

**CITY OF MILWAUKIE  
CITY COUNCIL MEETING  
SEPTEMBER 19, 2006**

**CALL TO ORDER**

**Mayor Bernard** called the 1990<sup>th</sup> meeting of the Milwaukie City Council to order at 7:00 p.m. in the City Hall Council Chambers. The following Councilors were present:

Council President Deborah Barnes	Joe Loomis
Carlotta Collette	Susan Stone

Staff present:

Mike Swanson, City Manager	Stewart Taylor, Finance Director
Gary Firestone, City Attorney	JoAnn Herrigel, Community Services Director
Kenny Asher, Community Development/Public Works Director	

**PLEDGE OF ALLEGIANCE**

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

**Announcements**

**Councilor Barnes** noted that passing of Monroe Sweetland and commented on his many accomplishments during his 96 years.

**CONSENT AGENDA**

It was moved by Councilor Barnes and seconded by Councilor Collette to approve the Consent Agenda that consisted of the minutes of the August 15, 2006 Council Work Session. Motion passed unanimously. [5:0]

**AUDIENCE PARTICIPATION**

**Mayor Bernard** said the Council would give each speaker 3 minutes.

- **Brendan Eiswerth**

**Mr. Eiswerth** spoke as a Milwaukie resident, property owner, and taxpayer on two properties in the City. He had concerns about the intergovernmental agreement (IGA) with Metro and how it would affect livability in Milwaukie. It did not seem to fall into line with the downtown design and guidelines. He was concerned how it might affect himself and his family as a citizen in Milwaukie. The Council made an agreement that said it would do everything in its power to change the zoning laws to make the building five or more stories high. To him that did not fit in with the City and what was here. What was recommended over and over in the guidelines was buildings that fit in with the existing historic buildings such as City Hall and the Masonic Lodge. He thought those were 30 to 35 feet and maybe 40 feet maximum. Not five-plus stories. He was at the meetings in 2000 when it was agreed to develop the downtown in accordance with

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the zoning laws in effect and still continue to stay in effect. He was not sure why the Council would agree to something with Metro to exceed the limits already in place. He was confused because he heard from two City Council members at the Farmers' Market that the Council would like to stay at three to four stories. Why would the Council go ahead and sign an agreement that said the City would like to overturn the current zoning laws and increase that to five plus stories. It said recommended buildings that repeated and strengthened the established district colors, forms, and massing and height. He was concerned about the height and why the Council would make that agreement. City Hall was probably no more than 35-feet. Speaking as a citizen getting rid of the Farmers' Market would greatly affect the livability of downtown Milwaukie. It was something that drew people to the City. He hoped the Council would put some thought into that.

**Mayor Bernard** clarified that the Council did not wish to get rid of the Farmers' Market.

**Mr. Eiswerth** understood the Council did not wish to get rid of the Farmers' Market. Speaking as the Market manager and founder – co-founder along with Jack Elder and Ed Zumwalt. No one came to him as the Market manager saying they were looking at getting rid of the space. He had to go to Mr. Asher to determine what could be done to keep the Market alive. It was not going to be an easy process. He was more concerned about the IGA and sticking to what Milwaukie citizens want and give them the choice.

- **Les Poole, SE Lee**

**Mr. Poole** thanked Councilor Barnes for her comments about Mr. Sweetland. He lived on the shores of Kellogg Lake and was a property owner next to him. His father knew him. Like a young fool he did not have a chance to interact with him or appreciate what he was about. He believed Mr. Sweetland was 94 years old when he was involved in the battle to stop the transit center at Kellogg Lake. He was quite a guy. He discussed the Metro bond measure in the amount of \$227 million for greenspace which he supported. He asked if the City had selected its final land if the measure passed and what lands it hoped to purchase. It was a great thing although money was tight. If the City could continue to protect the habitat in any way, shape, or form it was money well spent. He had one question regarding protocol with regards to some of the issues being covered right now at the Texaco center. There has been some information and articles back and forth in the *Clackamas Review*. Mr. Zumwalt has weighed in as has Councilor Collette. If a Councilor makes a submission he thought the City needed to be very careful about the wording and how that representation was made. Mr. Poole alluded to – it was a tough job to be a Councilor and split the line between opinion – when you were speaking for the City and when you were not. Should legal action ever occur, would the City become a defendant or does the Council become a defendant in a sticky situation like that? He was asking the question on behalf of the recall committee, and he thanked the Council for its time.

**Mr. Swanson** announced that pursuant to Resolution 9-2003 the City Attorney was excused from this meeting.

- **Annie French, SE Park**

**Ms. French** was present representing a growing number of Milwaukie citizens both incorporated and unincorporated who are requesting that the Council stop the development of the Texaco and Farmers' Market space. The IGA and the plans were developed without any public input, and that was improper in their minds. Many of the citizens feel that the development that was being proposed was not the type of development that they wished to see in the center of Milwaukie. The Farmers' Market

space as it stood now fed and met the goals from the process that was initiated in 2000. There was a growing number of people who would continue to come to the City Council.

- **Sharon Sugarman, SE 35<sup>th</sup>**

Ms. Sugarman was one of the growing number of people who were concerned about what was being proposed and had actually started already with the Texaco and Farmers' Market site. She did not find out about it until this summer. There was a picture of the site development, and she wondered what would happen to the Farmers' Market. She was new to the area; she moved here a year ago. She was surprised to find out that even vendors and managers of the Farmers' Market did not know what was happening. There has been a real lack of communication and citizen involvement. She was shocked when she saw the IGA. There was language saying that the City would do everything it could to rezone an area. That was to citizen participation. The citizens already said in a previous meeting that a lot of people remembered that they wanted the buildings to remain in character. They had guidelines for trying to bridge the City to the river and not block it off with huge buildings. Trying to open up the downtown to people to have them come down on the weekends to build community. The Farmers' Market did all of those things. To move it and put in a high rise building seemed to be totally against what citizens had already said they wanted. This agreement was made a year ago without citizen involvement. Like Ms. French she felt the whole process needed to be stopped. A Council of a few people did not represent all of Milwaukie. There were a lot of people against what was being proposed. She thought the process needed to be stopped until there was really some citizen participation in what would go there. Personally she thought the Farmers' Market was already serving what the citizens said they wanted to bring people downtown – to bring community. That was already there so why get rid of something. Potentially moving it will get rid of it; it will hurt the Farmers' Market. Mr. Eiswerth said that; he was the manager. He has run other ones. Vendors say it will cause real problems. It was a threat to something that was working. She agreed with Ms. French and other citizens that the process needed to be stopped.

**Mayor Bernard** had a history with the Farmers' Market since 1996. In 1996 Karen O'Dowd Executive Director of the Milwaukie Downtown Development Association (MDDA) suggested the Farmers' Market. Jack Elder came after Ms. O'Dowd and at the time he was the MDDA President. They came to him, and he suggested to the MDDA membership that the Association support it. When Dodie Linder was director, the MDDA decided it was no longer going to fund activities such as Festival Daze. When he came on board, he said 'let's do it' and it has been there for 8 years since that first day. He was almost always there before the vendors got there and after the vendors left. He was the Market business manager. He paid the bills, arranged contracts, paid for garbage and porta-potties. This was very important to him. He had dedicated 8 years to it. He has never missed more than 3 markets each year. Twenty-two days a year from 6 a.m. to 2:30 p.m. he was there, and then he went home and did the books. He paid Mr. Eiswerth on a commission; Mayor Bernard did not make a dime. The money raised through Celebrate Milwaukie, Inc. has bought trees for parks and benches. This was important to him. He would never risk that. There were 25 Farmers' Markets a year which was 8% of the time. Did that provide what the community wanted downtown? The Farmers' Market was started to bring people downtown and be a way for vendors to make money. What really happened was that it created community, and thanks to David Aschenbrenner there was a community booth. For a year people have been told what was going on in public meetings on this agreement. A former City Councilor voted on this agreement. They worked hard to keep the public informed. He believed the zoning was four stories, and the design of the building was supposed to complement existing buildings. There was huge community involvement. The Farmers' Market was important to him, and he considered

Mr. Eiswerth a partner. He stood there on Sunday and heard people say they heard the Farmers' Market was going to close. It will not be closed. He told Mr. Swanson how important it was to him, and he said the City would do whatever it needed to do to get power and water to make sure the Market survived whether it was on Main Street or in Riverfront Park. He and Mr. Eiswerth walked to the riverfront because he could not make a meeting. His concern was vendor access. He believed Mr. Eiswerth knew about it because they had talked. Thanks to Brad Olson's vision and Metro, the City had an opportunity it never had before.

