

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

**CALL TO ORDER**

**Mayor Ferguson** called the 2111<sup>th</sup> 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, Assistant to the City Manager Teri Bankhead, City Attorney Tim Ramis, City Recorder Pat DuVal, Public Affairs Coordinator Grady Wheeler, Community Development/Public Works Director Kenny Asher, Police Chief Bob Jordan, Community Services Director JoAnn Herrigel

**PLEDGE OF ALLEGIANCE**

**PROCLAMATIONS, COMMENDATION, SPECIAL REPORTS AND AWARDS**

None scheduled.

**CONSENT AGENDA**

It was moved by Councilor Hedges and seconded by Councilor Chaimov to adopt the consent agenda as presented. Motion passed with the following vote: Councilors Hedges, Loomis, Miller, and Chaimov and Mayor Ferguson voting "aye." [5:0]

**A. City Council Minutes:**

1. August 16, 2011 work session;
2. August 30, 2011 study session;
3. September 6, 2011 regular session; and
4. September 20, 2011 regular session

**B. Resolution No. 87-2011: A Resolution of the City Council of the City of Milwaukie, Oregon, Approving the Award of a Contract for the Home Avenue Sidewalk Improvements; and**

**C. OLCC Application – Milwaukie Kitchen and Wine, 10610 SE Main Street – new outlet**

**AUDIENCE PARTICIPATION**

**Kathy Heintz**, Milwaukie, a 25-year resident, resided at Wilma Court and Home Avenue for 11 years. There was a fence on her property when she purchased it, and although it did not interfere with the Home Avenue walking path project, she was cited by Milwaukie Code Enforcement after the matter had been discussed at the Hector Campbell Neighborhood District Association (NDA) meeting. The issue was neither on the agenda nor was the discussion or decision included in the meeting minutes. She was appealing to the City Council and explained it would be a significant hardship for her to move the fence. It did not jeopardize the Walk Safely Milwaukie Project.

**Mayor Ferguson** said he and Mr. Monahan would follow up with Ms. Heintz.

**Mr. Monahan** explained code compliance was a complaint-driven process.

**John Semau**, Milwaukie, raised concerns with the Lake Road Project. He now has no sense of privacy and was concerned about safety. The curb was approximately 10-feet from his deck, and if a vehicle went out of control, it could come into his backyard.

**Mayor Ferguson** offered to have a follow up conversation with Mr. Semau.

**Les Poole**, Clackamas County, provided copies of the final environmental impact statement (FEIS) and discussed the grave legal concerns he had with the area south of Lake Road. He was hoping to circumvent issues for TriMet. There is a 5-1/2 acre park right under the light rail track that created a major impact. This project was not really taking enough cars off the road.

**Mayor Ferguson** recessed the regular City Council meeting at 7:16 p.m.

## **PUBLIC HEARING**

**Chair Ferguson** convened the Local Contract Review Board (LCRB) and called the public hearing on the proposal to allow the special class exemption for the direct award of the contracts for the feasibility of the "Bring it Back" project to order at 7:17 p.m.

The purpose of the hearing was to consider a resolution approving class exemption under Local Contract Review Board Rule 10.115 upon making certain findings.

**Mr. Ramis** told the Board that the question involved the contract procedures and related issues and options. Two findings the City Council had to make were that the process would not limit competition, and the process could reasonably be expected to result in substantial saving for the City.

### **Audience Testimony**

**Jean Baker**, Milwaukie, felt environmental issues should be addressed early in process through an environmental impact study. She had concerns about the combined noise level from the baseball stadium, MAX, and Hwy 99E. It was unconscionable to move forward without clearly identifying when the noise impacts would be studied. She also encouraged the Council to adopt reasonable noise standards for the City.

**Mr. Ramis** responded it might be premature to bring someone in to study sound before the land use process in which technical disciplines would be brought on board. The key issue in this action was the procurement process and how a contract was issued although Ms. Baker's concerns were certainly relevant to the project. He recommended the exempt approach as being justified; it did not limit competition, and the City would not suffer loss of competition. Mr. Asher felt the informal process resulted in lower costs.

Correspondence: **Leslie Schockner** submitted comments to the City Council dated October 4, 2011, via email.

**Chair Ferguson** closed the public testimony portion of the hearing at 7:35 p.m.

**Councilor Chaimov** understood these companies had been thoroughly vetted. This was a unique situation of which the City should take advantage.

**It was moved by Board Member Chaimov and seconded by Board Member Loomis to adopt the resolution approving class exemption under Local Contract Review board Rule 10.115 for contract related to determining feasibility of the "Bring it Back" Baseball Project. Motion passed with the following vote: Councilors Hedges, Loomis, Miller, and Chaimov and Mayor Ferguson voting "aye." [5:0]**

**RESOLUTION NO. 88-2011:**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ACTING AS THE LOCAL CONTRACT REVIEW BOARD, APPROVING CLASS EXEMPTION UNDER RULE 10.115 FOR CONTRACTS RELATED TO DETERMINING FEASIBILITY OF THE “BRING IT BACK” BASEBALL PROJECT**

**Chair Ferguson** adjourned the Local Contract Review Board meeting at 7:36 p.m.

**Mayor Ferguson** reconvened the City Council regular session at 7:37 p.m.

**OTHER BUSINESS**

**A. Approval of Contracts for “Bring it Back” Baseball Campaign**

**Mr. Asher** provided the staff report in which the City Council was requested to authorize the City Manager to enter into contracts to bring minor league baseball to the City of Milwaukie. He gave an overview of the project, the advisor and services, fiscal impacts, and the staff recommendation and alternatives. The idea of baseball in Milwaukie had been in the exploratory mode for about one year. This action would allow the City to move forward with public outreach that includes a communication strategy with the public and baseball and business entities. He reviewed the recommended phased approach that included intervals at which the Council would determine if the City should move forward on the project or opt out. They needed to develop a strategy for how the site would be used and what activities would be allowed. In December or January City Council would have a good idea about the feasibility of the site. After that project costs would be estimated and communicated to the public. He discussed the subsequent agreements, finance plans, and a likely bond measure.

He gave an overview of the recommended advisors and the proposed areas of responsibility. Phase I, site feasibility, would include communications strategist, architect and engineering experts, and project management. Other advisors may be needed at some point, but to Mr. Asher this was the best team to start the project. The recommended firms were Innovative Campaign Strategies, 360 Architecture, and Capital Project Consultants.

The fiscal impact would be limited to the Community Development Department budget with the effect of slowing down some of the other projects in its work plan. The cost of Phase I was approximately \$85,000. He noted it was probably not realistic to think a team might step in and share costs. The advisors have discounted their rates, and the architects would defer costs depending on the success of the effort. He discussed the alternatives to moving forward with the recommendation.

**Mayor Ferguson** noted several people wished to comment on this matter and that Ms. Baker’s earlier comments would be considered.

**Ginger Plov**, Milwaukie, lived near Roswell Street and could already hear Sckavone Field. She wanted to see the money directed toward something that would help the neighborhood. The noise level would be incredible, and she was concerned about reduced livability. She was concerned about the community and felt this project was being rushed, with little communication about what was being planned.

**Mayor Ferguson** responded the Council’s goal was active community engagement.

**John Plov**, Milwaukie, would be living near light rail and now a baseball stadium. It seemed backwards to issue contracts before deciding if it was good for the community and if people, particularly the Roswell neighborhood, really wanted a stadium before spending any money.

**Jim Sanders**, Milwaukie, Ardenwald resident, noted Milwaukie still had to pay for light rail, and everyone was in the midst of economic difficulties. This project would have to be bonded, and neighborhood serenity would be destroyed. He suggested remodeling Sckavone Field.

**Chantelle Gamba**, Historic Milwaukie NDA, saw a disparity between what she read and conversations she has had with neighbors. She felt this project was being rushed. Light rail was forced down people's throats, and the same thing was happening with baseball. This was a bitter pill. She felt the City needed to garner support by being more conservative and encouraging outreach before spending \$85,000 on something that did not have popular support.

**Mark Gamba**, Milwaukie, understood from discussions with people that thoughts were beginning to gel. The project would probably neither damage nor save Milwaukie. A single-A ballpark would probably not pencil out, but a multi-use facility might.

**Councilor Hedges** asked the costs of the projects being put on hold to do the feasibility study.

**Mr. Asher** replied he had no staff to work on the Kellogg for Coho Initiative, so that project would limp along. The Commercial Core Enhancement Program (CCEP) including urban renewal planning using a Metro Grant would consume a lot of staff time from some source. Other areas that would suffer were Main Street organization and activity, business relations, and light rail business relocation work. A number of grants had been secured, but there was a problem with workload and staff capacity.

**Councilor Miller** asked when citizens would have the opportunity to weigh in on this project.

**Mr. Asher** replied if the City Council approved the proposed contracts then some communication work would begin in the neighborhoods this month.

**Councilor Loomis** observed these were all issues with which the consultants could help the City Council come to its decisions. He knew it would be a financial challenge to make this project happen, and it would depend on our citizens and other partners. He felt the City was taking measured steps to do it right. The success of the project depended on the City Council's using information from the public and being above board and transparent. People were supportive of the idea but had questions and issues. He felt these were good initial steps with periodic off-ramps.

**Councilor Hedges** attended numerous NDA meetings over the past 6 months and had talked about baseball making clear this was a feasibility study. The City Council had checkpoint opportunities to pull the plug if necessary. Milwaukie citizens would have the final say on whether to go ahead with the project or not. In the neighborhood meetings, he heard 100% support to go ahead with feasibility study. He was also concerned someone would get the \$10,000 win bonus which made it appear to be a fight between City Council and staff versus the public. He had always promised citizen involvement, and the City Council was now looking at spending \$300,000 of citizen money although he originally had in his mind \$100,000. Citizens needed to be in from the beginning to make a decision when the time came.

**Councilor Miller** echoed Councilor Hedges' comments. For him the first step was to give citizens a right to say what they thought, or the project would fail. The City Council needed a clear understanding of what citizens will support and for how much.

**Councilor Loomis** said that was what these contracts were about. If the polling says residents did not think baseball was a good idea, then pull the plug. The City Council needed to show leadership and that in their hearts they believed. A majority of people

he talked to were excited about the baseball project, but he would pull the plug if the public did not support it. He believed this was a catalyst to getting other things done.

**Councilor Chaimov** said even though this was being called a stadium, people were clear they wanted it to be a multi-use facility. He hoped this would be a heavily used facility by the community. A vast majority of those with whom he talked were very excited and saw this as the City's best chance to make Milwaukie a community with sidewalks and other amenities using resources the City did not already have. It was not the Council's intent to have the desires of the majority of citizens go unheeded if the project made neighborhoods unpleasant places to live.

**Councilor Hedges** asked if it was correct the City was not locked into one year's work and could pull out.

**Mr. Asher** replied that was correct.

**Mr. Ramis** suggested not using the word "campaign" as it might imply voter strategy.

**It was moved by Councilor Chaimov and seconded by Councilor Loomis to adopt the resolution authorizing the City Manager to execute contracts with a team of advisors to support the goal of attracting minor league baseball to the City of Milwaukie. Motion passed with the following vote: Councilors Hedges, Loomis, Miller, and Chaimov and Mayor Ferguson voting "aye." [5:0]**

#### **RESOLUTION 89-2011:**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AUTHORIZING THE CITY MANAGER TO EXECUTE CONTRACTS WITH PROFESSIONAL ADVISORS TO ASSIST WITH ACHIEVING THE COUNCIL GOAL OF ATTRACTING MINOR LEAGUE BASEBALL TO THE CITY OF MILWAUKIE**

#### **B. Photo Radar Update**

**Chief Jordan** provided an update and timeline on what had occurred since photo radar was last discussed and asked the City Council to adopt findings related to the negative impacts of speeding issues in the City of Milwaukie. Annie Burton and Jeff Linman of Milwaukie High School would discuss the education element and audio-video tutorial.

He referred to a number of graphs showing numbers of citations issued on Hwys 99E and 224, van locations, and rates of photo radar citation issuance. He reviewed the amount of revenue generated.

**Ms. Burton**, Milwaukie High School, discussed the basic outline of the tutorial.

**Chief Jordan** said the High School would be reimbursed for its work on the video from the traffic assessment fund. He noted an intangible of this project was that police officers were working with high school students on a traffic safety project.

**Mayor Ferguson** was excited about the program, and this was how he had envisioned solutions to the concerns he expressed earlier this year.

**It was moved by Councilor Hedges and seconded by Councilor Chaimov to adopt the resolution continuing photo radar enforcement under new technology, making findings, and ratifying prior determinations. Motion passed with the following vote: Councilors Hedges, Miller, and Chaimov and Mayor Ferguson voting "aye" and Councilor Loomis voting "no." [4:1]**

## **RESOLUTION 90-2011:**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, CONTINUING PHOTO RADAR ENFORCEMENT UNDER NEW TECHNOLOGY, MAKING FINDINGS, AND RATIFYING PRIOR DETERMINATIONS**

#### **C. Letter of Interest – Metropolitan Area Communication Commission Membership – Resolution**

**Ms. Herrigel** briefly reviewed the proposed action that would authorize the Mayor to sign a letter to the Metropolitan Area Communication Commission (MACC) indicating the City's interest in becoming a member. She noted this was not a binding document but rather a discussion opener. She outlined the timelines and proposed City Council deliberations and a decision on November 1.

The City Council felt many of the questions had been answered during the work session

**Councilor Hedges** recommended continuation to another date as he felt there were some outstanding issues to be resolved prior to sending the letter of intent.

**Councilor Chaimov** understood the letter of interest needed to be sent in order to find out the terms and information needed for a thorough comparison of services. He shared Councilor Hedges' concerns and felt the citizens were happy with their current services.

**It was moved by Councilor Loomis and seconded by Mayor Ferguson to adopt the resolution authorizing the Mayor to sign a letter to the Metropolitan Area Communication Commission asking that the City be considered for membership.**

**Councilor Loomis** agreed with Councilor Hedges' comments and felt the School District could potentially prepare a viable proposal. The letter of interest was one of the pieces that needed to be in place to have all the information critical to the final decision.

**Councilor Miller** supported the resolution as long as it did not change what was being done.

**Motion passed with the following vote: Councilors Loomis, Miller, and Chaimov and Mayor Ferguson voting "aye" and Councilor Hedges voting "no." [4:1]**

**Mayor Ferguson** recused himself from the remainder of the session citing a potential conflict of interest as a TriMet employee. Before leaving, he made a number of announcements.

**Council President Chaimov** presided over the remainder of the meeting.

#### **D. TriMet Funding**

**Council President Chaimov** gave a brief background on the matter and announced there was a meeting scheduled with TriMet to discuss long-term funding options.

There was no discussion and no motions at this time.

#### **E. Council Reports**

Council President Chaimov and Councilors provided a update on meetings they attended on behalf of the City and upcoming community events. Several commented on the recent Annual League of Oregon Cities Conference.

## **ADJOURNMENT**

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

**Council President Chaimov** adjourned the regular session at 9:11 p.m.

Respectfully submitted,

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Pat DuVal, Recorder

# REGULAR SESSION

# AGENDA

## MILWAUKIE CITY COUNCIL OCTOBER 4, 2011

MILWAUKIE CITY HALL  
10722 SE Main Street

2111<sup>th</sup> MEETING

### REGULAR SESSION – 7:00 p.m.

- |   | Page<br>No. |
|---|-------------|
| <b>1. CALL TO ORDER</b><br>Pledge of Allegiance   |             |
| <b>2. PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS</b>   |             |
| <b>3. CONSENT AGENDA</b> <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>   | <b>1</b>    |
| <b>A. City Council Minutes</b>  | <b>2</b>    |
| 1. August 16, 2011 Work Session   |             |
| 2. August 30, 2011 Study Session  |             |
| 3. September 6, 2011 Regular Session  |             |
| 4. September 20, 2011 Regular Session   |             |
| <b>B. Contract Approval for the Walk Safely Milwaukie Program – Home Avenue Sidewalk Improvement Project – Resolution</b>   | <b>15</b>   |
| <b>C. OLCC Application for Milwaukie Kitchen &amp; Wine, 10610 SE Main Street – new outlet</b>  | <b>25</b>   |
| <b>4. AUDIENCE PARTICIPATION</b> <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, 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.)</i> |             |
| <b>5. PUBLIC HEARING</b> <i>(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.)</i>   | <b>29</b>   |
| <b>A. Procurement Process Exemption for Baseball Contracts – Resolution</b><br>Staff: Kenny Asher, Community Development & Public Work Director   | <b>30</b>   |

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.)* **37**
- A. **Approval of Contracts for the “Bring It Back” Baseball Campaign – Resolutions** **38**  
**Staff: Kenny Asher, Community Development & Public Works Director**
- B. **Photo Radar Update** **62**  
**Staff: Bob Jordan, Police Chief**
- C. **Letter of Interest – Metropolitan Area Communication Commission Membership – Resolution** **95**  
**Staff: JoAnn Herrigel, Community Services Director**
- D. **TriMet Funding**
- E. **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 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.
- The Council requests that all pagers and cell phones be either set on silent mode or turned off during the meeting.

3.

# CONSENT AGENDA

**MINUTES  
MILWAUKIE CITY COUNCIL WORK SESSION  
AUGUST 16, 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, and Mike Miller

Excused: Councilor Joe Loomis

Staff Present: City Manager Bill Monahan, City Recorder Pat DuVal, Assistant to the City Manager Teri Bankhead, Public Affairs Coordinator Grady Wheeler, Community Services Director JoAnn Herrigel, Planning Director Katie Mangle and Community Development and Public Works Director Kenny Asher.

Media: Molly Harbargar, *The Oregonian* and Raymond Rendleman  
*Clackamas Review*

**City Manager's Report**

**Mr. Monahan** reviewed the evening's work session and regular session agendas. There would be an executive session immediately following adjournment of the regular session. He briefly discussed surveys on the Library Expansion project, library use, and potential locations if the library were to move. He asked the City Council if members felt adding a baseball survey might be too much. He discussed the upcoming League of Oregon (LOC) Conference in Bend at the end of September.

**Community Development and Planning Activity Projects**

**Mr. Asher** updated the City Council on the Lake Road Multimodal Improvements which resulted in closure to through traffic and the status of the Dark Horse Relocation/Real Estate Study.

**Ms. Mangle** discussed the Downtown Code refresh project and amendments to the public area requirements. She reviewed the upcoming Metro Housing and Employment Forecast, land use and development review for Nature Bake parking lot expansion, and South Downtown Planning and Implementation.

**Ban on Single-Use Plastic Bags**

**Ms. Herrigel** provided the staff report. In April, the Milwaukie City Council voted in support of a bill before the legislature which was subsequently unsuccessful. In June, there were a number of public requests that City Council entertain a local ordinance. Staff was directed to research this matter. She discussed the recent ordinance adopted by the City of Portland that would go into effect October 15. She sought City Council direction on future development of a City ordinance regarding regulation of single-use plastic bags. She noted that the City already had voluntary recycling programs for businesses.

**Mayor Ferguson** said in his opinion the major concerns about single-use plastic bags were negative impacts on wildlife and damage to recycling equipment. When he was at the coast recently, he saw a lot of plastic bags littering the beaches. As an environmental steward he would like to see Milwaukie step up and look at alternatives,

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such as biodegradable bags. He hoped to get people there voluntarily through collaboration

**Councilor Chaimov** had two interests: getting more information on the voluntary “It’s in the Bag” from Minneapolis/St. Paul and arranging conversations between a local grocery store together with those who have responded to Councilor Hedges’ *Pilot* article to hopefully come to consensus.

**Councilor Miller** did not want to put Milwaukie retailers in a negative position in relation to other stores in the area. Most of the people in his neighborhood were opposed to the ban because they felt the government was telling them what to do. Many people he talked to reused the bags.

**Ms. Herrigel** reported that Clackamas County had no plans to adopt a bag ban. This means the stores to the north of Milwaukie would have to be in compliance with the Portland ordinance, but any stores in the County would be unregulated.

**Councilor Miller** would like Metro to come up with a program to collect this type of plastic separately from other recyclables.

**Councilor Hedges** agreed the plastic bags were a nuisance and detrimental to sustainability. The bags are used multiple ways and multiple times. He would like something biodegradable and some mandatory curbside recyclable program. He asked for information on how many bags the two affected stores used in a year.

**Mayor Ferguson** liked the idea of researching alternatives or voluntary compliance in lieu of a ban. There was only one facility in the region that had the ability to compost bags; bio plastics could be put in backyard composts.

**Ms. Herrigel** noted the Portland ordinance required paper bags with 40% recycled content, compostable plastic bags, or reusable bags.

**Councilor Hedges** said it did not make sense to him that in the Portland ordinance plastic bags for pharmacy use were acceptable.

**Councilor Miller** asked who would monitor compliance with the ordinance, and how would it be enforceable if the store owners were not on board.

**Mayor Ferguson** said he would coordinate a meeting with retailers and let Council know when he had made the contacts. He would appreciate assistance from Clackamas County staff if possible.

**Ms. Herrigel** wanted to know how this fit in with Council goals and what would come off the staff work plan in order to address this issue.

**Mayor Ferguson** said it should be put on hold until he can reach out to retailers and then he would ask for her help in the execution of that meeting. He would like more research on the subject.

**Councilor Hedges** noted the responses he had gotten related to the ban were about equally split. If half of the city was against doing it, then it was not that high of a priority. Unless there was overwhelming evidence that showed that this needed to be done he did not want to impose the idea on others

**Ms. Herrigel** will contact Clackamas County for assistance.

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

Present: Linda Hedges, Hector Campbell; JoAnne Bird, Island Station; Ed Zumwalt, Historic Milwaukie; Debby Patten, Lake Road; Beth Kelland, Linwood; Dave

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Aschenbrenner, Hector Campbell; Pepi Anderson, Lewelling; and Bryan Dorr, Ardenwald.

The group asked for details on what was happening with baseball in Milwaukie.

**Mayor Ferguson** gave a brief summary of the Council's efforts to add economic opportunities without adding a lot of density. The proposed 8.5 acre site was behind the Oregon Department of Transportation (ODOT) historic building on McLoughlin Boulevard which hopefully be retained a possible brew pub. Currently, they were looking at partnering with a firm to help with them put together the public involvement process, which would include creating a task force. There would be more information on that in September. Right now it was very early in the project to fill in many details. It would be a multi-use facility but all the partners had not been identified. The tentative plan was to have a seating capacity of 4,000. He did not know at this time what financial partnerships might be developed.

The group discussed the feasibility of Portland State Baseball and planning for the Tacoma Street station.

**Mr. Aschenbrenner** asked if there are any other issues or topics that they should take back to their meetings.

**Mayor Ferguson** replied it would be nice to hear from the neighborhoods on Council's performance once the goal report was given.

**Councilor Miller** thought the baseball facility could be a recreation center for all the residents, and would only be successful if citizens got behind it. He hoped the leadership would be the Council's eyes and ears.

**Councilor Chaimov** recommended inviting the Keizer Mayor to a town hall to hear her observations. The Keizer facility was single-use, and the City controlled the parking lot but not the stadium.

The group discussed revenues, light rail, and the Springwater Corridor.

**Mayor Ferguson** noted the proximity of a very large population in Portland and the opportunity to draw people into Milwaukie.

**Mr. Zumwalt** said economic development studies on baseball stadiums seemed to be self-serving, and he hoped the City would keep that in mind when choosing who will do the study.

**Mayor Ferguson** asked the leadership to spread the word that there were positions on a number of advisory boards and commissions. He said they would probably be looking for baseball task force volunteers in the late fall.

**Mayor Ferguson** announced that Planning Commission meetings will be televised live and will be shown on delayed broadcast.

Mayor Ferguson adjourned the meeting at 6:34 p.m.

