

**CITY OF MILWAUKIE  
CITY COUNCIL MEETING  
JULY 21, 2009**

**CALL TO ORDER**

**Mayor Ferguson** called the 2058<sup>th</sup> meeting of the Milwaukie City Council to order at 7:06 p.m. in the City Hall Council Chambers.

Present: Mayor Jeremy Ferguson, Council President Greg Chaimov, and Councilors Deborah Barnes, Joe Loomis, and Susan Stone (arrived 7:18 p.m.).

Staff present: City Manager Mike Swanson, City Attorney Bill Monahan, Code Compliance Assistant Sarah Lander

**PLEDGE OF ALLEGIANCE****PROCLAMATIONS, COMMENDATION, SPECIAL REPORTS AND AWARDS**

**Mr. Swanson** discussed downtown development and the significance of places such as the historic Main Street Soda Fountain.

**Mayor Ferguson** read a proclamation naming July 2009 as *National Ice Cream Month* after which representatives of the Soda Fountain handed out ice cream cones to the audience, Council, and staff.

**CONSENT AGENDA**

**Councilor Chaimov** asked for a brief explanation of the blanket purchase order resolution.

**Mr. Swanson** replied those were payments over the fiscal year that exceeded his expenditure authority and required City Council approval. Rather than coming to the City Council with each purchase order individually at the beginning of the fiscal year, those vendors were combined in a single resolution for Council consideration. Examples of vendors included PGE, Northwest Natural, Liberty Northwest, and the city attorney's office.

**It was moved by Councilor Chaimov and seconded by Councilor Barnes to adopt consent agenda as presented:**

- A. City Council Work Session Minutes of June 16, 2009;**
- B. Resolution 47-2009: A Resolution of the City Council of the City of Milwaukie, Oregon, Reappointing Susanna Pail to the Public Safety Advisory Committee as the Lake Road Neighborhood District Association Representative;**
- C. Resolution 48-2009: A Resolution of the City Council of the City of Milwaukie, Acting as the Local Contract Review Board, Authorizing the City Manager to Execute Certain Contracts for Fiscal Year 2009-2010; and**
- D. Resolution 49-2009: A Resolution of the City Council of the City of Milwaukie, Oregon, Determining the August 4, 2009 Work Session is Cancelled and the Regular Council Session Will Be Called to Order at 7:30 p.m. in the City Hall Council Chambers in Order that the Mayor and Councilors May Attend Neighborhood National Night Out Events in the Community.**

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

## **AUDIENCE PARTICIPATION**

**Richard Cayo**, Milwaukie, read a letter into the record regarding three issues. First was the invasive ivy growing on the trees adjacent to his property, the safety of bicyclists crossing Johnson Creek Boulevard at 45<sup>th</sup>, and overgrown blackberries and brush at approximately 5300 SE Johnson Creek Boulevard.

**Mayor Ferguson** said he would have staff prepare a response to his letter as soon as possible.

## **PUBLIC HEARING**

### **Motion to Consider Continuation of Amendments to Milwaukie Municipal Code (MMC) Section 19.321.7 and 19.321.3**

**Mr. Swanson** discussed the background of this proposed continuation.

**It was moved by Councilor Chaimov and seconded by Councilor Stone to continue the public hearing on amendments to Milwaukie Municipal Code Section 19.321.7 and 19.321.3 to August 18, 2009. Motion passed with the following vote: Councilors Chaimov, Stone, Loomis, and Barnes and Mayor Ferguson voting "aye." [5:0]**

## **OTHER BUSINESS**

### **Council Goal Setting**

The Council announced its goal setting session for August 5, 2 p.m. at the Pond House.

### **Council Reports**

**Councilor Chaimov** participated in the inaugural run of the Green Line and the Visionaries Voyage on the bike system.

**Councilor Loomis** reported the North Clackamas Parks and Recreation District hosted the Western National 12 Under Fastpitch Tournament with 58 teams.

