukie, Oregon, Reappointing Gary Klein to the Milwaukie Riverfront Board;**
- C. **Resolution 86-2010: A Resolution of the City Council of the City of Milwaukie, Oregon, Reappointing Jason Loomis to the Milwaukie Riverfront Board; and**
- D. **Resolution 87-2010: A Resolution of the City Council of the City of Milwaukie, Oregon, Reappointing Mike Stacey to the Milwaukie Riverfront Board.**

Motion passed with the following vote: Councilors Loomis, Barnes, Chaimov, and Stone and Mayor Ferguson voting “aye.” [5:0]

AUDIENCE PARTICIPATION

None.

PUBLIC HEARING

None scheduled.

OTHER BUSINESS

A. Proposed Procedural Amendments Regarding Issuance of Tree Permits (MMC 16.32) – Ordinance

Mr. Marquardt provided the staff report in which the City Council was requested to adopt Milwaukie Municipal Code (MMC) Title 16 amendments regarding procedural administration of the City’s tree permits. These regulations were for trees in the public right-of-way only and did not affect those on private property. He reviewed a summary of 4 changes: transfer authority from the Planning Director to the Community Development Director, clarify the hearing and appeal process, authorize tree removals required for construction of right-of-way improvements, and add authority to require replanting. Staff recommended adopting the ordinance as proposed.

Councilor Stone questioned why an arborist’s report was not required.

Mr. Marquardt replied the current language required an arborist’s report. Recognizing the report was not always appropriate, the amendment would allow the Community Development to require a report if he/she felt an expert opinion was needed.

Councilor Elect Miller was concerned about the change from a 15-day to a 5-day notice period. He felt appeals should go to the Planning Commission instead of going directly to the City Council. The cost of filing a Planning Commission appeal was \$250 while a City Council appeal was \$500. If the Council appeal fee were waived he would not have a problem with it going directly to Council. He was concerned with the notification distance and suggested going to 1,000 feet for removal of a street tree in a neighborhood. He wanted to know who would make the determination that a tree had lost its value or was dying and could not be saved. He felt an arborist should make that determination.

Councilor Barnes asked how much an arborist’s report would cost. She did not think she would need a report to tell her a tree was dead.

Mr. Miller guessed it would cost about the same as the appeal.

Councilor Chaimov suggested City Council hold off on adoption until staff addressed Councilor-Elect Miller's concerns.

Mayor Ferguson said he would like to see appeals come to Council to expedite the process but did not think the higher appeal fee should be charged.

Councilor Stone agreed with Mayor Ferguson.

Councilor Loomis would like to look into fees and agreed with Councilor Barnes on requiring an arborist's report.

It was moved by Mayor Ferguson and seconded by Councilor Barnes to continue consideration of adoption of the Proposed Procedural Amendments Regarding Issuance of Tree Permits ordinance to the City Council meeting on January 18. Motion passed with the following vote: Councilors Loomis, Barnes, Chaimov, and Stone and Mayor Ferguson voting "aye." [5:0]

B. Utility Billing Policies and Practices

Mr. Parks reported staff had completed the commercial account audit, and the residential accounts were 40% complete. Communications with residential accounts was suspended until after the holidays. The Citizens Utility Advisory Board (CUAB) discussed all the elements of the report and offered feedback. By a 4-0 vote, the Board approved all of the staff recommendations with a couple of exceptions. They wanted 5-8 day's notice on the door hangers. They also wanted to defer any action on the winter average change until after the Clackamas County Service District #1 (CCSD1) issue was resolved. They had already put in place the winter average that would be in effect until June and July. This was an information item only, but if Council wanted to move forward to monthly billing Mr. Parks needed to prepare an implementing resolution for the next City Council meeting. The \$1 surcharge on the existing resolution was due to expire at the end of December. The CUAB voted 4-0 to continue the surcharge until Council could come to long-term agreement with CCSD1 and establish a rate. As they moved forward, he anticipated monthly billing to begin in January with further review of issues including tenant/landlord relationships, winter averaging, vacation/snow bird procedures, vacancies, and delinquent and shut off notices. Leak adjustments had been implemented, and penalties and discounts would come back for further action.

Councilor Loomis looked forward to monthly billing.

Councilor Chaimov was prepared to proceed as approved by CUAB.

Councilor Barnes liked the monthly bill although the winter average still needed a clearer explanation. She disagreed with the CUAB on continuing the surcharge and looked forward to online payments.