Respectfully submitted,

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Pat DuVal, City Recorder

**MINUTES  
MILWAUKIE CITY COUNCIL STUDY SESSION  
AUGUST 30, 2011**

**Mayor Ferguson** called the study session to order at 5:07 p.m.

Council Present: Mayor Ferguson, Councilors Chaimov, Loomis, Hedges, and Miller

Staff Present: City Manager Bill Monahan, Assistant to the City Manager Teri Bankhead, City Recorder Pat DuVal, Community Development and Public Works Director Kenny Asher, Engineering Director Gary Parkin, Community Services Director JoAnn Herrigel, and Civil Engineer Jason Rice

**Lake Road Improvement Project Traffic Control Measures**

**Mr. Parkin** and **Mr. Rice** discussed the status of the Lake Road Improvement Project traffic control measures and the costs related to opening all access points. That would require an additional flagger at each point with an estimated cost of \$30,000 on the south side of Lake Road and up to \$80,000 on the north side.

**Councilor Hedges** asked if there were problems other than people getting lost. Was emergency response impacted?

**Mr. Rice** had heard some comments about speeding but suspected it was unrelated to the project. He added that money spent on additional flaggers would take something else out of the project.

**Councilor Miller** was particularly concerned about signage which seemed confusing to drivers. The neighborhood was worried about what would happen when school opened next week. Signage in the neighborhood had been improved but needed more.

**Mr. Rice** had a meeting with the School District scheduled for next week and understood parents and bus drivers were aware of the situation. He noted that both the Northwest Natural and Qwest projects were taking longer than expected and could push project completion out to January.

**Municipal Court Relocation**

**Mr. Monahan** introduced the topic and **Ms. DuVal** gave an overview of the current situation. **Ms. Bankhead** discussed the potential use of the Public Safety Building (PSB) Community Meeting Room and summarized the advantages and disadvantages of relocating court session. She noted a land use application might be required.

**Councilor Loomis** was in favor of continuing to move forward with the proposal.

**Councilor Hedges** did not agree. He was concerned about parking and questioned what would be gained since the room capacity was about the same as City Hall. He was concerned about people having to wait outside in the rain and suggested looking into the feasibility of scheduling additional court days.

**Councilor Chaimov** felt it was prudent to explore the option of holding court at PSB and recognize that the challenges Councilor Hedges pointed out may be obstacles.

**Councilor Miller** wanted to keep the School District building on Lake Road in mind. It could solve both the municipal court and Lake Road Neighborhood park issues.

**Mr. Monahan** would consider how court dates might be split to make arraignments more manageable although using the Community Meeting Room might make it unavailable for other purposes. Parking was also an issue for further investigation.

### **Baseball Task Force**

**Mr. Asher** discussed the baseball initiative and asked for input on what the City Council may be thinking about what groups or organizations should be represented on a task force.

**Mayor Ferguson** envisioned two groups: a steering committee and a resource group made up people on the ground doing survey work and communication in the neighborhoods. He encouraged business representation plus a downtown Milwaukie representative.

**Councilors Hedges** and **Loomis** agreed the group needed to have as broad a representation of citizens as possible.

**Councilor Miller** felt citizens should be brought into the process as soon as possible. It had to be a total community effort.

**Councilor Chaimov** urged clarity in what the City Council wanted this group to be doing. A stadium discussion would require as many stakeholders as possible. Or was there a group vetting the concept in the community? It was important to have a smart project with buy-in from a diverse citizen group.

**Mr. Asher** replied the assumption was that the City Council wanted to go forward and vet the initiative with a large group of citizens.

**Councilor Loomis** thought it was up to the City Council to get the idea out there and generate interest among the people.

**Councilor Hedges** had heard a strong interest in the community and suggested a format like the monthly light rail monthly meetings with occasional open houses.

The group discussed possible make-up of a group. **Mr. Asher** recommended assembling a team of professional advisors by mid-October.

### **MAX Station Naming Process**

**Mr. Asher** distributed a matrix prepared by staff on selection of five possible names. He noted TriMet liked street names included for emergency response purposes.

The group discussed the possibilities and selected Milwaukie Main Street with a street name change to the short segment of Lake Road.

### **TriMet Operator Restroom**

**Mayor Ferguson** said in 2009 he spoke with Mike Swanson about getting rid of the portable toilets in the Farmers' Market and replacing them with a semi-permanent restroom building. He noted possible zoning and safety concerns. TriMet has \$85,000 to spend on the project this year, and the City would be responsible for more than \$50,000.

**Councilor Loomis** observed this did not seem to resolve the problem of removing the portable toilets. He suggested looking for a better location and letting go of the idea with TriMet.

**Mr. Monahan** asked if the Farmers' Market should go through the land use process to have the portable toilets there 6 months out of the year.

**Councilor Chaimov** was not troubled by the portable toilets but asked if they were legal.

**Councilor Miller** did not think this would solve the portable toilet issues. Celebrate Milwaukie, Inc.'s (CMI) perspective was this was not a benefit since the one semi-permanent restroom was not sufficient to meet the Market's needs. He did not see the City's solving a problem by donating property to TriMet.

**Mayor Ferguson** said TriMet's goal was to move the busses to South Downtown and not to Southgate. He noted a two-stall restroom would result in a \$53,000 budget gap.

**Ms. Mangle** discussed event issues and whether this would be a nonconforming use.

**Councilor Loomis** noted portable toilets were unsightly and asked if some of the funds could go to screening.

**Dave Aschenbrenner**, CMI Board member, said there was also an issue with building on three prime vendor spaces. The booth space on the Metro lot was not as valuable.

**Councilor Chaimov** asked for the net cost or savings if there were a single-stall restroom on the City Hall side of the lot. This could be balanced against fewer people using the City Hall facilities.

**Mayor Ferguson** adjourned the study session at 7:50 p.m.

Respectfully submitted,

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Pat DuVal, Recorder

**CITY OF MILWAUKIE  
CITY COUNCIL MEETING  
September 6, 2011**

**CALL TO ORDER**

**Mayor Ferguson** called the 2109<sup>th</sup> 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, Assistant to the City Manager Teri Bankhead, Engineering Director Gary Parkin, Civil Engineer Zach Weigel, Community Development and Public Works Director Kenny Asher, Planning Director Katie Mangle

**PLEDGE OF ALLEGIANCE**

**PROCLAMATIONS, COMMENDATION, SPECIAL REPORTS AND AWARDS**

**A. Recognition of Outgoing Budget Committee Members**

Mayor Ferguson and Councilors recognized Melissa Arne, David Aschenbrenner, and Leslie Schockner for their service to the community on the Budget Committee.

**CONSENT AGENDA**

**Mayor Ferguson** read the consent agenda items.

It was moved by Councilor Chaimov and seconded by Councilor Miller to remove consent agenda items 3.C, the Resolution approving the award of a contract for the construction of Harrison St (Highway 224 to 42<sup>nd</sup> Ave) Water System Improvements Phase I, and 3.D, the Resolution authorizing a memorandum of understanding with TriMet for development of a light rail building, for a separate vote. Motion passed with the following vote: Councilors Miller, Chaimov, Hedges, and Loomis and Mayor Ferguson voting “aye.”

It was moved by Councilor Chaimov and seconded by Councilor Miller to approve the consent agenda as modified:

- A. **Resolution No. 78-2011**: A Resolution of the City Council of the City of Milwaukie, Oregon, Appointing Clare Fuchs to the Milwaukie Planning Commission;
- B. **Resolution No. 79-2011**: A Resolution of the City Council of the City of Milwaukie, Oregon, Appointing Lisa Gunion-Rinker to the Milwaukie Park and Recreation Board;
- E. A Letter of Support for the 17<sup>th</sup> Avenue Multi-Use Trail for a Regional Flexible Fund Allocation;
- F. OLCC Application, Short Snout Brewing, 9554 SE 38<sup>th</sup> Avenue, new outlet; and
- G. City Council Minutes:
  - 1. July 19, 2011 Work Session;
  - 2. July 19, 2011 Regular Session;
  - 3. August 2, 2011 Work Session

Motion passed with the following vote: Councilors Miller, Chaimov, Hedges, and Loomis and Mayor Ferguson voting “aye.”

## **Contract Award for the Harrison Street Water Main Replacement Project**

**Mr. Parkin** reported on the budgeting issue related to this project and the fiscal ramifications of awarding this contract. \$325,000 was budgeted for the project. In addition to increased construction costs, the project was extended to include 32<sup>nd</sup> Avenue to Hwy. 224 to accommodate the Harrison Street Quiet Zone making the total construction \$527,381.80. If this contract award were approved, the City would be committed to following through with a supplemental budget later this year in which of \$187,381 in water system development charge (SDC) funds would be allocated for the expenditure.

**Councilor Chaimov** understood this meant the City would build what was planned for both this fiscal year and the next.

**It was moved by Councilor Chaimov and seconded by Councilor Hedges to adopt the resolution approving a contract for Harrison Street Water System Improvements Phase 1 with Jim Smith Excavating in the amount of \$572,381.80. Motion passed with the following vote: Councilors Miller, Chaimov, Hedges, and Loomis and Mayor Ferguson voting “aye.”**

### **RESOLUTION NO. 80-2011:**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, APPROVING THE AWARD OF A CONTRACT FOR THE CONSTRUCTION OF HARRISON ST (HIGHWAY 224 TO 42<sup>ND</sup> AVENUE) WATER SYSTEM IMPROVEMENTS PHASE 1.**

## **Memorandum of Understanding**

**Mayor Ferguson** announced he had inquired with the Oregon State Ethics Commission regarding his involvement in light rail funding for the City of Milwaukie and had been advised his participation would be a conflict of interest. He excused himself from the meeting, and Council President Chaimov presided.

**It was moved by Council President Chaimov and seconded by Councilor Hedges to adopt consent agenda item 3.D, the Resolution authorizing a memorandum of understanding with TriMet for development of a light rail building as modified. Motion passed with the following vote: Councilors Miller, Chaimov, Hedges, and Loomis voting “aye” and Mayor Ferguson recusing himself. [4:0]**

### **RESOLUTION NO. 81-2011**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AUTHORIZING THE CITY MANAGER TO SIGN A MEMORANDUM OF UNDERSTANDING WITH TRIMET FOR THE DEVELOPMENT OF A LIGHT RAIL STATION BUILDING ADJACENT TO THE STATION TO BE BUILT IN DOWNTOWN MILWAUKIE AT SE 21ST AVENUE AND SE LAKE ROAD.**

## **AUDIENCE PARTICIPATION**

**Gwen L. Alvarez**, Milwaukie, addressed banning plastic bags in the City of Milwaukie and how that might affect residents suffering under current economic conditions. This was more about creating a habit, and she suggested having a circle of sewers who would make bags from used t-shirts. She urged a ban on bags for retailers modeled in the bill before the State Legislature this past session.

**Vincent Alvarez**, Milwaukie, provided information on cities that had already implemented bag bans and noted reusable bags were a habit that people could acquire.

**Councilor Hedges** supported the ban but had gotten a negative response to his *Pilot* article. Most people indicated they used their plastic bags more than once for a variety of purposes.

**Mr. Alvarez** observed there had been an overwhelming desire not to have light rail, but it was coming. He thought few people used their bags multiple times and noted people might have to be brought along kicking and screaming.

**Mayor Ferguson** looked forward to arranging a grocers' summit on the matter.

## **PUBLIC HEARING**

None scheduled.

## **OTHER BUSINESS**

### **A. File #A-11-04 – Expedited Annexation of 9320 SE Stanley Avenue – Ordinance**

**Ms. Mangle** provided the staff reports. The septic system on the subject property had failed, and the City allowed an emergency connection to its system in the North East Sewer Extension (NESE) Area. The property will be in the R-7 zone upon annexation. There is currently a single-family residence on the property which was allowed outright in that zone. The application met all relevant federal, state, and regional regulations, and no objections to the annexation were received from any necessary party. Staff, therefore, recommended approval of the expedited annexation of the property located at 9320 SE Stanley Avenue.

**It was moved by Councilor Hedges and seconded by Councilor Loomis for the first and second readings by title only and adoption of the ordinance annexing a tract of land identified as 9320 SE Stanley Avenue into the City Limits of the City of Milwaukie and withdrawing the tract from the territory of Clackamas County Enhanced Law Enforcement and Clackamas County Service District No. 5 for Street Lights – File #A-11-04. Motion passed with the following vote: Councilors Miller, Chaimov, Hedges, and Loomis and Mayor Ferguson voting “aye.”[5:0]**

**Mr. Monahan** read the ordinance two times by title only.

**Ms. DuVal** polled the Council: **Councilors Miller, Chaimov, Hedges, and Loomis and Mayor Ferguson voting “aye.”[5:0]**

#### **ORDINANCE NO. 2038:**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ANNEXING A TRACT OF LAND IDENTIFIED AS 9320 SE STANLEY AVENUE INTO THE CITY LIMITS OF THE CITY OF MILWAUKIE AND WITHDRAWING THE TRACT FROM THE TERRITORY OF CLACKAMAS COUNTY SERVICE DISTRICT FOR ENHANCED LAW ENFORCEMENT AND CLACKAMAS COUNTY SERVICE DISTRICT NO. 5 FOR STREET LIGHTS – FILE #A-11-04**

### **B. File #A-11-05 – Expedited Annexation of 10113 SE Hollywood Avenue – Ordinance**

**Ms. Mangle** provided the staff reports. The property has a septic system that was beginning to fail, and the property owner has begun the process of obtaining permits to connect to the City's wastewater service in the North East Sewer Extension (NESE) Area. The property is zoned County R-10 and will retain that zoning upon annexation to the City of Milwaukie. There was currently a duplex on the site which is allowed conditionally, not outright, in an R-10 zone. Staff research indicated that the duplex was

a legal, non-conforming use and would be a de facto conditional use upon annexation. The application met all relevant federal, state, and regional regulations, and no objections to the annexation were received from any necessary party. Staff, therefore, recommended approval of the expedited annexation of the property located at 10113 SE Hollywood Avenue.

**It was moved by Councilor Miller and seconded by Councilor Chaimov for the first and second readings by title only and adoption of the ordinance annexing a tract of land identified as 10113 SE Hollywood Avenue into the City Limits of the City of Milwaukie and withdrawing the tract from the territory of Clackamas County Enhanced Law Enforcement and Clackamas County Service District No. 5 for Street Lights – File #A-11-05. Motion passed with the following vote: Councilors Miller, Chaimov, Hedges, and Loomis and Mayor Ferguson voting “aye.”[5:0]**

**Mr. Monahan** read the ordinance two times by title only.

**Ms. DuVal** polled the Council: Councilors Miller, Chaimov, Hedges, and Loomis and Mayor Ferguson voting “aye.”[5:0]

**ORDINANCE NO. 2039:**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ANNEXING A TRACT OF LAND IDENTIFIED AS 10113 SE HOLLYWOOD AVENUE INTO THE CITY LIMITS OF THE CITY OF MILWAUKIE AND WITHDRAWING THE TRACT FROM THE TERRITORY OF CLACKAMAS COUNTY SERVICE DISTRICT FOR ENHANCED LAW ENFORCEMENT AND CLACKAMAS COUNTY SERVICE DISTRICT NO. 5 FOR STREET LIGHTS – FILE #A-11-05.**

**C. Adoption of the South Downtown Concept Plan – Resolution**

**Mr. Asher** and **Ms. Mangle** reported that staff recommended adoption of the South Downtown Plan and sought direction to undertake the described work elements. Mr. Asher reviewed the background of the Plan development that included significant public input and summarized the elements of the Plan. He felt an adopted vision would give staff the necessary direction on what would be built and what was and was not realistic. The Plan was shared with the Planning Commission and Design and Landmarks Committee and feedback indicated support to have this list attached to the South Downtown Plan developed for the City by Walker Macy. This action was essential in getting to the new vision. It was neither the last step nor was it a commitment to funding. Rules and regulations would be developed based on direction and impetus.

**Ms. Mangle** discussed the preliminary implementation plan. With the support of a powerful vision, City staff would have some teeth in working with TriMet on its major public investment. She noted several property owners had expressed interest in redevelopment. She and Mr. Asher have been developing a preliminary implementation plan and were seeking direction to pursue it. This will require significant work and a lot of creativity. Some changes would need to be made to the Downtown Plan in order to reconcile the visions, and certain areas would be rezoned to be specific to what the community asked. There would be a broad number of uses that would require some limitations, and buildings would probably have some stringent standards. She discussed how one might feasibly attract people to the South Downtown with food carts and perhaps holding a second weekday Farmers’ Market and expand the use of Dogwood Park. The Triangle site, Kellogg for Coho, and other natural areas and features were part of the Plan.

**Councilor Loomis** appreciated staff's work on the community involvement process. He was pleased it incorporated the natural elements.

**Councilor Miller** was one of the original members of the Group of 9 that worked on developing the Pattern Language as well as the subsequent larger group. He thought it was a good plan and foresaw the likelihood of having disagreements every step of the way. He felt the City should look forward and take the next step.

**Councilor Chaimov** thanked Councilor Loomis for his participation and staff for running such a thoughtful and inclusive process.

**Councilor Hedges** thought it was an exciting plan and understood the need for a concept. He was concerned, however, about spending 90% of the City's funds on six blocks. It was important to remember the other areas of the City. He would support the Plan but not spending megabucks on it.

It was moved by Mayor Ferguson and seconded by Councilor Chaimov for adoption of the resolution adopting the South Downtown Concept Plan and directing staff to undertake work elements described in a Preliminary Implementation Strategy. Motion passed with the following vote: Councilors Miller, Chaimov, Hedges, and Loomis and Mayor Ferguson voting "aye." [5:0]

**RESOLUTION NO. 82-2011:**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ADOPTING THE SOUTH DOWNTOWN CONCEPT PLAN AND DIRECTING STAFF TO UNDERTAKE WORK ELEMENTS DESCRIBED IN A PRELIMINARY IMPLEMENTATION STRATEGY.**

**D. Council Reports**

Mayor Ferguson and Councilors provided an update on meetings they 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 Miller, Chaimov, Hedges, and Loomis and Mayor Ferguson voting "aye." [5:0].

**Mayor Ferguson** adjourned the regular session at 8:15 p.m.

Respectfully submitted,

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Pat DuVal, Recorder

**CITY OF MILWAUKIE  
CITY COUNCIL MEETING  
September 20, 2011**

**CALL TO ORDER**

**Mayor Ferguson** called the 2110<sup>th</sup> meeting of the Milwaukie City Council to order at 7:06 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: Assistant to the City Manager Teri Bankhead, City Attorney Tim Ramis, City Recorder Pat DuVal, Finance Director Richard Seals, and Public Affairs Coordinator Grady Wheeler

**PLEDGE OF ALLEGIANCE**

**PROCLAMATIONS, COMMENDATION, SPECIAL REPORTS AND AWARDS**

**A. Milwaukie High School Students of the Month**

The City Council and Principal Mark Pinder recognized David Santillan-Delgado and Jonatan Santillan-Delgado as Milwaukie High School Students of the Month.

**CONSENT AGENDA**

It was moved by Councilor Chaimov and seconded by Councilor Hedges to adopt the consent agenda with the correction to the August 16, 2011 regular session minutes. Motion passed with the following vote: Councilors Chaimov, Hedges, Loomis, and Miller and Mayor Ferguson voting "aye." [5:0]

**A. City Council Minutes:**

1. July 19, 2011 Work Session;
2. July 19, 2011 Regular Session; and
3. August 2, 2011 Work Session

**B. OLCC Application – Pacific Oil, 10966 SE McLoughlin Blvd. – change of ownership**

**Constitution Week Proclamation**

**Mayor Ferguson** read a proclamation naming September 17 through 23, 2011 as *Constitution Week* in the City of Milwaukie.

**AUDIENCE PARTICIPATION**

None.

**PUBLIC HEARING**

None scheduled.

**OTHER BUSINESS**

**A. Resolutions Appointing John Fox, Ronald Palmer, and Jeffrey Dondino, MD to the Milwaukie Budget Committee**

It was moved by Mayor Ferguson and seconded by Councilor Chaimov to adopt the resolutions appointing John Fox, Ronald Palmer, and Jeffrey Dondino, MD to the Milwaukie Budget Committee.

**Councilor Hedges** stated he would abstain from voting. As he had explained to Mr. Fox and Mr. Palmer, he had no issues with their appointments but was concerned the interview process had not been followed and not all applicants were treated equally.

**RESOLUTION 83-2011:**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, APPOINTING JOHN FOX TO THE MILWAUKIE BUDGET COMMITTEE**

**RESOLUTION 84-2011:**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, APPOINTING RONALD PALMER TO THE MILWAUKIE BUDGET COMMITTEE**

**RESOLUTION 85-2011:**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, APPOINTING JEFFREY DONDINO, MD TO THE MILWAUKIE BUDGET COMMITTEE**

**Councilor Chaimov** suggested revisiting the process for interviews and appointments to advisory boards, commissions, and committees at the next study session.

**D. Resolution Amending Resolution 22-2010 as to the Term of Office for Budget Committee Member Gabe Storm**

It was moved by Mayor Ferguson and seconded by Councilor Hedges to adopt the resolution amending Resolution 22-2010. Motion passed with the following vote: Councilors Chaimov, Hedges, Loomis, and Miller and Mayor Ferguson voting “aye.” [5:0]

**RESOLUTION 86-2011:**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AMENDING RESOLUTION 20-2011 AS TO THE TERM OF OFFICE FOR BUDGET COMMITTEE MEMBER GABE STORM**

**B. Council Reports**

Mayor Ferguson and Councilors provided an update on meetings they attended on behalf of the City.

**ADJOURNMENT**

It was moved by Mayor Ferguson and seconded by Councilor Chaimov by 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 7:33 p.m.

Respectfully submitted,

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Pat DuVal, Recorder



Agenda Item: 3.B.  
Meeting Date: October 4, 2011

## COUNCIL AGENDA ITEM SUMMARY

**Issue/Agenda Title:** Contract approval for the Walk Safely Milwaukie Program – Home Avenue Sidewalk Improvements

**Prepared By:** Brad Albert  
**Dept. Head Approval:** Gary Parkin  
**City Mgr. Approval:** Bill Monahan

### ISSUE BEFORE THE COUNCIL

Approve construction of the Home Avenue Sidewalk Improvements between Wilma Circle and Hunter Court.

### STAFF RECOMMENDATION

Authorize the City Manager to sign the Home Avenue Sidewalk Improvements project contract.

### KEY FACTS & INFORMATION SUMMARY

- The construction project consists of constructing approximately 1,400 square feet of pervious concrete sidewalks, one ADA ramp, 3 driveway approaches, on Home Ave between Wilma Circle and Hunter Court.
- The project was selected in the first round of the Walk Safely Milwaukie Program.
- Brown Contracting Inc. submitted the lowest responsible bid under the City's competitive bidding process.

### OTHER ALTERNATIVES CONSIDERED

Not Applicable

### CITY COUNCIL GOALS

Allocate resources within the Capital Improvement Plan to improve livability in the neighborhood (City Council Goal #10)

### ATTACHMENT LIST

- PSAC Project Funding Recommendations
- Resolution
- Vicinity Map
- WSMP Funding Recommendation Staff Report

### FISCAL NOTES

- The Home Avenue Sidewalk Improvements are part of the 2011/12 budget
- Project funding includes \$143,000 in the Streets Capital and Reserve Fund for the first round of projects for the Walk Safely Milwaukie Program



**To: Mayor and City Council**

**Through: Bill Monahan, City Manager  
Kenny Asher, Community Development/Public Works Director  
Gary Parkin, Engineering Director**

**From: Brad Albert, Civil Engineer**

**Date: September 22, 2011 for October 4<sup>th</sup> Regular Session**

**Subject: Contract Approval for Walk Safely Milwaukie Program – Home Avenue Sidewalk Improvement Project**

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#### **ACTION REQUESTED**

Authorize the City Manager to sign a contract for the construction of the Walk Safely Milwaukie Program (WSMP) – Home Avenue Sidewalk Improvement Project (between Wilma Circle and Hunter Court) with Brown Contracting Inc., in the amount of \$33,740.00.