**Mr. Swanson** responded to a number of things in the citizen communications. He heard that the IGA permitted or required the City do everything in its power to change the zoning laws. The actual language in the IGA was that the City would exert its best efforts. Any changes to the zoning regulations would have to go through a quasi-judicial process that started with the Planning Commission. There would be public hearings at which time people would be allowed ample opportunity to testify. In terms of public input into any kind of existing municipal code language it could not be done without a public process. In this case because it relates to land use the Planning Commission would schedule a hearing or hearings with adequate notice and opportunity to be heard and to understand what was going on. He heard people say this was not the kind of development people wanted. There was no proposal. All that was being done was to conduct a process that would give some kind of indication as to what types of things would be considered so the development community could come in and make proposals. That process would also include a lot of opportunity to be heard. He did not wish someone at home to think that somehow a Councilor by submitting an article for the newspaper has opened up the City to some kind of liability. A long line of cases beginning with *New York Times v. Sullivan* many years ago – once you have submitted yourself in a forum as a public figure the defamation laws were much more strictly interpreted. It took a high burden that was not even begun of actual malice. If you are a public official or a citizen and submit yourself to the public forum then the burden for finding defamation was very high. Both the public process in terms of *Texaco* and that issue in terms of any correspondence to the newspapers – he did not wish either of those to go unanswered.

**Councilor Collette** was concerned that several people had said the process should stop. The process did not really begin until the Committee met. If the process stopped now that would not allow anyone else to have a say on the issue. This was just the beginning of the process. Nothing is concrete. There was an agreement to go forward as a team with Metro. The intent is to have a very broad process. It cannot be stopped before the process has begun. The citizens need time for their input. That was the whole point.

**Councilor Stone** has also heard from many people about the IGA and the concerns. She agreed with Councilor Collette that the process had not begun in terms of citizen input. Obviously things were beginning because there was an IGA. She asked the city manager to provide copies for everyone so it can be re-reviewed. She thought the Council needed to do that and go from there.

**Mayor Bernard** commented there was \$1.2 to \$1.5 million in that property. He felt the Council should be fiscally responsible to the citizens of Milwaukie and that involved a public process. There were no plans. There was an agreement to look at proposals and an agreement to make it a public process. It was very important to him, and he was offended that after 8 years of hard work and dedication that someone would imagine that the Farmers' Market was not important to him.

**Mr. Eiswerth** had spoken as a citizen of Milwaukie and not as the Market manager. He did not question the amount of time he and Mayor Bernard had put into the Market --

unpaid hours. Ms. French and Ms. Sugarman and others who spoke on Tuesday – Councilor Collette and Mr. Aschenbrenner were at the meeting at Spring Creek Coffee House. They were not a bunch of radicals who wanted to stop things from happening. They loved the town and wanted to see something productive and progressive down here. If that meant moving the Farmers’ Market then so be it. Maybe it would have to be moved, but some options should be figured out ahead of time. When it came to the riverfront design nothing had started. Everyone was given three options to vote on. He was not given three options prior to anything starting. They just wanted to be informed, aware, helpful citizens to decide what was going to happen.

**Councilor Barnes** did not receive any e-mail or phone call about the meeting. She asked who was organizing the meeting and how could people get notification when there were public meetings.

**Mr. Eiswerth** did not organize the meeting, so he could not respond. It was just a meeting that Ms. French and Ms. Sugarman had organized. He just came as a participant – citizen of Milwaukie who was concerned about what happens with the site. It may conform with what people talked about at the high school in 2000. Things changed, and we cannot stick with everything. He urged keeping Milwaukie a livable place for everyone.

**Ms. French** said from the audience that she gave notice to the Mayor and City Council.

**Mayor Bernard** said there were flyers at the Market.

**Councilor Collette** found out about the meeting by accident.

**Councilor Barnes** had not heard anything about it.

**Mayor Bernard** added the City Council had 1-1/2 years to work on this. Thanks to Mr. Asher’s leadership there would be a Farmers’ Market transition team to ensure the Market remained strong and healthy for many years to come.

## **PUBLIC HEARING**

### **Supplemental Budget and Appropriation to Fund Court Bailiff Position**

**Mayor Bernard** called the public hearing to order at 7:35 p.m. The purpose of the hearing was to consider a resolution that appropriated funds from General Fund Traffic Fines to General Fund Police Administration.

**Mr. Taylor** reported the purpose of the hearing was to consider appropriating additional revenues that have become available in the current year’s budget. These were from additional traffic fines paid in the past few months. There has been a sharp increase in the number of citations issued by the traffic enforcement team and the number of citizens appearing in court. The request would appropriate \$10,000 for a temporary position to provide a police presence in the courtroom. The intent is to recruit a former police officer that would provide that presence for the duration of the court. Current fines are approximately \$35,000 ahead of revenue projections for this time of year. Because these revenues were for general purposes, it was appropriate to hold a public hearing when considering use of those funds. Correspondence in the form of e-mail had been received from three appointed Budget Committee members indicating they were not opposed to the action.

**Councilor Stone** asked where the \$10,000 would go if not appropriated for this purpose.

**Mr. Taylor** replied it would be available for appropriation in next year’s budget as part of the year-end balance.

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**Councilor Stone** understood there was \$35,000 in excess of what the City anticipated, and the \$10,000 was part of that.

**Mr. Taylor** said this would imply based on similar trends that by year-end there would be significantly more revenue than projected.

**Councilor Stone** asked if this was a trend or a one-time occurrence.

**Mr. Swanson** replied the department currently had two very active traffic enforcement officers, and both were very dedicated. Milwaukie is not a good place to violate traffic laws. On court day the lines extended around the corner, and they did need some help. The courtroom was very full. He did not anticipate either officer losing interest in enforcing the law.

**Councilor Stone** noted that the Public Safety Advisory Committee minutes from last month said the traffic officers were bringing in \$12,000 per day in revenue.

**Mr. Swanson** explained they may be writing a lot of ticket value, but the judge may reduce the fine. The number of citations rather than revenue is more significant to him because it was an indication of how busy they were. Combined they are writing about 70 citations per day. This was general fund money, and the reason for enforcing traffic laws and writing citations was for public safety. It was important to remember although the citations translated into revenue the program rarely paid for itself. These two officers were professionals and focused on public safety.

**Councilor Stone** understood the bailiff would likely be a retired police officer and would do this one day per week during court to keep people from becoming unruly. She had not heard about any problems.

**Chief Kanzler** said there have not been any problems because reserve officers were present. He wanted to avoid paying overtime to a regular sworn officer to manage courtroom activity. A large number of people were appearing, and everyone has heard horror stories about what can happen in the courtroom when there is acrimony between those found guilty of traffic infractions and the judge. Right now the acrimony was at a minimum, and he was interested in providing a safe environment in city hall. By having either a reserve officer or a retired officer to manage the conduct of the court for the judge would serve the purpose. It was not cost effective to bring an officer in off the street or pay overtime to work in the court.

**Councilor Stone** understood the logic of paying straight time rather than overtime. She understood it was customary to always have an officer no matter how many people were in court.

**Chief Kanzler** said there was always a presence. The duration of court has been extended and reserves typically have full time jobs. Cadets help manage the activity level in the court, and he was running out of volunteers. He felt this was the most cost-effective way to provide the service.

**Mayor Bernard** closed the public hearing at 7:47 p.m.

**Councilor Barnes** would support this because this was increased revenue and paid for itself. When she observed court this summer, it was amazing how quickly a person's attitude can change when they are found guilty. The money is available, and she would support the appropriation without reservation.