Councilor Stone questioned recovering the bad debt to pay for the additional costs of monthly billing.

Mr. Parks replied currently they were writing off \$50,000 to \$60,000 in debt annually. The goal would be to see that drop by 35-40%. The vast majority of the write-offs came from the landlord issue. The monthly bills could include other information to maximize return on the added expense. By using technology costs could be further reduced using online payments and paperless billing.

There was City Council consensus for Mr. Parks to move forward.

C. City Manager Report

Mr. Monahan provided information for the upcoming City Council goal setting session on December 15.

Mr. Monahan discussed options for filling the vacant Finance Director position. He discussed an alternative idea of working with the City of West Linn to share resources that would give Milwaukie the benefit of a senior level management Finance Director/Assistant Finance Director. He noted that the City of West Linn was on a biennial budget, and Milwaukie may want to move toward the similar budget cycle.

There was City Council consensus for Mr. Monahan to continue discussions with the City of West Linn.

D. Council Reports

Councilor Loomis thanked Citywide Tree Service for its participation in the Winter Solstice Event.

Councilor Chaimov attended Public Safety Advisory Committee (PSAC) meeting where the Walk Safely Milwaukie Program and photo radar were discussed.

Councilor Barnes will attend a meeting with other educators to discuss school funding Issues and shortfalls.

Mayor Ferguson recognized Mr. Monahan for his work and thanked him for meeting with him weekly. He reviewed meetings and events he had attended and announced number of upcoming events.

ADJOURNMENT

It was moved by Mayor Ferguson and seconded by Councilor Stone to adjourn the meeting. Motion passed with the following vote: Councilors Loomis, Barnes, Chaimov, and Stone and Mayor Ferguson voting “aye.” [5:0]

Mayor Ferguson adjourned the regular session at 8:46 p.m.

Juli Howard, Deputy City Recorder

MINUTES

**MILWAUKIE CITY COUNCIL WORK SESSION
DECEMBER 21, 2010**

Mayor Ferguson called the work session to order at 5:30 p.m. in the City Hall Conference Room.

Council Present: Mayor Jeremy Ferguson, Council President Greg Chaimov, and Councilors Deborah Barnes, Joe Loomis, and Susan Stone. Councilors-elect Dave Hedges and Mike Miller

Staff Present: City Manager Bill Monahan, Community Services Director JoAnn Herrigel, and Senior Planner Susan Shanks

Proposed Transfer of Deines Brothers Sanitary Service Co.

Ms. Herrigel provided the staff report and announced he received notice from Jack Deines who proposed selling his franchise in area 3 to Hoodview Disposal and Recycling and selling is 50% interest in Pearl Deines in area 4.

According to code the City cannot reasonably deny this action. She discussed the impact of the transfer. Based on her review Mel Deines had a good service record as did Hoodview. Financially and technically capable. No impact directly on rates in these areas or interruption in service. After a full review she would bring the actual transfer back in January. The haulers would also handle customer notification. She did not have information on the billing format, but the cycle would not change. Recycling days were part of the franchise.

Councilor Chaimov prudent to notify customers of change. Ms. Herrigel would either attend the neighborhood meetings or speak directly with the chair.

Joint Session with Neighborhood District Association Leadership

Jeff Klein opened the discussion, at the table Lynn Kelland, Mary Weaver, Matt Rinker, Ed Zumwalt.

Goals: look at someone to do grant writing for neighborhood and businesses; first projects would be parks master planning including Kronberg and Balfour; nda leadership wants to set own agendas and plan to bring forward a flowchart for an overview. Hope at end of coming meeting to set next agenda. Slow process but proud of this group.

Mary Weaver referred to letter. First and primary goal to support the City Council, city manager, and city staff.

Jeff understand advisory group to City Council decision makers. If difficult for neighborhood association then understand will be difficult for the City Council. Important to have that connection; when have joint meetings the neighborhood will have ideas the group would like to flesh out.

Rinker biggest battle is to open up lines of communication and neighborhood be part of the process.

Klein not only want the City Council to listen but to also speak about what it wants. Appreciated hearing what the City Council had to say at goal setting.

Mayor Ferguson at next session promising to see point about grant writing similar to the City Council goals to find funding. Master planning and station areas need to consider planning for the greater area. Two similar goals. When talk about setting own agenda talked about how to make the relationship work.

Councilor Barnes main goal to reach out and get others involved and add their voices. Not an easy goal to get people involved. Need better communication and find better ways to involve people.