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

**June 2011:** Council approved Resolution 63-2011 to fund projects in the first round of the WSMP.

**Oct 2010:** Council approved Resolution 83-2010 to amend the WSMP and move forward with implementation of the program.

**June 2010:** Council approved Resolution 65-2010 to initiate a three year pilot phase of the WSMP.

#### **BACKGROUND**

In June 2010, City Council initiated a three year pilot of the WSMP. The WSMP is set up for a Neighborhood District Association (NDA) to document pedestrian safety concerns within their neighborhoods by writing Walk Safely Reports and applying for grants to construct small pedestrian safety improvement projects. Walk Safely Reports were submitted by all seven NDA's in February 2011. Hector Campbell's Walk Safely

Report identified Home Avenue as needing a sidewalk from Wilma Circle to Hunter Court.

In April 2011, all seven NDA's submitted projects for WSMP pedestrian safety improvement funding. The Hector Campbell NDA applied to have a sidewalk constructed on Home Avenue. The Hector Campbell Neighborhood has desired a sidewalk along Home Avenue from Wilma Circle to Hunter Court for several years. The neighborhood is concerned about the safety of pedestrians who travel in the roadway due to lack of a sidewalk here. This portion of Home Avenue has a steep hill that hinders automobile drivers from seeing pedestrians.

In the spring of 2011, City staff and the Public Safety Advisory Committee (PSAC) evaluated and scored all the projects, forwarding a recommendation which the City Council approved in June 2011. The top three projects are to construct the Home Avenue sidewalk, crosswalk improvements at the intersection of Stanley Avenue and Willow Street in the Llewelling NDA, and crosswalk improvements at the intersection of River Road and Sparrow Street in the Island Station NDA. The WSMP budget for all three projects is \$143,000. The Stanley Avenue and River Road projects are currently being designed and will be constructed in the spring of 2012.

The City will be using pervious concrete for the Home Avenue sidewalks. Pervious concrete minimizes the runoff from the new sidewalk because the water moves through the concrete and percolates into the ground. The pervious concrete will allow the surface of the sidewalk to be free from moisture buildup and provide for good traction for pedestrian travel on this hilly area.

The project includes the work shown on the Project Vicinity Map (Attachment 2) and the elements as described below:

- A. Construct 1,400 square feet of pervious concrete sidewalks.
- B. Construct one (1) ADA ramp at the southeast corner of Home Avenue and Hunter Court.
- C. Re-construct three (3) driveway approaches affected by the construction of the sidewalk.

The WSMP – Home Avenue Sidewalk Improvement Project went through a competitive bidding process in accordance with Chapter 30 of the City's Public Contracting Rules. The City received one (1) bid before the September 20, 2011 2:00 PM bid opening. The lone bid proposal was submitted by Brown Contracting Inc. The bid submitted was for a construction cost of \$33,740.00, well within the Engineer's estimate of \$30,000-\$40,000. The solitary bid is likely due to the small size of the project, the fact that pervious concrete is somewhat specialized, and because the construction season is coming to an end.

Brown Contracting Inc. is a construction firm from Eugene, OR. Brown performs all phases of concrete sidewalk construction, from excavation to pouring and finishing concrete. Brown has extensive concrete finishing work including Oregon State

University's Reser Stadium concrete plaza in 2005 and Portland Waterfront Park improvements in 2008-2009. Working with a contractor outside the Metro area supports City goals of encouraging competition and diversity in public contracting.

Construction is expected to begin the second week of October. The project duration is scheduled for 30 days, with an expected completion date at the beginning of November. During construction, the Contractor will maintain access to properties within the construction limits. One-way traffic with flaggers can be expected on Home Avenue during construction hours, but will be restored to two-way traffic on evenings and weekends. Disruptions to traffic will be minimal.

### **CONCURRENCE**

Engineering staff coordinated with the Hector Campbell Neighborhood and Operations staff on the design phase of the project. This project was reviewed and approved as a high priority project by PSAC and City Council as part of the WSMP project funding recommendations.

### **FISCAL IMPACT**

The WSMP-Home Avenue Sidewalk project is included in the 2011/2012 Streets Fund budget for WSMP projects. The total budget amount for all three WSMP projects is \$143,000.

### **WORK LOAD IMPACTS**

Engineering staff will provide project management throughout the course of the construction, including the following:

- Enforcement of contract provisions
- Interpretation of construction plans and specifications
- Negotiation of changes to contract provisions when necessary
- Acceptance of furnished materials
- Conformance with Bureau of Labor and Industries requirements
- Management and coordination between the contractor, public, City departments, and regulatory agencies.
- Measurement of quantities
- Issuance of payments for work completed

This workload has been considered in the Engineering work plan and will be shared between two engineers.

Since pervious sidewalk is a relatively new engineering solution, Staff will be performing regular inspections and maintenance for the near future. During this time, the product's performance will be measured to determine when it is best suited for use in future projects. Maintenance tasks include vacuum sweeping or pressure washing the

sidewalk. While City staff will maintain the sidewalk through this ~~trial~~ period”, ultimate responsibility for the maintenance of the sidewalk rests with the property owner adjacent to the sidewalk, consistent with MMC 12.04.010A.

#### **ALTERNATIVES**

Council may request the project be re-bid in conjunction with the other two WSMP projects in the spring of 2012 with the expectation of better costs from economy of scale and construction season. Staff recommends against this alternative as awarding the contract now keeps the program moving ahead and future cost savings are speculative and most likely, minimal.

#### **ATTACHMENTS**

1. PSAC Project Funding Recommendations
2. Vicinity Map
3. Resolution

## 2011 WSMP PROJECT RECOMMENDATIONS (PSAC) 6-17-2011

PSAC re-examined the WALK SAFELY MILWAUKE PROJECT mission statement, and we feel our rankings are in compliance with the mission statement.

### 1. ISLAND STATION: RIVER ROAD AND LARK PROJECT (CROSSWALK)

Project has been requested by NDA for over 10 years. It is a very dangerous area with documented high traffic speed. NDA has saved \$10K for this project to provide matching funds.

### 2. CAMPBELL: HOME AVENUE PATH (SIDEWALK)

This safety request has been made for over 5 years and has been, and is an NDA safety issue. Easement is available for project, and \$5K has been saved by NDA for this project.

### 3. LEWELLING: STANLEY/WILLOW (CROSSWALK)

Safety of school children, and pedestrians combined with documented high traffic speeds and park usage make this a priority.

### 4. HISTORIC MILWAUKIE: WASHINGTON AT HIGH SCHOOL (CROSSWALK)

Wish to re-evaluate project without Island, and possibly make area into pedestrian zone.

### 5. HISTORIC MILWAUKIE: 27<sup>th</sup> AND HARRISON (CROSSWALK)

Re-evaluate project in light of recent change in school policy which will increase school children foot traffic across an arterial street.

### 6. CAMPBELL: 42<sup>ND</sup> AND WASHINGTON (CROSSWALK)

With school closure the volume of pedestrian usage is unknown compared to before. Re-evaluate after school has started, and new bus routes are determined.

### 7. ARDENWALD: INFILL ON HARVEY/ 32<sup>ND</sup> TO WATER TOWER (SIDEWALK)

Cost estimates seem low if poles have to be moved for ADA compliance. Request city to review project taking into account “no loss of trees”.

**8. ISLAND STATION: BLUEBIRD/22<sup>nd</sup> (CROSSWALK)**

Need to re-evaluate after Trolley Trail is completed.

**9. LINWOOD: DESIGN OF STANLEY PROJECT (SIDEWALKS)**

Want commitment from City that funding in any form will be available to complete project before design dollars are spent. (This project could be moved to number one position if the City can commit to funding the project.)

**10. LAKE ROAD: WASHINGTON FROM OAK TO 35<sup>th</sup> (SIDEWALK)**

Radical change from the original project design. Recommend city looks into different funding source outside WSMP. NDA needs to verify they still want the project after the radical alterations to the original project.

\$3500 has been set aside out of the \$143,000 available for years 1 and 2 to fund Awareness and Education projects. Only one NDA-Campbell- has so far requested funding, and that is for support for street painting in front of Homewood Park on Home Avenue to raise awareness of the two entrances to the park. The other 6 NDAs will be able to apply for the \$500 each throughout the next year.

Once the projects have been selected, PSAC feels that the Neighborhood Associations that will be having their projects completed should be notified about the final project design before any construction takes place. Any deviance from projected estimated budgets must be explained in full.



# Walk Safely Milwaukie Program Home Avenue Sidewalk Improvements

## Project Overview

Attachment 2



RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, APPROVING THE AWARD OF A CONTRACT FOR THE CONSTRUCTION OF HOME AVENUE SIDEWALK IMPROVEMENTS.**

**WHEREAS**, Home Avenue does not have sidewalks for pedestrian travel between Wilma Circle and Hunter Court; and

**WHEREAS**, sidewalk improvements were approved for funding in the 2011-2012 budget, 2012-2016 Capital Improvement Plan and the first round of Walk Safely Milwaukie Program projects; and

**WHEREAS**, Brown Contracting Inc. is the lowest responsive and responsible bidder;

**NOW, THEREFORE, BE IT RESOLVED** that the City of Milwaukie authorizes the City Manager to sign a contract for the construction of Home Avenue Sidewalk Improvements with Brown Contracting Inc., in the amount of \$33,740.00.

Introduced and adopted by the City Council on October 4, 2011.

This resolution is effective on October 4, 2011.

\_\_\_\_\_  
Jeremy Ferguson, Mayor

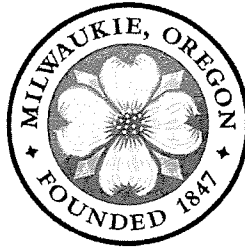
ATTEST:

APPROVED AS TO FORM:  
Jordan Ramis PC

\_\_\_\_\_  
Pat DuVal, City Recorder

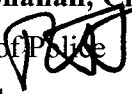
\_\_\_\_\_  
City Attorney

Document1 (Last revised 09/18/07)



Agenda Item: 3.C.  
Meeting Date: October 4, 2011



**To:** Mayor Ferguson and Milwaukie City Council  
**Through:** Bill Monahan, City Manager  
**From:** Bob Jordan, Chief of Police   
**Date:** September 15, 2011  
**Subject:** O.L.C.C. Application – Milwaukie Kitchen & Wine –10610 SE Main Street

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**Action Requested:**

It is respectfully requested the Council approve the O.L.C.C. Application To Obtain A Liquor License from Milwaukie Kitchen & Wine – 10610 SE Main Street.

**Background:**

We have conducted a background investigation and find no reason to deny the request for liquor license.

POLICE DEPARTMENT  
3200 SE Harrison Street  
Milwaukie, Oregon 97222  
P) 503 786 7400 / F) 503 786 7426  
[www.cityofmilwaukie.org](http://www.cityofmilwaukie.org)



# OREGON LIQUOR CONTROL COMMISSION LIQUOR LICENSE APPLICATION

Application is being made for:

### LICENSE TYPES

- Full On-Premises Sales (\$402.60/yr)
  - Commercial Establishment
  - Caterer
  - Passenger Carrier
  - Other Public Location
  - Private Club
- Limited On-Premises Sales (\$202.60/yr)
- Off-Premises Sales (\$100/yr)
  - with Fuel Pumps
- Brewery Public House (\$252.60)
- Winery (\$250/yr)
- Other: \_\_\_\_\_

### ACTIONS

- Change Ownership
- New Outlet
- Greater Privilege
- Additional Privilege
- Other \_\_\_\_\_

### CITY AND COUNTY USE ONLY

Date application received: \_\_\_\_\_

The City Council or County Commission:

(name of city or county)

recommends that this license be:

- Granted
- Denied

By: \_\_\_\_\_  
(signature) (date)

Name: \_\_\_\_\_

Title: \_\_\_\_\_

### OLCC USE ONLY

Application Rec'd by: JP

Date: 9/14/11

90-day authority:  Yes  No

### 90-DAY AUTHORITY

Check here if you are applying for a change of ownership at a business that has a current liquor license, or if you are applying for an Off-Premises Sales license and are requesting a 90-Day Temporary Authority

### APPLYING AS:

- Limited Partnership
- Corporation
- Limited Liability Company
- Individuals

1. Entity or Individuals applying for the license: [See SECTION 1 of the Guide]

① MILWAUKIE KITCHEN & WINE, INC. ③ \_\_\_\_\_

② \_\_\_\_\_ ④ \_\_\_\_\_

2. Trade Name (dba): MILWAUKIE KITCHEN & WINE

3. Business Location: 10610 N. MAIN STREET MILWAUKIE CLATSOP OR 97222  
(number, street, rural route) (city) (county) (state) (ZIP code)

4. Business Mailing Address: Same  
(PO box, number, street, rural route) (city) (state) (ZIP code)

5. Business Numbers: (503) 307 8189 N/A  
(phone) (fax)

6. Is the business at this location currently licensed by OLCC?  Yes  No

7. If yes to whom: \_\_\_\_\_ Type of License: \_\_\_\_\_

8. Former Business Name: \_\_\_\_\_

9. Will you have a manager?  Yes  No Name: \_\_\_\_\_  
(manager must fill out an Individual History form)

10. What is the local governing body where your business is located? MILWAUKIE  
(name of city or county)

11. Contact person for this application: PASCAL SAUTON (503) 307 8189  
(name) (phone number(s))  
8229 SE 45<sup>TH</sup> AVE PORTLAND OR. N/A pascal.sauton@yahoo.com  
(address) (fax number) (e-mail address)

I understand that if my answers are not true and complete, the OLCC may deny my license application.

Applicant(s) Signature(s) and Date:

① [Signature] Date 9/14/11 ③ \_\_\_\_\_ Date \_\_\_\_\_

② \_\_\_\_\_ Date \_\_\_\_\_ ④ \_\_\_\_\_ Date \_\_\_\_\_



OREGON LIQUOR CONTROL COMMISSION  
CORPORATION QUESTIONNAIRE

● See section 2 of Guide for help with this form

Please Print or Type

Corporation Name: MILWAUKIE KITCHEN & WINE, INC Year Incorporated: 2011

Trade Name (dba): MILWAUKIE KITCHEN & WINE

Business Location Address: 10610 N. MAIN STREET

City: MILWAUKIE ZIP Code: 97222

List Corporate Officers:

PASCAL SAUTON  
(name)

PRESIDENT  
(title)

List Board of Directors:

PASCAL SAUTON  
(name)

List Stockholders: (Note: If any stockholder is another legal entity, that entity may also need to complete another Corporation Questionnaire. See Liquor License Application Guide for more information.)

Stockholders:	Number of Shares Held:	Number of Stock Shares:
<u>PASCAL SAUTON</u>	<u>1,000</u>	Issued: <u>1,000</u>
		Unissued: <u>      </u>
		Total Shares Authorized to Issue: <u>1,000</u>

Server Education Designee: PASCAL SAUTON DOB: 05/01/1958  
(See Liquor License Application Guide for more information)

I understand that if my answers are not true and complete, the OLCC may deny my license application.

Officer's Signature: [Signature] PRESIDENT Date: 09/14/2011  
(name) (title)



# OREGON LIQUOR CONTROL COMMISSION BUSINESS INFORMATION

Please Print or Type

Applicant Name: PASCAL SAUTON Phone: (503) 307 8189

Trade Name (dba): MILWAUKIE KITCHEN & WINE

Business Location Address: 10610 N. MAIN STREET

City: MILWAUKIE, OR ZIP Code: 97222

## DAYS AND HOURS OF OPERATION

### Business Hours:

Sunday	<u>8am</u> to <u>5pm</u>
Monday	<u>8am</u> to <u>7pm</u>
Tuesday	<u>8am</u> to <u>7pm</u>
Wednesday	<u>8am</u> to <u>7pm</u>
Thursday	<u>8am</u> to <u>7pm</u>
Friday	<u>8am</u> to <u>7pm</u>
Saturday	<u>8am</u> to <u>7pm</u>

### Outdoor Area Hours:

Sunday	<u>8am</u> to <u>5pm</u>
Monday	<u>8am</u> to <u>7pm</u>
Tuesday	<u>8am</u> to <u>7pm</u>
Wednesday	<u>8am</u> to <u>7p</u>
Thursday	<u>8a</u> to <u>7p</u>
Friday	<u>8a</u> to <u>7p</u>
Saturday	<u>8a</u> to <u>7p</u>

The outdoor area is used for:

- Food service Hours: 8a to 7p
- Alcohol service Hours: 8a to 7p
- Enclosed, how \_\_\_\_\_

The exterior area is adequately viewed and/or supervised by Service Permittees.

\_\_\_\_\_  
(Investigator's Initials)

Seasonal Variations:  Yes  No If yes, explain: OUTDOOR OPEN PERMING  
WINTER CONDITIONS

## ENTERTAINMENT

Check all that apply:

- |  |   |
|--|---|
| <input type="checkbox"/> Live Music        | <input type="checkbox"/> Karaoke                |
| <input type="checkbox"/> Recorded Music    | <input type="checkbox"/> Coin-operated Games    |
| <input type="checkbox"/> DJ Music          | <input type="checkbox"/> Video Lottery Machines |
| <input type="checkbox"/> Dancing           | <input type="checkbox"/> Social Gaming          |
| <input type="checkbox"/> Nude Entertainers | <input type="checkbox"/> Pool Tables            |
|  | <input type="checkbox"/> Other: _____           |

## DAYS & HOURS OF LIVE OR DJ MUSIC

Sunday	_____ to _____
Monday	_____ to _____
Tuesday	_____ to _____
Wednesday	_____ to _____
Thursday	_____ to _____
Friday	_____ to _____
Saturday	_____ to _____

## SEATING COUNT

Restaurant: 30 Outdoor: \_\_\_\_\_  
 Lounge: \_\_\_\_\_ Other (explain): \_\_\_\_\_  
 Banquet: \_\_\_\_\_ Total Seating: 30

OLCC USE ONLY	
Investigator Verified Seating: _____(Y) _____(N)	
Investigator Initials: _____	
Date: _____	

I understand if my answers are not true and complete, the OLCC may deny my license application.

Applicant Signature: [Signature] Date: 9/13/2011

1-800-452-OLCC (6522)  
www.oregon.gov/olcc

(rev. 12/07)

5.  
PUBLIC HEARING



Agenda Item: 5.A.  
Meeting Date: October 4, 2011

## **COUNCIL AGENDA ITEM SUMMARY**

**Issue/Agenda Title:** Procurement process exemption for baseball contracts

**Prepared By:** City Attorney  
**Dept. Head Approval:** Kenny Asher  
**City Mgr. Approval:**

### **ISSUE BEFORE THE COUNCIL**

As a matter of local public contracting, shall City Council directly award personal services contracts to study whether “Bring it Back” baseball project is feasible in the City of Milwaukie?

### **STAFF RECOMMENDATION**

Staff recommend that City Council, sitting as Local Contract Review Board, conduct hearing, consider evidence and testimony, and pass resolution exempting feasibility study contracts, as a class, from competitive procurement.

### **KEY FACTS & INFORMATION SUMMARY**

The “Bring it Back” project can go forward only if all the projects parts are feasible. To determine this, the City must study a number of foundation questions, including: are there finances, land, and resources to build a stadium and house a baseball team? How does baseball impact the business and residential communities? Does the public accept and support baseball? There are other vital questions. Staff estimates the feasibility stage of the project will last approximately 12 months, from October, 2011, to November, 2012.

### **OTHER ALTERNATIVES CONSIDERED**

City may award contracts through competitive procurement processes furnished by state law and City of Milwaukie procurement rules.

### **ATTACHMENT LIST**

1. Staff Memorandum
2. Resolution

### **FISCAL NOTES**

Staff estimates the following approximate costs for the feasibility stage covered by this resolution:

Communications firm: \$10,000 to \$20,000 per month, plus expenses, at feasibility stage  
Architecture: \$30,000 total cost at feasibility stage  
Project management: \$20,000 total cost at feasibility stage



**To: Milwaukie City Council**

**Through: Bill Monahan, City Manager**

**From: Kenny Asher, Community Development/ Public Works Director**

**Subject: Consideration of Special Procurement Method (Direct Award) of contracts pertaining to the feasibility of the “Bring it Back” Project**

**Date: September 27, 2011**

Staff requests that the Council allow the special class exemption for the direct award of the contracts for the feasibility of the “Bring it Back” Project, and asks that Council, after the hearing that will take place on October 4, 2011, adopt the draft findings as the Council’s own findings on this issue.

The basic premise of the public contracting laws is that contracting agencies, such as cities, should pay the least amount of money possible to purchase goods and services that are useful to them and of an appropriate quality. For most goods and services, the formal competitive procurement processes of invitations to bid and requests for proposals work fine. There are times, however, when the city needs to buy goods or services that, by their very nature, do not lend themselves well to the invitation to bid process (where you accept the lowest bid) or the request for proposals scenario (where you ask specific vendors to give you a cost proposal and you pick the proposal that seems to work best for the city).

Determining whether the Bring it Back Project is feasible is one of those times when the competitive procurement process does not work very well. For the Bring it Back Project feasibility study, the city needs to procure very specialized services.

- The feasibility of building a stadium, attracting a minor league baseball team to the City of Milwaukie, the ramifications of having a baseball franchise to the business community and the residential community must all be studied.
- Getting the word out to the citizens to gauge community interest in the project is a skill that not every communications firm possesses.
- As for the architectural/engineering piece of the project, the feasibility study will need a vision of the end product – that is not to say that the design will be set in stone at this point but it is important to the feasibility of the project to accurately identify the scale of the impact. What exactly would the Bring it Back Project

entail? How would the project impact the business community of the City of Milwaukie and how would it affect livability for residents?

- And probably most important of all, project management of these two disparate processes which will be going forward at the same time is vital to keeping the goal firmly in mind and not allowing the project to wander “out in left field,” to borrow a phrase from the sport. A good project manager who knows the project, how the project should proceed and is able to control outcomes of the architect/engineer and the communications firm is absolutely necessary to avoid cost overruns.

How much experience do Portland area firms (who would normally be the firms to respond to an invitation to bids or a request for proposals) have in these areas? City staff has found that this experience is available in our area, but it is concentrated in the minds of just a few individuals. For these reasons the usual process is not well suited to this project.

For those times where the formal competitive process is not well suited to the project, the law sets out a process by which contracting agencies may exempt certain purchases from the formal competitive process. The exemption process is contained in ORS 279B.085 for goods and services and in ORS 279C.335 for construction type services. The process involves a public hearing before the City Council at which draft findings (prepared in advance by staff) are reviewed and approved, modified or rejected. During the hearing, the public has the ability to testify on the two issues before council on the question of exemption: Whether the exemption of this procurement would limit competition and whether the exemption is likely to result in a substantial cost savings to the City (as opposed to going through the competitive process). Whether the feasibility study should be done at all is really not the issue; the issue is whether the contracts should be let by the formal process or if Council should adopt a different process for this project.

The draft findings address both of the criteria. As stated in the findings, the use of a special procurement method to procure the class of contracts related to determining the feasibility of embarking on the Bring it Back Project is unlikely to encourage favoritism in the awarding of public contracts or to substantially diminish competition for them for a number of reasons. First, as stated above, the services required to accurately gauge the feasibility of this project are very specialized – there are only a couple of firms in the Portland metropolitan area that have the expertise, the experience and the resources necessary to perform this study. City staff has already investigated which firms have the required tools and knowledge and have requested pricing information; this vetting has generated a close equivalent process to a competitive procurement. The City considered three communications firms, three architectural firms and two project management providers. None of those firms are currently under any sort of a contract with the City of Milwaukie. Allowing a direct award of the contracts to the firms most closely matching the city’s needs is not going to diminish competition as there is very little true competition in this area. Too, this will be the first contract the city has with any of these firms. For these reasons, favoritism is not an issue.