**It was moved by Councilor Barnes and seconded by Councilor Stone to approve the resolution adopting a supplemental budget and making appropriations. Motion passed unanimously. [5:0]**

**RESOLUTION NO. 44-2006:****A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ADOPTING A SUPPLEMENTAL BUDGET AND MAKING APPROPRIATIONS.****OTHER BUSINESS****A. Award of Contract for Riverfront Design**

**Ms. Herrigel** requested that the Council approve a resolution awarding the contract to David Evans & Associates, Inc. (DEA) for landscape design and engineering services for the Milwaukie Riverfront Park, authorizing the city manager to enter into a personal services agreement, and appropriating a \$100,000 payment from the North Clackamas Parks and Recreation District (NCPRD) for this purpose.

Staff issued a request for proposals (RFP) for design services for the Park on August 11, 2006. The City received proposals for Riverfront Park design services, and all were high caliber. The four-member committee included an NCPRD representative and a Riverfront Board member. The group selected DEA as the leading candidate. The contract would be funded with \$100,000 from the 2006/2007 budget and \$100,000 from NCPRD which came directly from systems development charges (SDC) generated in the City of Milwaukie. The NCPRD funds must be appropriated in order for them to be expended.

**Councilor Stone** understood the City was putting up \$100,000 plus \$100,000 from NCPRD. The staff report said \$200,000 had been allocated. She asked who the other two proposers were, and why the committee chose DEA.

**Ms. Herrigel** replied the bidders were Walker Macy and GreenWorks. DEA could cover the landscape architecture, engineering, and permitting. They had a strong team and did their homework with the proposal, so the panel ranked DEA highly.

**Councilor Loomis** served on Oregon Solutions and recalled this money was pledged to moving dirt. His concern was that this would not just be another picture on the wall. He wanted a commitment that the capital portion would move forward as soon as possible. He was happy with the design and the choice. NCPRD pledged the money for capital.

**Mr. Swanson** explained this was the next step in securing funding from grant sources. There is a tremendous amount of interest because this is one of the finest riverfront properties left in the region. One of his first meetings in Milwaukie was with Ms. Herrigel and Gill Williams, and he knew there was a high level of commitment. The challenge would be met.

**Ms. Herrigel** added it was important to bring the Oregon Solutions group back together to discuss grant availability and begin the permitting process. She would want a Council member to be a member of the stakeholder group.

**Mayor Bernard** commented on Lewelling Park, and the state was ready to fund the project once there was a design and an obvious willingness to carry out the plan. Mr. Williams has always been ready and has put in a lot of effort over the past six or seven years. He and Mr. Williams had even discussed how the Farmers' Market and public plaza would be part of the design.

**Councilor Loomis** clarified that the Farmers' Market area would accommodate other activities.

It was moved by Councilor Collette and seconded by Councilor Loomis to approve the resolution awarding a contract to David Evans & Associates for landscape design and engineering services for the Milwaukie Riverfront Park; authorizing the city manager to sign a personal services contract; and appropriating a \$100,000 payment from the North Clackamas Parks and Recreation District.

Gary Klein encouraged the Council to approve the contract with David Evans & Associates. As a Milwaukie citizen, Riverfront Board vice-chair, adjacent property owner, and donator of property for the park he encouraged the Council to approve the contract. He looked forward to working with the Council and Oregon Solutions in moving this forward.

Mayor Bernard said the project would not be as far along if it had not been for the Klein family donation at the mouth of Johnson Creek.

**Motion passed unanimously. [5:0]**

**RESOLUTION NO. 45-2006:**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AWARDING A CONTRACT TO DAVID EVANS AND ASSOCIATES, INC. FOR LANDSCAPE DESIGN AND ENGINEERING SERVICES FOR MILWAUKIE RIVERFRONT PARK, AUTHORIZING THE CITY MANAGER TO SIGN A PERSONAL SERVICES CONTRACT FOR THESE SERVICES, AND APPROPRIATING A \$100,000 PAYMENT FROM THE NORTH CLACKAMAS PARKS AND RECREATION DISTRICT.**

**B. Request for Name Change for the Milwaukie Center**

Ms. Herrigel requested that the Council approve a name change for the Milwaukie Center located at 5440 SE Kellogg Creek Drive in North Clackamas Park. The preferred name was North Clackamas Community Center, and the alternative was the North Clackamas/Milwaukie Center. The City owned the Milwaukie Center, but it has been operated and maintained by NCPRD since 1982. The Center/Community Advisory Board (CCAB) has 18 positions with 9 of those appointed by the Milwaukie City Council. The other 9 positions were appointed by the District Advisory Board (DAB). Currently 11 of those positions are filled, and the majority are Milwaukie appointees and residents. The CCAB forwarded the proposed names to the Milwaukie Park and Recreation Board (PARB). She reviewed the public input process. Both the CCAB and Friends of the Milwaukie Center held brainstorming session, and there was an article in the January/February 2006 Center newsletter asking people what they thought about a name change. An ad hoc committee of the CCAB considered the input and sent a recommendation to the CCAB. After further deliberation the CCAB sent two names to the Milwaukie PARB. Ms. Herrigel was directed to send the two names to the seven neighborhood associations for consideration and comment. Five reported that their memberships voted 'no' on both proposed names. One neighborhood association recommended the alternate name, and one did not vote but comments indicated the current name was acceptable. PARB voted 3:2 at its February meeting to recommend that the Council approve the name North Clackamas/Milwaukie Center. According to the City's naming policy Council had great discretion in this matter. The Council could accept the PARB recommendation or decide on alternative names including the existing name. The CCAB said it was motivated to accurately reflect the geographic area the Center currently served. As Clackamas County grew, the Center served a larger and

larger number of non-Milwaukie residents. This recommendation went to PARB and to the Council from the CCAB, and not the DAB.

**Councilor Loomis** understood the Milwaukie PARB voted 3:2, and he asked what the CCAB vote was.

**Councilor Collette** understood only the Lewelling Neighborhood Association supported the name change.

**Joan Young**, Center Director, one of the points in the CCAB's annual plan was to consider the Milwaukie Center name and the perception of it from the outside in. The ad hoc worked with 54 suggested names. They did take this effort seriously by developing guidelines, and it had been a 9-month process. The name change was not an effort to negate the 12 years of support from the City of Milwaukie or to take away the historical significance. This was a need to help those living outside Milwaukie but in the service area to recognize the Center was available for them. The City's population was approximately 21,000, and the District serviced about 90,000. The City was approximately 5 square miles, and NCPRD served about 39 square miles. The Center was located on the outer edge of Milwaukie, and from the day it opened its doors in the 1980's it served a much larger area than just the City of Milwaukie. People think they cannot take part in the programs because they were not Milwaukie residents, and it has been a battle for years. The CCAB request was related to funding. Federal funding has shrunk yet the influx of clients and needs were growing dramatically. They needed to be able to impress on a larger community of potential supporters that this was a district-wide agency serving the entire North Clackamas County and not just the City of Milwaukie.

**Councilor Loomis** asked Ms. Young to discuss the services available because he did not think people knew about all that went on at the Center to make life pleasurable. This was about getting the message out to a larger group, and the least that could be done was to dedicate to a cooperative informational campaign.

**Ms. Young** replied the intent of the Milwaukie Center was to provide a link for older adults and their families and friends and to be a resource to help them find programs and services so they can remain independent for as long as possible. The Center serves about a 50-year age span. The Center provides physical and mental fitness opportunities. The facility depends on volunteerism and provides social and transportation services. Meals on Wheels provides over 200 meals in the community on a daily basis, and those who are able can have a more social lunch time at the Center.

