

**MINUTES**  
**MILWAUKIE CITY COUNCIL WORK SESSION**  
**SEPTEMBER 20, 2011**

**Mayor Ferguson** called the work session to order at 5:00 p.m. in the City Hall Conference Room.

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

Staff Present: Assistant to the City Manager Teri Bankhead, City Attorney Tim Ramis, City Recorder Pat DuVal, Planning Director Katie Mangle, Associate Planner Ryan Marquardt, Public Affairs Coordinator Grady Wheeler, Operations Director Jon LeBaron, Program Coordinator Beth Ragel, Finance Director Richard Seals

Excused: City Manager Bill Monahan

Media: Molly Harbargar, *The Oregonian*

**City Manager's Report**

**Ms. Bankhead** gave a brief overview of the evening's agenda and announced the upcoming Clackamas Cities Association monthly meeting hosted by the City of Estacada. There were two at-large vacancies on the Public Safety Advisory Committee (PSAC) and one application on file.

**Mr. Asher** introduced recently-hired Operations Director **Jon LeBaron**.

**Planning and Community Development Capsule Summary**

**Mr. Asher** provided an update on the Commercial Core Enhancement Program (CCEP) which was currently on hold. At this time the 42<sup>nd</sup> and 32<sup>nd</sup> Avenue neighborhood corridors was still making some progress. The first of the "Small Moves" implementation items had begun. Low-cost improvement opportunities in Dogwood Park were being considered to make it a nicer space and bring more care and attention to the South Downtown.

**Ms. Mangle** reported on land use and development review. The Residential Standards Development Project was underway, and the department will share the draft proposal at a public open house in October.

**Mr. Asher** provided a brief update on the Lake Road Improvement project.

**Sign Code Amendments: Electronic Display Signs**

**Mr. Marquardt** discussed the major topics in the proposed amendments: electronic display signs in the downtown, display signs in commercial and industrial areas, and rate of change for signs. The Planning Commission held its public hearing and recommended several amendments to the City Council. The most frequent comments expressed by businesses were that these amendments were too restrictive and concerns with the rate of change.

**Ms. Mangle** added the highway corridors were important as they did affect residential properties. Electronic signs like those in the new bus shelters were allowed since they were in the public right-of-way.

**Mr. Marquardt** discussed electronic signs in windows.

**Councilor Chaimov** asked staff to provide information on from neighboring cities on hold times for large signs. Would a sign like the Keizer Volcanoes stadium be allowed?

**Councilor Hedges** asked if the number of signs within a given area could be limited and could content be limited?

**Mr. Marquardt** reported content could not be regulated. He discussed compliance with amendments for those signs already installed.

**Councilor Loomis** asked for available safety data.

**Councilor Hedges** asked what could be on the backside of the sign.

**Mr. Marquardt** replied signs were limited by the amount of street frontage, and there were limitations to content management.

**Councilor Miller** asked how this code would compare to Portland and Clackamas County.

**Ms. Mangle** had referenced Portland and City of Salem regulations in her research; however, not too much was available from Clackamas County.

### **Mural Program**

**Ms. Ragel** gave an overview of the mural review process which was exempt from the sign code and reviewed separately. Staff and the Arts Committee would engage in an outreach process and continue the dialogue with the Neighborhood District Associations (NDAs). The murals would be only in commercial and industrial zones and not in residential zones.

**Mr. Marquardt** said staff was seeking direction on whether to move forward on this type of program. He discussed the Dark Horse Comics proposal for a mural on the side of its building at Main and Jefferson Streets.

**Councilor Loomis** felt he needed more information on the amount of staff time involved before giving direction.

**Ms. Ragel** replied the Planning Department would work on the program as time allowed. She and Arts Committee members were interested in doing the public outreach element. The High School seemed understanding about the length of time this program might take.

**Councilor Hedges** had reservations about how the City might avoid being challenged as TriMet was with its busses.

**Mayor Ferguson** explained the TriMet issue had to do with its being a public forum.

**Councilor Miller** asked if the mural could be put back up on the Dietrich building. Would the decisions be broadly enough made to consider all types of murals or might it exclude some that might be different.

**Ms. Ragel** described how a selection committee might be balanced between the artistic and those who had ideas about community character.

### **Baseball Advisors Discussion**

**Mr. Asher** informed the City Council on where he thought the baseball effort might go. He recommended bringing together a team of professional advisors to assess the feasibility of the baseball concept. Elements would include communications/campaign strategists, architectural and engineering professionals, and project management specialists.

**Mr. Ramis** discussed the purpose of public contracting rules and a proposal to use a procurement exemption done through informal process. The City Council, meeting as the Local Contract Review Board, will decide that in a public hearing.

**Mr. Asher** said if the process were approved, then the agreements could be signed shortly after the October 4 City Council meeting. The costs can be absorbed in the Community Development Department budget. The message for the City Council tonight was to either roll the dice and hope all agreed based on Mayor and Councilor rhetoric or work with experienced advisor for a more informed public discussion. He summarized the other projects that would be put on hold for the baseball project including all things business-related, managing the Kellogg-for-Coho project, the façade improvement program, and the CCEP.

**Councilor Loomis** said people in the neighborhoods liked the idea of bringing back baseball but had lots of questions. He felt it was important to have professional expertise in these areas. A united Council made for a strong message, and people wanted to hear more. He liked the idea of having project exit ramps.

**Mayor Ferguson** agreed.

**Ms. Bankhead** would bring monthly financial reports to the City Council.

### **Monthly Neighborhood District Association Dialogue**

Leadership present: Beth Kelland, Linwood; Linda Hedges and Dave Aschenbrenner, Hector Campbell; Jeff Davis and Bryan Dorr, Ardenwald; Ed Zumwalt, Historic Milwaukie; and Debby Patten, Lake Road.

**Ms. Hedges** discussed what actions the NDA leadership group might be bound to take under the Oregon Public Meetings Law and the City Attorney's opinion. For a long time the members of the group felt they could talk freely, and people felt privileged to meet with the City Council on a regular basis.

**Ms. Patten** concurred.

**Mr. Zumwalt** said liaisons attended the NDA meetings, and Ms. Ragel attended the monthly leadership meetings. He felt there was no privacy, so they were better off meeting at local bistro. He recommended completely independent, offsite meetings.

**Mr. Ramis** discussed fundament trade-offs. He understood the leadership wanted to act informally; otherwise, certain public meeting standards would have to be met. Presently, the leadership meets regularly with the City Council making it an advisory body and subject to Public Meetings Laws. He felt the leadership group could still meet and from time to time meet with the City Council to share its thoughts. It was the relationship with City Council that triggered some laws.