The next issue is whether allowing a contract exemption for these contracts is likely to save the city a substantial amount of money and is otherwise in the best interests of the

public. The draft findings also address this issue. The cost savings are numerous. The first cost savings is the cost of staff and legal expense in preparing an invitation to bid or a request for proposals that would not end up being very useful. The city would also save the cost of publication of the notices and printing of the packets to be provided to various vendors who might respond to the proposal. As staff has already determined, there are not very many firms in the Portland Metropolitan area that meet the needs of the city for this project. Staff has determined that a highly specialized teamwork approach to the issue of the feasibility study is required and that very few firms have that capability. Going through the competitive procurement process is expensive and, in this case, would really be a waste of money. The hiring of a specialized team for the communications work, the architectural renderings and other necessary architectural work and the project manager to keep an eye on the costs is really what is in the best interests of the public, too. If a private business were to be conducting this study instead of a city, they would use the same procurement process that the city has done so far. The only difference is that the private firm would not have to justify the hiring of this team in quite the same way the City must, in order to satisfy the requirements of the public contracting laws.

Another cost savings to hiring a team to perform the feasibility study is that these three firms have worked together in the past and have a good track record in producing the type of information the city needs to determine whether to proceed with the Bring it Back Project. There will be no “down time” at the expense of the city while the firms determine how to work with each other or who should do what next. They will be able to produce vital information in an efficient and accurate manner, as they have done just that in the past. The city will be able to benefit from the prior experience of the team, to the city’s ultimate advantage, both in terms of quality of work product and in terms of cost savings and efficiency. Some tasks which the communications firm will be able to perform for the City are polling, message strategies, paid and earned communications, grassroots activities and financing recommendations, all specifically pertaining to successfully locating a minor league baseball team in the City. The architectural firm has significant expertise in designing baseball facilities which enables the firm to take some of their fees as a contingent reimbursable, resulting in major savings to the city whether the project ultimately proceeds or not, a factor which would be difficult to build into the usual competitive process. The project management firm also has significant experience with large public works projects and has offered the City 30 hours of free project management consulting services with a six month grace period for project strategy consulting, again a factor which does not fit well within an “invitation to bid” procurement process. When seen in isolation, these are specialized tasks. Yet in this case, each firm knows the specialized work of the other. Since these professionals have collaborated on other large sports facility development projects, they work well together. This successful track record on these projects has value, also a factor which does not translate well into an invitation to bid scenario.

Staff requests that the Council allow the special class exemption for the direct award of the contracts for the feasibility of the “Bring it Back” Project, and asks that Council adopt the draft findings as the Council’s own findings on this issue.

**RESOLUTION # \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ACTING AS THE LOCAL CONTRACT REVIEW BOARD, APPROVING CLASS EXEMPTION UNDER RULE 10.115 FOR CONTRACTS RELATED TO DETERMINING FEASIBILITY OF THE “BRING IT BACK” BASEBALL PROJECT**

**WHEREAS**, on or about the 3rd day of January, 2006, the Milwaukie City Council adopted Local Contract Review Board Rules (hereinafter LCRB Rules); and

**WHEREAS**, Rule 10.115 of the LCRB Rules and ORS 279B.085 allow the Milwaukie City Council, sitting as Local Contract Review Board (hereinafter Board), to exempt classes of public contracts from the formal competitive procurement process requirements upon the making of certain findings; and

**WHEREAS**, the City’s Community Development & Public Works Director has, through the City Attorney, directed a written request to have the Board approve an exemption for a class of public contracts, specifically, professional services for the feasibility work on the “Bring It Back” Project (“Project”); and

**WHEREAS**, the proposed special procurement method requested is direct award of the personal services contracts for the feasibility work on the Project; and

**WHEREAS**, the Board held a public hearing to determine whether there is a basis for the exemption under the LCRB Rules and Oregon law; and

**WHEREAS**, there is evidence to support the following findings contained in the record before the Board.

**NOW, THEREFORE**, the Milwaukie City Council, sitting as Local Contract Review Board hereby finds as follows:

1. The use of a special procurement method, specifically, direct award, to procure the class of contracts related to determining the feasibility of embarking on the “Bring It Back” Project is unlikely to encourage favoritism in the awarding of public contracts or to substantially diminish competition for public contracts as set forth in (3a) and (3b) below; and
2. Approval of such exemption is reasonably expected to result in substantial cost savings to the City for the reasons detailed in (3c) below.
3. Factual Support:
  - a. The class exemption is sought for the feasibility work on the Project only and shall last only a short period of time (October 2011-November 2012). Should the Project prove feasible, subsequent contracts to perform work on the Project will be let. The Project, if feasible, will include a large (\$20,000,000 - \$30,000,000) construction component, however the class exemption for feasibility contracts will neither

encourage favoritism nor diminish competition when and if the construction component is let.

- b. The services under this class exemption are Professional Communications, Architecture and Project Management. The City has not exhibited nor encouraged favoritism as evidenced by its acceptance of all unsolicited proposals in these disciplines and the fact that the City does not have any prior contracts with the professionals to whom direct award is being recommended. The city considered three Communication Service proposals, three Architecture proposals, and two Project Management proposals. Of those, the City has recognized that there is a “team” of professionals who have collaborated on other large sports facility development projects, and have a track record of successfully delivering these projects to their clients. This teamwork is important in this class; this exemption allows the city to factor this track record into the selection process in a more direct manner than would be the case under the usual procurement process. The work to be performed by these professionals is highly specialized and teamwork efficiencies are an important selection factor.
- c. This exemption is reasonably expected to result in substantial cost savings to the City for the following reasons:
  - i. The direct appointment of a communications firm will allow the City to take advantage of specific expertise in running a successful baseball bond campaign. One firm had bond measure expertise in raising \$30,000,000 in new public funds to build a baseball stadium. This expertise is unique and should translate into public cost savings through expertise in polling, message strategy, paid and earned communications, grassroots activities, and financing recommendations.
  - ii. An architecture firm with significant expertise in designing baseball facilities has offered to make its labor costs contingent on capital project funding. This is a highly specialized firm with much needed expertise that enables it to take some of its fees as a contingent reimbursable.
  - iii. A project management firm with significant expertise in large public works projects has offered the City 30 hours of free project management consulting services, with a six month grace period for project strategy consulting during which time those costs will be invoiced at cost (no mark-up).
  - iv. On highly specialized development and construction projects such as this one, the internal coordination of the team of advisors is critical. A fourth reason to expect savings to the public is the familiarity between the architecture firm and the project management firm. These professionals have collaborated on other large sports facility development

projects, and have a track record of successfully delivering these projects to their clients. This exemption allows the city to factor this track record into the selection process in a more direct manner than would be the case under the usual procurement process. The work to be performed by these professionals will be highly specialized. Not hiring the team would likely result in additional costs by having to bring a different team up-to-speed on the tasks to be performed and may result in an inferior work product compared to the proven results of the team.

- d. The architecture and project management services combined are expected to total less than \$50,000 for the feasibility stage. (Project management services are expected to cost approximately \$20,000 and architecture services approximately \$30,000.) While these amounts suggest that an informal solicitation would suffice for procurement of these services, in including them in the class would better serve the City because: a) additional services might be needed during this engagement; and b) the informal process still requires competitive quotes and the architecture and project management services components will function more effectively if the City uses a team of professionals that has a demonstrated track record working together, see (c)(iv), supra.

**NOW, THEREFORE, BASED UPON THE FOREGOING FINDINGS, IT IS HEREBY RESOLVED** that exemption from the competitive procurement process of a class of contracts related to determining the feasibility of embarking on the “Bring It Back” Project is unlikely to encourage favoritism in the awarding of public contracts or to substantially diminish competition for public contracts and approval of the direct award of such personal services contracts is reasonably expected to result in substantial cost savings to the City; and therefore the direct award of such class of contracts by the City of Milwaukie is hereby approved and no further competitive procurement need take place to award contracts in such class.

**APPROVED AND ADOPTED** on October 4, 2011. This Resolution takes effect on October 4, 2011.

\_\_\_\_\_  
Jeremy Ferguson, Mayor

**ATTEST:**

**APPROVED AS TO FORM:**  
JORDAN RAMIS, PC

\_\_\_\_\_  
Pat DuVal, City Recorder

\_\_\_\_\_  
City Attorney

6.  
OTHER BUSINESS



Agenda Item: 6.A.  
Meeting Date: October 4, 2011

## **COUNCIL AGENDA ITEM SUMMARY**

**Issue/Agenda Title:** Approve Contracts for Baseball Advisors

**Prepared By:** Kenny Asher  
**Dept. Head Approval:** Kenny Asher  
**City Mgr. Approval:** Bill Monahan

### **ISSUE BEFORE THE COUNCIL**

Staff is requesting Council authorize the City Manager to execute contracts with Innovative Campaign Strategies, 360 Architecture and Capital Project Consultants as the team of advisors to support the Council goal of attracting minor league baseball to the City of Milwaukie.

### **STAFF RECOMMENDATION**

Staff is recommending that Council authorize the City Manager to execute contracts with Innovative Campaign Strategies, 360 Architecture and Capital Project Consultants.

### **KEY FACTS & INFORMATION SUMMARY**

The 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.

Because the baseball project involves several disciplines, a highly specialized building, and a public vote, the City must assemble a high quality team of professionals with experience in the programming, siting, development and financing of sports facilities. To organize the overall feasibility work for the baseball project, and to begin the Bring It Back campaign with enough time to conduct all phases, staff recommends engaging the professional services with the firms sited in the staff report.

Over the next 12 months, the City Council must determine feasibility in four areas: Site Feasibility; Facility Feasibility; Team Feasibility; and Financing Feasibility. These four stages of study correspond with four feasibility phases which should be studied in the same order. Council will receive reports on each phase and will determine if it is advisable to advance to the next phase of study.

### **OTHER ALTERNATIVES CONSIDERED**

There are many alternative approaches (spelled out in the report) to what staff is

recommending. Staff invites calls and questions from the Council to investigate these further.

#### **CITY COUNCIL GOALS**

Goal 2. Pursue economic development initiatives that continue to explore the opportunity to bring minor league baseball to Milwaukie.

#### **ATTACHMENT LIST**

1. Background Information and Work Approach – Innovative Campaign Strategies
2. Background Information and Work Approach – 360 Architecture
3. Background Information and Work Approach – Capital Project Consultants
4. Resolution

#### **FISCAL NOTES**

The Feasibility Phases are expected to have sequential fiscal impacts as follows: Phase 1, \$84,500 (no impact; full amount available in Community Development budget). Phase 2, \$64,000 (no impact, full amount available in Community Development budget). Phase 3, \$56,500 (\$6,500 required from sources outside Community Development budget); Phase 4, \$92,000 (requires appropriation of \$70,000 in Community Development funding in the FY 2011-12 budget). Council will determine at the end of each phase whether it desires to take on the next phase of work, with associated fiscal impacts.



**To: Mayor and City Council**

**Through: Bill Monahan, City Manager**

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

**Date: September 20, 2011 for the October 4 Regular Session**

**Subject: Approval of Contracts for the “Bring it Back” Baseball Campaign**

---

#### **ACTION REQUESTED**

Staff is requesting Council authorize the City Manager to execute contracts with Innovative Campaign Strategies, 360 Architecture and Capital Project Consultants as the team of advisors to support the Council goal of attracting minor league baseball to the City of Milwaukie.

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

**September 2011:** Staff reviewed with Council a range of professional advisory services that the Council could consider engaging in support of the —Bring it Back” campaign.

**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.

**April 2011:** The Council adopted resolution 46-2011 identifying the pursuit of minor league baseball as a high-priority economic development initiative.

**October 2010:** Council engaged in a work session discussion on exploring minor league baseball as an attractor for Milwaukie’s revitalization. Council directed staff to investigate the possibility of siting a Single A minor league ballpark in the City, and attracting a team.

#### **BACKGROUND**

The 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 has surveyed 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. Because the baseball project involves several disciplines, a highly specialized building, and a public vote, the City must assemble a high quality team of professionals with experience in the programming, siting, development and financing of sports facilities.

Over the next 12 months, the City Council must determine feasibility in four areas: Site Feasibility; Facility Feasibility; Team Feasibility; and Financing Feasibility. These four stages of study correspond with four feasibility phases which should be studied in the same order. Council will receive reports on each phase and will determine if it is advisable to advance to the next phase of study.

To organize the overall feasibility work for the baseball project, and to begin the “Bring it Back” campaign with enough time to conduct all four phases, staff recommends engaging professional services in the following disciplines with the firms named below.

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. *Staff recommends engaging the firm Innovative Campaign Strategies at this time. (See Attachment 1)*

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 may work with a contractor to develop cost estimates as the project moves through feasibility phases. *Staff recommends engaging the services of 360 Architecture at this time. (See Attachment 2)*

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. *Staff recommends engaging the services of Capital Project Consultants at this time. (See Attachment 3)*

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. *Staff recommends waiting until a future phase before engaging these services.*

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. *Staff recommends contacting individuals and firms with relationships to minor league team ownership groups or investors, but does not recommend engaging these services at this time.*

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. *Staff recommends utilizing city attorney services and tracking and reporting legal costs associated with the baseball project. No additional legal services are recommended at this time.*

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.

#### **CONCURRENCE**

The team of advisors recommended for engagement has a wealth of expertise in managing public/private ventures, from fund-raising to the construction of sports facilities. Several firms were interviewed. Interviews included members of City Council and the City’s Public Affairs Coordinator. Firms that contacted the City and were interviewed were located within the greater Portland region and from other states as well. The advisors that are recommended for engagement have demonstrable experience and expertise in the areas where the city needs outside consulting.

#### **FISCAL IMPACT**

The City Council will determine, at the end of each feasibility phase, if it is advisable to continue to the next phase, given associated expenses. Therefore, the fiscal impact of the overall project will not be known until the project is complete (either at the end of Phase 1, Phase 2, Phase 3 or Phase 4). Assuming that the Council elects to continue the project through all phases, the fiscal impacts can be understood as follows:

##### Phase 1: Site Feasibility (Oct-Dec 2011)

Communications/Campaign Strategist - \$30,000

Architecture & Engineering - \$33,000

Project Management - \$1,500

Research, Studies & Expenses - \$20,000

Phase 1 Subtotal - \$84,500

*Add'l Funds Required - \$0 (additional to budgeted Community Development funds)*

Phase 2: Facility Feasibility (Jan-Mar 2012)

Communications/Campaign Strategist - \$37,500

Architecture & Engineering - \$4,500

Project Management - \$2,000

Research, Studies & Expenses - \$20,000

Phase 2 Subtotal - \$64,000

*Add'l Funds Required - \$0 (additional to budgeted Community Development funds)*

Phase 3: Team Feasibility (Apr-Jun 2012)

Communications/Campaign Strategist - \$37,500

Architecture & Engineering - \$0

Project Management - \$9,000

Research, Studies & Expenses - \$10,000

Phase 3 Subtotal - \$56,500

*Add'l Funds Required - \$6,500 (additional to budgeted Community Development funds)*

Phase 4: Financial Feasibility (Jul-Oct 2012)

Communications/Campaign Strategist - \$70,000

Architecture & Engineering - \$0

Project Management - \$12,000

Research, Studies & Expenses - \$10,000

Phase 4 Subtotal - \$92,000

Contingent “Win Bonus” for Communications/Campaign Firm if Successful - \$10,000

*Add'l CD Funds Required in FY 11-12 Budget- \$70,000*

Council should consider the following in reviewing the fiscal impacts in authorizing the “Bring it Back” feasibility campaign:

- Staff will continue to work to identify a private partner (i.e. existing team ownership group or potential investor group) to share costs. It is difficult to predict during which phase a partner will materialize, or the extent to which a partner would share in these feasibility costs, or if such a partner will emerge at all. Ideally, a team/ownership group would be identified in phases one or two.
- Professional advisor costs for Architecture & Engineering, Communications/Campaign Management and Project Management have been heavily discounted. Architectural labor costs are proposed to be deferred/reimbursed if and when the ballpark is successfully financed; Communications/Campaign costs are discounted from hourly rates; Project Management rates are either discounted or waived through the first two phases.

- Other professional advisors may be required during the campaign, such as those listed in the background section of this staff report. Additional services will be approved by Council. Deal Structuring services are anticipated to be in the \$10-20,000 range.
- Legal fees have not been included in this section. Legal fees could increase with each successive phase, or could be deferred until after the financing phase is complete. The needs of the team, assuming one is identified, will largely drive the pace with which development and operating agreements are required.
- The project phases, should they proceed, will have the effect of soaking up Community Development funding for the remainder of the fiscal year. Other Community Development initiatives (which support other Council goals) will be deferred until budget and staffing can be restored to the department. The initiatives include most of the Commercial Core Enhancement Program, the Kellogg-for-Coho Initiative, and Main Street marketing and promotion support.
- The amounts listed per phase reflect anticipated costs (i.e. budget) and are subject to change. The budget is built conservatively, however staff will provide council with monthly reports as to the outlay of expenses on the project so the council can keep track. Any significant departure from the budgets per phase will be brought to the council’s attention in a timely fashion.

#### **WORK LOAD IMPACTS**

The workload impacts from this action are noteworthy. The “Bring it Back” campaign will consume more than fifty percent of available work hours in the Community Development Administration Department. That percentage will be highest in phases one and four. The Planning, Engineering, Community Services and Operations Departments will be called on, periodically, to provide technical support in those areas of responsibility. The nature of the project and the council’s commitment to the project will raise the priority of these requests over some ongoing work efforts in other departments. However other projects or service levels are not expected to be permanently impacted because of the “Bring it Back” campaign.

The Finance Department, City Council, City Manager’s office and Public Affairs Coordinator will provide some level of assistance to the campaign strategist to execute the communications plan. Individuals in these departments will feel the workload impact from this project. Communication with Milwaukie citizens and businesses will be critical to the campaign’s success. This communication premium will have a workload impact across multiple departments.

#### **ALTERNATIVES**

Council can elect to engage fewer advisors, or different advisors if Council does not believe the recommended class of advisors is most suited to achieve the stated goal. Council can also direct staff to work with the advisors on their work scopes or fees. Council also has an option to postpone this work until the spring or summer of 2012,

which would reduce the number of phases and workload impacts. However that approach might diminish the chances of successfully achieving the Council goal.

There are many alternative approaches to the staff recommendation. Staff invites calls and questions from the Council to investigate these further.

**ATTACHMENTS**

1. Background Information and Work Approach – Innovative Campaign Strategies
2. Background Information and Work Approach – 360 Architecture
3. Background Information and Work Approach – Capital Project Consultants
4. Resolution

# ATTACHMENT 1

To: Kenny Asher

From: Jon Isaacs & Paige Richardson, Innovative Campaign Strategies

Subject: Strategic Consultant and Managerial Services for Milwaukie Baseball Project/Campaign

## Project/Campaign.

We are thrilled at the prospect of serving as the Strategic Consultants for the campaign to bring minor league baseball to Milwaukie. As we said at our meeting - we think this is a smart, exciting plan that will dramatically improve the Milwaukie local economy as well as improve the quality of life for Portland area families. There's no question that minor league baseball has a strong role as a family entertainment option for the Portland area. Our job will be to show that based on a number of key factors, Milwaukie is the right community to bring baseball back to the Portland metro region. As promised, this proposal provides you a bit of information about our new firm, Innovative Campaign Strategies (ICS); outlines the consulting and strategic services we will provide to the project; and outlines the proposed cost for these services.

## Outline of Consulting Services

We propose to serve as the General Consultants, Chief Strategists and Creative Directors for the Milwaukie Baseball Campaign. In this role we will be responsible for the following consulting services. We have prepared a month by month projection of the scope of work starting October 1st running through November, 2012:

- Coordinating the development of the overall strategy for victory, including planning, budget, timelines, and task management. The development of a winning plan requires the intimate involvement of the client and the entire consulting team. We will be responsible for managing this process.
- Coordinating the development and approval of all secondary campaign plans including fundraising, paid media, polling, political, corporate community outreach & business plan development, stakeholder taskforce development/management, communications & research, and field/GOTV.
- Coordinate and manage all additional contractors needed for the team including economic analysis, corporate development, public opinion research and voter outreach/field organizing.
- Manage the development of all campaign creative and persuasion communication assets including printed materials, direct mail, all additional paid advertising and internet/social media.
- Advise the City of Milwaukie on communications strategies, planning and implementation.

- Communicate with Kenny on a daily basis to check in on the campaign day ahead/behind, prepare the Mayor and City Councilors for specific meetings, speeches, debates or other campaign events, serve as a sounding board and filter for new ideas, concerns, worries and problems and provide updates on implementation of important campaign priorities.
- Assist with development of the tools fundamental to the success of the campaign including stump speeches, development pitches, primary campaign literature and key presentations.
- Lead the planning and preparation for key campaign events including political meetings, editorial boards, key speeches, media interviews and debate preparation.

Founded by Jon Isaacs, U.S. Senator Jeff Merkley's former Campaign Manager and State Director, and Paige Richardson, a veteran of dozens of campaigns in Oregon and across the country – including John Kerry's narrow 2004 Oregon victory, ICS already offers candidates and organizations a level of political experience, success and strategic expertise unmatched in Oregon and the Northwest. In addition to Jon and Paige, the ICS team also includes Jake Weigler, manager of Steve Novick's acclaimed U.S. Senate campaign and several public advocacy campaigns, who serves as ICS's Account Services Director.

Also unique to ICS is the "team approach" we use to serve our clients. This means the City of Milwaukie will have the opportunity to take advantage of the unique skills and experiences each principal offers.

#### About Jon Isaacs

Jon co-founded ICS after serving as the Executive Director of the Oregon League of Conservation Voters where he still serves a strategic advisor. Prior to that Jon served as the first State Director in the office of U.S. Senator Jeff Merkley. Jon took that position after managing Merkley's successful Senatorial campaign against Gordon Smith in 2008. That campaign was the first to unseat an incumbent United States Senator in Oregon in 40 years. Jon also served as Executive Director of FuturePAC, the political committee for the Oregon House Democrats where he erased a 10 seat Republican majority and lead the Democrats back to the House Majority for the first time in 16 years. Jon has worked for a number of political organizations and candidates in Oregon as well as in Washington, D.C. Jon was named a "Political Rising Star" in 2007 by Campaigns and Elections magazine. In 2010 Jon received the "Young Alumni of the Year" award from the Oregon State University Alumni Association. The award "recognizes alumni, age 35 or younger, for exceptional achievements in career, public service and/or volunteer activities, which bring credit to Oregon State University." Jon currently serves on the boards of the Oregon Children's Trust Fund and the Oregon Student Foundation.

When he's not helping progressive leaders achieve their goals Jon spends his time with his wife Vinay and their three year old son Jay or managing and playing on two adult soccer teams.

#### About Paige Richardson

There aren't many people who have managed more successful, big time campaigns across the country than Paige. Senator John Kerry, Senator Jeff Bingaman, Congresswoman Louise Slaughter, Congressman Brian Baird, and Emily's List, just to name a few. She's personally worked in over 20

states for candidates, ballot measures, and issue advocacy campaigns. Paige's command of every element of campaigns has produced win-after-win for candidates and causes across the country. The 2004 Kerry Presidential campaign in Oregon set a new standard for size, strength, and creativity that is as yet unsurpassed. She recently added significant business experience in to her skill set, returning to Oregon after serving for five years as the Chief Operating Officer of a privately held Massachusetts corporation. Paige specializes in strategic positioning and communications for corporate and issue advocacy efforts and her professional passions are good public policy and renewing American manufacturing through renewable energy.

When Paige isn't finding the best path to success for her clients she's spending time with family and friends and teaching martial arts to children and adults.