**Mayor Ferguson** also attended the opening of the MAX Green Line.

## **ADJOURNMENT**

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

**Mayor Ferguson** adjourned the regular session at 7:35 p.m.

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

# REGULAR SESSION

# AGENDA

## MILWAUKIE CITY COUNCIL JULY 21, 2009

**MILWAUKIE CITY HALL**  
10722 SE Main Street

**2058<sup>th</sup> MEETING**

### REGULAR SESSION – 7:00 p.m.

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|---|--------|
| <b>1. CALL TO ORDER</b><br>Pledge of Allegiance   |        |
| <b>2. PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS</b>   | 1      |
| <b>National Ice Cream Month -- Proclamation</b>   | 2      |
| <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>   | 3      |
| <b>A. City Council Work Session Minutes of June 16, 2009</b>  | 4      |
| <b>B. Reappoint Susanna Pai to Public Safety Advisory Committee as Lake Road Neighborhood District Association Representative – Resolution</b>  | 8      |
| <b>C. Blanket Purchase Orders for FY 2009 – 2010 – Resolution</b>   | 9      |
| <b>D. Establish Times for City Council August 4, 2009 Meetings – Resolution</b>   | 10     |
| <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> |        |

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

A. **Motion to Consider Continuation of Amendments to Milwaukie Municipal Code (MMC) Section 19.321.7 & 19.321.3 – Ordinance (Mike Swanson)**

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

A. **Council Reports**

7. **INFORMATION**

8. **ADJOURNMENT**

**Public Information**

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

2.

PROCLAMATIONS,  
COMMENDATIONS,  
SPECIAL REPORTS,  
AND AWARDS

CITY OF MILWAUKIE

# PROCLAMATION

OFFICE OF THE MAYOR

**WHEREAS:** In 1984 President Ronald Reagan designated July as National Ice Cream Month declaring that ice cream is a fun and nutritious food that is enjoyed by a full 90% of the nation's population; and

**WHEREAS:** In 2007 the total U.S. production of ice cream and related frozen desserts amounted to approximately 1.55 billion gallons; and

**WHEREAS:** Today the U.S. ice cream industry generates more than \$21 billion in annual sales and provides jobs for thousands of citizens; and

**WHEREAS:** 9% of all the milk produced by U.S. dairy farmers is used to produce ice cream, contributing significantly to the economic well-being of the nation's dairy industry;

**NOW, THEREFORE:**

I, Jeremy Ferguson, Mayor of the City of Milwaukie, hereby proclaim **July 2009** to be

## **NATIONAL ICE CREAM MONTH**

In the City of Milwaukie

and

I encourage all citizens of Milwaukie to join in this observation.

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Jeremy Ferguson, Mayor of Milwaukie

Dated: July 21, 2009

3.

# CONSENT AGENDA

## MINUTES

### MILWAUKIE CITY COUNCIL WORK SESSION

JUNE 16, 2009

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

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

Staff Present: City Manager Mike Swanson, Community Services Director JoAnn Herrigel, Code Compliance Assistant Sarah Lander

#### Riverfront Board Interview

The Mayor and City Council interviewed Jason Loomis for a vacant position on the Riverfront Board.

#### Downtown Parking Update

**Ms. Lander** discussed the process of parking rounds including marking tires and issuing citations. She provided an update on the new parking device that tracked cars electronically and the block rule code language. She was also working on code language for repeat code violations and updating the bail schedule. The City changed permit providers to Diamond Parking, and customers had indicated they were satisfied with the program. The only other request was that people wanted to purchase permits at City Hall.

Current events are the Main Street Main project construction and last weekend's Cruisin for Hope. Staff was working hard to anticipate and mitigate impacts to the downtown area for businesses and citizens. She continued to recommend filling the full time parking position. It would allow for administration, customer service and making parking rounds. Currently her time was spent on code enforcement and parking and she was not always able to complete all rounds due to the amount of administration and customer service work. She reviewed the utilization survey with overall usage at 46% so there was a lot of available parking both on- and off-street. It was a matter of how it was used and enforcement. The use had changed over the last 6 months.

**Councilor Barnes** appreciated the work done at the weekend event and said retailers had commented on their increased business. She asked if there was data on repeat offenders.

**Ms. Lander** proposed code language that would allow for adaptation. She commented on the repeat offenders who were often downtown employees. She said comments she had heard were that tickets were cheaper than the buying a permit. She hoped the new language would provide motivation for those offenders to purchase permits.

**Councilor Chaimov** asked how she proposed getting the money to fund the position she recommended.

**Ms. Lander** replied consistent enforcement would bring in more money from the permit program.

CITY COUNCIL WORK SESSION – JUNE 16, 2009

DRAFT MINUTES

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**Councilor Stone** asked if the new way of keeping track of vehicles streamlined the job when looking for possible offenders.