**Councilor Chaimov** understood the NDA leadership could talk with City Council a couple of times a year if there were an space available on the agenda and not trigger the law.

**Mr. Aschenbrenner** noted the monthly NDA meetings were already noticed as open meetings. Could the leadership still meet in a public facility?

**Mr. Ramis** replied "yes", and staff could attend to speak about topics of broad interest like light rail.

**Mr. Davis** gave his perspective. Privacy was important but as an appointed advisory board member he was very involved and felt he had a direct relationship with the City Council. If the NDA Leadership became an appointed body and more official, then that would alter his reasons for participating. He would rather discuss neighborhood

problems in an informal manner. He valued what he learned in the neighborhood leadership meetings.

**Ms. Hedges** summarized the outcomes of the discussion: the leadership would no longer meet with the City Council on a regular basis; no employee would take minutes of leadership meetings; and the group would not necessarily meet in a City facility. She hoped one Councilor would attend the regular NDA meetings and perhaps attend the leadership meeting to transfer information. It was good to know the dialogue would continue.

**Mayor Ferguson** adjourned the meeting at 6:52 p.m.

Respectfully submitted,

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Pat DuVal, Recorder

# **WORK SESSION**

**MILWAUKIE CITY COUNCIL  
WORK SESSION  
SEPTEMBER 20, 2011**

**MILWAUKIE CITY HALL**

Conference Room  
10722 SE Main Street

***WORK SESSION – 5:00 p.m.***

A light dinner will be served

Discussion Items:

	<u>Time</u>	<u>Topic</u>	<u>Presenter</u>	<u>Page #</u>
1.	5:00 p.m.	City Manager's Report <ul style="list-style-type: none"><li>• Sign Code Amendments: Electronic Display Signs</li></ul>	Teri Bankhead	<b>1</b>
2.	5:30 p.m.	Mural Program Dialogue with artMOB	Beth Ragel and Arts Committee Members	<b>18</b>
3.	6:00 p.m.	Baseball Advisors Discussion	Kenny Asher	<b>24</b>
4.	6:15 p.m.	Monthly Neighborhood District Association Dialogue		
5.	6:45 p.m.	Adjournment		

**Information**

Executive Session: The Milwaukie City Council may meet in executive session pursuant to ORS 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.

**Public Notice**

- The Council may vote in work session on non-legislative issues.
- The time listed for each discussion item is approximate. The actual time at which each item is considered may change due to the length of time devoted to the one previous to it.
- The Council requests that all pagers and cell phones be either set on silent mode or turned off during the meeting.
- The City of Milwaukie is committed to providing equal access to information and public meetings per the Americans with Disabilities (ADA). If you need special accommodations, please call 503.786.7502 or email [ocr@ci.milwaukie.or.us](mailto:ocr@ci.milwaukie.or.us) at least 48 hours prior to the meeting.



Agenda Item: 1  
Date: September 20, 2011

## COUNCIL AGENDA ITEM SUMMARY

**Issue/Agenda Title:** Sign Code Amendments: Electronic Display Signs

**Prepared By:** Ryan Marquardt *RM*  
**Dept. Head Approval:** Katie Mangle *KM*  
**City Manager Approval:** Bill Monahan  
**Reviewed by City Manager:** 9/9/11

### Issue before the Council

Regulations on electronic display signs in downtown and in commercial and industrial zones.

### Staff Recommendation

None, this is a work session item.

### Key Facts and Information Summary

Planning Commission directed staff to prepare amendments that would allow electronic display signs in the downtown zones along McLoughlin Blvd, and would limit the size of electronic display signs in commercial and industrial areas. The Planning Commission will have held the first hearing on adoption of these amendments on September 13, 2011.

### Other Alternatives Considered

N/A

### City Council Goals

N/A

### Attachment List

- 1) Commentary and Underline/Strikeout Edits to Title 14, Sign Ordinance Outreach Materials and Notification List
- 2) Photographs of Signs with Electronic Display Signs

### Fiscal Notes

None.



**To:** Mayor and City Council

**Through:** Bill Monahan, City Manager  
Kenny Asher, Community Development and Public Works Director

**From:** Katie Mangle, Planning Director  
Ryan Marquardt, Associate Planner

**Date:** September 7, 2011, for September 20, 2011, Worksession

**Subject:** Sign Code Amendments: Electronic Display Signs

#### **ACTION REQUESTED**

None. This is a worksession to prepare for a public hearing on the proposed Sign Code amendments found in Attachment 1.

#### **HISTORY OF PRIOR ACTIONS AND DISCUSSIONS**

**July 2011:** City Council discussed the new electronic billboards during a study session and requested that staff proceed quickly with code amendments to control them.

**March 2011:** City Council and Planning Commission discussed topic of sign code amendments at the annual joint worksession.

#### **BACKGROUND**

The City of Milwaukie is proposing amendments to Milwaukie Municipal Code Title 14, Sign Ordinance, to address the issue of electronic display signs. Electronic display signs are signs that display sign copy or messages electronically by bulbs, light emitting diodes (LEDs), or other sources of illumination. The goals of the amendments are to 1) make limited allowance for electronic display signs in areas of downtown Milwaukie, and to 2) limit the maximum allowed size of electronic display signs in areas outside of downtown. Other amendments are proposed that address the brightness, style of display, and rate of message change.

The Planning Commission initiated this project, which originally focused on easing some restrictions on signs along McLoughlin



Blvd in downtown Milwaukie. The Commission felt that the current policy was too restrictive in its prohibition of small LED-style electronic signs, such as those that are often used to advertise gas prices, or time and temperature signs.

Most Commissioners felt that such signs are appropriate in the more auto-oriented environment of McLoughlin Blvd. Additionally, it has been thought that this type of electronic sign would most likely be used instead of internally-lit cabinet signs with manually-adjusted lettering, which are lit by fluorescent tubes. LED technology is much more efficient, using less electricity.

As staff was working with affected property owners to craft a revised policy for these types of signs in early 2011, the City received its first application for an electronic, LED-lit billboard sign. The sign has since been installed on Main St in the North Industrial area. Staff received complaints on this sign, and noted to the Commission and Council that the City's sign code lacks sufficient rules to adequately control these types of signs. In fact, larger signs that operate similar to large television screens could be permitted under the current code.

In March 2011, the Commission directed staff to expand the scope of the project to include both electronic signs in downtown as well as LED-style electronic billboards in other commercial areas.

Staff has worked with the Commission, some affected property owners, and ODOT to draft the proposed amendments. The Commission held its first public hearing on the amendments on September 13, 2011.