- Jon & Paige's Current and Past Clients Include:
- Jeff Merkley for U.S. Senate
- Ron Wyden for U.S. Senate
- Smart Energy Coalition
- Kulongoski for Governor
- John Kerry for President
- Jill Long Thompson for Congress
- Louise Slaughter for Congress
- Bev Stein for Governor
- Xavier Becerra for Mayor
- Jeff Bingaman for US Senate
- Brian Baird for Congress
- Tom Bruggere for US Senate
- Elizabeth Furse for Congress
  
- Vancouver WA Library Bond
- No on 75 - Off Reservation Gaming in Oregon
- Democratic National Committee
- National Committee to Preserve Social Security and Medicare
- Association of Independent Career Schools
- Future PAC/Oregon House Democratic Caucus
- Democratic Party of Oregon
- Democratic Party of New Mexico
- Confederated Tribes of the Grand Ronde
- Eileen Brady for Mayor
- Jennifer Williamson for State Representative
- Oregon League of Conservation Voters
- Oregon Conservation Network
- Service Employees International Union



## THREESIXTY ARCHITECTURE

September 15, 2011

Mr. Kenny Asher  
 Director of Community Development & Public Works  
 City of Milwaukie  
 6101 SE Johnson Creek Boulevard  
 Milwaukie, OR 97206

Dear Kenny,

It was a pleasure meeting you last week and having the opportunity to learn more about the idea of building a new minor league ballpark in Milwaukie. We appreciate the opportunity to provide this proposal. We absolutely love these projects and this one has some fantastic opportunities that would make it very special. As you requested, the following proposal will look at the scope of work over the next 14 months in stages and will describe a few schedule options tied to the November 2012 referendum. We are offering the following services for a small initial payment and the reimbursement of our out-of-pocket expenses with the consideration that our fees spent would be paid if and when project financing is approved.

**Scope of Work**

- **Phase 1: Site Feasibility**

In general our scope of work for this phase will consist of the conceptual design and placement of a Single A minor league ballpark on the ODOT property, which is bounded generally by US 99 Highway to the West, Stubb Street to the North, Southern Pacific Rail to the East and Main and Beta Street to the South. We will consult with local civil engineers HHPR as well as the local contracting community to help execute this phase of work.

Specifically our work for this phase will consider the following:

- Development of Conceptual Program Statement
- Land use process evaluation
- Site constraints and impact on ballpark design and operations
- Integration of existing WPA era DOT building
- Integration of adjacent light rail station
- Re-alignment of Main Street and vacation of right-of-way
- Site Utility impacts
- Topography, drainage and storm water evaluation
- Excavation impacts, cut-fill analysis
- Environmental and soil considerations (if existing data available)
- Sound and Lighting impact analysis
- Parking Analysis, available inventory in 5, 10, 15 min walk radius
- Pedestrian Circulation Analysis
- Entry/Exit Analysis
- Evaluation and consideration of existing planning initiatives, future development, etc.
- Conceptual site development estimating

Deliverables will include:

- Outline program statement
- Site diagrams and studies investigating ballpark footprint and Main Street realignment
- Feasibility report
- Site development conceptual cost estimate

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Mr. Kenny Asher  
September 15, 2011  
Page 2

• **Phase 2: Concept Design and Illustrations**

Based on our site feasibility exercise, we will develop a conceptual design for the ballpark that represents the outline program statement. We will produce renderings of the design that describe the overall conceptual scope and intent and to help generate interest in the project.

Deliverables for this phase will include:

- Illustrative Site plan
- Conceptual floor plans and typical section
- 4-5 perspective illustrations

• **Phase 3: Public/Local Government Process**

We envision our scope of work between the culmination of our feasibility and concept document and a November referendum to be primarily in a support role to the City of Milwaukee. We will be available for meetings and presentations as required as well as ready to make any follow up revisions to our Phase 1 and 2 work.

**Schedule**

For the purposes of this proposal, we will focus on the schedule for Phases 1 -3; however, we are attaching some alternative overall development schedules that should inform you of some of the options available in attempting to meet a June opening day. We also understand that there are circumstances that may trigger a special referendum earlier than the November 2012 date we discussed. We will be available to advise on the schedule implications of any date that would signal a start of construction.

The overall project schedule that considers a June 2014 opening day will allow a traditional design-bid-build delivery system with the anticipation that project funds will be available and allow design to start in December of 2012.

The expedited schedule that considers a June 2013 opening day presents a few challenges. For this to be achievable, schematic design, approximately 50% design development and the production of an early site and civil construction document package would need to be complete prior to the November 2012 planned referendum. As an order of magnitude this scope of work represents approximately \$400,000 in professional services that depending on the progress and estimated success of the public referendum we would be willing to discuss as potential for 360 to undertake at some risk. Construction would need to start immediately after a successful referendum.

Our proposed schedule for this proposal is as follows:

**Phase 1: October – December: 8 – 12 weeks**

We envision beginning this phase of work with a kick-off meeting and information gathering exercise followed with bi-weekly meetings in Milwaukee to review progress and direction. Please note with the information available to us at this time, we believe we can accomplish this scope of work between 6-8 weeks.

**Phase 2: January: 4 weeks**

We envision 1 meeting after 3 weeks to review progress and get final direction prior to developing our final presentation drawings.

**Phase 3: February 2012 – November 2013**

# THREESIXTY ARCHITECTURE

360 ARCHITECTURE IS AN INNOVATIVE ARCHITECTURAL PRACTICE RECOGNIZED FOR OUR FUNCTIONAL, DISTINCTIVE AND INNOVATIVE DESIGNS ACROSS A WIDE RANGE OF PROJECT TYPES INCLUDING SPORTS ARENAS AND STADIUMS, MIXED-USE DISTRICTS, CORPORATE AND COMMERCIAL OFFICE BUILDINGS, RESIDENCES RESTAURANTS AND MUNICIPAL FACILITIES.

OUR PHILOSOPHY IS TO CREATE ENVIRONMENTS AND EXPERIENCES THAT ACHIEVE OUR CLIENTS' GOALS INNOVATIVELY AND INSPIRATIONALLY. WE APPLY THIS PHILOSOPHY HOLISTICALLY, ADOPTING A FOUR-PRONGED APPROACH.

## MARKETS

Sports  
Civic + Government  
Entertainment  
Graphics  
Higher Education  
Mixed Use  
Office / Workplace  
Parking Structures  
Residential  
Restaurant

## SERVICES

Architectural Design  
Interior Design  
Visioning and Strategic Planning  
Master Planning  
Urban Planning and Design  
Building and Site Evaluation  
Programming and Space Planning  
Graphics and Wayfinding  
3D Illustration and Animation  
Sustainability Consulting

## WE LISTEN ATTENTIVELY.

Through dialogue we explore the organization's leadership, brand, culture, communication style and needs, and stewardship. This enables us to effectively define the project opportunity in the context of organization's overall business objectives.

## WE SOLVE PRAGMATICALLY.

Guided by our fiscal and environmental responsibilities, contextual understanding, practical experience, technical expertise, and quality control processes, we are excellent stewards of our client's and planet's precious resources.

## WE DESIGN CREATIVELY.

With our 360-degree point of view and innovative solutions, we create memorable spaces that effectively and delightfully achieve the project's objectives.

## WE WORK COLLABORATIVELY.

Our holistic approach includes taking a leadership role, encouraging constant and open communication and a spirit of collaboration among all parties on the project team, including the owner, contractors and subcontractors, to ensure that the project always comes first.

## CONTACT

300 WEST 22ND STREET  
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360ARCHITECTS.COM

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# EXPERIENCE

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360 Architecture has been a sports facilities design leader for more than 20 years. Our expertise encompasses arenas, stadiums, training facilities and recreation centers. Our process is creative and collaborative, and our practice has been built around honesty and integrity. With a staff of more than 100, 62 of whom specialize in sports, and with some of the most impressive resumes in sports architecture, 360 Architecture is fully equipped to lead your project from inception through occupancy.

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# BIOS + REFERENCES

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As important as our experience is our emphasis on creating strong and enduring relationships with our clients. Our philosophy is no two cities or economic markets are the same; therefore, each design should reflect and support the market in which it is being built. We pride ourselves in creating unique solutions for our clients and their communities. We listen attentively, solve pragmatically, design creatively and work collaboratively to design responsible yet innovative solutions that fulfill each client's site, operational, budget, schedule and revenue-generation goals. To really understand how our process will lead to success from your perspective, we encourage you to contact our references.

# BRAD SCHROCK, AIA

SENIOR PRINCIPAL



Brad Schrock is a founding principal of 360 Architecture and has achieved over the past two decades a record of visionary architectural designs across an array of sports, entertainment, corporate and mixed-use projects. Brad is recognized for the extraordinary personal commitment he brings to each project along with his deep understanding of the built environment, including the commercial, public and communal interests that shape it. His designs consistently inspire while providing enduring solutions to complex land development challenges.

## + EDUCATION

Bachelor of Architecture  
University of Kansas, 1984

## + REGISTRATION

Registered Architect: California,  
Kansas, Missouri, Florida,  
Ohio and Washington  
NCARB Certified

## + CONTACT

[bschrock@360architects.com](mailto:bschrock@360architects.com)

## + PROJECT EXPERIENCE

**Huntington Park, AAA Columbus Clippers**  
Columbus, Ohio

**Vancouver Ballpark**  
Vancouver, Washington

**Metro Bank Park Renovations**  
Harrisburg, Pennsylvania

**CommunityAmerica Ballpark**  
Kansas City, Kansas

**Ripken Youth Baseball Academy**  
Aberdeen, Maryland

**Rent One Park, Southern Illinois Miners**  
Baseball Stadium & Master Plan  
Marion, Illinois

**Safeco Field, MLB Mariners**  
Seattle, Washington

**Cisco Field, MLB Athletics' Ballpark Village**  
Master Plan & Conceptual Design  
Oakland, California

**Coors Field, MLB Rockies\***  
Denver, Colorado

**Progressive Field, MLB Indians\***  
Cleveland, Ohio

**University of Washington Husky**  
Stadium Renovation  
Seattle, Washington

**San Jose Earthquakes Soccer Stadium,**  
MLS Earthquakes  
San Jose, California

**Ed Smith Spring Training Renovation**  
Concepts, MLB Reds  
Sarasota, Florida

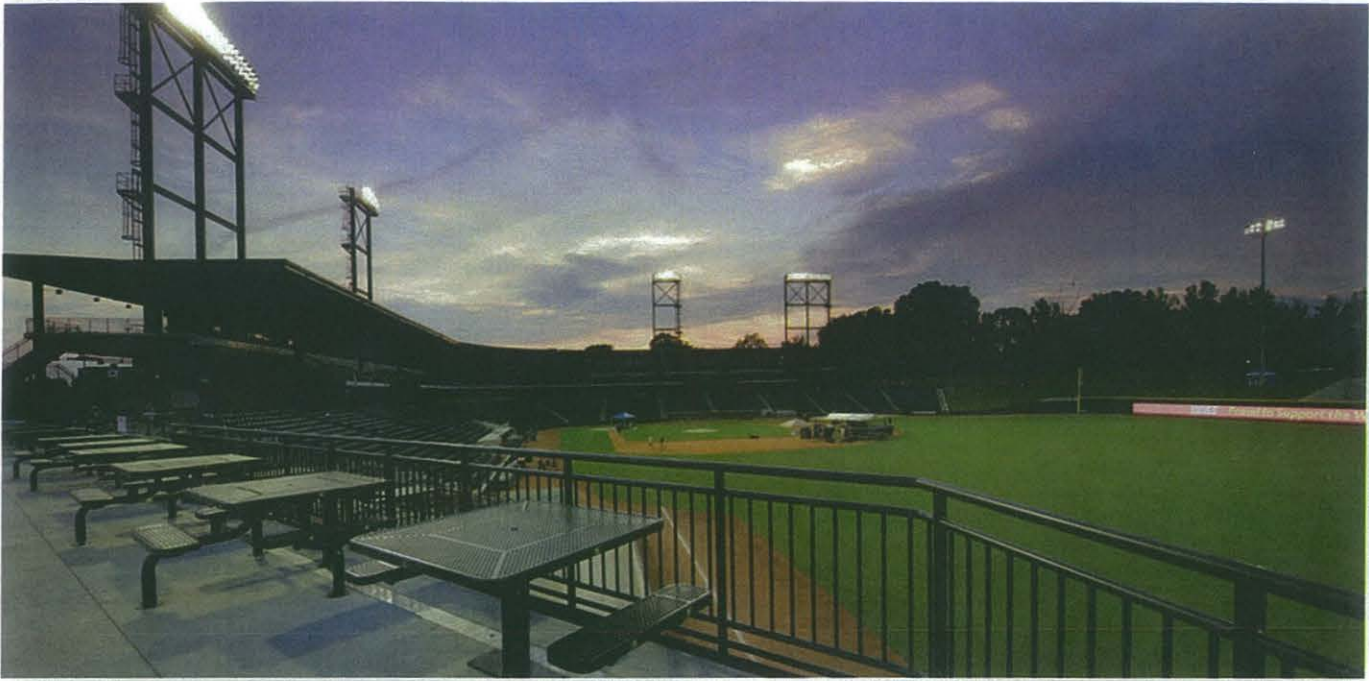
**Nationwide Arena & District Master Plan NHL**  
Blue Jackets  
Columbus, Ohio

**American Airlines Arena**  
Miami, Florida

**Stockton Arena & Events Center Master Plan**  
Stockton, California

\*Project designed while with another firm.

BB&T BALLPARK  
SINGLE-A WINSTON SALEM DASH



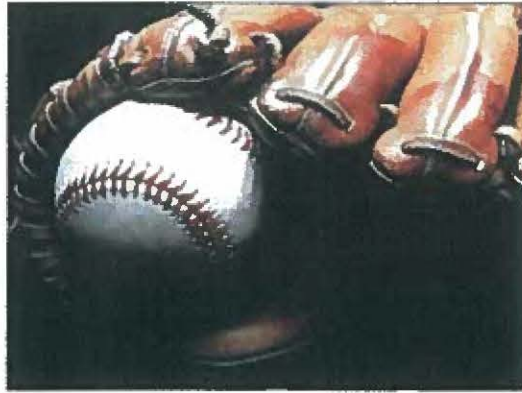
- + **SIZE** 5,500 seats
- + **LOCATION** Winston-Salem, NC
- + **COMPLETION DATE** April 2010
- + **CONSTRUCTION COST** \$31 million

2010 Ballpark of the Year  
- BASEBALLBALLPARKS.COM



**Bob Boyl** - Bob Boyl is a leading manager of retail developments; both in the US and internationally. His projects include a mixed use project in San Francisco, Boudin on the Wharf; domestic and international rollouts for Columbia Sportswear; and Vans flagship store in London. His prior experience includes development of Niketown Stores; including stores in London and Berlin. In this role he has become a recognized expert in the management of the FF&E that is required for a successful project rollout. (B of Arch-Univ of Or)

**Ian Burns** - Ian Burns is a financial guru, having helped manage costs and audits for large, complex assignments such as 16 Washington State Department of Transportation Projects (including the Tacoma Narrows), Sound Transit and Brightwood Water. With his Scottish heritage, he'll make sure that the money gets spent right. (BS, & MS Public Acct'g-PSU)



### ***Roles and Responsibilities:***

#### **Senior Project Manager:**

**Chris Steinbrecher** - Chris would be the Senior Project Manager reporting directly to the City. Chris will manage the day-to-day activities of the project management team. He will ensure that the team has resources that are necessary to provide Milwaukie with the needed services and that the city is satisfied with our work. His knowledge gained in ten years as a City (of Portland) employee will be extremely helpful in managing the City of Milwaukie's concerns.

**Project Strategy: Bob Collier** - Bob is key in the development project management team roles and responsibilities. With his guidance and experi-

ence the team will develop roles and responsibilities that focus on the specifics of this project. Bob will provide strategic direction for the team and be involved in advising on key decisions. For example, he will be key in reviewing the program document that will guide this project.

#### **Project Finance Director:**

**Ian Burns** - Ian will ensure that the project budgets are well-developed, complete and thorough. In addition he'll be tracking the budget as the project unfolds to ensure that we are projecting an accurate cost to complete. He will also ensure that any limitations imposed by funding sources are clearly met. Finally he will be providing recommendations on contingency as well as on construction costs.

#### **Project Manager for**

**FF&E; Bob Boyl** - Bob will focus on the furnishings, fixtures and equipment necessary for the successful operation of the facility.

From Day One Bob will be the person targeting successful operations on opening day. He will work closely with the Operations Team to ensure that the products that they have selected are scheduled to arrive at appropriate times. He will be coordinating the multiple vendor management that will be necessary to ensure a successful opening.

#### **Contract Administrator: Glenn Schnaidt, -**

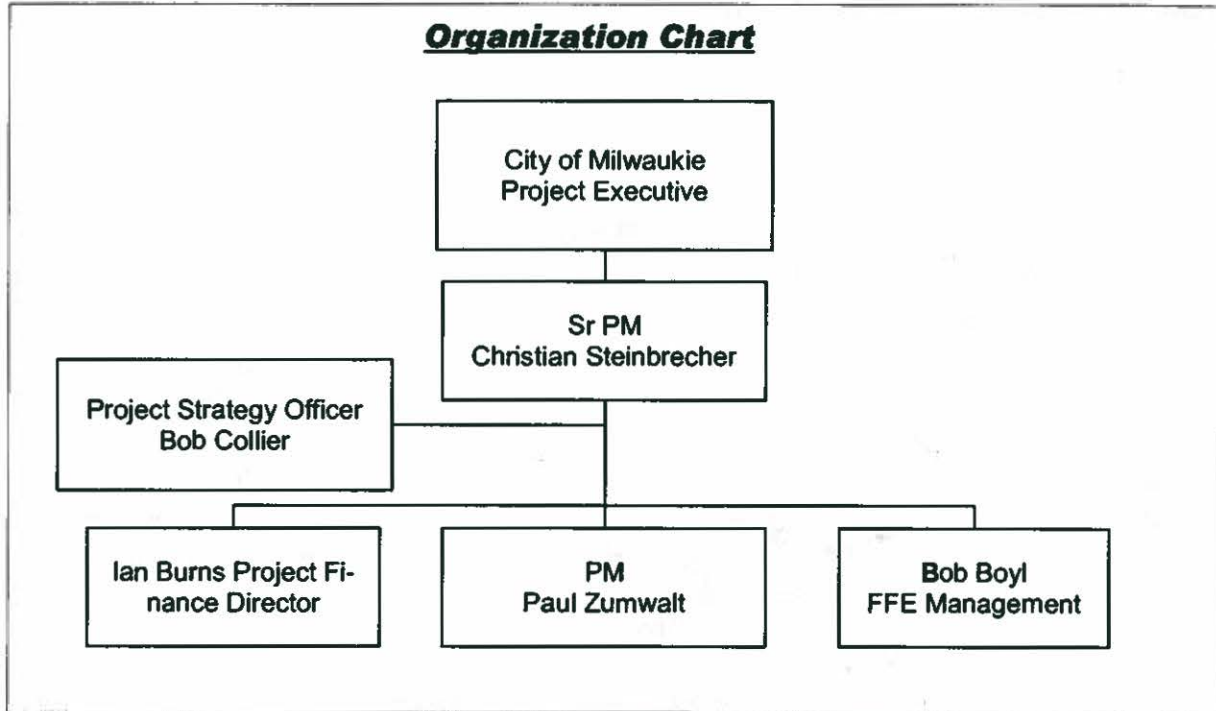
Glenn will be available as a support contract administrator to both Chris and Paul Zumwalt. His responsibilities will include monitoring work, reviewing change orders and pay requests, assessing schedule performance, and insuring that the quality control and measurement programs that are in place to ensure a first class project are being properly carried out.

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### ***Capital Project Consultants***

**Single A Baseball** - A Ukiah Engineering, Inc. Company  
3 - *Managing Your Projects to Success* -





***Project Challenges***

**The Ball Park** - The project will be constructed in a mature neighborhood adjacent to a major thoroughfare while a major transportation project is being constructed. The work will be under close scrutiny by fans. The challenges of this project will involve not only the design and configuration of a facility appropriate for a ball field, but; it will also require close coordination with a large number of neighbors and existing businesses.

McLoughlin Blvd the major north-south thoroughfare and a key commuter and economic connection, passes through the project site. It will be necessary for your project manager to facilitate the permitting and construction so as to minimize the impact to the neighbors and commuters.

The park will be in a mature neighborhood, including a dense network of transportation and utility

corridors. Ongoing businesses will be concerned about any impacts that they may experience as the work is completed. High-profile public projects such as this are significantly impacted by their relationship with the surrounding neighborhoods.

**Scope Control** - This project management team will ensure that the scope of the work is well defined, including the measures that must be taken as the work itself proceeds. The complexities of carrying out a major project in Milwaukee should not be underestimated. The planning work that will be required at the onset of the project will be critical to determining the scope and the cost of the work.

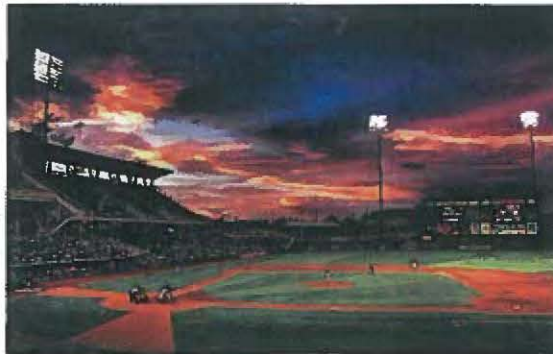
CPC's approach to that planning effort is to ensure that sufficient effort is mounted at the programming stage in order that the scope of the work is well understood by all parties. This programming includes not only the scope of the actual improvements related to the ballpark, but also all of the



collateral work that must be considered to make these improvements successful. That includes things such as property acquisitions, ODOT relocation, street and parking issues, offsite improvements, traffic mitigation, and community relations.

**Sustainability/Environmental Sensitivity -**

This team recognizes that the metropolitan area is at the leading edge of sustainability and environmental awareness. We are in a position to capitalize on this knowledge and use our connections for the benefit of the project. The project can gain substantial support by incorporating sustainability in its design and construction. To ensure that these measures can be carried out in a cost-effective fashion they will need to be included at the front end to ensure that all participants recognize the additional responsibilities that this effort will incur. Managed effectively these issues should incur little additional cost to the project.



**Change Management-** This team brings with it over 150 years of experience in the management of complex construction. The lessons learned in these 150 years of experience will accrue to your advantage. For example, this team understands that changes are a natural part of the construction process. No group of professionals, no matter how skilled are capable of anticipating all of the details that will be necessary to complete a project such as this. Successful projects are those that are adept at incorporating those changes smoothly into the construction process, while still meeting the owner's cost and schedule expectations. Our approach is to insure that changes are fully scoped, including cost and schedule impacts, to insure that

the team makes any decisions with a full knowledge of all the impacts.

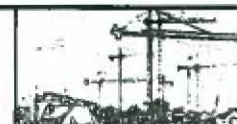
***Services - What CPC Does for the You***

**Project Management**

- We put Project Management experts to work for you.
- Our understanding of project management, project scheduling, and cost engineering is key to a making your project successful.
- Our PM approach integrates project risk, scope, cost, schedule, quality, organization, procurement and communications.
  - We guide your project by knowing what the next steps are before they are reached.
  - CPC helps assure that all opportunities for a sustainable project are brought to your attention.
  - We help you anticipate the bottlenecks and decision points that will be necessary; avoiding crisis decision making.
- We'll use this expertise to insure that your project meets its quality, cost, scope and schedule expectations.
- Our team is LEED experienced and insures that projects meet any LEED certifications desired by you.
- We'll monitor the FFE to insure that all of the necessary supplies and fixtures are ordered to insure that the facility opens in a ready to operate customer oriented manner.
- We'll review procurement strategies to insure that all of the elements for a successful project, including FFE items are purchased in the most cost effective manner.