**Councilor Loomis** noted the Milwaukie Center Meals on Wheels had not missed a day in 32 years.

- **Keith Neubauer, SE Grove Loop**

**Mr. Neubauer** was born and raised in Milwaukie, and he could remember the Milwaukie School District. Now it was North Clackamas School District. He could remember when the City had its own parks; now it was North Clackamas Parks. Everything literally that used to be Milwaukie has gone away. He did some research into senior centers. His parents and in-laws had worked many hours in the Milwaukie Center. Literally every community has a center like this. Every one of them was named after the community in which it was located, and they all serve a much wider area than the community they were in. Gresham, Beaverton, Astoria; literally each had something like this. The issue about serving North Clackamas residents versus Milwaukie residents was hollow. It was nonsensical to change the name. One rarely sees Milwaukie in the news – it is always Clackamas or Happy Valley. If one looked on the Internet, one would not see the name Milwaukie on any map system. Milwaukie was virtually going away, and he suggested this was one more step to make the City of Milwaukie disappear. It will

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disappear if the City continued to give these names away and call it something other than Milwaukie.

- **Dolly Macken-Hambright, SE Grove Loop**

**Ms. Macken-Hambright** had been a member of the CCAB for about four years. There was no concern at the time about changing the name at that time. A lot of Milwaukie people served on not only boards and commissions having to do with the parks and the Center itself but also countless hours to the Milwaukie Center as did other people in the area. She did not think there had been a movement afoot to change the name of the Portland Art Museum when it served an entire region. She did not think changing the name of the Milwaukie Center mattered one bit to the services it provided and to whom it was provided.

**It was moved by Mayor Bernard and seconded by Councilor Barnes to not approve the Milwaukie Center name change.**

**Councilor Collette** appreciated the work that Ms. Young and all the Center volunteers did and recognized it as a tremendous resource. There was a line in the naming policy that said tradition and continuity of name and community identification were important community values. When the Ardenwald Neighborhood voted it was clear people loved the Milwaukie Center and wanted to keep it Milwaukie Center. The Council heard that from most of the Milwaukie neighborhoods, so she would support the motion.

**Councilor Barnes** agreed Ms. Young and her staff did a tremendous job, but to her it was the Milwaukie Center and was where she had her wedding reception. It was a piece of Milwaukie she did not want to see changed.

**Councilor Stone** recalled the time when it was called the Senior Center. She too would vote against approving either name change because she believed the name was widely recognized. It would be very beneficial to have more information going out to the public and helping people to know they can benefit and utilize the services. she would vote to deny the name change.

**Councilor Barnes** thought the City could work more with the Clackamas County public relations department to get the word out more frequently, and she was willing to work on it.

**Mayor Bernard** said the Milwaukie Center was at the edge of Milwaukie but within its urban growth boundary (UGB). He understood the Center offered fantastic services to the area, and he volunteered for Meals on Wheels. He felt Milwaukie Center serving North Clackamas was a good marketing tool.

**Councilor Loomis** would abstain because he was an employee of the District. If he thought the name change would enhance visibility, then he would vote for it. He would follow through on an informational campaign

**Motion passed 4:0:1 with the following vote: Mayor Bernard and Councilors Barnes, Collette, and Stone voting 'aye' and Councilor Loomis abstaining.**

### **C. Council Report**

**Councilor Collette** discussed the restoration of the City-owned house at 37<sup>th</sup> Avenue and Railroad Avenue for use by New Century Players and the Arts Commission.

**Councilor Loomis** said it was important to get the house back into use so it did not deteriorate. He and other Council members attended the Save-A-Lot opening and the dedication of the new play structure at North Clackamas Park. The next event was the opening of the artificial turf field at Aldercreek School.

**Councilor Stone** was attending the Citizen Advisory Council meetings.

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**Councilor Barnes** attended *Fall into Art* award ceremony and the State of the City Address at the Rotary luncheon.

**Mayor Bernard** attended the Oregon Economic Development Association summit in Eugene and Get Centered! in Vancouver B.C.

**Councilor Collette** noted the 2 million Vancouver, B.C. residents live on half the footprint of Portland, and so it was very dense.

**Councilor Loomis** would be interested in being the Council representative on the stakeholders' group.

#### **ADJOURNMENT**

**It was moved by Councilor Collette and seconded by Councilor Stone to adjourn the meeting. Motion passed unanimously.**

**Mayor Bernard** adjourned the regular session at 8:30 p.m.

*Pat DuVal*

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Pat DuVal, Recorder

# AGENDA

## MILWAUKIE CITY COUNCIL SEPTEMBER 19, 2006

**MILWAUKIE CITY HALL**  
10722 SE Main Street

**1990<sup>th</sup> MEETING**

### REGULAR SESSION – 7:00 p.m.

**I. CALL TO ORDER**  
**Pledge of Allegiance**

**2. PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS**

- 3. CONSENT AGENDA** *(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.)*

### **City Council Minutes, August 15, 2006 Work Session**

- 4. AUDIENCE PARTICIPATION** *(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.)*
- 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.)*

### **Supplemental Budget and Appropriation to Fund Court Bailiff Position – Resolution (Stewart Taylor)**

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. **Award Contract for Riverfront Design – Resolution (JoAnn Herrigel)**
  - B. **Request for Name Change for Milwaukie Center (JoAnn Herrigel)**
  - C. **Council Reports**

7. **INFORMATION**

**Public Safety Advisory Committee Meeting Notes, August 24, 2006**

8. **ADJOURNMENT**

**Public Information**

- Executive Session: The Milwaukie City Council may meet in executive session immediately following adjournment 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.
- 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.

## MINUTES

### MILWAUKIE CITY COUNCIL WORK SESSION August 15, 2006

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

Council Present: Councilors Barnes, Collette, Loomis, and Stone.

Staff Present: City Manager Mike Swanson and City Attorney Gary Firestone.

#### **Public Safety Advisory Committee (PSAC) Interview**

Cancelled.

#### **Discussion with Municipal Court Judge Ron Gray**

**Mr. Swanson** explained under Charter Section 28 the municipal court judge was one of three positions appointed by the City Council along with the city attorney and the city manager. The contract with Judge Gray expired at the end of June. This was not intended to be an evaluation but rather a conversation. There could be no discussion of individual cases. The judiciary was in the position of making decisions based upon the laws promulgated by the Council and was an independent arm of city government. The purpose of the municipal court was not to be a revenue generator for the City but rather a forum in which cases were tried and justice was dispensed. It was not where the budget was balanced.

**Judge Gray** discussed the revenue from the perspective of what the law required. A few years ago the powers that be in Salem decided there should be mandatory minimum fines imposed on traffic matters. Prior to that it was at the discretion of the court, so each had its own basic schedule. Having been at conferences with many justices of the peace and municipal judges he found that some of their ideas regarding fines were rather archaic. He established what courts called a violations bureau. If people came in on a first offense, then he set a standard for a minimum fine for certain types of offenses. People could settle their fines at the counter instead of going to court if they chose. The City still had that system but there were minimum fines that by statute had to be 50% of the maximum. There were certain areas where that got a little weird such as someone creeping through a stop sign who got the same minimum fine requirement as someone who completely blew it. One could make the fine higher if the driver was being irresponsible. The statute sets a maximum of \$360 and minimum of \$180. If you get someone with a perfectly clean driving record that went through a stop sign and just because their wheels had not quite stopped but they were otherwise trying to be safe that was a \$180 fine plus the assessments making the fine about \$230. While he did not apologize for minimum fines he did not feel the legislature had done a lot of people a favor by slapping some of those minimums on, but he does follow them. Generally when he explains people's rights at the onset of a court session he gets down to finances and talks about assessment that are added to the fine amount. He also tells people that maximums and minimums are set by state statute. More importantly when people line up to go to court, his staff looks at the driving record that goes back 10 years and tells the defendant the lowest fine amount plus assessments. The person can either see the judge or pay the fine. That takes some of the people out of the courtroom, and those who do go in are aware of the revenue side relating to minimum and maximum fines and assessments. He tells people that the assessments go into library funds and training police officers. He tried to use humor and told people assessment was just a fancy word for tax. Someone decided those needed to be collected, so the court followed that law. His clerk has that schedule, and she sticks to it. There was no hiding the ball as to how the court revenue worked.