**Ms. Lander** responded once a person committed an infraction data was stored in the system. Turnover rate has improved in front of Curves since implemented. Most of the downtown core parking was 2-hours and 4-hours on the outer. There was a permit system for those who worked downtown. She reviewed the available lots. Currently a downtown employee can purchase permits monthly or in 6-month packets getting 6 months for the price of 5. She recommended reducing the price of the permit to \$20 in the annual fee resolution. They were also looking at a quarterly packet, and they could be purchased online or through the mail.

**Councilor Stone** asked how Milwaukie's fines compared to other cities.

**Ms. Lander** replied overall most of the fines were a lot lower than other communities.

**Councilor Stone** asked about revenue generated from parking fines and permits.

**Ms. Lander** replied she would get that information to Council.

**Councilor Loomis** asked how Ms. Lander would know if a car came for breakfast and then came back in the afternoon.

**Ms. Lander** reviewed how car positioning was used when determining infractions.

**Mayor Ferguson** reviewed the red zones where parking was heavily utilized.

**Ms. Lander** said the diagram indicated use versus total number of available spaces. Surveys are done quarterly.

### **Code Language Establishing Milwaukie Park Board**

**Ms. Herrigel** was joined by Christie Shaefer, Sherri Dow, and Mart Hughes. She discussed code language and one of the discussion points had to do with the way information flowed from the Park and Recreation Board (PARB) to the City Council, the District Advisory Board (DAB) and the Board of County Commissioners (BCC). For short term projects either she or Mr. Hughes might deliver information that was actually from PARB or Ms. Herrigel. She asked Council if they were okay with that. She asked how the City Council wished to receive the information when there was a need for a more immediate decision. Example of short term might be a letter regarding the Trolley Trail.

**Mr. Hughes** agreed with Ms. Herrigel's comments. Council should be aware the North Clackamas Parks and Recreation District (NCPRD) was a changing organization and affected how the City reacted with the District. He commented on potential expansion and the need to compete more astutely to ensure Milwaukie got its share. There was a need to discuss the District budget more closely, and he had never heard from the City that it was a bad or a good budget. There were land use issues that created public turmoil. The City should have an early role in discussions before issues land in the City Council and Planning Commission laps. There were certain service expectations in the City. His goal was to have a discussion with City Council and advise PARB on how the language might be constructed to improve communication. He needed more clarification and asked if, as a DAB member, he was speaking for the City or speaking for himself.

**Mayor Ferguson** said when he went through the list of representatives, Council discussed this position. His understanding was that Mr. Hughes would represent the City at the District level.

**Mr. Hughes** said he did not feel there was good communication with the City and channels were only opened from time to time. He felt there needed to be more communication based on the impact the District had on Milwaukie residents' quality of life. He asked for the City to make an effort to give the representative to the District more stature.

**Councilor Chaimov** understood the role was to represent the City and one whom the City Council trusted based on the issues. The role was to use expertise in service to the City. He understood Mr. Hughes was seeking more time with the City Council so he understood what information the City wanted conveyed.

**Councilor Barnes** agreed. She suggested email updates to keep communication open by highlighting key things.

**Councilor Loomis** recalled the position was originally filled by a Council member but went to a PARB representative. He would be uncomfortable with Mr. Hughes speaking on issue and taking an official City stand without direction from Council. If hot point issue he felt representative should seek City Council direction.

**Mayor Ferguson** asked how far in advance he got an agenda.

**Mr. Hughes** said agendas are out about 1 week in advance but new material was sometimes added at the Board meeting. He appreciated the level of confidence. There was a question of if there was code language that should be considered. He was looking at how to go forward into the future whether the position was filled by a Councilor or appointed member. It was important to be able to speak with some authority.

**Mayor Ferguson** asked if there had been an issue at the DAB of them not recognizing that Mr. Hughes had authority.

**Mr. Hughes** said yes and no. It was a sense of place and role one pursued. It was important to have the role defined in the code. He did not have a strong sense he was speaking for the City.

**Mayor Ferguson** asked to reaffirm the regional assignments in a resolution.

**Mr. Swanson** said the job for representatives or Councilors was to represent the City's position and felt it would be a good idea to come to the City Council. For example, he had not seen a District budget for years. He would be happy to take a look at it. He thought it was a good idea if something came up to send an email. Some things may be in the normal course of business that Council would not need to know. There was a certain level of trust.