***Capital Project Consultants***

Single A Baseball - A Ukiah Engineering, Inc. Company  
 5 - Managing Your Projects to Success -



ATTACHMENT 4

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AUTHORIZING THE CITY MANAGER TO EXECUTE CONTRACTS WITH PROFESSIONAL ADVISORS TO ASSIST WITH ACHIEVING THE COUNCIL GOAL OF ATTRACTING MINOR LEAGUE BASEBALL TO THE CITY OF MILWAUKIE.**

**WHEREAS**, the City Council adopted resolution 46-2011 establishing the goal to explore the opportunity of attracting minor league baseball to Milwaukie for economic development purposes; and

**WHEREAS**, exploration over a year's time has resulted in the "Bring It Back" campaign concept, through which the City Council will provide leadership for the Milwaukie community to study the costs and benefits of redeveloping the site at 9002 SE McLoughlin for professional baseball and potentially other uses; and

**WHEREAS**, ODOT, as the owner of the site, has expressed a willingness to work with the City toward a real estate property transfer that would allow the City to cause the desired redevelopment to occur on the site; and

**WHEREAS**, the city has received unsolicited proposals from, and has conducted interviews with, professional firms in the fields of architecture, project management, strategic communications, campaign management, and sports facility development and operations; and

**WHEREAS**, some of these professional advisors have expertise necessary for the City to conduct the "Bring It Back" campaign, and prior experience in working together on similar projects; and

**WHEREAS**, this expertise and experience has direct and indirect benefit to the City in the form of reduced professional fees and greater working efficiencies which the City desires to take advantage of; and

**WHEREAS**, the "Bring It Back" campaign constitutes an extended feasibility phase, expected to last 12 months, during which time the concept of financing a sports facility and attracting professional baseball to Milwaukie will be thoroughly studied and communicated with the public; and

**WHEREAS**, the Council, by adopting a resolution approving a class exemption under rule 10.115 for contracts related to determining the feasibility of the "Bring It Back" project, authorizes the direct award of a class of contracts to selected professional firms; and

**WHEREAS**, the contracts to be awarded to this class will be executed such that the City Council will review and determine, on a quarterly basis, whether to terminate the contractual relationships based on the feasibility findings discovered in the preceding quarter; and

**WHEREAS**, the contracts will cover anticipated work and related costs for the entire 12-month campaign but will be subject to amendments based on progress and needs that arise during later phases of the campaign; and

**WHEREAS**, amendments to the contracts, should they be necessary, will be brought to the City Council for Council review and approval; and

**NOW, THEREFORE, BE IT RESOLVED** that the City of Milwaukie authorizes the City Manager to execute the following contracts for professional services for the “Bring It Back” Campaign:

- 1) A professional services contract with 360 Architects for architectural and engineering services in the amount of \$34,000.
- 2) A professional services contract with Innovative Campaign Strategies for strategic communications and campaign services in the amount of \$185,000.
- 3) A professional services contract with Capital Project Consulting for project management services in the amount of \$24,500.

Introduced and adopted by the City Council on \_\_\_\_\_ .

This resolution is effective on \_\_\_\_\_ .

\_\_\_\_\_  
Jeremy Ferguson, Mayor

ATTEST:

APPROVED AS TO FORM:  
Jordan Ramis PC

\_\_\_\_\_  
Pat DuVal, City Recorder

\_\_\_\_\_  
City Attorney



Agenda Item: 6.B.  
Meeting Date: October 4, 2011

**To: Mayor and City Council**

**Through: Bill Monahan, City Manager**

**From: Chief Bob Jordan**

**Date: September 27, 2011**

**Subject: Photo radar update: new photo radar equipment and report on negative effects of speeding on traffic safety**

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#### **ACTION REQUESTED**

For information,

- A) To provide an update to the City Council on the Photo Radar program and,
- B) To request the Council make a finding that speeding has a negative impact on traffic safety in certain areas within the city limits of Milwaukie.

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

In March 2008 the Oregon legislature approved use of photo radar in the City of Milwaukie. The main purpose of photo radar has been to enhance traffic safety through the reduction of motor vehicle accidents in the City of Milwaukie. We are uniquely situated for traffic safety improvements under this technique because of the presence of two major highways, Hwy 224 and Hwy 99E, which bisect the city and are adjacent to residential neighborhoods. MPD contracted with a vendor named Affiliated Contract Services (ACS) to facilitate the program. Although we have never lost the statutory authority to operate photo radar, our contract with ACS expired in mid-January 2011. The City Council authorized the renewal of the contract with ACS in May 2011. The contract stipulated that the more advanced digital film technology would replace our older "wet-film" technology and that the newer technology would be delivered in August 2011. In the first week of September six officers were trained in the use of the digital technology.

## **BACKGROUND**

The Police Department has reviewed several facets of traffic safety in the City of Milwaukie that reflect the efficacy of the Photo Radar Program. These facets include;

1. The number of city wide traffic crashes compared to the number of crashes on our highways by year, shown in Exhibit A
2. The number of speeding citations issued on our highways by year, shown in Exhibit B.
3. The total number of citations issued since Photo Radar's inception, shown in Exhibit C.
4. A map depicting the history of where the Photo Radar van has been deployed, shown in Exhibit D.
5. A summary of the revenue generated by traffic fines to include photo radar and traditional traffic enforcement since 2006 shown in Exhibit E, and an analysis of total revenue through citations comparing photo radar with other enforcement actions shown in Exhibit F.

These exhibits indicate that our highways account for an average of 36% of our accidents, arguably our more serious injury accidents due to the increased speeds on our highways (Exhibit A). This same exhibit indicates that during our most robust deployments of photo radar on our highways, 2008 and 2009, city wide injury accidents dipped from 44 in 2007 to 32 and 28 in 2008 and 2009 respectively.

Exhibit B indicates that Highway 99E contrasted with Highway 224, is by a significant factor, the source of the majority of our speed citations, from both photo radar and handwritten issued citations. Our peak citation year for Hwy 99E was in 2009 with 6,077 photo radar citations issued. Our peak year on Hwy 224 was in 2008 with 375 photo radar citations issued. (Please note that the number of photo radar citations peaked in 2009, essentially in response to community feedback to me that they would like to see the photo radar van in the neighborhoods as a deterrent to speeding. In addition, photo radar in the neighborhoods will slow traffic down but is less likely to generate citations given the lower volume of traffic on side streets, compared to highways.)

Exhibit C is submitted for two points;

- 1) There is a significant incidence of speeding in the City of Milwaukie (32,000 violations since 2008).
- 2) The new digital technology will significantly increase the number of citations because of its relative accuracy, understanding that 45% of our 32,000 violations were not issued citations for the reasons articulated in Exhibit C. The new technology will significantly impact all of the non-issuance reasons, but for the non-issuance due to an inability to match the gender of the driver

and the registered owner. Put another way, the digital technology has the potential to increase the number of citations by a full 30% by significantly impacting four of the top five reasons for non-issuance of a citation.

Exhibit D (captioned Photo Radar Locations) provides a pictorial map where the photo radar van is deployed on the City of Milwaukie's two main highways.

Considering the above information, we would ask that the council make an official finding that speeding has a negative impact on traffic safety in four zones. The first zone is Hwy 99E from our north city limit boundary near SE Clatsop St to or southern boundary near SE Park St. The second zone is Hwy 224 from the intersection of Hwy 99E to the City's eastern boundary of SE Rusk Rd. These findings are supported by Chief Kanzler's memorandum dated January 15, and Council discussion of that memorandum at their regular meeting on January 15th. Those materials establish that in 2008 those zones were the location of more than 50% of Milwaukie's serious injury traffic collisions. These stem from speeding, along with failure to obey lights and signs. Photo radar is also indicated by difficult human factors: the roadways lack shoulders and parking lanes, and it is dangerous walk outside a parked police car in these zones. These dangers continue to the present day.

The third zone is SE Johnson Creek Boulevard at the 5545 block. These findings arise under Chief Kanzler's testimony to Council on January 15, 2008, that the city will use photo radar to enforce speeding violations in an unlimited number of areas, including school zones, McLoughlin Blvd, Highway 224, and, pertinently, for speed law compliance in other neighborhoods. In 2008 speeding was a danger at the 5545 block of Johnson Creek Boulevard because street conditions invite inattentive drivers to lose focus on their vehicle speed: the street is long and narrow, and on straightaways such as this, drivers often inadvertently speed up. Further, the Springwater Corridor Trail parallels the street to the south; the trail corridor is a semi-natural area with less visual articulation than presented to a driver passing by buildings constructed in lots and block; the lack of meaningful breaks in scenery contributes to increased speed. Speeding traffic conflicts with turning movements and stopped traffic in this area. Those dangers are still present today.

Finally—and in another example of what Chief Kanzler testified were “~~the~~ neighborhoods”—is the zone located approximately at SE King Road and 44th, in both directions of travel. There, another straight section of street passes between apartment buildings to the north and retail stores to the south. The street contains two travel lanes. The straight street invites the driver to lose track of increasing speed, yet speeding traffic increases danger for stopped and turning vehicles, retail customers, and residents. These dangers were present in 2008 and continue today.

Exhibit E indicates the revenue generated by the Photo Radar Program and reflects the downturn in revenue when the van was redeployed from the highways to the neighborhoods in 2009 and as the vendor contract expired in 2011. A representative from the City's Finance Department is available to answer questions regarding revenue.

Exhibit F is a restatement of some of those figures comparing the various sources of citation revenue. Of particular note is that in FY 2009-2010, revenue from handwritten citations rivaled photo radar citations with \$644,742 to \$693,389, respectively.

I believe that these figures suggest that our Photo Radar Program is an important factor in reducing motor vehicle accidents on our highways and also serves as a revenue source when deployed on our highways.

**CONCURRENCE**

None

**FISCAL IMPACT**

See above

**WORK LOAD IMPACTS**

The decision to continue the photo radar program was made by City Council in May. The level of deployment of the photo radar unit will be influenced by the trends in speeding and traffic accidents. Deployment of the unit will be blended with other means of enforcement.

**ALTERNATIVES**

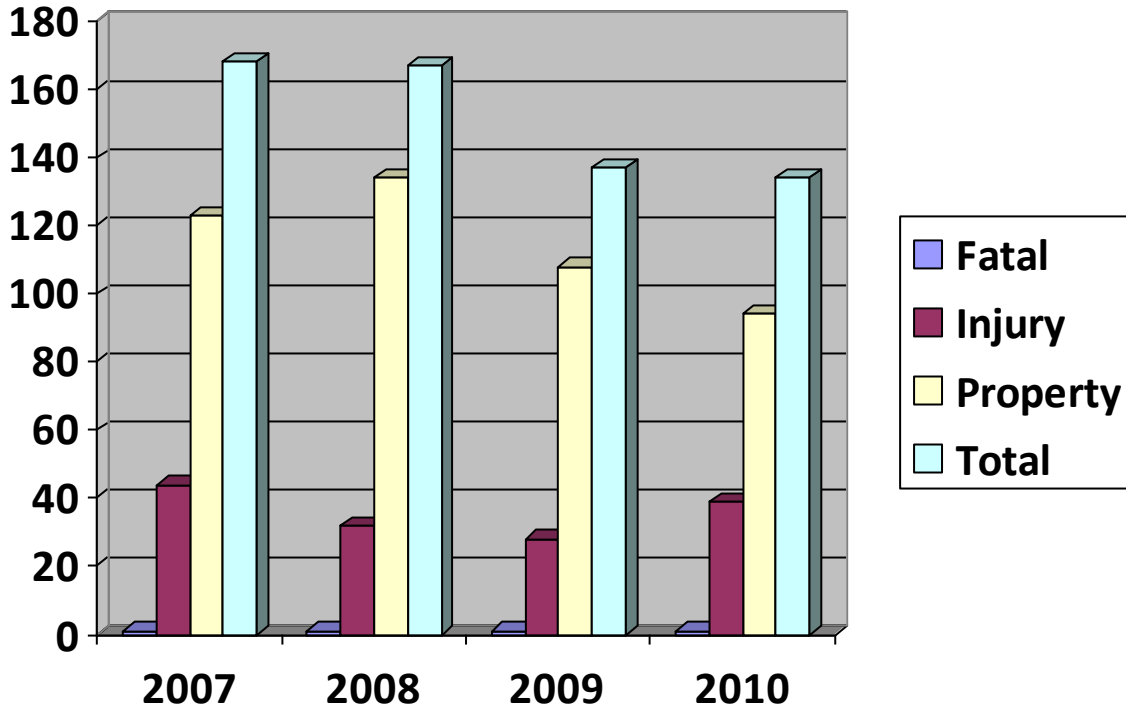
None

**ATTACHMENTS**

1. EXHIBIT A – TRAFFIC CRASH DATA
2. EXHIBIT B – SPEEDING CITATIONS ISSUED ON HIGHWAYS
3. EXHIBIT C – ACS STATISTICS
4. EXHIBIT D – MAP OF PHOTO RADAR LOCATIONS
5. EXHIBIT E – GRAPH DEPICTING REVENUE FROM TRAFFIC CITATIONS
6. EXHIBIT F – REVENUE SPREAD SHEET
7. EXHIBIT G – HISTORICAL DOCUMENTS

## Exhibit "A"

### NUMBER OF TRAFFIC CRASHES CITY WIDE BY YEAR



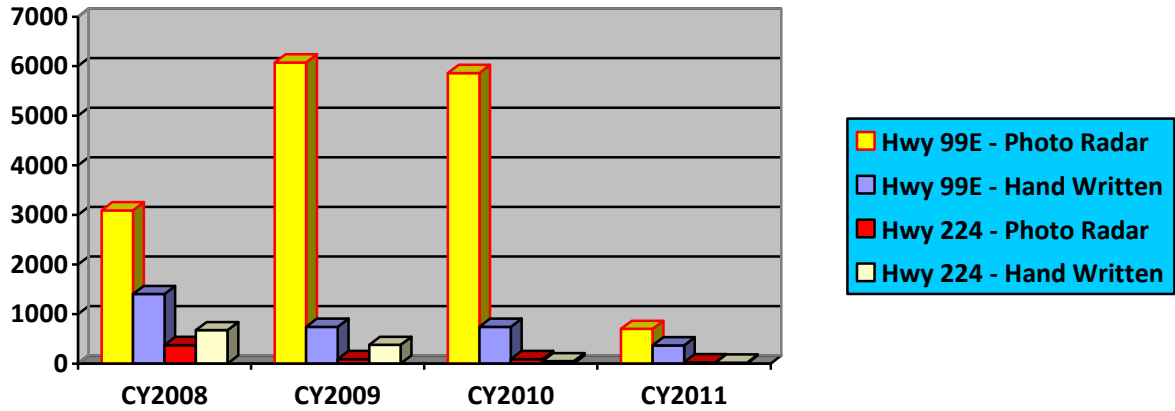
	2007	2008	2009	2010
<b>Fatal</b>	1	1	1	1
<b>Injury</b>	44	32	28	39
<b>Property</b>	123	134	108	94
<b>Total</b>	168	167	137	134

### ACCIDENTS ON MILWAUKIE'S HIGHWAYS

	2007	2008	2009	2010
<b>Accidents on HWY 99E</b>	26	36	18	26
<b>Accidents on Hwy 224</b>	23	32	34	29
<b>Total for both</b>	49	68	52	55
<b>Percent of City Wide</b>	<b>29%</b>	<b>40%</b>	<b>37%</b>	<b>41%</b>

## Exhibit "B"

### SPEEDING CITATIONS ISSUED ON HWY 99E AND HWY 224



By Core Area – Highway	CY2008	CY2009	CY2010	CY2011
Hwy 99E - Photo Radar	3,095	6,077	5,864	702
Hwy 99E - Hand Written	1,405	743	743	368
Hwy 224 - Photo Radar	375	93	93	29
Hwy 224 – Hand Written	676	379	50	22
<b>Total speeding citations issued in core areas</b>	<b>5,551</b>	<b>7,292</b>	<b>6,750</b>	<b>1,121</b>

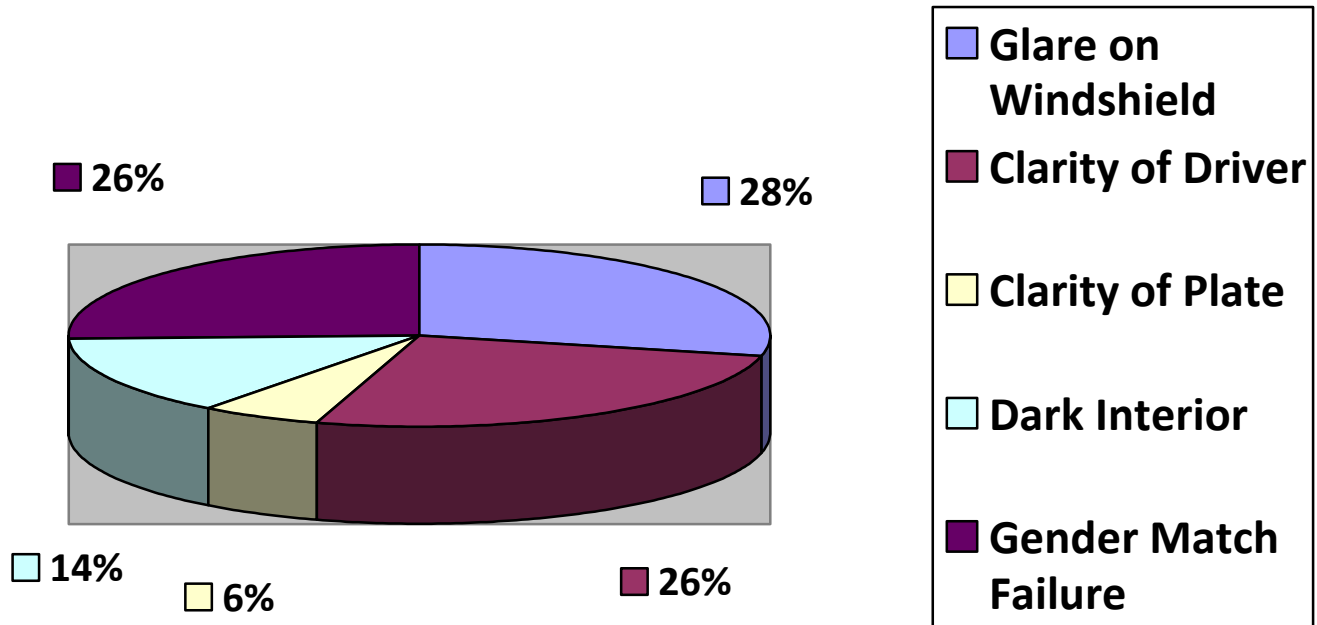
By ACS Location Code	CY2008	CY2009	CY2010	CY2011
<b>1001 - 8600 BLK of Hwy 99E SB</b>	2258	855	24	6
<b>1004 – Hwy 99E at Harrison St NB</b>	292	12	0	0
<b>1005 – Hwy 99E at Moores NB</b>	1	12	39	0
<b>1006 - 10300 blk of Hwy 99E SB</b>	520	2645	2831	0
<b>1007 – Hwy 99E at Harrison SB</b>	6	0	0	0
<b>1010 – Hwy 99E at Monroe NB</b>	7	0	0	0
<b>1011 – Hwy 99E at Jefferson SB</b>	11	0	0	0
<b>1013 – Hwy 99Eat Milport</b>	0	9	0	0
<b>1015 – 10400 blk of Hwy 99E NB</b>	0	2131	1342	29
<b>1016 – Hwy 224 at Harrison EB</b>	0	2	0	0
<b>1017 – Hwy 224 at 37<sup>th</sup> EB</b>	0	2	0	0
<b>1018 – 11500 blk of Hwy 99E NB</b>	0	413	1628	667
<b>1020 – Hwy 224 at Monroe St EB</b>	0	0	15	0
<b>2001 – Hwy 224 at Lake Rd WB</b>	29	22	219	11
<b>2002 – Hwy 224 at Lake Rd EB</b>	346	67	137	18

Exhibit "C"

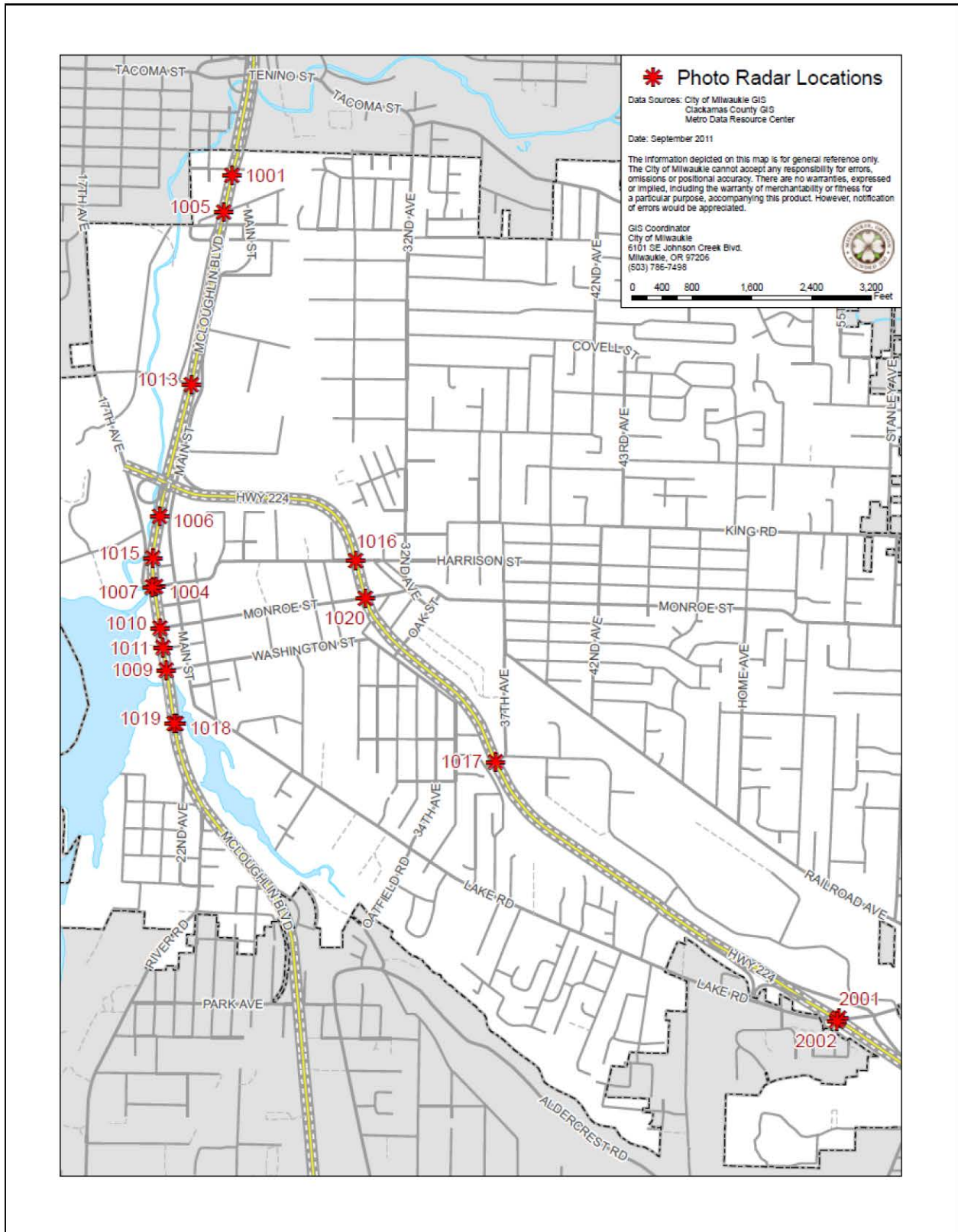
**ACS STATISTICS TOTAL CITATIONS ISSUANCE AND NON-  
ISSUANCE SINCE PROGRAM'S INCEPTION**