Kelland how to market neighborhood associations and convey message. Some kind of marketing campaign.

Klein could help each other to expand such as helping with concerts in the park. They were the leaders.

Zumwalt where has everyone been. Always been communication problems with the City Council and staff. When he saw the first emails people had seemed to flip their positions. Wanted to make clear do not want neighborhoods to micromanage City Council and staff with the exception of Pat. Cannot be fighting staff all the time. How did everyone reach an epiphany all of a sudden? The City Council had a lot of responsibility and were elected by a lot of people. He saw some of the issues as out of reach. Wanted to communicate, get along, and reach some decisions without fighting and screaming.

Councilor Barnes so many neighborhood associations and leaders and concerned about going through staff.

Mr. Monahan in initial discussions liked idea of neighborhood associations having regular meetings and getting a consolidated message. Did not want it to become inefficient.

Klein as time goes by will be more cohesive and look at as pyramid at this time. The chairs will share the message and filter it back to the City Council and staff.

Kelland having staff present at leadership will have a better idea of what was wanted by City Council and staff.

Klein within that group when presentation can fall back on their experiences and have more eyes on it.

Weaver also made a commitment that communications that go out to each other goes to chairs and reply to all. Hierarchy so no one was left out.

Councilor Stone do you include staff liaison in communication. If not communicating with that person. If left out of loop cannot communicate.

Kelland discussed the staff notes.

Mr. Monahan two people taking minutes and notes and using a lot of resources.

CITY COUNCIL WORK SESSION – DECEMBER 21, 2010

DRAFT MINUTES

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Klein understand liaison taking notes will send out to make sure information disbursed.

Mr. Monahan suggested reporting back on any action items by liaison.

Councilor Stone was there time on the agenda for liaison reports.

Weaver did not know role of liaison and no thorough description. Personal goal to have these things written down for her predecessor.

Mayor Ferguson that kind of information important for City Council goal setting. At next goal setting would be helpful to have public comment at the beginning of the agenda. Next session likely after the first of the year.

Klein when have monthly meeting be toward the end of the work session time so leadership can attend.

Councilor Loomis this was a good start and agreed with Mr. Zumwalt about adding more layers of process. Good to talk and communicate. We were all citizens. Leadership works hard and big challenge to get people to attend. Great events to draw people in and talk with them.

Councilor Chaimov looking forward creativity, energy, and wisdom.

Councilor Stone always been difficult to get more leadership. When put on community events people get interested.

Land Use and Development Review Tune-Up Code Amendment Project Pre-Hearing Briefing

Ms. Shanks planning to speak in more detail on January 4 but will make ability to do more land use. Want to go through adoption in a responsible manner. Because of types of amendments need to do a measure 56 notice to 6,400 residents to go out on January 5 for Planning Commission hearing on January 25. she briefly discussed the City Council's role and referred to packet page 10. spoke about zone changes that would be considered by the Planning Commission and which would be considered by the City Council. Appeals that come to the City Council were de novo and proposing appeals to the Planning Commission would be de novo and appeals to City Council would be de novo on the record to more effectively use the City Council's time. Planning director administrative decisions would go to the Planning Commission.

Councilor Chaimov thought those were fine changes.

Councilor Stone how did this impact the citizen who might want to appeal.

Ms. Shanks cost would stay the same but the appeal options would be reduced.

Councilor Stone seem if new evidence would limit the decisions.

Ms. Mangle if really new evidence would probably be better to be a do-over and have the Planning Commission revise it so that body could consider it. More pressure on the Planning Commission decision making and giving a greater chance to review. Larger jurisdictions operate like this but also have a hearings

office. More of a decision on the record. Take some of the drama out of the appeals process.

Councilor Loomis thought behind changes to make more efficient process.

Ms. Shanks appeal process would remain the same. By making some zone changes quasi-judicial would make a shorter timeline in processing application.

Councilor Stone in work load impacts.

Ms. Mangle may come back in six months to make needed changes. On January 4 may discuss increases in staff work load.

Mayor Ferguson adjourned the work session at 6:25 p.m.

Pat DuVal, City Recorder

**CITY OF MILWAUKIE
CITY COUNCIL MEETING
DECEMBER 21, 2010**

3.F.5.

CALL TO ORDER

Mayor Ferguson called the 2092nd meeting of the Milwaukie City Council to order at 7:00 p.m. in the City Hall Council Chambers.