**Councilor Stone** asked if the minimum fine only applied to traffic violations.

City Council Work Session – August 15, 2006

Draft Minutes

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**Judge Gray** said that was correct. It was a state law. Code violations were up to the individual cities, and since they were not under the authority of the state it was up to the City to set maximums and minimums.

**Councilor Stone** asked if there were maximums.

**Judge Gray** followed a formula. About the third month of the year there were citations for failure to have business licenses, and by the time they came to court they had paid for their business license. They can be fined each day, and often the citation covered a couple of weeks or maybe a month. If you did the math, that could be thousands of dollars. If they came in with a license and he had never seen them before, then he tried to treat all of them the same. He would fine them a certain amount and suspend part of that because they had a license so they knew there was a consequence. It was not like he was trying to take all the money out of their pocket for not paying attention to business. He had his own standards that he tried to apply uniformly because he was sensitive in every court he was in no matter his capacity that things not appear to be discriminatory. If he was going to treat someone differently he would tell them why. He had certain baseline things that he used. He has filed motions in other courts against prosecutors and judges who without some kind of reason appeared to be discriminating against one class of people or another. He did not want that label to ever be put on his court. He goes up from the baseline if he felt people deserved it and tell them why. First-time seatbelt offenders have the option of attending classes. That means the City collects less money, but the offender got an education if they opted to do that. If they came back on a second or third ticket, then they did not get that option.

**Mayor Bernard** said the Council had discussed setting a minimum fine amount on code violations. A neighbor had been concerned that an individual had gotten off for a smaller fine after a number of contacts by code enforcement.

**Judge Gray** said the matter had not been before the court multiple times. When those cases came in, someone from code enforcement usually came to court to answer questions. He will ask the history and try to find out why it had to be dealt with. Often times if they solved the problem he would ask them what the expenses were. He took it all into account when he decided what to do. He could remember someone who stood in front of him 10 years ago. Most of the time there were two and really three reasons why a violation persisted. One was that someone was just being a jerk, but that was rare. Second the owner may have health related issues and just could not do it. Because there were health issues there were also income issues. It took them a while to get dug out of that hole. The other frequent reason was the absentee property owner who rented to someone else. The landlord assumes the tenant is doing what his is supposed to be doing and was far enough away that they did not check on the property very often. Generally, his philosophy was the first time he saw the person unless it was a really bad situation he figured the benefit to the City was to accomplish getting the property back within the requirements of the law. Some people have had to spend \$2,000 to \$3,000 on labor and drop boxes to clean up their property. From a philosophical perspective there was not a lot he could do to hurt them at this point. They have cleaned up the property, and it was in compliance. They received a citation, so they knew they were wrong. They have come to court and said they were wrong. If they were in compliance or if he could set a future court date and driving them over some hurdles to get them into compliance, then the people of the City were much better off. There was always a fine, but the fine would get lower and lower if they expended their resources in fixing the problem. On the other hand if he knew they were a repeater, then the hammer got heavier when it fell. There was one piece of property upon which he levied three fines that totaled about \$105,000. He was not hesitant to hammer people if they asked for it. If it was a first time and he could get them to figure it out and fix the problem so no one had to look at it, smell it, or taste it ever again, then that was what he thought the City wanted out of him. If the neighbors did not like the fine amount – if they were in the same fix he would not treat them any differently. He could not help it if they did not understand that or if they sit in the back of the courtroom and run out and complain to someone else without ever talking to him

or asking to be heard by him while they were there in court. He got it from the defendant and the code people. If he had any questions he would delay court and ask them to go out and inspect the property and report back on a given date. He would not impose a penalty until he heard if the property was in compliance. He told people to talk to code and work with them. They were easy to work with if the defendant talked to them. If in the future they had problems, then they needed to call Mr. Salyers and ask him what could be done. That was the approach he took.

**Mayor Bernard** said the Council talked about the numbers of offenses. Sometimes people did not have money or had other issues. He thought the Council was uncomfortable in enforcing a minimum if people could not afford it or had other issues.

**Judge Gray** said sometimes cases were nursed along with people making incremental progress on property. He set two or three court appearances, so he used as much coercive power as he could to accomplish the ultimate goal, which was to bring property into compliance

**Councilor Stone** would rather see the money spent on getting the property back into compliance rather than a fee. They could probably not afford both.

**Mr. Firestone** explained one of the differences between code compliance and the traffic situation was that the traffic ticket was for a specific violation. With code compliance one could find six or seven code violations that had been going on for a period of time, and suddenly the civil penalty was enormous.

**Judge Gray** added it would be easy to levy a fine, and it would be easy to hit someone hard. He could say something had gone on for so many days, and the fine was so much per day for all of those days. The reality was one wanted to accomplish the goal of having everyone feel that justice was done, that the property was in compliance, and they had learned something and would not do it again. He always encouraged the off site manager to come in and look at their property occasionally and be responsible. If the lesson was that the property manager should be more hands-on then everyone would be better off. If that failed he could always ding them in the pocketbook because they would come back again, and there would be more citations. Frankly, one would expect squeaky wheels from the neighbors that were being annoyed. Someone's dog may be barking incessantly. He told one lady if he had the power to permanently ban her from having pets, he would. He would consider putting her in jail for contempt if she did not comply. If the need did arise he would not hesitate to be punitive.

**Councilor Collette** liked his approach of making improvements in the community and trying to be just and fair. The concern that was raised which she thought was valid had to do with people being cited multiple times. Code enforcement staff might go to a property numerous times, and the City was spending hundreds of dollars. Then that person would get a minimal fine.

**Mr. Swanson** said if a party was cited into court, his sense was that they got one bite of the apple. There was a rougher approach if someone came into court multiple times. Municipal court was the last resort. Code violations were typically worked out through a process. The philosophy was to work with people and to bring them into court if staff could not get their attention. The first time they were cited may have been after a lot of process, but it was still the first time.

**Judge Gray** thought the question had to do with cost recovery in relation to a piece of property. There was a huge difference between the fine and recovering costs. They came from different legal areas. He did have the ability to levy abatement costs and had no problem with the City's recouping its expenses. The analogy had to do with someone doing his job on the daily basis and if those costs should be recouped. He thought that was dangerous political ground. If there were actual costs incurred because the court directed something then he would enforce on that assuming it was written properly. If he asked the department to do something beyond the call of duty, then the recovery of those costs were up

to the Council through some kind of assessment. That was different from the fine, which was really more punitive. He thought it was how it was drawn up and the ability to recover that separate from the fine itself.

**Mr. Firestone** asked Mr. Gray how he used civil penalties as an attempt to compel remediation when there was still an ongoing violation.

**Judge Gray** made it clear the fine was a certain amount per day, and that was when their eyes popped. He does not know anything about the case unless they are at trial where all of the steps of the process were evidence. When someone pleads guilty he will turn to code enforcement for a history. They will either confirm the defendant's comments or indicate the story was accurate. He will ask what still needed to be done, and sometimes the defendant and code enforcement will come in with a joint plan. He tells the defendant the more they do to fix the problem the more they would save. He wants people to spend their money correcting the problem.

**Councilor Loomis** said from his perspective Mr. Gray was doing what he was expected to do. Council wanted code enforcement to be neighborly and work to a solution, and that was exactly what Judge Gray was doing.

**Mayor Bernard** thought Judge Gray did a fantastic job with youth.

**Judge Gray** wished he had the ability to use community service, but it would need to have a specific type of authority granted. He did require that parents come to court with their children for minors in possession of tobacco. He tells parents point blank that they are not to pay their child's fines because they were engaged in an adult activity and should be responsible as an adult to take care of the consequences of their ill-gotten behavior. They should not run to mom or dad to bail them out. He has running debates with the parents in the presence of their kids that they are not to go pay that bill. The child chose the path, and if he pays for it then it will mean more to him. Those children will be more likely to come back on other offenses in the future because they had not accepted responsibility for their behavior. He would like to do community service because it would mean more, but the City just cannot do that. Now that there was another officer, the number of people in the court sessions was increasing. If it remained that high then he would have to think about some alternatives. He thought the optimum number was around 200 for arraignment court.