## **SUMMARY OF THE PROPOSAL**

The specific amendments to the sign ordinance are shown in underline/strikeout Attachment 1. The major issues being addressed by the amendments are summarized below. The proposal does not include any changes to the *types* of signs allowed (e.g., roof signs, freestanding signs, wall signs), how big the signs may be, or where signs may be placed.

### 1) Electronic Display Signs in Downtown Zones

The intent of this amendment is to allow business owners along McLoughlin Blvd to have visible and attractive modern signage that allows for the sign's message to easily be changed, but to do so in a way that limits impacts to adjacent properties and the traveling public.

Currently, electronic display signs are not permitted in the downtown zone. The proposed amendments would allow electronic display signs downtown under the following conditions:

- The property must have frontage on McLoughlin Blvd, and the sign must be oriented toward McLoughlin Blvd;
- The size is limited to the lesser of 25% of the total sign face or 20 sq ft;

- The electronic display sign is part of a larger sign face and is not a standalone sign.

2) Electronic Display Signs in Commercial and Industrial Areas

Currently, electronic display signs are permitted in the commercial and industrial zones outside of downtown. There are no limits to the size of electronic display signs in these zones aside from the general size limits that apply to all signage, regardless of whether it is an electronic display sign or not.

The proposed amendments would limit the size of an electronic display sign to the lesser of 50 sq ft or 25% of the total sign face. Similar to the downtown zone, the electronic display sign must be part of a larger sign face and not a standalone sign

3) Rate of Change for Electronic Display Signs

The current sign ordinance limits changes in copy for an electronic display sign to no more than once every 10 seconds. The proposed amendments would limit electronic display signs of 20 sq ft or less to changes no more than once every 15 seconds, and electronic display signs of more than 20 sq ft to changes no more than once every 3 hours.

4) Illumination and Shielding

The current sign ordinance does not include standards specific to illumination levels for electronic display signs. The proposed amendments introduce technologically-appropriate standards to control light spill and brightness.

5) Other Related Amendments

- **Coordination with ODOT.** Under the current policy, there is no relationship between the City and ODOT's permitting processes for reviewing billboards along state highways, even when each is reviewing the same sign at the same time. The City must approve a sign permit if it meets City standards, even if staff is aware that ODOT is planning to issue a citation.

The proposed policy would allow the City to coordinate its sign permit with ODOT's process. At the Planning Director's discretion, the City could require an applicant provide a statement from ODOT regarding whether a sign requires ODOT approval, and if so, include a preliminary assessment of the approvability of the sign. The City would be able to withhold issuance of a sign permit if it believes ODOT may not be able to approve the sign.

- **Supporting conversions of nonconforming signs to energy-saving technology.** Currently, the structure of a nonconforming sign may not be altered to include LED technology unless the sign also comes closer to conformance with other standards (e.g., height, area, etc.). An electronic

display sign could be added to an existing nonconforming sign if doing so does not cause the sign to go further out of conformance.

- **Appropriate standards for LED technology.** Currently, the sign code does not clearly address LED technology, so staff has had to apply standards developed for incandescent and fluorescent bulbs to LED panels. A new provision would specifically allow LEDs, and other lighting technology not currently listed in the sign ordinance, to serve as internal or exterior illumination for a sign.
- **Appropriate standards for “moving” digital images.** Currently the sign code restricts “moving” signs, but new sign types create a need for more specificity regarding this policy. New regulations would prohibit flashing, scrolling, moving, or video displays.

#### **OUTREACH**

Staff has used multiple forms of public outreach to inform stakeholders about these amendments. In March, Commissioners Churchill and Gamba presented the proposal regarding allowing electronic display signs downtown to the Historic Milwaukie NDA. In addition to the routine property owner and NDA notifications, staff has contacted local sign companies and affected businesses for comment on the proposal.

#### **CONCURRENCE**

The Commission initiated this project and supports its goals. The City Attorney’s office has participated in the project to ensure compliance with state law and advise on overall strategy. Planning staff will coordinate with the Police and Code Enforcement Departments to ensure they concur with the final amendments from the standpoint of enforcement.

#### **FISCAL IMPACT**

None.

#### **WORK LOAD IMPACTS**

This project was not on the Planning Department’s 2011 work plan. After it was introduced by the Commission due to circumstances in the community, the work plan was adjusted to include this project, displacing time that would have been spent on other projects (including commercial areas planning and the murals proposal). The Commission has been clear throughout this project that a larger effort to improve the City’s sign code is needed, and that this project is intended to be a “quick” effort to fill an urgent need.

**ALTERNATIVES**

None. This is a worksession for informational purposes on an application that will be heard by the Council in October. If a Councilor has specific comments or concerns, staff would like to see those prior to the public hearing.

**ATTACHMENTS**

1. Commentary and Underline/Strikeout Edits to Title 14, Sign Ordinance Outreach Materials and Notification List
2. Photographs of Signs with Electronic Display Signs

## **Sign Code Updates for Electronic Display Signs**

THIS DRAFT INCLUDES ONLY CHAPTERS AND SECTIONS OF CODE WITH PROPOSED AMENDMENTS AND SOME SURROUNDING SECTIONS FOR CONTEXT. CODE SECTIONS NOT INCLUDED IN THIS DRAFT WOULD NOT BE AMENDED.

### **14.04.020 PURPOSE**

K. Include inter-jurisdictional coordination to the purpose section.

### **14.04.030 DEFINITIONS**

"Dissolve" - new definition, describes one method that is allowed for larger electronic display signs to switch between messages.

"Fade" - new definition, describes a second method that is allowed for larger electronic display signs to switch between messages.

"Prohibited electronic display" - new definition, describes manners of display on an electronic display sign that are prohibited. The manners of display listed in this section are based on definitions within Salem's code.

Sign, Changing (Automatic). - a definition proposed for deletion. This definition included signs that have physical moving parts or signs that had electronic messages. New definitions for 'moving sign' and 'electronic display sign' are proposed with the goal of better describing each type of sign.

Sign, Electronic Display. - new definition, intended to cover broad array of electronic signs, LEDs readerboards etc.

Sign, Moving. - new definition, focused on signs that have physically moving parts; based on a portion of the definition for 'changing sign' proposed for deletion.

Sign, Outdoor Advertising - new definition, clarifies that this term, when used in the Milwaukie Municipal Code, refers to the definition established in the ORS.

"State highway" - new definition added for coordination with the ODOT outdoor advertising sign rule. Definition is lifted from ORS 337.