Present: Mayor Ferguson, Council President Greg Chaimov and Councilors Deborah Barnes, Joe Loomis, and Susan Stone

Staff present: City Manager Bill Monahan, City Attorney Tim Ramis, and Civil Engineer Brad Albert

PLEDGE OF ALLEGIANCE

PROCLAMATIONS, COMMENDATION, SPECIAL REPORTS AND AWARDS

A. Recognize Councilors Deborah Barnes and Susan Stone

Mayor Ferguson recognized Deborah Barnes and Susan Stone for their 8 years of distinguished service to the community as Milwaukie City Councilors.

CONSENT AGENDA

It was moved by Councilor Barnes and seconded by Councilor Stone to approve the consent agenda consisting of:

A. Resolution 88-2010: A Resolution of the City Council of the City of Milwaukie, Oregon, Authorizing the City Manager to Sign an Intergovernmental Agreement with DEQ for Erosion Control Permitting and Inspection; and

B. An OLCC Application for Zappo's Pizza, 6114 SE King Road – new outlet.

Motion passed with the following vote: Councilors Barnes, Chaimov, Stone, and Loomis and Mayor Ferguson voting "aye." [5:0]

AUDIENCE PARTICIPATION

None.

PUBLIC HEARING

None scheduled.

OTHER BUSINESS

A. Utility Billing Code Amendments – Resolution

Mr. Parks provided the staff report in which the City Council was requested to approve the resolution modifying various fees and charges for utility services, updating the master fee schedule, and modifying the utility billing cycle. He summarized the changes based on a monthly billing cycle and reviewed the draft bill format. Monthly billing was proposed to go into effect at the end of January and public information will go out after City Council approval.

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DRAFT MINUTES

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Councilor Barnes was concerned the new process did not give people enough time to pay their bills. She thought a longer turnaround would be more realistic and fair.

Mr. Parks replied there would be increased payment alternatives including online and ACH, and with monthly billing the amounts will be approximately half. If unpaid amounts were less than \$100 customers would not receive a past due notice. Past due notices would probably not impact residential accounts for at least 2 billing cycles. He reviewed current billing timelines and administration.

Councilor Stone asked if past due notices could be delayed for a couple of days.

Mr. Parks thought that was possible but could impact shut off if delayed. It was key to have definite, consistent dates.

Councilor Barnes suggested a trial period for a couple of months because of her public relations concerns.

Mr. Parks replied staff would be on the generous side when dealing with customers. The Citizens Utility Advisory Board (CUAB) reviewed and supported the recommendation before Council. The average residential monthly billing would be approximately \$50 - \$60. The past due balance threshold was \$100 or effectively 2 months past due.

Councilor Chaimov suggested a 4-month trial period after which the City Manager would confer with the CUAB to work out any problems.

It was moved by Councilor Chaimov and seconded by Councilor Barnes to adopt the resolution modifying various fees and charges for utility services, updating the master fee schedule, and modifying the utility billing cycle and at the conclusion of 4 months the city manager will confer with the Citizens Utility Advisory Board and report to the City Council any needed changes to those fees and schedule. Motion passed with the following vote: Councilors Barnes, Chaimov, Stone and Loomis and Mayor Ferguson voting 'aye.' [5:0]

RESOLUTION 89-2010:

A RESOLUTION MODIFYING VARIOUS FEES AND CHARGES FOR UTILITY SERVICES, UPDATING THE MASTER FEE SCHEDULE, AND MODIFYING THE UTILITY BILLING CYCLE.

B. City Manager Report

Mr. Monahan reviewed the summary memo of potential goals and asked the City Council to think about when it might want to reconvene to refine the goals. He reported there were a number of board and commission vacancies for which the City needed to recruit, and the City Council may wish to consider the applicant interview process. He advised the public of upcoming holiday closures.

C. Council Reports

The Mayor and Councilors discussed community events they had attended and announced upcoming events.

ADJOURNMENT

Mayor Ferguson adjourned the regular session at 7:35 p.m. without a vote.

Respectfully submitted,

Pat DuVal, Recorder

CITY COUNCIL REGULAR SESSION – DECEMBER 21, 2010

DRAFT MINUTES

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**CITY OF MILWAUKIE
CITY COUNCIL MEETING
JANUARY 4, 2011**

3.F.6.

OATHS OF OFFICE

Municipal Court Judge Ron Gray administered the Oaths of Office to Mayor Jeremy Ferguson and Councilors Dave Hedges and Mike Miller.