**Joint Meeting with North Clackamas 12 School Board Members and Superintendent Ron Naso**

Postponed.

**Mayor Bernard** adjourned the work session at 6:14 p.m.

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Pat DuVal, Recorder



To: Mayor and City Council

Through: Mike Swanson, City Manager

From: Stewart Taylor, Finance Director

Subject: Resolution: Supplemental Budget and Appropriation

Date: August 24, 2006 for September 19, 2006 Council Meeting

Action Requested

Approve, by resolution, the supplemental budget and appropriation.

Background

A sharp increase in the number of traffic citations issued by the Police Department's traffic enforcement team has resulted in a corresponding increase in the number of citizen appearances in municipal court. The increased number of appearances makes it very desirable to have a police presence in the court to provide a more formal and orderly setting and provide security for the court and City staff. A retired police officer would have the knowledge and experience to provide the temporary police presence and perform the duties of "Bailiff" in the court.

The increase in the number of citations also results in an increase in traffic fine revenues. Oregon Local Budget Law allows a governing body, by ordinance or resolution, to adopt a supplemental budget to appropriate revenues that were not anticipated when the budget was adopted (ORS 294.326(2)).

Concurrence

The Finance Director, Police Chief, and Records and Information Management Director concur in this request.

Fiscal Impact

The resolution appropriates \$10,000 from increased traffic fine revenues.

Work Load Impacts

The requested action provides a needed police presence in the municipal court.

Alternatives

- Approve the resolution as proposed.
- Modify the resolution.
- Take no action.

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON,  
ADOPTING A SUPPLEMENTAL BUDGET AND MAKING APPROPRIATIONS**

**WHEREAS**, there has been a significant increase in the number of traffic citations issued by traffic enforcement officers; and

**WHEREAS**, the increase in the number of traffic citations has a corresponding increase in the number of appearances in municipal court; and

**WHEREAS**, a police presence in the municipal court would provide a more orderly and formal setting and provide security for the court and staff; and

**WHEREAS**, a retired police officer working on a temporary basis would be able to provide the experience and presence that is desired; and

**WHEREAS**, the increase in the number of citations also corresponds to an increase in traffic fines; and

**WHEREAS**, Oregon Local Budget Law allows a governing body to adopt a supplemental budget and make appropriations by passing a resolution or ordinance (ORS 294.326(2)).

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

A supplemental budget and appropriation are hereby approved as follows:

<b>Resource:</b>	<b>Requirement:</b>
General Fund	General Fund
Traffic Fines	Police Administration
\$10,000.00	\$10,000.00

Introduced and adopted by the City Council on September 19, 2006. This resolution is effective upon passage.

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James Bernard, Mayor

ATTEST:

APPROVED AS TO FORM:  
Ramis, Crew, & Corrigan, LLP

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Pat DuVal, City Recorder

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City Attorney



To: Mayor and City Council

Through: Mike Swanson, City Manager

From: JoAnn Herrigel, Community Services Director

Subject: Award of Contract for Riverfront Design

Date: September 7, 2006

**Action Requested**

Approve a resolution awarding a contract to David Evans and Associates Inc. for landscape design and engineering services for Milwaukie Riverfront Park, authorizing the City Manager to sign a Personal Services contract for these services and appropriating a \$100,000 payment from the North Clackamas Parks and Recreation District.

**Background**

Staff issued a Request for Proposals for design services for Milwaukie Riverfront Park on August 11, 2006. On August 23, 2006 the City received three proposals for Riverfront Park design services. These proposals were reviewed by a four-person committee that included a representative from the North Clackamas Parks and Recreation District and one from the City's Riverfront Board. This committee selected David Evans and Associates (DEA) as the leading candidate.

This contract will be funded with resources allocated in the City's fiscal year 2006-07 budget as well as \$100,000 from the North Clackamas Parks and Recreation District. The latter funds must be appropriated with the budget in order for them to be expended.

**Concurrence**

The review committee was unanimous in their recommendation of DEA for this project award.

**Fiscal Impact**

The City has allocated \$200,000 for this project. The North Clackamas Parks and Recreation District is contributing half, or \$100,000, of the project funds.

**Work Load Impacts**

The Community Services Director will administer this contract with the assistance of the Riverfront Board members. Planning and Engineering staff will also monitor and participate in the development of the final design and permitting issues involved in this project.

**Alternatives**

Deny approval of this resolution.

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AWARDED A CONTRACT TO DAVID EVANS AND ASSOCIATES INC. FOR LANDSCAPE DESIGN AND ENGINEERING SERVICES FOR MILWAUKIE RIVERFRONT PARK, AUTHORIZING THE CITY MANAGER TO SIGN A PERSONAL SERVICES CONTRACT FOR THESE SERVICES AND APPROPRIATING A \$100,000 PAYMENT FROM THE NORTH CLACKAMAS PARKS AND RECREATION DISTRICT.**

**WHEREAS**, the Milwaukie Riverfront Board delivered a concept plan for Milwaukie Riverfront Park to City Council in May 2006; and

**WHEREAS**, the Milwaukie City Council endorsed this concept plan and directed staff to proceed with the final design of the Riverfront Park; and

**WHEREAS**, three proposals for Milwaukie Riverfront Park design services were submitted and reviewed by a four-person panel and David Evans and Associates Inc. was selected by this panel as the best firm for this project; and

**WHEREAS**, the North Clackamas Parks and Recreation District has agreed to transfer \$100,000 to the City of Milwaukie for the completion of the final design for Milwaukie Riverfront Park; and

**WHEREAS**, Oregon Local Budget Law provides that expenditures in the year of receipt of grants, gifts, bequests or devises transferred to the local government in trust for a specific purpose may be made after enactment of a resolution or ordinance authorizing the expenditure (ORS 294.326(3));

**NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON**, awards a contract to David Evans and Associates Inc. for landscape design and engineering services for Milwaukie Riverfront Park, authorizes the City Manager to sign a Personal Services contract for these services and appropriates a \$100,000 payment from the North Clackamas Parks and Recreation District for this project in the following manner:

Resource	Requirement
\$100,000	\$100,000
N. Clackamas Parks and Rec District	Community Services

Introduced and adopted by the City Council on September 19, 2006.

This resolution is effective on September 20, 2006.

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James Bernard, Mayor

ATTEST:

APPROVED AS TO FORM:  
Ramis, Crew, & Corrigan, LLP

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Pat DuVal, City Recorder

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City Attorney



To: Mayor and City Council

Through: Mike Swanson, City Manager

From: JoAnn Herrigel, Community Services Director

Subject: Request for Name Change for the Milwaukie Center

Date: September 6, 2006

**Action Requested**

Approve a proposed name change for the Milwaukie Center, located at 5440 Kellogg Drive.

**Background**

In May of 2006, Joan Young, the Director of the Milwaukie Center, sent a memo to the Milwaukie City Council and the City Park Board proposing a name change for that facility. In this memo, Joan described a lengthy process that the Center/Community Advisory Board (C/CAB) had coordinated to identify new names for the Milwaukie Center. The C/CAB, a majority of the current members of which are from the City of Milwaukie, have been discussing a potential name change for many years. The motivation for this discussion has been the fact that the Center serves a geographic area that is increasingly wider than the City limits of Milwaukie.

In the May 2006 memo, Joan Young noted that:

- The 2005-2006 C/CAB goals included taking a deeper look at the name issue
- At their January 2006 meeting, the C/CAB discussed the name and held a brainstorming session
- At their February meeting, the Friends of the Milwaukie Center held a brainstorming session regarding potential names.
- The January/February 2006 Milwaukie newsletter, "Centerpoint", contained an article eliciting community response on the idea of a name change. And finally,

- At the February 2006 C/CAB meeting, an ad-hoc committee was appointed to consider all the input and make recommendations to the C/CAB.