### **14.08.100 SIGNS VISIBLE FROM STATE HIGHWAYS**

New section of code in the administrative provisions, and applies to all signs - not just LED signs. It allows the Planning Director to have the applicant submit documentation from ODOT for any sign visible from a state highway about whether the sign is an outdoor advertising sign and whether the site is legal for an outdoor advertising sign. It also allows the Planning Director to withhold issuance of a city sign permit unless it is clear that the sign could be approved by ODOT.

#### 14.12.020 PROHIBITED SIGNS

- A. Moving signs ... amendments to existing prohibition, but limits this subsection to signs that physically move. Portions dealing with electronic changing is covered in the new prohibition in "R".
- R. Prohibition that says electronic display signs cannot use any of the prohibits manners of display. This would be a blanket rule for signs downtown and in other parts of the city.

#### 14.16.060 DOWNTOWN ZONES

##### H. Illumination

- 6. This is a new subsection that sets the location and size regulations for allowing electronic display signs downtown. Electronic display signs would be allowed along McLoughlin Blvd, and would need to be oriented toward that right of way. The electronic display sign would be allowed as part of a larger permitted sign, rather than a standalone sign, and the size limit is the lesser of 20 sq ft or 25% of the overall sign face. These signs would be approvable through staff review of a sign permit, and would not require public notice or discretionary review by the Design and Landmark Committee or Planning Commission.

#### 14.24.020 SIGN LIGHTING

- F. Helps to clarify that other lighting technology not specifically mentioned in the code (i.e., other than incandescent, fluorescent, and neon) can be used for interior or exterior sign lighting, so long as the other regulations of the chapter are met.
- G. Allows electronic display signs are allowed in the Commercial and Manufacturing sign districts, and downtown per Subsection 14.16.060.H.6, so long as they meet the standards in this section.
  - 1. Illumination levels.
    - a. The proposed illumination limits are consistent with literature provided to staff by the International Sign Association. The standards that ODOT recently adopted for their regulation of digital billboards is based on this methodology.
    - b. An automatic adjustment mechanism is required to keep the sign's illumination level consistent with the illumination standards.
    - c. This standard is allows the Planning Director discretion to require a sign's illumination level, even if it complies with subsection 'a', to be lowered if it presents a safety hazard or is unduly distracting.

2. Size - electronic display sign would be allowed as part of a larger permitted sign, rather than a standalone sign, and the proposed size limitations for an electronic display sign are the lesser of 25% of the size of the sign face OR 50 square feet.
  3. Display - electronic display signs that are 20 sq ft in size or less can change copy no more than once every 15 seconds. Electronic display signs that are over 20 sq ft can change copy no more than once every 3 hours. Smaller signs may switch instantaneously between messages or use a fade or dissolve effect to transition between messages. Larger signs are required to use a fade or dissolve effect. Staff from Salem suggested this as a way to make changes in message less distracting.
- H. Shielding - these requirements would require measure to prevent light pollution for larger sign sizes. This applies only to larger signs with exterior illumination and requires that externally illuminated signs must have their lights oriented horizontally or lower.

#### **14.28.020 NONCONFORMING SIGN**

3. Revisions to this section of code. Same basic policy as the current code, with the additional exemption that an electronic display sign can be added if it does not cause the sign to go further out of conformance.
4. Added sign illumination standards as standards that all signs need to comply with, regardless of whether they are/were non-conforming.

THIS DRAFT INCLUDES ONLY CHAPTERS AND SECTIONS OF CODE WITH PROPOSED AMENDMENTS AND SOME SURROUNDING SECTIONS FOR CONTEXT. CODE SECTIONS NOT INCLUDED IN THIS DRAFT WOULD NOT BE AMENDED.

## **TITLE 14 SIGNS**

### **CHAPTER 14.04 GENERAL PROVISIONS**

#### **14.04.010 TITLE**

This chapter shall be known and may be cited as the “Sign Ordinance of the City of Milwaukie, Oregon.”

#### **14.04.020 PURPOSE**

The Council of the City of Milwaukie, Oregon, finds and declares that it is necessary to regulate the design, quality of materials, construction, installation, maintenance, electrification, illumination, type, size, number, and location of all signs visible from a right-of-way or lot under other ownership in order to:

- A. Protect the health, safety, property and welfare of the public;
- B. Promote the neat, clean, orderly and attractive appearance of the community;
- C. Provide for the safe installation and maintenance of signs;
- D. (Repealed by Ord. 1965);
- E. Preserve and enhance the unique scenic beauty of Milwaukie;
- F. Accommodate the need of sign installers while avoiding nuisances to nearby properties;
- G. Ensure safe construction, location, installation, and maintenance of signs;
- H. Prevent proliferation of sign clutter;
- I. Minimize distractions for motorists on public highways and streets; ~~and,~~
- J. Regulate solely on the basis of time, place, and manner of a sign, not on its content; ~~and,~~
- K. Coordinate review of where multiple agencies have review authority for a sign permit.

#### **14.04.030 DEFINITIONS**

The following words and phrases where used in this chapter shall, for the purposes of this chapter, have the meanings respectively ascribed to them in this section:

“Dissolve” means the changing of an electronic display by means of varying light intensity or pattern, where one display gradually appears to dissipate or lose legibility simultaneously with the gradual appearance and legibility of a subsequent display.

“Fade” means the changing of an electronic display by means of varying light intensity, where one display gradually reduces intensity to the point of being illegible or imperceptible and the subsequent display gradually increases intensity to the point of being legible or capable of being perceived.

“Prohibited electronic display” means any part of the message or display on an electronic display sign that utilizes the following methods of presentation:

"Flash" means sudden or intermittent electrical illumination.

"Scroll" means the changing of an electronic display by the apparent movement of the visual image, such that a new visual image appears to ascend and descend, or appear and disappear from the margins of the sign in a continuous or unfurling movement.

"Travel" means the changing of an electronic display by the apparent horizontal movement of the visual image.

"Video display" means providing an electronic display in horizontal or vertical formats to create continuously moving images.

~~Sign, Changing (Automatic). "Changing sign (automatic)" means a sign in which the display on the sign face is changed by motors, clockwork, or other mechanical means; or by electric or electronic means, including changes in color or intensity of lights.~~

Sign, Electronic Display. "Electronic display sign" means a sign or portion of a sign on which the message or display is created by bulbs, light emitting diodes, liquid crystal displays, plasma display panels, pixel or sub-pixel technology, or other similar technology.

Sign, Moving. "Moving sign" means a signs with a visible moving part or visible mechanical movement, including signs which move in the wind or forced air, or by motors, clockwork, or other mechanical means.

Sign, Outdoor Advertising. "Outdoor advertising sign" means a sign that meets the definition of Oregon Revised Statute 377.710(2).