CALL TO ORDER

Mayor Ferguson called the 2093rd meeting of the Milwaukie City Council to order at 7:10 p.m. in the City Hall Council Chambers.

Present: Mayor Ferguson, Council President Greg Chaimov and Councilors Dave Hedges and Mike Miller

Excused: Councilor Joe Loomis

Staff present: City Manager Bill Monahan, City Attorney Tim Ramis, City Recorder Pat DuVal, and Community Development and Public Works Director Kenny Asher

PLEDGE OF ALLEGIANCE

PROCLAMATIONS, COMMENDATION, SPECIAL REPORTS AND AWARDS

A. Milwaukie High School Student of the Month Ana Wrede

Mayor Ferguson and Council recognized Milwaukie High School Student of the Month Ana Wrede.

CONSENT AGENDA

It was moved by Councilor Miller and seconded by Councilor Hedges to approve the consent agenda consisting of:

- A. Resolution 1-2011: A Resolution of the City Council of the City of Milwaukie, Oregon, Designating the First and Third Tuesdays of Each Month as the Regular City Council Meeting Date, Establishing the Times of the Said Meetings, and Repealing Resolution 01-2010; and**
- B. Resolution 2-2011: A Resolution of the City Council of the City of Milwaukie, Oregon, Designating the Clackamas Review, The Oregonian, and the Daily Journal of Commerce as the Papers of Record for the City of Milwaukie.**

Motion passed with the following vote: Councilors Chaimov, Hedges, and Miller and Mayor Ferguson voting "aye." [4:0]

AUDIENCE PARTICIPATION

Willie Miller, President AFSCME Local 350. He congratulated Mayor Ferguson and Councilors Hedges and Miller and hoped in their decision making that they would use their wisdom and intelligence in making decisions for the citizens and employees.

PUBLIC HEARING

None scheduled.

OTHER BUSINESS

A. Amend Authorization to Purchase New or Used Replacement Vehicles – Resolution

Mr. Asher provided the staff report in which the City Council was requested to amend authorization to purchase replacement vehicles for various City departments totaling \$313,000 to include used as well as new vehicles. The amended resolution was intended give staff the flexibility to purchase new as well as used vehicles and to replace the Public Works operations staff vehicle with a hybrid if feasible.

Mayor Ferguson's only concern when reading the report was that there be some kind of selection criteria when purchasing equipment. Was there a policy in place that could be used when considering used equipment?

Mr. Asher did not know if there was a policy in the place, but typically the department had the decision-making discretion. Fleet looked at things like mileage and overall condition.

Councilor Miller wanted to ensure the used vehicles were under warranty.

Mr. Asher was sure that would be the case but would confirm with staff.

Councilor Hedges noted the vehicle fleet life was typically 5 to 7 years and asked how old a vehicle with 50,000 miles might be. He suggested it might be more wise to wait for a new vehicle if financially feasible.

Mr. Asher responded it was all about getting the best buy, and adopting this resolution would give staff the discretion to make the most appropriate decision.

Mayor Ferguson commented on the code enforcement vehicle and understood the purpose of purchasing an SUV addressed the need to carry tools or hazards from a site.

It was moved by Councilor Hedges and seconded by Councilor Miller to adopt the resolution approving the purchase of City vehicles that were approved for replacement in FY 2010/2011. Motion passed with the following vote: Councilors Chaimov, Hedges, and Miller and Mayor Ferguson voting "aye." [4:0]

RESOLUTION 3-2011:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, APPROVING THE PURCHASE OF CITY VEHICLES THAT WERE APPROVED FOR REPLACEMENT IN THE FISCAL YEAR 2010/2011 AS PER THE CITY VEHICLE REPLACEMENT CRITERIA

B. Council Reports

Mayor Ferguson and Councilors announced upcoming community events.

Councilor Hedges reported that the Milwaukie Police Department came within 90-seconds of his security alarm going off.

Councilor Miller thanked those who had worked on his election campaign and looked forward to working with the Neighborhood District Associations and various boards and commissions as a Council representative of the citizenry.

ADJOURNMENT

It was moved by Councilor Chaimov and seconded by Councilor Miller to adjourn the meeting. Motion passed with the following vote: Councilors Chaimov, Hedges, and Miller and Mayor Ferguson voting “aye.” [4:0]

Mayor Ferguson adjourned the regular session at 7:34 p.m.

Respectfully submitted,

Pat DuVal, Recorder

5. PUBLIC HEARING