**Councilor Chaimov** suggested whatever writing was appropriate City representative to the DAB was the City's representative to help with external relations. City representative would inform City Manager of any issues of significance to the City. Pick a timeline for a quarterly work session between the DAB representative and the City Council.

**Mr. Swanson** said a lot of it was to exercise reasonable judgment and knowing when to take matters to the City Manager and City Council. Most advisory board members were selected from throughout the District and appointed by the BCC.

**Councilor Barnes** said we should have something in writing that states if you are elected to a board or commission you are a representative of the City.

**Councilor Stone** asked if Mr. Hughes was the only non-elected official on the DAB.

**Mr. Swanson** replied most were rank and file community members. We are the only other entity that appoints a member other than the BCC. The other members are selected by the District and appointed by the BCC.

**Mr. Hughes** said he was not sure if that was the case with Happy Valley. The BCC appointed people to the positions. He did represent the City because the Council appointed him to the position. Most positions on the DAB were 2 year positions.

**Councilor Stone** commented on Councilor Chaimov's proposal. She suggested Mr. Hughes report to Ms. Herrigel since she was the staff liaison. She liked the idea of quarterly updates.

**Ms. Herrigel** felt quarterly meetings might help communication and she would begin sending draft minutes to get information out to Council earlier.

**Councilor Chaimov** said Mr. Hughes had an issue as representative to DAB. He understood we also had an issue of PARB communicating with others. He suggested doing so with Mr. Swanson on letters prior to being sent.

**Councilor Loomis** asked how Mr. Hughes appointed to the DAB.

**Ms. Herrigel** was not sure if the PARB member was appointed and selected by group or if Mr. Hughes specifically was appointed by the DAB.

**Councilor Barnes** suggested setting a term that was either renewed or not.

**Ms. Herrigel** would review that with the PARB. She would work on language and bring it back to Council for adoption.

**Councilor Stone** had question on membership qualifications and talked about geographic representation. Would that be similar to PSAC with a neighborhood representative?

**Mr. Herrigel** replied they had not thought about having members appointed by neighborhoods.

**Councilor Stone** thought that was a great idea whenever possible so all neighborhoods were represented.

**Mr. Swanson** announced exec session. 192.660(2)(h) consultation with legal counsel concerning legal rights and duties regarding current litigation or litigation likely to be filed.

Mayor Ferguson adjourned the work session at 6:40 p.m.

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Pat DuVal, City Recorder

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, REAPPOINTING SUSANNA PAI TO THE PUBLIC SAFETY ADVISORY COMMITTEE AS THE LAKE ROAD NEIGHBORHOOD DISTRICT ASSOCIATION REPRESENTATIVE.**

**WHEREAS**, a vacancy exists on the Public Safety Advisory Committee for a Lake Road Neighborhood Association member; and

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

**WHEREAS**, Susanna Pai possesses the necessary qualifications to serve on the Committee and has indicated her desire to continue to serve.

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

**SECTION 1:** That Susanna Pai is appointed to the Milwaukie Public Safety Advisory Committee as the Lake Road Neighborhood District Association representative.

**SECTION 2:** That her term of appointment shall commence on July 1, 2009 and expire on June 30, 2011.

**SECTION 3:** This resolution takes effect immediately upon passage.

Introduced and adopted by the City Council on July 21, 2009.

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Jeremy Ferguson, Mayor

ATTEST:

APPROVED AS TO FORM:  
Jordan Schrader Ramis PC

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

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

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, ACTING AS THE LOCAL CONTRACT REVIEW BOARD, AUTHORIZING THE CITY MANAGER TO EXECUTE CERTAIN CONTRACTS FOR FISCAL YEAR 2009 - 2010.**

**WHEREAS**, the City of Milwaukie, by adopting Resolution 9-2005, has put into place public contracting rules; and

**WHEREAS**, the rules require City Council review of contracts for certain goods and services that have projected annual expenditures greater than \$25,000; and

**WHEREAS**, the City Council has reviewed the listed goods and services and the projected annual expenditures; and

**WHEREAS**, the City Council finds such goods and services needed and vital to the operations of the City of Milwaukie;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Milwaukie, Oregon, acting as the Local Contract Review Board, as follows:

**Section 1.** The City Council authorizes the City Manager to execute purchase orders for the following goods and services.