"State highway" means the entire width between the boundary lines of every state highway as defined in ORS 366.005, including but not limited to the Interstate System and the federal-aid primary system.

## CHAPTER 14.08 ADMINISTRATION AND ENFORCEMENT

### **14.08.100 Signs Visible from State Highways**

A proposed sign that would be visible from a state highway may require a permit from the Oregon Department of Transportation. The Planning Director may require an applicant for a sign that would be visible from a state highway to submit documentation from the Oregon Department of Transportation regarding whether the proposed sign is considered an outdoor advertising sign that requires a permit from the Oregon Department of Transportation and whether the site is legal for an outdoor advertising sign. The Planning Director may withhold issuance of the permit if there is not conclusive evidence that the sign could be approved or could be conditioned to be approved by the Oregon Department of Transportation.

## CHAPTER 14.12 SIGNS PROHIBITED OR EXEMPTED

### **14.12.020 PROHIBITED SIGNS**

It is unlawful for any person to install, display or maintain, and no permit shall be issued for the installation, display or maintenance of, any sign or advertising structure falling within any of the following descriptions:

- A. Moving signs that change more frequently than once every 10 seconds, revolving signs that rotate at more than 6 revolutions per minute, or signs that move in the wind or by forced air, or flashing signs, or any other sign with a visible moving part or visible mechanical movement, including signs which move in the wind or move or change electrically or

~~electronically. These signs are prohibited in order to prevent unduly distracting or hazardous conditions to motorists, cyclists, or pedestrians. Automatic changing signs that change no more than once every 10 seconds, and revolving signs that revolve at 6 revolutions per minute or less, are exempt from this prohibition. Switching the power for illuminated signs on and off 4 or fewer times in one day does not constitute a flashing sign.~~

R. Electronic display signs that display message or copy using any prohibited electronic display methods, as defined in Section 14.04.030.

## **CHAPTER 14.16 SIGN DISTRICTS**

### **14.16.060 DOWNTOWN ZONES**

No sign shall be installed or maintained in the DC, DS, DO, DR and DOS Zones, except as allowed under Section 14.12.010 Exempted Signs, or as otherwise noted in this section.

#### H. Illumination

Illuminated signs may be permitted subject to the following:

1. Signs with opaque letters or symbols that are backlit, having a light source behind the opaque area and not directly visible from in front of the sign, are permitted.
2. Par spot or reflective-type bulbs may be used for indirect illumination of the display surface if properly shielded from direct glare onto streets.
3. Awning signs shall not be internally illuminated. Features on an awning sign may be externally illuminated subject to review by the Design and Landmarks Committee, per Section 19.1011 Design Review Meetings, and approval by the Planning Commission, per Section 19.1006 Type III review, according to the following criteria:
  - a. Sign lighting should be designed as an integral component of the building and sign composition.
  - b. Sign lighting should be designed primarily for the enhancement of the pedestrian environment along adjacent streets and open spaces.
  - c. Lighting should contribute to a sign that is architecturally compatible with the character of the area.
4. Sign illumination shall be directed away from, and not be reflected upon, adjacent premises.
5. Internally illuminated cabinet signs are discouraged in the downtown zones. Internal illumination of cabinet signs may be permitted subject to review by the Design and Landmarks Committee, per Section 19.1011 Design Review Meetings, and approval by the Planning Commission, per Section 19.1006 Type III review, according to the following criteria:
  - a. The sign should be a unique design that responds to the Milwaukie Downtown Design Guidelines.
  - b. The sign copy should be lighter than the sign background.
  - c. The sign background should use a predominance of dark color or be opaque when the light source is on.
6. Electronic display signs are permitted for properties that have frontage on SE McLoughlin Blvd. subject to the following standards:

- a. An electronic display sign may be included only as part of a larger sign and the electronic display portion of the sign and is subject to the more restrictive of the following size limitations:
  - (1) 25% of the size of the sign face that contains the electronic display sign, abuts the electronic display sign, or is on the same sign structure as the electronic display sign.
  - (2) 20 square feet.
- b. An electronic display sign shall be primarily visible from and oriented toward SE McLoughlin Blvd, and not toward any other street on which the property has frontage.
- c. Illumination for an electronic display sign is subject to the standards of Section 14.24.020.G.1.
- d. The manner of display on electronic display signs shall comply with the standards in Section 14.24.020.G.3.
- e. Incorporating an electronic display sign within an existing non-conforming sign is allowed subject to the regulations of Section 14.28.020.A.3.b.

## CHAPTER 14.24 SIGN CONSTRUCTION, MAINTENANCE, AND LIGHTING

### 14.24.020 SIGN LIGHTING

- A. All lamps or bulbs exposed to direct view shall be limited to 25 watts or less capacity.
- B. When neon tubing is employed on the exterior or ~~inferior~~ interior of a sign, the capacity of such tubing shall not exceed 300 milliamperes rating for white tubing nor 100 milliamperes rating for colored tubing.
- C. When fluorescent tubes are used for interior illumination of a sign, such illumination shall not exceed illumination equivalent to 800 milliamperes rating tubes behind a Plexiglas face with tubes spaced at least 9 inches apart, center to center.
- D. Lighting from any sign may not directly, or indirectly from reflection, cause illumination on other properties in excess of 0.5 foot candles of light.
- E. In the event of a conflict between the standards in this section and a specific standard in the regulations for a sign district, the sign district regulations shall prevail.
- F. Other types of illumination not described by Subsections 14.24.020.A-C, such as light emitting diodes and other similar technology, are allowed for interior or exterior illumination of a sign if all other regulations of Title 14 are met.
- G. Electronic display signs are allowed in the Commercial sign district (Section 14.16.040), the Manufacturing sign district (Section 14.16.050), subject to the standards below. Electronic display signs are allowed in the Downtown sign district per Subsection 14.16.060.H.6 and the standards below.

1. Illumination.

- a. An electronic display sign may not have an illumination intensity of more than 0.3 foot candles over ambient light, measured at the distance specified by the following calculation:

$$\text{Measurement distance} = \sqrt{(\text{sign face area} \times 100)}$$

The measurement shall be taken as the difference in illumination between the electronic display sign turned off and the electronic display sign displaying either a solid white screen for multicolor displays or a solid single-color screen for single-color display. To the degree practicable, the measuring device shall be parallel to the plane of the sign face and the measurement shall be made from a location that is perpendicular the plane of the sign face. The specified distance shall be the shortest straight-line distance to the sign face, including horizontal and vertical distance from the sign if the sign is elevated.