This committee developed a list of criteria to use in prioritizing name ideas. The criteria included:

- The name needs to fit what we do, or not potentially narrow our mission
- The name needs to encompass all areas we serve, or not limit what areas we serve
- The name should not be after a person
- Consider the name being an acronym

The Ad Hoc committee forwarded two names to the C/CAB for discussion at the May 2006 C/CAB meeting. After deliberation, the following names were approved by the C/CAB and forwarded to the City:

**Top recommendation:** North Clackamas Community Center (with the tag line “formerly the Milwaukie Center” to be used during the transition period)

**Second/Alternate recommendation:** North Clackamas/Milwaukie Center

The Milwaukie Park and Recreation Board (PARB) discussed this request and directed staff to refer the name proposals to all the neighborhoods for their discussion and vote. Staff attended a neighborhood leadership meeting and described the C/CAB’s process and their recommendations. Staff asked that each NDA consider and vote on both of the proposed names. The neighborhoods then considered the proposed names at their July meetings. Following is a summary of the NDA votes:

Island Station:	No for both names
Linwood:	No for both names
Lake Road:	No for both names
Ardenwald:	No for both names
Hector Campbell:	No for both names
Lewelling:	No report (vote on September 7)
Historic Milwaukie:	No report (vote on September 11)

In general, the response from the neighborhoods was that the current name for the Milwaukie Center was satisfactory and preferred.

At their September 22 meeting, the Milwaukie Park and Recreation Board discussed the input received from the neighborhoods regarding the proposed name change. With five members present, the Board voted 3 to 2 (with Hughes and Cooper voting no) to recommend that Council approve the proposed “alternate”, **North Clackamas/Milwaukie Center**, as the new name for the Milwaukie Center.

According to the City's Park/Facility naming policy, Council "may accept the PARB's recommendation or decide on an alternate name for the facility under consideration."

**Concurrence**

See details above.

**Fiscal Impact**

none

**Work Load Impacts**

none

**Alternatives**

- Deny approval of both of the proposed names
- Approve one of the proposed names
- Select an alternate name for the facility

**Attachments**

- City Park/Facility naming policy
- May 18, 2006 memo from Joan Young

RESOLUTION NO. 33-2000

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE,  
OREGON, ADOPTING THE CITY OF MILWAUKIE POLICY AND  
PROCEDURES FOR NAMING FACILITIES.**

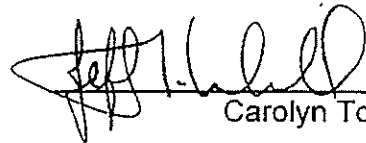
**WHEREAS**, the City of Milwaukie owns and may acquire additional facilities; and

**WHEREAS**, the City of Milwaukie has need to rename existing and name new facilities; and

**WHEREAS**, the City has an interest in establishing systematic and consistent procedures for initiating and naming such facilities;

**NOW, THEREFORE, BE IT RESOLVED** by the Milwaukie City Council that the attached City of Milwaukie Policy and Procedures for Naming Facilities dated December 2000 is hereby adopted.

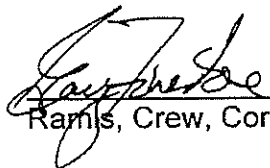
Introduced and adopted by the City Council of the City of Milwaukie, Oregon, this 21~~st~~ day of November 2000.

  
\_\_\_\_\_  
Carolyn Tomei, Mayor

ATTEST:

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

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Ramis, Crew, Corrigan & Bachrach, LLP

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**City of Milwaukie  
Policy and Procedures  
For  
Naming Facilities**

**I. Purpose**

It is a goal of the City of Milwaukie, herein after referred to as the CITY, to be seen as part of the fabric of the community. Stewardship of public parks, recreational facilities, environmental habitat and other assets as defined below for the greatest benefit of the CITY community over the long term is a primary value. Geographic, historic or names based upon distinguishing characteristics are the standard for this community.

At the same time, it is recognized that individuals and community organizations periodically wish to honor individuals, groups or events by naming facilities after them. The challenge is to accommodate this desire where warranted while still supporting the primary community values.

**II. Objectives**

The objective of this policy is to establish a systematic and consistent approach for the official naming of facilities that:

- Ensures that facilities are easily identifiable.
- Ensures that names given to facilities are consistent with the values and character of the neighborhood or area served.
- Encourages the dedication of lands, facilities, or donations by individuals and/or groups.
- Encourages public participation in the naming, renaming and dedication of facilities.

**III. Definition**

**Facilities** – includes all property assets under the CITY's ownership including buildings, structures, open spaces, public parks, recreational facilities, environmental habitat and land but does not include streets.

**IV. Criteria**

The policy of the CITY is to name facilities through an adopted process utilizing established criteria emphasizing community values and character, local history and geography and service to the community.

1. The CITY in determining the appropriateness of the naming designation should use the following categories:
  - a. Any person who has made significant contributions to the CITY or the community,
  - b. A person, group, place, or feature, particularly identified with the public land or facility or of historical or cultural significance,
  - c. Geographic location (neighborhood, streets, etc.) and

- d. Natural features or resources.
2. Where properties are jointly acquired and/or operated, the other agency shall be consulted and their consent received for the proposed name.
3. The process to name facilities should begin within six months after the CITY has acquired title to the land and/or formally accepted the dedication.
4. Conditions of property donation as agreed upon by the donor and the CITY shall be honored regarding the naming of the facility subject to these adopted policies.
5. Names that are similar to existing properties or facilities in the CITY system (or other systems in the Metro area) should not be used in order to minimize confusion.
6. The CITY reserves the right to change the name to maintain consistency with these policies.

## **V. Procedures**

### **1. Naming of Facilities by Request of Private Party**

- a. A request for the naming of a facility will be submitted in writing to the CITY Park and Recreation Board, herein after referred to as the PARB. The request should demonstrate how the proposed name is consistent with the criteria stated in this policy.
- b. Those submitting a naming request will be provided with a packet that includes: a cover letter, Naming Program criteria, policies and procedures and forms of recognition.
- c. The PARB will notify the relevant Neighborhood District Association, herein after referred to as the NDA, and other interested parties of the request.
- d. The PARB will utilize the following process to make its determination:
  - i. The PARB refers the request to the NDA or a special sub-committee if the facility is intended to service more than one NDA.
  - ii. The NDA or special sub-committee will offer at least one opportunity for public comment on the proposed naming. Further hearings and input shall be at the discretion of the PARB.
  - iii. The PARB will review the public input and recommendations received and will forward no more than three names to the City Council within 30 days for consideration.
  - iv. The City Council will consider the recommendation of the PARB within 60 days of its submittal. The City Council may accept the PARB's recommendation or decide on an alternative name for the facility under consideration.

### **2. Renaming of Facilities by Request of Private Party**

Renaming of facilities carries with it a greater burden of process compared to initial naming. Tradition and continuity of name and community identification are important community values. Each application must meet the criteria stated in this policy, but meeting all criteria does not assure renaming.

- a. A request for the renaming of a facility shall be submitted in writing to the PARB. The request shall include the following information: (1) the proposed name change and the purpose of the change, and (2) how the proposed name is consistent with the criteria established.

If the proposal is to rename a facility after a person or persons, the application will describe the contributions to the CITY and community made by the person and why the specific naming proposal is an appropriate honor. Written documentation of approval by the person to be honored (or next of kin, as appropriate) is required as part of the proposal.

City staff will review the proposal for adherence to the stated criteria and authentication of statements relative to contributions in the case of an individual before forwarding it to the PARB. If the request is incomplete, staff will contact the applicant, in writing, and provide them with the opportunity to resubmit a revised request.

- b. The PARB will notify the relevant NDA and other interested parties of the request.

- c. The PARB will utilize the following process to make its determination:

- i. The PARB will ask the NDA or a special sub-committee, if the facility is intended to service more than one NDA, to consider the request.
- ii. The NDA or sub-committee will offer at least one opportunity for public comment on the proposed naming. Further hearings and input shall be at the discretion of the NDA or sub-committee.
- iii. The NDA or sub-committee will review the public input and recommendations received and will forward no more than three names to the PARB within 30 days for consideration.
- iv. The PARB will consider the recommendation of the NDA or sub-committee within 60 days of its submittal. The PARB may accept the NDA or sub-committee's recommendation or propose an alternative name for facility under consideration.
- v. The PARB will vote to recommend the name for the facility to the City Council.
- vi. The City Council will vote to select the name for the facility or decide on an alternative name for the facility under consideration.