<b>Vendor</b>	<b>Services Provided</b>	<b>\$ Amount</b>
ASAP Software	Computer Software	40,000
City County Insurance Services	Insurance Premiums	220,000
City of Lake Oswego	Dispatch Services – LOCOM IGA	320,000
City of Portland	Sewage Treatment Charges	150,000
City of Portland	800 KHz Repair & Maintenance	30,000
City of Portland	PPDS Access Fees	38,000
Clackamas Cable Access Board	Operation of Public Access Studio	30,000
Clackamas County Service District #1/WES	Sewer Treatment Charges	1,300,000
Clackamas County	Signal Repair & Street Striping	75,000
Clackamas River Water	Water Use per IGA	50,000
Comcast	Data services	32,000
DELL	Software	40,000
Diversified Abilities (D & A Janitorial)	Janitorial Services	110,000
Don Thomas Petroleum	Unleaded & Diesel Fuel & Oil Products	200,000
Dryer Electric	Electrical Repairs and Services	50,000
Goodyear Commercial Tire	Tires & Tire Repair	25,000
Grove, Mueller & Swank, P.C.	Audit Services	38,000
Integra	Internet/Data communication services	32,000
Interactive Computer Designs	Incode Annual Software Maintenance	50,000
Joel Kay and Joyce St Arnaud	Installment Payments for 2215 SE Harrison	34,516
Les Schwab Tire Center	Tire Purchases for Fire Trucks & City Vehicles	40,000
Liberty Northwest Company	Worker's Compensation Insurance Premiums	155,000
JBL&K	Insurance Agent of Record	33,000
Metro Area Communication Com	Comcast Franchise Administration	45,000
Neopost	Postage meter	20,000
NW Natural	Gas for City Facilities	40,000
PacData	Data services	40,000
Portland General Electric	Electricity for City Facilities	650,000
Printing Today	PILOT Printer	38,000

Resolution No. \_\_\_\_\_

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, DETERMINING THE AUGUST 4, 2009 WORK SESSION IS CANCELLED AND THE REGULAR COUNCIL SESSION WILL BE CALLED TO ORDER AT 7:30 P.M. IN THE CITY HALL COUNCIL CHAMBERS IN ORDER THAT THE MAYOR AND COUNCILORS MAY ATTEND NEIGHBORHOOD NATIONAL NIGHT OUT EVENTS IN THE COMMUNITY.**

**WHEREAS**, Municipal Code Chapter 2.04.070 states that the City Council must provide notice of any changes to its regularly scheduled meeting times and locations; and

**WHEREAS**, the first Council meeting of August 2009 is National Night Out; and

**WHEREAS**, several Neighborhood District Associations have planned events for that evening including the grand opening of Spring Park in the Island Station Neighborhood; and

**WHEREAS**, the City Council members wish to mark these important community events with their attendance;

**NOW THEREFORE, BE IT RESOLVED** by the Council of the City of Milwaukie, Oregon:

- Section 1. The August 4, 2009 work session is cancelled.
- Section 2. The August 4, 2009 regular session will be called to order at 7:30 p.m. in the City Hall Council Chambers, 10722 SE Main Street.
- Section 3. The City Recorder is directed to provide notice of meetings as required by law.
- Section 4. This resolution is effective upon adoption.

Introduced and adopted by the City Council on July 21, 2009.

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

ATTEST:

APPROVED AS TO FORM:

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

\_\_\_\_\_  
Jordan Schrader Ramis PC

Qwest	Telephone Service	85,000
Jordan, Schrader, Ramis, LLP	City Attorney Services	200,000
Ramis, Crew, Corrigan & Bachrach, LLP	Stanley Works Litigation	100,000
Rowe Bros	Body and Frame Repair	25,000
Sprint Cellular	Blackberry Data subscriptions and hardware	30,000
US Postal Service	Postage for PILOT, Other Permit #30 Mailings	30,000
Xerox Corporation	Rents & Leases for all Copiers	50,000

**Section 2.** The effective date of this resolution is July 1, 2009.

Introduced and adopted by the City Council of the City of Milwaukie, Oregon, on July 21, 2009.

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

ATTEST:

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

APPROVED AS TO FORM:

\_\_\_\_\_  
Jordan, Schrader, Ramis, PC