- b. The sign shall have a mechanism that automatically adjusts the illumination level to comply with the standards in Subsection 14.24.020.G.1.a.
- c. In addition to the standards of Subsection 14.24.020.G.1.a., no electronic display sign shall be brighter than necessary for clear and adequate visibility, or of such brilliance or intensity as to present a hazard to persons traveling in the right of way. Upon notice by the Planning Director that a sign is out of compliance with these standards, the owner or operator of an electronic display sign shall immediately adjust the illumination of the sign.

2. Size. An electronic display sign in the Commercial sign district or Manufacturing sign district may be included only as part of a larger sign and the electronic display portion of the sign and is subject to the more restrictive of the size limitations below. Size regulations for signs in the downtown sign district are as described in Subsection 14.16.060.H.6.

- a. 25% of the size of the sign face that contains the electronic display sign, abuts the electronic display sign, or is on the same sign structure as the electronic display sign.
- b. 50 square feet.

3. Display.

- a. The message or copy on an electronic display sign with an area of 20 square feet or less is allowed to change no more than once every 15 seconds. The change in message or copy may occur instantaneously or may fade or dissolve with a transition time of no more than 2 seconds between each separate message or display.
- b. The message or copy on an electronic display sign with an area of more than 20 square feet is allowed to change no more than once every 3 hours. The change in message or copy is required fade or dissolve with a transition time of no more than 2 seconds between each separate message or display.

H. Shielding.

The purpose of the regulations below is to prevent light pollution from illuminated signs into the sky. The light source for externally illuminated signs with a sign face of 100 square feet

or more shall have a cutoff angle of 90 degrees or greater to ensure that lighting is not directed upward.

## CHAPTER 14.28 REMOVAL OF SIGNS IN VIOLATION

### 14.28.020 NONCONFORMING SIGN

#### A. Time Limit

1. Except as provided in Subsection 14.28.020.A.4, signs that were in compliance with applicable regulations when installed; but that become nonconforming as a result of adoption, modification, or applicability of the City's sign regulations; may remain in place for 10 years after the date they became nonconforming but shall be removed or brought into compliance on or before 10 years plus 1 day of the date they became nonconforming.
2. (Repealed by Ord. 1965)
3. Any sign which is structurally altered, relocated, or replaced shall immediately be brought into conformance with all of the provisions of this chapter- with the following exceptions:
  - a. A nonconforming sign in all zones may be maintained or undergo a change of copy or image without complying with the requirements of this chapter.
  - b. The inclusion of an electronic display sign within the existing display area of a nonconforming sign is allowed if the addition of the electronic message sign does not cause the sign to go further out of conformance
4. The following provisions of this code relating to flashing signs, par spot lights, revolving beacons, revolving signs, banners, streamers, strings of lights, and temporary signs are applicable to all signs, notwithstanding Subsection 14.28.020.A.1: Subsections 14.12.020.A, 14.12.020.C, 14.12.020.D, 14.12.020.R, and 14.24.020.G.1. Compliance with these subsections is required regardless of any prior legal nonconforming status of the sign.

#### B. Notice

For legally established nonconforming signs that are approaching the end of the 10-year period during which they may be maintained under Subsection 14.28.020.A.1, the City Manager may provide additional notice in anticipation of the date the sign will be required to be removed or made to conform.

## Examples of Electronic Display Signs

Signs allowable downtown with proposed code amendments:



These signs are 20% and 12% of the total sign area, and less than 20 sq ft is size. These signs are not currently allowed in the downtown zones.

Signs allowable in commercial and industrial areas with proposed code amendments:



These signs are 25% and 22% of the total sign area, and less than 50 sq ft is size. These signs would currently be allowed in commercial and industrial areas.

Signs that would not be allowable with proposed code amendments:

All signs on this page would be allowable in commercial and industrial areas under the current sign ordinance.



Electronic Display signs exceed 25% of sign area – 60%, 40%, 32%



Stand-alone electronic display signs



Electronic display sign in excess of 50 sq ft



Agenda Item: 2  
Meeting Date: Sept. 20, 2011

## COUNCIL AGENDA ITEM SUMMARY

**Issue/Agenda Title:** Milwaukie Mural Arts Program

**Prepared By:** Beth Ragel

**Dept. Head Approval:** JoAnn Herrigel

**City Manager Approval:** Bill Monahan

**Reviewed by City Manager:** 9/9/11

### **Issue before the Council**

Approval to move forward with the outreach, program design and code revisions necessary to create a mural program in Milwaukie.

### **Staff Recommendation**

Modify the municipal code so that murals are exempt from sign regulations and develop a mural review process so that murals installed are publically owned, thus allowing a stakeholder group to evaluate them based on quality, artistic merit, durability, safety and the context in which they will be placed.

### **Key Facts & Information Summary**

Murals are currently allowed in Milwaukie only if they fit within the city's sign regulations—limiting their size and requiring a sign permit. Per the sign code:

- In commercial and industrial zones, wall signs are limited to 10-20% of the building face.
- In downtown zones, wall signs are limited to 20% of the building face.
- In downtown residential and open space zones, signs are limited to 16 square feet.

### **Other Alternatives Considered**

Direct staff to cease work on and the project, and reject the creation of a Milwaukie mural program.

### **City Council Goals**

Council does not have a goal regarding public art but has established economic revitalization as a top goal. Numerous studies have shown a correlation between public art and economic revitalization. This program is also a priority for the Milwaukie Arts Committee (artMOB) and City Council has a goal to improve collaboration with the City's Boards, Commissions and Committees.

### **Attachment List**

n/a

### **Fiscal Notes**

n/a



To: Mayor and City Council

Through: Bill Monahan, City Manager  
JoAnn Herrigel, Community Services Director  
Katie Mangle, Planning Director

From: Beth Ragel, Community Services Program Coordinator  
Ryan Marquardt, Associate Planner

Subject: Steps needed to proceed with the Milwaukie Mural Arts Program

Date: September 20, 2011

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#### **ACTION REQUESTED**

Approval to move forward with the outreach, program design and code amendment drafting necessary to create a mural program in Milwaukie.

#### **HISTORY OF PRIOR ACTIONS AND DISCUSSIONS**

**March, 2011:** Beth Ragel, Community Services Program Coordinator and staff liaison to the Milwaukie Arts Committee and Ryan Marquardt, Associate Planner, talked with Council about developing a mural program in Milwaukie. At this meeting, Council asked staff to return and address the following: how much staff time it would take to implement the needed code changes and get the program running; whether or not the code could be revised without the creation of a mural program and mural review committee; and what kind of community outreach would be planned before implementation of the program.

Following is a summary of the issues and an analysis of the staff time required to develop the program.