Total Violations - 32,453  
Citations Issued - 17,731 (54.4% of total records)  
Citations Not issued - 14,861 (45.6% of total records)

**Top Five Reasons for Non-issuance of Photo Radar  
Tickets**

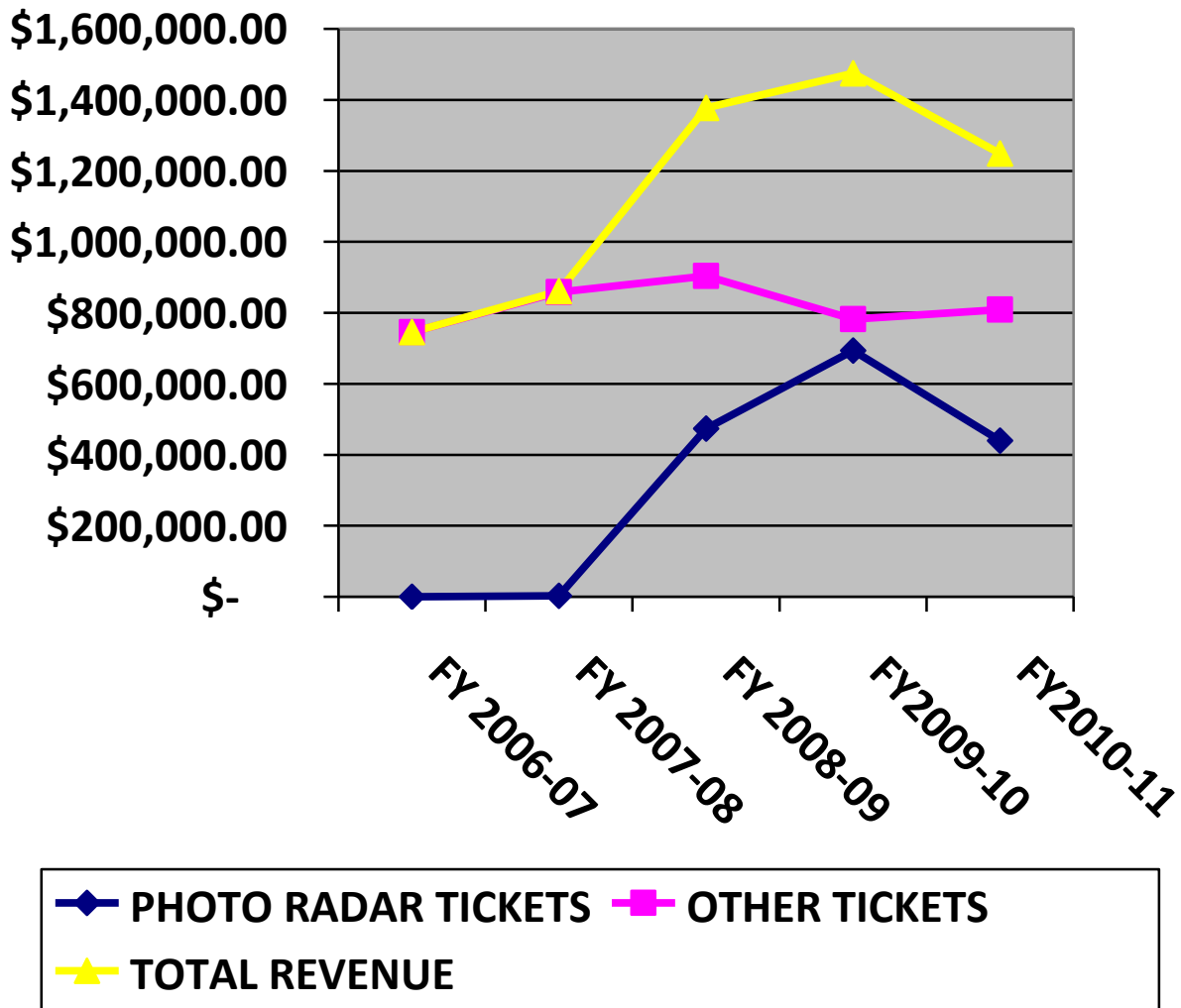


# Exhibit "D"



**Exhibit "E"**

**REVENUE GENERATED BY TRAFFIC FINES**



\*Refer attached spreadsheet for numbers

**EXHIBIT "F"**

**Analysis of Traffic and Court Fine Revenue and Photo Radar Program**

	Actual					Projected			
	FY 2006-07	FY 2007-08	FY 2008-09	FY 2009-10	FY 2010-11	[in Budget] FY 2011-12	[updated] FY 2011-12	FY 2012-13	FY 2013-14
Gross revenue from all Traffic and Court citation sources:									
Fines generated from Traffic exclusive of Photo Radar	\$ 673,843	\$ 777,024	\$ 783,413	\$ 644,742	\$ 693,049	\$ 750,000	\$ 750,000		
Fines generated from other Court fines	91,866	108,220	161,518	254,513	192,889	239,000	239,000		
Fines from Clean-up Abatement	35,593	36,326	7,645	8,585	3,298	3,000	3,000		
Fines from District Court revenue	24,414	29,957	31,673	40,231	33,685	35,000	35,000		
Fines from Traffic Assessment fee	47,174	50,998	88,385	96,781	82,288	85,000	85,000		
Fines generated from Photo Radar van #1	-	3,095	473,849	693,389	439,371	735,000	735,000	-	-
Fines generated from Photo Radar van #2	-	-	-	-	-	-	-	-	-
Fines from sunseting surcharge	-	-	-	237,000	342,915	-	-	-	-
Total revenue from Traffic and Court citations	<u>\$ 872,890</u>	<u>\$ 1,005,620</u>	<u>\$ 1,546,483</u>	<u>\$ 1,975,241</u>	<u>\$ 1,787,495</u>	<u>\$ 1,847,000</u>	<u>\$ 1,847,000</u>	<u>\$ -</u>	<u>\$ -</u>
Analysis of just Photo Radar:									
Fines generated from Photo Radar van #1	\$ -	\$ 3,095	\$ 473,849	\$ 693,389	\$ 439,371	\$ 735,000	\$ 735,000	\$ -	\$ -
Fines generated from Photo Radar van #2	-	-	-	-	-	-	-	-	-
Fines from Traffic Assessment fee (pro-rated for PR)	-	202	33,311	50,150	31,927	42,071	42,071		
Revenue from Photo Radar	-	3,095	473,849	693,389	439,371	735,000	735,000	-	-

## EXHIBIT "G"



### MEMORANDUM

To: Mayor and City Council

Through: Mike Swanson, City Manager

From: Larry R. Kanzler, Chief of Police

Subject: Resolution Authorizing the City Manager Sign Vendor Contract for Photo Traffic Enforcement

Date: January 15, 2008

### Action Requested

Adopt a resolution authorizing the City Manager to sign a contract for photo traffic enforcement with Automated Computer Systems, Inc. (ACS Inc.)

### Background

Milwaukie is bisected by two major arterials: Highway 224 and Highway 99E (McLoughlin Boulevard). More than 80,000 commuters travel through Milwaukie on their way to and from their destinations on these two roads every day. During rush hour periods, traffic diverts through the neighborhoods as drivers search for less congested routes to their destinations, and speed becomes an issue as motorists try to make up for lost time.

The most frequent complaint I receive from the community is speeding through our neighborhoods and school zones and traffic diverting from State Highways 99E and 224 into and through our Milwaukie neighborhoods. Our proximity to Portland extends traffic problems whereby Milwaukie residents experience the same traffic problems as Portland residents.

Milwaukie police officers have issued traffic citations on Highway 99E for speeds in excess of 100 miles per hour in posted 45 mile per hour speed zones. Highways 99E and 224 are also the primary routes for more than 50% of the accidents that occur in Milwaukie. The primary cause of these usually serious injury accidents is speed and failure to stop at red-light controlled intersections. There were more than 300 traffic crashes in Milwaukie in 2006 with 150 of those crashes occurring on Highways 99E and 224 with the majority of the serious injury crashes occurring on Highway 99E.

The Police Department has focused its efforts on trying to reduce the speeds drivers are traveling by deploying patrol cars to these major arterials. However, because of the narrow parking lanes and shoulders and the inability of drivers to merge to avoid police traffic enforcement stops, it places our officers in very dangerous positions. During the past year the Milwaukie Police Department has had three marked patrol cars struck by passing motorists while the officer was stopped on the shoulder of the highway with their emergency lights activated. The most recent accident occurred in April 2007, totaling the police car and injuring the officer. The lane design and the lack of sufficient highway shoulder makes working traffic enforcement very dangerous on either of these highways.

In 2001 I testified before the Oregon Legislature to amend the statute authorizing Milwaukie's use of photo traffic enforcement. Senator Kate Brown and Representative Carolyn Tomei supported the City's efforts through hearings and subcommittee meetings and testimony. Unfortunately, our initial efforts to pass amending photo traffic enforcement legislation were not successful. However, since then, concerned citizens, the Public Safety Advisory Committee, and the Milwaukie City Council have voiced strong support for the use of photo traffic enforcement.

The leadership of Milwaukie clearly supports the use of this technology. The Milwaukie City Council adopted Resolution 7-2007 on February 6, 2007 supporting the use of photo traffic enforcement. A copy of that resolution is attached. Milwaukie's Public Safety Advisory Committee, a committee comprised of representatives from each of Milwaukie's neighborhoods and sanctioned by the Milwaukie Municipal Code, also supports the use of this technology. On March 8, 2007 Milwaukie City Manager Mike Swanson, testified before the Senate Judiciary Committee supporting the use of photo traffic enforcement technology. Clearly the community and the leadership of Milwaukie have demonstrated their support for the use of technology to make our community safer.

With the help of State Senator Kate Brown and Representative Carolyn Tomei I actively continued to garner support during the 2006 and 2007 legislative session by testifying before State Senators and Legislators asking them to give Milwaukie the tools to slow traffic, reduce the effects of cut through commuter traffic, and enforce red-light compliance to make Milwaukie a safer community.

As a result, the Oregon State Legislature amended ORS 810.438 and 810.439 authorizing the City of Milwaukie to deploy photo traffic enforcement technology. The amendments to these statutes are authorized and effective January 2008.

Vendor Requirements:

The Police Department investigated the two primary types of technology used to record photo traffic enforcement: digital and wet film. The digital technology offers higher volume rates (pictures per second), but is compromised by the graininess of the picture. The statute requires picture quality that provides gender match and visual identification clarity. Digital photo technology operates in the 2-megapixel range resulting in gender match and visual identification in only about 40% of photos taken – day or night. Digital graininess is exacerbated when the photo is enlarged for facial recognition. Digital technology that approaches that of wet film technology is more than four-times more expensive than wet film equipment.

By comparison, wet film technology produces gender match and facial recognition at a much higher quality rate, approximately 70% day or night. Wet film equipment is well proven, and while it only produces at a volume of 2-pictures per second v. 5-pictures per second with digital equipment, the quality of the image is comparable to a 16,000-megapixel 35-mm film camera.

Advancements in technology suggest that digital images will be comparable for cost and quality in the future, but currently they are not. The objective is to reduce speeding and reduce red-light violations. Wet film technology will provide driver accountability at a cost that is affordable. As the price of technology goes down and the quality goes up, we can investigate digital equipment as a cost effective option for the future, but until then the only high quality technology that is cost effective is the wet-film equipment.

The addition of photo traffic enforcement will generate an estimated 10,000 more traffic citations per year of which approximately 8% of those cited will go to court. These citations will add an overwhelming workload on court staff if dockets continue to be created manually.

To resolve this problem we looked at the system currently being deployed in the City of Portland. Portland's vendor for its photo traffic enforcement program collects and processes the film and notifies violators by mail, provides notice of the fine amount and payment options through the court, and provides the option of in person or mail-in fines.

Additionally, Portland's vendor creates the court docket in accordance with instructions from the court as to day-date-time, and offers a "per citation" fee for this process. Portland then pays the vendor for this service based on a graduated scale from a low volume of \$27 per citation to a high volume of \$18 per citation. Payment to the vendor is based on the citation being adjudicated by the court with a guilty plea or finding. If the violator pleads not guilty and is found not guilty, then Portland does not pay the photo traffic enforcement vendor.

Automated Computer Systems (ACS) Inc. has provided photo traffic enforcement technology, violator notification, electronic docketing and billing for the City of Portland's Bureau of Police since the technology was authorized by the legislature. The City of Portland's contract for services with ACS Inc. provides for the adoption of Portland's service agreement with other units of government. Portland's service agreement and contract is adoptable by the City of Milwaukie.

ACS, Inc. is the single source vendor for wet-film high-resolution photo traffic enforcement, and although they also offer digital technology, the resolution is lower and the efficiency of the system is less than offered by wet-film technology.

The City of Milwaukie FY2007-08 budget approved funding a photo radar and photo traffic enforcement program.

Recommendation:

The staff recommends ACS, Inc. as the City's vendor for photo traffic enforcement for the following reasons:

- High quality wet-film technology
- 38% higher rate of gender and identification match over digital technology
- Cost effective technology – approximately four-times less expensive than comparable digital photo technology
- Docketing support and technology to reduce City court staff time
- Government to government adoptable vendor agreement
- ACS installs and repairs all technology and equipment – photo red-light and photo radar installations
- ACS is the single source wet-film vendor

Concurrence

- City of Milwaukie Court staff
- Police Department
- City Recorder
- City Attorney

Fiscal Impact

Fiscal impacts include the following:

Expenses - \$580,000

- 2.5 FTE in the Police Department to operate the photo & traffic enforcement program
- 1 FTE in court administration
- 1 additional traffic court session per month
- 3 Photo radar units – annual lease agreement to ACS \$ 72,000
- Graduated/citation fee to ACS up to 10,000 citations - \$189,000

Revenue - \$690,000

- A projected increase of approximately 10,000 traffic violations per year
- A projected "revenue neutral" traffic enforcement program

Work Load Impacts

The biggest impact will be on Court Administration. It will be impacted at a higher ratio per employee than the Police Department who will be generating the activity. There is a direct correlation between the enforcement activity of the Police Department and the impact on the size and frequency of the court docket and system.

We reviewed the impact of photo traffic enforcement on Portland's County based court system and found that the number of violators who sought resolution through the court

equaled only 8% of the total number of violators cited. The other 92% resolved the violation without going to court after receiving a photo of their violation in the mail.

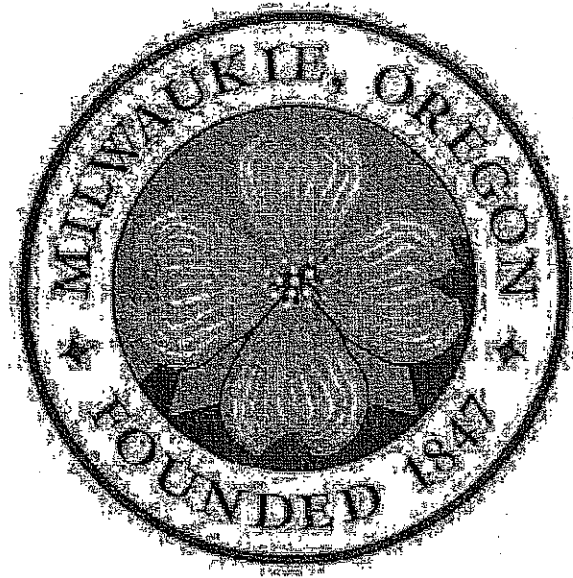
Alternatives

- Option 1 - Continue to enforce traffic laws through a traditional non-technical approach of patrol cars and officers supervising traffic as time permits with no additional resources or staffing. The results are likely to remain the same with traffic complaints from the community being their biggest concern.
- Option 2 – Authorize the use of photo traffic enforcement technology to monitor red light and speed throughout the City of Milwaukie. The projected “revenue neutral” program is expected to pay for itself during the course of enforcement. Additionally, driver education is the goal. If drivers slow down and obey the posted speed limits they will avoid citations and fines, the same holds true if drivers stop for red lights, and the result is that our community will be safer.

Attachments:

1. Resolution 7-2007
2. Resolution proposed for adoption

**CITY OF MILWAUKIE  
PHOTO RADAR PROGRAM  
REPORT  
2008 – 2009**



**Sergeant John Hipes  
Milwaukie Police Department**

3200 SE Harrison St.  
Milwaukie, OR 97222  
503-786-7483  
Hipesj@ci.milwaukie.or.us

## I. BACKGROUND – REPORT REQUIREMENTS

The Oregon Revised Statute authorizing photo radar in cities was amended in the Legislative session of 2005. This amendment required cities using photo radar to conduct a process and outcome evaluation once each biennium.

A copy of the amended Statute is included below:

*(3) A city that operates a photo radar system under this section shall, once each biennium, conduct a process and outcome evaluation for the purposes of subsection (4) of this section that includes:*

*(a) The effect of the use of the photo radar system on traffic safety;*

*(b) The degree of public acceptance of the use of photo radar system; and*

*(c) The process of administration of the use of the photo radar system.*

*(4) By March 1 of the year of each regular session of the Legislative Assembly:*

*(a) The Department of Transportation shall provide to the Legislative Assembly an executive summary of the process and outcome evaluations conducted under subsection (3) of this section; and*

*(b) Each city that operates a photo radar system under this section shall present to the Legislative Assembly the process and outcome evaluation conducted by the city under subsection (3) of this section.*

*[1995 c.579 1; 1997 c.280 1; 1999 c.1071 1; 2005 c.686 3]*

## **II. PHOTO RADAR AND its EFFECT ON TRAFFIC SAFETY**

### **A. BACKGROUND**

Photo radar is a method of traffic speed enforcement that is used to detect speeding violations and record identifying information about the vehicle and driver automatically. Violation evidence is processed and reviewed in an office environment and violation notices are delivered to the registered owners of identified vehicles after the alleged violation occurs, rather than at the time of the offense.

The City of Milwaukie received authority from the 74<sup>th</sup> OREGON LEGISLATIVE ASSEMBLY -- 2007 Regular Session by amendment of House Bill 2466 to implement a photo radar program. The City of Milwaukie's program has been in operation since March 27<sup>th</sup>, 2008.

### **B. PHOTO RADAR DEPLOYMENT**

The ultimate goal of traffic law enforcement is to reduce traffic collisions. This may be achieved through the application of such techniques as geographic/temporal assignment of personnel and equipment and the establishment of preventive patrols to deal with specific categories of unlawful driving behavior.

Traffic enforcement techniques are based on accident data, enforcement activity records, traffic volume, and traffic conditions. This department provides enforcement efforts toward violations, not only in proportion to the frequency of their occurrence in accident situations, but also in terms of traffic related needs.

Several factors are considered in the development of deployment schedules for traffic unit officers. Information provided by the Department of Motor Vehicles, Oregon Department of Transportation, and City of Milwaukie, are valuable resources for traffic crash occurrences and therefore officer deployment.

Some of the factors for analysis include:

- Location
- Time
- Day
- Violation factors

The Milwaukie Police Department purchased one van for the deployment of photo radar equipment in 2007. The department received the Ford F150 Van from the manufacturer during the month of December 2007.

During the month of December 2007 the City of Milwaukie Public Works Department posted "Traffic Laws Photo Enforced" signs as required by the Oregon Revised Statutes.

During the months of February 2008 and March 2008 the photo radar van was equipped with emergency lights, vehicle decals, and ACS, State and Local Solutions photo radar equipment. The department conducted a road test of the vehicle and equipment on March 25<sup>th</sup>, 2008.

The goal of the Milwaukie Police Departments deployment of the photo radar van is to reduce traffic crashes and increase drivers, passengers, and pedestrian's safety within the city, by reducing vehicle speeds.

In order to obtain the departments overall goal the photo radar van will be deployed in school zones, highway work zones, residential streets, and other streets which the local jurisdiction has determined have an unusually high number of crashes or speeding complaints.

On March 27<sup>th</sup>, 2008 the van was deployed on Mcloughlin Blvd. within the City of Milwaukie. During the 3.5 hour period 36 citations were issued and 164 were rejected.

Initially one officer who is certified by our vendor ACS, State and Local Solutions (ACS) was assigned to deploy the photo radar van. The department's initial deployments were dedicated to the Highway 224 Milwaukie Bypass corridor and Mcloughlin Blvd. traffic corridor within the city's jurisdictional boundaries.

From March 2008 to October 2008 the department worked with the Milwaukie Municipal Court to obtain a smooth photo radar citation process. Also during this period the department worked with ACS to modify the initial vehicle set up for optimum use.

During the month of October 2008 six officers from the Milwaukie Police department attended an ACS Field Service Photo Radar Training class and obtain certification status.

Currently the Milwaukie program has seven officers Involved in the deployment of the photo radar van throughout the city. One officer is assigned full time and six officers are paid overtime to deploy the van. The van is deployed at all hours of the day at the locations listed below.

**Current Identified Photo Radar Deployment locations:**

Mcloughlin Blvd @ 8600 Blk Southbound  
Hwy 224 @ SE Lake Rd Westbound  
Hwy 224 @ SE Lake Rd Eastbound  
Stanley Ave @ Hazel Place Northbound  
Stanley Ave @ Hazel Place Southbound  
Lake Rd @ 4400 Blk Westbound  
Linwood Ave. @ 11900 Blk Southbound  
Johnson Creek Blvd @ 5800 Blk Eastbound  
Harrison St @ 3400 Blk Westbound  
River Rd @ Wren St. Northbound  
5545 SE Johnson Creek Blvd Westbound  
King Rd @ 4700 Blk Westbound  
Mcloughlin Blvd @ Harrison St Northbound  
Mcloughlin Blvd @ Harrison St Southbound  
Mcloughlin Blvd @ Moores St Northbound  
Mcloughlin Blvd @ 10300 Blk Southbound  
Mcloughlin Blvd @ 11500 Blk Northbound  
Linwood Ave. @ 12000 Blk School Zone Southbound  
17<sup>th</sup> Ave @ Mcbroad St Southbound  
Mcloughlin Blvd @ Monroe St Northbound  
Mcloughlin Blvd @ Washington St Southbound  
Mcloughlin Blvd @ Jefferson St Southbound  
Mcloughlin Blvd @ Milport St Southbound  
Railroad @ Wood Ave Eastbound  
42<sup>nd</sup> Ave @ 9000 Blk Northbound  
King Rd @ 44<sup>th</sup> Westbound

### C. IMPROVEMENTS IN TRAFFIC SAFETY

The City of Milwaukie's photo radar program has been very successful in helping to reduce traffic crashes within the city boundaries.

The photo radar program operated nine months of 2008. The following chart compares traffic crashes from 2006 to 2008. The chart shows traffic crashes were consistent between 2006 and 2007. The chart shows a 22% reduction from 2007 to 2008.

Traffic Crashes

2006	2007	2008
Fatal - 0	Fatal - 1	Fatal - 1
Injury - 42	Injury - 44	Injury - 32
Non Injury - 127	Non Injury - 123	Non Injury - 98
Total - 169	Total - 168	Total - 131

During 2008 the traffic unit was reduced from four officers to three officers, but traffic citations issued for the year increased by 38%. The Photo Radar Summary for the period of March 2008 to March of 2009 shows a total of 893.22 Enforcement Hours, 676335 Vehicles Monitored, 9175 Violations Captured, and 5115 Citations Issued.

### III. PHOTO RADAR PROCESS OF ADMINISTRATION

There are many components to the administrative process of photo radar enforcement. The basic steps involved in issuing a photo radar citation are: violation detection, violation processing, quality control checks, citation review and approval by the police officer, and citation mailing.

1. Violation detection occurs when a police officer operating a marked police vehicle visually observes a violation. The police officer also hears an audible signal indicating the

violation speed. He maintains an observation log at each deployment and takes notes of each violation.

At least three photographs are generated for each violation. These include the vehicle in the radar beam approaching the police vehicle, a close up photo of the driver in the violation vehicle, and a close up picture of the violation vehicle license plate. The violation vehicle's speed is displayed on a reader board at the back of the photo radar vehicle.