### **3. Naming or Renaming Facilities Initiated by the City**

The PARB shall initiate the naming or renaming process whenever necessary and may initiate the process at any other time. When initiated by the PARB, the procedures shall be followed for naming as set out in Section V. 1. c & d and for renaming as set out in Section V. 2.

### **4. Reconsideration**

- a. Any individual or group may submit a written request to reconsider a naming or renaming decision to the City Manager. Written requests shall include: (1) name and address of person(s) requesting reconsideration; (2) a statement of specific grounds for appeal; and (3) a specific naming recommendation for the subject facility.
- b. The PARB will review the request to reconsider and make a recommendation to the City Council at the next regularly scheduled meeting. The person/s requesting the reconsideration will be given an opportunity to state their reasons for opposition before the City Council.
- c. The City Council will make a final determination within 45 days and inform the appellant of its decision.

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**NORTH  
CLACKAMAS**  
PARKS & RECREATION  
DISTRICT

May 18, 2006

To: City of Milwaukie  
Parks and Recreation Board  
City Council

From: Joan Young, Director, Milwaukie Center

Re: Recommendation on Name Change

**Background:**

The Milwaukie Center was built with federal community development block grant funds and City of Milwaukie matching funds. The requirements are that the facility's primary use be to benefit older adults. The City of Milwaukie owned and operated the Milwaukie Center from January, 1980 through August, 1992. North Clackamas Parks and Recreation District has operated and maintained the Milwaukie Center since September, 1992.

The Milwaukie Center has essentially retained the same name since it opened its doors in January 1980. There was a brief time in the early 1980's when the Milwaukie Center became "Milwaukie Senior Center," however the name was officially changed back to the "Milwaukie Center" by the City of Milwaukie City Council within three months.

Due to the Center's proximity to the city limit border, the Milwaukie Center has always served a larger geographical area than just the City of Milwaukie. As North Clackamas County has grown in population density, the number of non-City of Milwaukie participants at the Milwaukie Center has significantly increased.

For several years, the topic of the Milwaukie Center's name has come up at Milwaukie Center/Community Advisory Board (C/CAB) meetings. The 2005-2006 goals of the C/CAB included taking a deeper look at the name issue. At their January, 2006 board meeting, the C/CAB discussed the Milwaukie Center's name issue and held a brainstorming session on potential name options. In addition, the Friends of the Milwaukie Center, Inc. held a similar brainstorming session at their February Board meeting. The January/February 2006 Milwaukie Center "Centerpoint" newsletter contained an article eliciting community response on the idea of a name change. At the February, 2006 C/CAB, an ad-hoc committee was appointed to consider all input and make recommendations back to the C/CAB.

[www.co.clackamas.or.us/ncprd](http://www.co.clackamas.or.us/ncprd)

Administration Office  
9101 SE Sunnybrook Blvd.  
Clackamas, OR 97015  
503-794-8002  
fax: 503-794-8005

Aquatic & Recreation Services  
7300 SE Harmony Road  
Milwaukie, OR 97222  
503-794-8080  
fax: 503-794-8085

Milwaukie Center  
5440 SE Kellogg Creek Drive  
Milwaukie, OR 97222  
503-653-8100  
fax: 503-794-8016

Parks Maintenance Office  
9909 SE 40th Avenue  
Milwaukie, OR 97222  
503-794-8030  
fax: 503-794-8087

*A service district  
of Clackamas County*



**Ad-hoc Naming Committee Efforts:**

The committee consisted of one C/CAB member, one Friends Board member, one Center staff, one Friend's organization staff, and two "at large" Center volunteers. Joan Young served as the liaison between the Board and staff.

The committee reviewed the recent report from National Council on Aging, "Tomorrow's Senior Center: Dynamic, Accessible and Perhaps Not Even Called Senior". This report shares that the title "senior center" tends to suggest a stereotypical view of low level activity and does not adequately reflect the high activity level found in most centers. It makes it difficult to market to younger seniors. A common name, however, helps people find the center in their community – and a name change can cause confusion.

The committee determined a list of decision-making criteria to utilize in prioritizing the lists of recommended names. The criteria included:

- The name needs to fit what we do, or not potentially narrow our mission
- The name needs to encompass all areas we serve, or not limit what areas we serve
- The name should not be after a person
- Consider the name being an acronym

The committee reviewed the policies and procedures for naming from the City of Milwaukie and North Clackamas Parks and Recreation District. The committee met twice to prioritize the lengthy list of names that had been suggested. The committee struggled to find the "golden bullet" single name which can incorporate all criteria and be descriptive of the wide array of programs and services offered at the Milwaukie Center for the community. They found this task to be daunting and never did concur on one such name. At the first meeting, the committee added any additional names to the numerous suggestions and then prioritized the list down to their top three highest considerations. At the second meeting, the committee reconsidered the top three list and determined to provide a first and second recommendation.

**Ad-hoc Naming Committee Recommendations:**

The Ad-hoc Naming Committee recognized that adding a descriptor to the name of the Center could be limiting, therefore they recommend not using titles such as "Adult Center" or "Senior Center". The majority of the committee felt that the best descriptor of the Center was in defining the geographical area of service. The top recommendation of the committee for a name change was: "North Clackamas Center". The second recommendation was: "North Clackamas Community Center."

**Center/Community Advisory Board Action:**

The C/CAB received the report and recommendation of their Ad-hoc Naming Committee at the May 12, 2006 meeting. After deliberation, it was approved that the top recommendation for the renaming of the Center be: "North Clackamas Community Center" with the tagline, "formerly the Milwaukie Center" to be used during the transition period. A second recommendation was then approved as an alternate consideration for the renaming: "North Clackamas/Milwaukie Center". The C/CAB passes the above recommendations to the City of Milwaukie for consideration prior to the North Clackamas Parks and Recreation Board deliberation.

Present:

Susanna Pai, Chair – Lake Road Neighborhood Association  
Larry Kanzler, Chief of Police  
Ray Bryan – Historic Milwaukie Neighborhood Association  
Gene Covey – Lewellyn Neighborhood Association  
Dolly Macken-Hambright – Linwood Neighborhood Association  
Cheryl Ausmann-Moreno – Ardenwald Neighborhood Association  
Bonnie Mishler – Island Station Neighborhood Association

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The meeting was called to order at 6:20 p.m. at Ardenwald Park.

Susanna asked if everyone had reviewed the minutes from the previous meeting. Dolly made a motion to accept the minutes. Ray seconded the motion. Passed unanimously.

Chief – handed out info on Project Safe Neighborhoods. It is a federal program designed to reduce crime in neighborhoods. This is the task force that our detective is part of now.

Sgt. Robbie Graves will be attending the FBI National Academy in January.

The group discussed a company that's looking for a building to house batting cages, ping pong tables, shuffleboard, and other games. They are considering the International Way area – but need something ASAP.

Ray is on the design committee for the downtown building going in across from City Hall. The Chief would like them to set aside approximately 3,500 square feet of space to hold Municipal Court, including some crimes. He is working with Pat Duval and will be touring other facilities to get ideas. We would need closed circuit television for people being held in jail. Our traffic officers are bringing in approximately \$12,000/day in citation revenue. He will be hiring a retired officer on a part-time basis to serve as court bailiff. Chief has a meeting with the Oregon Association of Chiefs of Police soon – they will sponsor the photo radar bill. The photo radar system would generate approximately \$1 million annually.

Cheryl – is working on the arrangements for next year's Officer of the Year banquet. She will be meeting with someone from the Milwaukie Center soon – and also Outback Steak House. They would like to see 400-500 people come to the event.

The meeting was adjourned at 6:50 p.m.

Next meeting is scheduled for September 28th.