#### **BACKGROUND**

##### **Why code changes are needed:**

Murals are currently allowed in Milwaukie only if they fit within the City's sign regulations—limiting their size and requiring a sign permit. The sign code regulates

“materials placed or constructed primarily to convey a message or other display and which can be viewed from a right-of-way or lot under other ownership”. The City’s review of signs must be “content neutral”; meaning that the city cannot decide to exempt certain types of displays from sign code rules while requiring others to comply with those rules. Messages or displays that are not visible from the right-of-way or another property, such as a mural on the inside of a courtyard or inside a building, are not subject to the sign code rules.

In commercial and industrial zones, wall signs are limited to 10-20% of the building face. In downtown zones, wall signs are limited to 20% of the building face. In downtown residential and open space zones they are limited to 16 square feet. To allow murals to visually function as public art, staff would need to exempt them from sign code regulations and establish a separate review and permitting process. The mural program envisioned by staff would allow murals in commercial and industrial zones (not in residential zones) and would be modeled after the programs in Portland and Beaverton.

While there are currently several murals in Milwaukie, such as the mural on the side of Bernard’s Garage, these were either created before the City updated its sign code (adopted 12/5/06 Ord 1965) and would not be allowed today, or comply with the limiting rules currently in place. Milwaukie High School and Dark Horse Comics have both expressed a desire to put up new murals in the future. The murals they have discussed would not be allowed under current regulations. Recently a mural was removed from the side of building at 10801 SE Main Street that faces Jackson Street (at the Chopstick’s Express side of the building) in downtown. This mural is in good condition but cannot be re-installed anywhere viewable from the right-of-way or from another building under our current sign code.

Allowing groups like Milwaukie High School and Dark Horse Comics to pursue murals would support economic revitalization in Milwaukie. Mural projects like the ones they have proposed would make Milwaukie distinctive and highlight our niche businesses. Numerous studies have shown a correlation between public art and economic revitalization. The arts are a powerful tool to retain residents, attract a broader economic base, and revitalize a city’s image and infrastructure.

**Why a Mural Review Committee is needed:**

In addition to modifying the code to allow murals exemption from sign code restrictions, staff recommends developing a mural review process so that murals installed are publically owned, thus allowing a stakeholder group to evaluate them based on quality, artistic merit, durability, safety and the context in which they will be placed. This process, modeled after programs in Portland and Beaverton, would involve review by an ad-hoc stakeholder committee comprised of members of the Milwaukie Arts Committee, mural artists, and experts such as staff from the Clackamas Arts Alliance. Criteria that such a committee would use to evaluate proposed murals would include:

- Artistic merit
- Scale
- Context
- Community support
- Feasibility
- Media
- Structural and surface stability
- Signed easement form from building owner
- Public accessibility, safety and lighting

Both Beaverton and Portland have programs that allow murals as part of the city's public art collection. The mural is installed either on public property or on a private building with a public art easement. Because the mural is on public property or on a public easement, the city's arts or design review group can evaluate the subjective content of a proposed mural. Portland has a second program that allows private property owners to install murals. The mural has to be hand painted/crafted, cannot have computer generated elements, the building owner cannot receive compensation for placement of the mural, and the mural must remain in place for 5 years. There is no review of the content or design of the mural since the mural is not under public ownership.

**Community Outreach Conducted and Planned:**

At the July, 2011 NDA Leadership meeting, Beth Ragel talked with the NDA Officers about the possibility of starting a mural program in Milwaukie. The group asked several questions and there were some concerns expressed about visual clutter and fear that graffiti could pass as murals. Beth explained that a review committee would review proposed murals and concerns such as visual clutter and artistic merit would be addressed by the committee when reviewing proposed murals. The group thought a program was worth exploring and supported a review process to provide some checks on 'freedom of expression.' Beth Ragel indicated that staff and/or artMOB members would also visit their neighborhoods to get further input.

**Staff time needed to implement program:**

Milwaukie has the benefit of learning from models established in Portland and Beaverton. Staff can use these models to develop the program and minimize program development time. Any proposed code amendments will need to be taken to Planning Commission and then to Council for adoption. Once a program is established, the time to review and permit murals will depend on the number and type of murals proposed. It is possible that this will take a moderate amount of time from both Community Services and the Planning staff.

An analysis of the staff time needed to do the outreach, program development and code revisions is shown in the below matrix (and is further explained in the "work load impacts section"):

**Mural Project Code Amendments**

**Estimated Staff Time (hours)**

Does not include administrative staff time for Planning Commission and City Council meetings

CC= City Council; PC = Planning Commission

	Planning Director	Planning Staff	Community Services	City Attorney	TOTAL
<b>Outreach</b>					
Ongoing updates to NDA leadership; informational materials to NDA liaisons		2	2		4
Seek comments from other interested persons - mural artists, staff, other jurisdictions (N. Clack. School Dist.)		8	8		16
Design and Landmarks Committee work session	4	10			12
2 Planning Commission work sessions	8	12	4		24
1 CC work session	8	8	8		24
<b>Develop Proposal</b>					
Finish researching models, approaches from other jurisdictions		4			4
Write proposed code	4	16		4	24
<b>Adoption</b>					
Revise proposal based on outreach		8		2	10
PC Hearing notices		8			8
PC Meeting - report, presentation	8	8	2		18
CC Hearing notices		4			4
CC Meeting - report, presentation	8	16	2		26
	<b>34</b>	<b>112</b>	<b>34</b>	<b>6</b>	<b>174</b>

**CONCURRENCE**

JoAnn Herrigel, Community Services Director and Katie Mangle, Planning Director, have reviewed this staff report and concur.

**FISCAL IMPACT**

This program would not require direct expenditure but staff time is valued at \$37.00 an hour.

**WORK LOAD IMPACTS**

As show in the prior matrix, staff anticipates that the maximum number of person-hours required would be around 174. Once a proposal is drafted, the outreach and adoption process could be completed in approximately 4 months. The duration of the process is unlikely to take less than this amount of time due to the required notices and timeframes for public hearings on code amendments.

Members of the Milwaukie Arts Committee (artMOB) have also offered to help with the outreach to the NDAs, which could reduce the amount of staff time estimated for outreach.

**ALTERNATIVES**

1. Staff Recommendation: Approve of staff moving forward with the outreach, program design and code revisions necessary to exempt murals from the sign code and create a public art mural program in Milwaukie.
2. Direct staff to cease work on and the project, and reject the creation of a Milwaukie mural program.