The police officer maintains a check list for each deployment to document that they are following all of the technical procedures for operating the photo radar equipment.

2. Violation processing, quality control checks, citation review, and citation mailing involves taking the undeveloped film from the camera inside the photo radar van to our vendor ACS, after a deployment.

The vendor develops the film and then looks at the photos. If they can identify the license plate, they send a request to the Oregon Dept of Motor Vehicles (DMV) for the registered owner information. The DMV sends this information back to ACS.

The pertinent details of the violation (such as location, date, time, speed, etc) are reviewed by the vendor along with the registered owner information. The vendor discards violations where there is no gender match to the registered owner or owners. They also discard any violations where the driver is not identifiable due to factors such as glare, face blocked by a visor, etc.

Any violations that pass this first screening by the vendor are then sent to the issuing police officer as citations. The issuing police officer reviews them for accuracy and signs them. ACS then mails this citation, along with a photo from the violation, to the registered owner.

This citation must be mailed to the registered owner within six (6) business days to remain in compliance with Oregon law. The registered owner has thirty (30) days to respond to this citation. They are afforded all of the same rights as a defendant would have with any traffic violation. The citation is processed through the State of Oregon Court system. The presumption in Oregon is that the registered owner is the driver at the time of the violation.

The registered owner must provide evidence that they were not the driver at the time of the violation. This process is usually done by the registered owner completing a Certificate of Innocence form and then returning it by mail to the City of Milwaukie municipal court staff. Once the form is received the citation is dismissed by the court.

Dismissed Photo Radar citations are then sent by the court to a photo radar trained Milwaukie Police Officer who then reviews these Certificates of Innocence for accuracy.

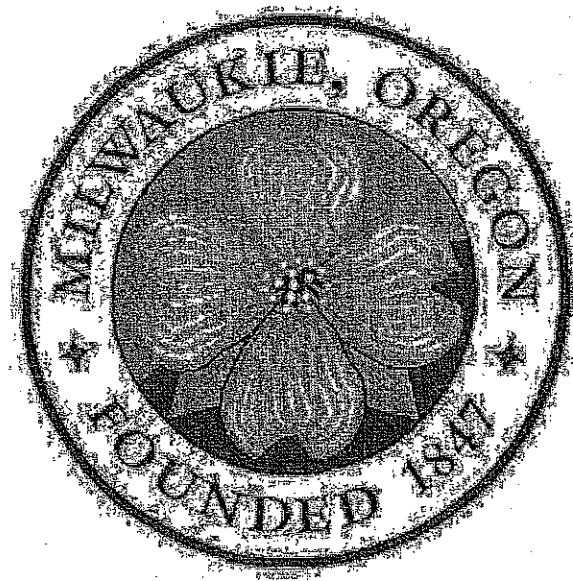
Once the Certificates of Innocence are reviewed for accuracy they are then returned to ACS for any further required action.

#### **IV. PUBLIC ACCEPTANCE OF PHOTO RADAR**

The Milwaukie Police Department has been monitoring public opinion of photo radar over the past year of deployment and enjoys a strong public acceptance of photo radar as reported through city neighborhood associations.

Although a random survey has not been completed, the police department has received very few complaints about the use of photo radar. The complaints the department have received are from citizens who want to see it used more in their neighborhoods.

**CITY OF MILWAUKIE  
PHOTO RADAR PROGRAM  
REPORT  
2009 – 2010**



**Sergeant Floyd Marl  
Milwaukie Police Department**

3200 SE Harrison St.  
Milwaukie, OR 97222  
503-786-7435  
marlf@ci.milwaukie.or.us

## **I. BACKGROUND – REPORT REQUIREMENTS**

The Oregon Revised Statute authorizing photo radar in cities was amended in the Legislative session of 2005. This amendment required cities using photo radar to conduct a process and outcome evaluation once each biennium.

## **II. PHOTO RADAR AND its EFFECT ON TRAFFIC SAFETY**

### **A. BACKGROUND**

Photo radar is a method of traffic speed enforcement that is used to detect speeding violations and record identifying information about the vehicle and driver automatically. Violation evidence is processed and reviewed in an office environment and violation notices are delivered to the registered owners of identified vehicles after the alleged violation occurs, rather than at the time of the offense.

The City of Milwaukie received authority from the 74<sup>th</sup> OREGON LEGISLATIVE ASSEMBLY -- 2007 Regular Session by amendment of House Bill 2466 to implement a photo radar program. The City of Milwaukie's program has been in operation since March 27<sup>th</sup>, 2008.

### **B. PHOTO RADAR DEPLOYMENT**

The ultimate goal of traffic law enforcement is to reduce traffic collisions. This may be achieved through the application of such techniques as geographic/temporal assignment of personnel and equipment and the establishment of preventive patrols to deal with specific categories of unlawful driving behavior.

Traffic enforcement techniques are based on accident data, enforcement activity records, traffic volume, and traffic conditions. This department provides enforcement efforts toward violations, not only in proportion to the frequency of their occurrence in accident situations, but also in terms of traffic related needs.

Several factors are considered in the development of deployment schedules for traffic unit officers. Information provided by the Department of Motor Vehicles, Oregon Department of Transportation, and City of Milwaukie, are valuable resources for traffic crash occurrences and therefore officer deployment.

Some of the factors for analysis include:

- Location
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- Day
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During the month of December 2007 the City of Milwaukie Public Works Department posted "Traffic Laws Photo Enforced" signs as required by the Oregon Revised Statutes.

During the months of February 2008 and March 2008 the photo radar van was equipped with emergency lights, vehicle decals, and ACS, State and Local Solutions photo radar equipment. The department conducted a road test of the vehicle and equipment on March 25<sup>th</sup>, 2008.

The goal of the Milwaukie Police Departments deployment of the photo radar van is to reduce traffic crashes and increase drivers, passengers, and pedestrian's safety within the city, by reducing vehicle speeds.

In order to obtain the departments overall goal the photo radar van will be deployed in school zones, highway work zones, residential streets, and other streets which the local jurisdiction has determined have an unusually high number of crashes or speeding complaints.

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Currently the Milwaukie program has seven officers involved in the deployment of the photo radar van throughout the city. One officer is assigned full time and six officers are paid overtime to deploy the van.

### **C. IMPROVEMENTS IN TRAFFIC SAFETY**

The City of Milwaukie's photo radar program has been very successful in helping to reduce traffic crashes within the city boundaries.

#### **Traffic Crashes**

<b>2006</b>	<b>2007</b>	<b>2008</b>
Fatal - 0	Fatal - 1	Fatal - 1
Injury - 42	Injury - 44	Injury - 32
Non Injury - 127	Non Injury - 123	Non Injury - 98
Total - 169	Total - 168	Total - 131

### Traffic Crashes

2009	2010
Fatal -1	Fatal - 0
Injury - 28	Injury - 38
Non Injury - 107	Non Injury - 94
Total - 136	Total - 132

The Photo Radar Summary for the period of March 2009 to December of 2010 shows a total of 2,609.12 Enforcement Hours, 853,102 Vehicles Monitored, 23,618 Violations Captured, and 12,641 Citations Issued.

### III. PHOTO RADAR PROCESS OF ADMINISTRATION

There are many components to the administrative process of photo radar enforcement. The basic steps involved in issuing a photo radar citation are: violation detection, violation processing, quality control checks, citation review and approval by the police officer, and citation mailing.

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This citation must be mailed to the registered owner within six (6) business days to remain in compliance with Oregon law. The registered owner has thirty (30) days to respond to this citation. They are afforded all of the same rights as a defendant would have with any traffic violation. The citation is processed through the State of Oregon Court system. The presumption in Oregon is that the registered owner is the driver at the time of the violation.

The registered owner must provide evidence that they were not the driver at the time of the violation. This process is usually done by the registered owner completing a

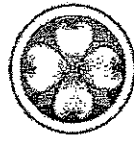
Certificate of Innocence form and then returning it by mail to the City of Milwaukie municipal court staff. Once the form is received the citation is dismissed by the court.

Dismissed Photo Radar citations are then sent by the court to a photo radar trained Milwaukie Police Officer who then reviews these Certificates of Innocence for accuracy.

Once the Certificates of Innocence are reviewed for accuracy they are then returned to ACS for any further required action.

#### **IV. PUBLIC ACCEPTANCE OF PHOTO RADAR**

The Milwaukie Police Department enjoys a strong public acceptance of photo radar as reported through seven different city neighborhood associations. In January 2011, the City of Milwaukie conducted a review of the photo radar program with our Public Safety Advisory Committee. The committee voted unanimously to continue its support of the photo radar program.



# MILWAUKIE

*Dogwood City of the West*

**To: Mayor Ferguson and City Councilors**  
**From: Bob Jordan, Chief of Police**  
**Subject: Photo Radar Program Audit**  
**Date: January 28, 2011 for the February 1, 2011 Work Session**

## Introduction

The City of Milwaukie has been authorized to utilize photo radar by the Oregon State Legislature for speed enforcement since March 2008. The main purpose of photo radar has been to enhance traffic safety through the reduction of motor vehicle accidents in the City of Milwaukie. We are uniquely situated for the successful deployment of this technique because of the presence of two major highways, Route 224 and McLoughlin Boulevard, which bisect the city and are adjacent to residential neighborhoods.

The photo radar program is operated by the Milwaukie Police Department (MPD). The MPD has contracted with a vendor named ACS, to facilitate the program. Essentially, the photo radar program consists of an officer assigned to a marked police van. The van is equipped with state-of-art radar and photographic equipment. When deployed on the highway, this equipment will measure the speed of traffic and take simultaneous photographs of the driver and the license plate of the speeding vehicle. Those photographs are used to identify the registered owner of the vehicle. The driver's license photograph of the owner is then compared with the actual photograph taken on the highway. If there is a sufficient match of the two photographs, a citation is issued.

The enabling statute requires that the van be occupied by a police officer and that the measured speed be ten miles or more over the posted speed limit. ACS, our vendor assists in the processing of the data. That contract expired on January 15, 2011.

The City's operation of the program has been the occasional subject of regional media focus since the program's inception. Most of the coverage has been balanced; some coverage, especially in the electronic media, has been critical.

The purpose of this staff report and audit is to use the occasion of the opportunity to renew the vendor contract, or not, to examine the overall benefit of the program; its track record in reducing motor vehicle accidents, its costs, its ability to offset the costs through revenue generation and its acceptance among our residents; in addition this document may be useful in briefing the issues to City Council.

Our Public Safety Advisory Committee (PSAC) has been tasked with sharing this information with their respective neighborhoods in order to provide feedback. On January 27, PSAC convened its regularly scheduled meeting and discussed the input on photo radar provided by their neighborhoods. They passed a unanimous motion to support the continuation of photo radar. This feedback will ultimately be provided to the City Council on February 1 for its consideration in continuing with the photo radar program.

Motor Vehicle Accident Prevention

"There are three kinds of lies: lies, damned lies and statistics."

- Mark Twain's Own Autobiography: The Chapters from the North American Review

The only way to accurately measure the reduction of motor vehicle accidents is through the use of statistics. Although there is some truth to Mark Twain's quote above, statistics can be helpful in understanding the impact of photo radar on the prevention of accidents. The raw figures are set forth below:

	<u>2006</u>	<u>2007</u>	<u>2008</u>	<u>2009</u>	<u>2010 (To June 1)</u>
Total Crashes	172	165	168	137	63
Fatalities	0	1	1	1	0
Injuries	42	41	32	28	17
Property Damage	130	123	134	108	46
McLoughlin crashes	37	25	31	28	14
Hwy 224 crashes	18	6	10	18	6

One extrapolation from these statistics is that traffic crashes were down almost 20% in 2009 from 2008. Another extrapolation is that not only did we have fewer traffic accidents, but they were less serious as made evident by the reduced number of personal injury accidents. I will leave other more detailed extrapolations to other analyses, but I believe these figures show significant but varying rates of crash reductions since the start of the photo radar program in Milwaukie.

**COSTS OF PHOTO RADAR**

	Fiscal Year 2009		Fiscal Year 2010		Fiscal Year 2011	
	Amount	% of Revenue	Amount	% of Revenue	Amount	% of Revenue
Photo Radar Citations	\$474,000	87.6	693,000	90.5	693,000	90.5
Training Fee - Photo Radar	67,000	12.4	73,000	9.5	73,000	9.5
Total Revenue	541,000	100	766,000	100	766,000	100

Expenditures						
Municipal Court - Allocation	209,000	38.6	275,000	35.9	275,000	35.9
Police - Direct Personnel Costs	106,000	19.6	111,000	15.3	117,000	15.3
Contractual Services	106,000	19.6	155,000	20.2	155,000	20.2
Equipment Lease	30,000	5.5	30,000	3.9	30,000	3.9
Vehicle Costs	12,000	2.2	12,000	1.6	12,000	1.6
Police - Indirect Costs	38,000	7	46,000	6	47,000	6.1
<b>Total Estimated Program Expenditures</b>	<b>501,000</b>	<b>92.6</b>	<b>629,000</b>	<b>82.9</b>	<b>636,000</b>	<b>83</b>
<b>Net Surplus/(deficiency) program</b>	<b>40,000</b>	<b>7.4</b>	<b>137,000</b>	<b>17.9</b>	<b>130,000</b>	<b>17</b>

A brief look at these figures indicates that the photo radar program has netted the City of Milwaukie approximately \$135,000.00 annually after its costs are deducted from revenue. Although these are not exact figures (our primary photo radar officer has other collateral duties in the Department) the two full years of operation do depict a revenue stream to the City of about \$135,000.00 a year. Although not a princely sum, when put with the reduction of traffic accidents, described above, it makes a modest case to continue the program.

**Additional information:**

- a) in the event that City Council recommends that we continue the photo radar program, there are a number of initiatives we can pursue to mitigate the negative impact of photo radar
- b) we can improve the signage advising motorists of the use of photo radar upon entering the City
- c) we can modify the traffic citation fund to allow its use for traffic safety-related improvements

**RESOLUTION # \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON,  
CONTINUING PHOTO RADAR ENFORCEMENT UNDER NEW TECHNOLOGY, MAKING  
FINDINGS, AND RATIFYING PRIOR DETERMINATIONS**

**WHEREAS**, in January, 2008, police chief Larry Kanzler reported his photo radar work to the City Council, explaining the City's speed-related traffic problems, explaining legislative authority, and requesting a resolution to contract with Automatic Computer Systems, Inc. (ACS), to procure photo radar equipment; and

**WHEREAS**, at its regular session on January 15, 2008, Council authorized Milwaukie Police Department to begin photo radar speed enforcement, premised on Chief Kanzler's report that speed impacts traffic safety in the City's residential neighborhoods, school zones, and other areas, whereafter in March, 2008 the City began this enforcement; and

**WHEREAS**, at its regular session on February 11, 2011, Chief Jordan updated Council on traffic crash statistics and sought Council's direction to renew the City's photo radar contract with its vendor, ACS; and

**WHEREAS**, Chief Jordan informed Council that there was a serious problem with speeding on 224 and 99E, and it was on the basis of that information that Council approved continued use of photo radar; and

**WHEREAS**, in May, 2011 Council authorized a new contract with ACS, under which ACS will replace the City's "wet film" photo radar equipment with more efficient digital equipment; and

**WHEREAS**, Chief Kanzler's memorandum of January 15, 2008, and Chief Jordan's memos of January 28 and September 27, 2011, support Council findings and are incorporated by reference into this Resolution; and

**WHEREAS**, the Legislative Reports of Sergeant John Hipes for program years 2008-2009, and of Sergeant Floyd Marl for program years 2009-2010, also support Council findings and are incorporated by reference into this Resolution;

**NOW, THEREFORE**, the Milwaukie City Council finds as follows:

1. Since January 1, 2008, traffic speed has had a negative impact on safety on streets with a history of injury crashes or an unusually high number of crashes; and
2. Since January 1, 2008, Highway 99E and Highway 224 have been and continue to be zones of danger in the City where speed has had and continues to have a negative impact on traffic safety, being then and now the primary location of more than 50% of the accidents that occur in the City ; and
3. Since January 1, 2008, the following have been and continue to be areas where speeding has had a negative impact on traffic safety:

McLoughlin Blvd @ 8600 Block southbound  
Highway 99 @ Harrison St. northbound

Highway 99 @ Harrison St. southbound  
Highway 99 @ Moores St. northbound  
McLoughlin Blvd. @ 10300 Blk. southbound  
Hwy 224 @ SE Lake Rd. westbound  
Hwy 224 @ SE Lake Rd. eastbound  
McLoughlin Blvd. @ SE Monroe St. northbound  
McLoughlin Blvd. @ SE Jefferson St. southbound  
5545 SE Johnson Creek Blvd. westbound

4. Since January 1, 2009, the following have been and continue to be areas where speeding has had a negative impact on traffic safety:

Highway 99 @ Milport St  
McLoughlin Blvd. @ 10400 Block northbound  
Highway 224 @ SE Harrison St. eastbound  
Highway 224 @ SE 37th Ave. eastbound  
McLoughlin Blvd. @ 11500 Block northbound  
Highway 224 @ Monroe St. eastbound  
King Rd. @ 44th eastbound  
King Rd. @ 44th westbound

5. Council confirms that its January 15, 2008 decision to begin photo radar enforcement was premised on a finding that speed had a negative impact on streets in three types of areas: 1) school zones, 2) residential areas, and 3) other areas as recited in these findings. Council ratifies these as findings of the dates specified above and deems the findings retroactive to those dates; Council also ratifies all prior acts of city officials and contractors related to photo radar use in areas where speeding negatively impacts traffic safety.

**NOW, THEREFORE, BASED UPON THE FOREGOING FINDINGS, IT IS HEREBY RESOLVED:**

The Milwaukie Police shall continue the use of photo radar as previously directed to reduce the incidence of speeding and improve traffic safety.

Introduced and adopted by the City Council on October 4, 2011.

This resolution is effective on October 4, 2011.

**APPROVED AND ADOPTED** on October 4, 2011.

\_\_\_\_\_  
Jeremy Ferguson, Mayor

**ATTEST:**

**APPROVED AS TO FORM:**  
JORDAN RAMIS, PC

\_\_\_\_\_  
Pat DuVal, City Recorder

\_\_\_\_\_  
City Attorney



Agenda Item: 6.C.  
Meeting Date: 10/4/11

## COUNCIL AGENDA ITEM SUMMARY

**Issue/Agenda Title:** Letter of Interest – Metropolitan Area Communication Commission membership

**Prepared By:** JoAnn Herrigel  
**Dept. Head Approval:** JoAnn Herrigel  
**City Manager Approval:** Bill Monahan  
**Reviewed by City Manager:** 9/9/11

### Issue before the Council

Approve a resolution authorizing the Mayor to sign a letter to the Metropolitan Area Communication Commission asking that the City be considered for membership.

### Staff Recommendation

Approve the resolution authorizing the Mayor's signature.

### Key Facts & Information Summary

The Metropolitan Area Communication Commission (MACC) and Milwaukie has been providing the City with Comcast cable franchise administrative services for almost 10 years. As the end of the Comcast franchise term approaches, staff is beginning talks with MACC regarding becoming a full member jurisdiction. The attached letter of interest would begin those formal discussions.

### Other Alternatives

None

### City Council Goals

None associated with this action.

### Attachment List

1. Resolution
2. Draft letter to MACC

### Fiscal Notes

None at this time.



**To: Mayor and City Council**

**Through: Bill Monahan, City Manager**

**From: JoAnn Herrigel, Community Services Director**

**Date: August 31, 2011**

**Subject: Metropolitan Area Communication Commission membership**

---

#### **Action Requested**

Approve a resolution authorizing the Mayor to sign a letter to the Metropolitan Area Communication Commission asking that the City be considered for membership.

#### **History Of Prior Actions and Discussions**

**June 2011:** Council directed staff to begin discussions with MACC regarding joining MACC as a full member jurisdiction.

#### **Background**

The Metropolitan Area Communication Commission (MACC) and Milwaukie have had a relationship for almost 10 years under an intergovernmental agreement through which MACC provides Comcast cable franchise administrative services for the City. The current agreement provides the City certain services including, but not limited to:

- Day to day customer response regarding technical or billing problems with cable service.
- Financial auditing of franchise required payments.
- Monitoring of Comcast contract obligations to Milwaukie and regulatory follow-up where necessary.
- Technical assistance with legal and financial issues regarding Comcast's relationship with and obligations to the City.
- In addition to assisting the City with cable-related issues, MACC staff also provides support and information regarding other City franchise issues related to Qwest and

provides telecommunication-related legislative monitoring during legislative sessions.

For this work, the City makes an annual payment to MACC of twenty-three percent (23%, or about \$44,000) of its Comcast franchise fees.

As the end of the Comcast franchise approaches, staff from MACC and Milwaukie have been discussing whether Milwaukie might become a MACC member and thereby benefit from MACC's technical and legal franchise negotiation resources. In June 2011, Council requested that staff begin discussions regarding joining MACC as a full member jurisdiction. MACC staff has requested a letter of interest from the City requesting membership consideration. The submission of this letter will begin more formal discussions with the MACC Board and staff regarding the financial, technical and logistical implications to the City of Milwaukie of MACC membership. City staff plans to keep Council updated as these discussions progress.

**Concurrence**

The City Manager supports this action.

**Fiscal Impact**

None at this time.

**Work Load Impacts**

The Community Services Director will begin meeting with MACC staff and representatives of other jurisdictions also considering MACC membership to identify the conditions of membership.

**Alternatives**

Deny approval of the resolution authorizing the Mayor to sign the letter of interest and direct staff to take an alternative action.

**Attachments**

1. Resolution
2. Letter of Interest

ATTACHMENT 1

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AUTHORIZING THE MAYOR TO SIGN A LETTER TO THE METROPOLITAN AREA COMMUNICATION COMMISSION ASKING THAT THE CITY BE CONSIDERED FOR MEMBERSHIP.**

**WHEREAS**, the Metropolitan Area Communication Commission (MACC) and Milwaukie have had a relationship for almost 10 years through an intergovernmental agreement; and

**WHEREAS**, MACC has provided certain cable franchise administrative services for the City including franchise fee auditing, customer service and monitoring of Comcast franchise responsibilities; and

**WHEREAS**, the City of Milwaukie is interested in considering joining MACC as a full member jurisdiction; and

**WHEREAS**, MACC has asked the City for a formal request for such consideration;

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor is authorized to sign the attached letter requesting that MACC consider Milwaukie as a full member jurisdiction.

Introduced and adopted by the City Council on September 20, 2011.

This resolution is effective on September 20, 2011.

\_\_\_\_\_  
Jeremy Ferguson, Mayor

ATTEST:

APPROVED AS TO FORM:  
Jordan Ramis PC

\_\_\_\_\_  
Pat DuVal, City Recorder

\_\_\_\_\_  
City Attorney

## ATTACHMENT 2



October 4, 2011

Chris Barhyte, Chair  
MACC  
1815 NW 169<sup>th</sup> Place, Suite 6020  
Beaverton, OR 97006

RE: MACC Membership

Dear Chair Barhyte:

As you know, the City of Milwaukie has contracted with MACC for a variety of cable television franchise services for more than ten years. We believe this has been a mutually productive relationship.

The City has worked hard to find efficiencies through governmental partnerships wherever it can. We believe it would be worthwhile to continue that work by requesting a full partnership with MACC.

Please consider the City of Milwaukie for membership in MACC as soon as reasonably possible. We understand that joining MACC will require the City to agree to terms that meet the intent of the existing MACC Intergovernmental Agreement. We look forward to reviewing the details of a proposed agreement, when it is fully drafted. Please contact Community Services Director, JoAnn Herrigel, to move forward with drafting the agreement.

Thank you for your consideration of this request.

Sincerely,

Mayor Jeremy Ferguson

cc: Bruce Crest, MACC Administrator