**ATTACHMENTS**

n/a



Agenda Item: 3  
Meeting Date: 9/9/2011

## **COUNCIL AGENDA ITEM SUMMARY**

**Issue/Agenda Title:** Professional Services and the Minor League Baseball Project

**Prepared By:** Kenny Asher  
**Dept. Head Approval:** Kenny Asher  
**City Mgr. Approval:** Bill Monahan  
**Reviewed by City Manager on:** 9/9/11

### **Issue before the Council**

This report is to update the Council on professional services that staff recommends contracting for to advance the goal of attracting minor league baseball to Milwaukie.

### **Staff Recommendation**

No action is requested at this time.

### **Key Facts & Information Summary**

Staff is in the process of assembling a team of professional advisors to assess the feasibility of the baseball concept, slated for future development on the ODOT maintenance yard site. Because the baseball project involves a multitude of disciplines and a highly specialized building, it will be important for the City to assemble a high quality team of professionals with experience in the programming, siting and development of sports facilities. Staff will review with Council the disciplines needed for this project to move forward.

### **Other Alternatives Considered**

Not applicable.

### **City Council Goals**

Goal 2: Pursue economic development initiatives that identify facilities in the City to attract destination events and activities; and continue to explore the opportunity to bring minor league baseball to Milwaukie.

### **Attachment List**

There are no attachments for this report.

### **Fiscal Notes**

The "Bring it Back" Campaign is designed to work in phases, to manage the fiscal impact on the City.



**To: Mayor and City Council**

**Through: Bill Monahan, City Manager**

**From: Kenneth Asher, Director of Community Development & Public Works**

**Date: September 7, 2011 for the September 20, 2011 Work Session**

**Subject: Professional Services to Assess the Feasibility of the Baseball Project**

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### **ACTION REQUESTED**

No action requested. This report updates City Council on professional services that can help the City assess the feasibility of attracting minor league baseball to Milwaukie.

### **HISTORY OF PRIOR ACTIONS AND DISCUSSIONS**

**August 2011:** Staff updated Council on efforts undertaken between October 2010 and July 2011 related to Council's goal of attracting minor league baseball to Milwaukie.

### **BACKGROUND**

City Council established a goal of attracting destinations to Milwaukie, in support of economic development and livability goals. A minor league baseball stadium, if successfully built and leased in the City's North Industrial district, would achieve these goals while leveraging the City's investment in the Portland-Milwaukie light rail project.

Staff is in the process of assessing the professional disciplines necessary to assess the feasibility of the baseball concept, which could be developed on the ODOT maintenance yard site at 9002 SE McLoughlin Blvd. Because the baseball project involves several disciplines and a highly specialized building, it will be important for the City to assemble a high quality team of professionals with experience in the programming, siting and development of sports facilities. The following disciplines would support the 12-month "Bring It Back" campaign process that would commence in October and would ultimately determine the feasibility of the project.

A successful Bring It Back campaign would lead to development and construction phases which would require services not fully described in this staff report and for which a separate procurement process would be required.

Communications/Campaign Strategist: These services include coordination of the public process, messaging and marketing of the project, campaign planning and execution, communication strategizing, and developing political and corporate partnerships. Opinion research and economic analysis would be conducted under the auspices of the selected communications firm.

Architectural and Engineering: These services include analyzing the site, developing and testing a program and concept for the use of the site (buildings to be built), evaluating traffic, topography, utilities, lighting effects, noise, parking, and zoning. Additional services include rendering the concept for the new building(s) for public review, and for review by prospective teams (tenants), and helping promote the concept through presentations and preparation of graphic material. The selected firm is expected to work with a contractor to develop cost estimates as the project moves through feasibility phases.

Project Management: These services will provide expertise to the City in the areas of budget, schedule, and scope control. These services ensure that experts in construction are at the table representing the City as information is presented by the design team. This allows the City to keep a guiding hand on project elements that can create downstream project management issues, like scope control, change order management, and sustainability/environmental sensitivity.

Deal Structuring: These services include negotiations related to the financing and use of the facility. The City will need expertise in lease negotiations, operating agreements, naming rights, contingency funding, and community uses.

Team Solicitation and Negotiations: A firm providing these services will ensure that the City is staying closely connected to any and all of the ownership groups considering Milwaukie as a future home for a minor league baseball team. These services include arranging meetings and negotiations between the City and baseball ownership groups, especially early in the process.

Legal: Legal services will be required to prepare and/or review the various agreements that will define the many relationships between the financing, use, and operations of the facility. Legal services may also be required in supporting land use issues, zoning/development issues, and/or legal inquiries that might be made as the project progresses.

Not all of these services will be required right away, nor at equivalent levels of intensity over the 12-month feasibility period. Some of the services will be ongoing, and others will be intermittent. However the City should eventually consider making use of all these services during the feasibility phase, since the successful meshing of these many disciplines will largely determine the quality of the project that the Council will be asking Milwaukians to support.

## **CONCURRENCE**

No action is sought. This list of professional services is fairly standard for a project like this one, and has been compiled through staff research and interviews with professional firms. The City of Portland has had experience with determining the feasibility of developing sports venues and is assisting Milwaukie staff in the assessment of the baseball project's feasibility.

## **FISCAL IMPACT**

The Bring It Back Campaign is a feasibility assessment, designed in phases to help manage City finances. The feasibility assessment will operate over parts of two fiscal years, and will require additional funding beyond what was included in the current year Community Development budget for minor league baseball. Some services will be required over the entire feasibility campaign (e.g. Communications/Campaign Strategist) while others may only be required for a certain feasibility phase (or with a different level of intensity). By breaking the project into phases, the Council can determine on a quarterly basis how to expend funds on the professional services described in this report. Much of the feasibility work can be absorbed within the Community Development budget by adjusting how expenditures are programmed in the current fiscal year. Options for using additional funds in the current fiscal year budget, if needed, will be provided to the Council by the Finance Director. Funds required in fiscal year 2011-12 will be included in that year's budget. Legal costs for the project will be handled under the City's existing contract with the City Attorney's office, and possibly subcontracts, if any, are deemed necessary by the City Attorney.

Each phase of the assessment can be scaled down or dropped altogether if Council determines that the project isn't feasible or requires less study. It is also possible that some project costs will be shared with a team or ownership group, once identified. However, staff recommends that Council proceed with the feasibility assessment now to establish the credibility and momentum that will attract a team to the baseball concept taking shape in Milwaukie.

## **WORK LOAD IMPACTS**

The Bring It Back project is consuming approximately 40-60% of the Community Development Department at this time, and that percentage will increase as the feasibility assessment advances through each phase of work.

## **ALTERNATIVES**

Not applicable.

## **ATTACHMENTS**

None.