

**CITY OF MILWAUKIE
CITY COUNCIL MEETING
OCTOBER 3, 2006**

CALL TO ORDER

Mayor Bernard called the 1991st meeting of the Milwaukie City Council to order at 7:03 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	JoAnn Herrigel, Community Services Director
Gary Firestone, City Attorney	Beth Ragel, Program Coordinator
Kenny Asher, Community Development/Public Works Director	

PLEDGE OF ALLEGIANCE

PROCLAMATIONS, COMMENDATION, SPECIAL REPORTS AND AWARDS

Announcements

Mayor Bernard announced the awards given to the City of Milwaukie at the 2006 League of Oregon Cities Annual Conference that included Good Governance for the Community Booth, Safety Award, and Wellness Award. Mr. Swanson was awarded the Herman Kehrli Award that was granted to a city employee who provided lasting benefits to his or her community through exceptional contributions to city government.

David Aschenbrenner and **Ms. Ragel** presented the Good Governance plaque to the City Council and thanked those who had volunteered their time during the Farmers' Market season.

Mayor Bernard thanked Mary Rowe and Andrea Villagrana for making the Wellness Award possible and Barb Kwapich, Risk Manager, for developing a strong safety program.

Councilor Barnes read a proclamation naming October 2 – 6, 2006 as *Drive Safely Work Week*.

Councilor Collette read a proclamation naming the week of October 8 – 14, 2006 as *Fire Prevention Week, Prevent Cooking Fires*.

Councilor Stone read a proclamation naming October 4 as *Walk a Child to School Day*. **Sherri Campbell** invited all Council, staff, and citizens to join the Ardenwald Walk to School event beginning at Lisac's at 7:30 a.m. on October 4, 2006.

CONSENT AGENDA

It was moved by Councilor Barnes and seconded by Councilor Collette to approve the Consent Agenda:

- A. Resolution No. 46-2006: A Resolution of the City Council of the City of Milwaukie, Oregon Appointing Andrew Tull to the Milwaukie Design and Landmarks Committee; and
- B. Resolution No. 47-2006: A Resolution of the City Council of Milwaukie, Oregon Appointing Mary Weaver to the Public Safety Advisory Committee as the Hector Campbell Neighborhood Representative.

Motion passed unanimously. [5:0]

AUDIENCE PARTICIPATION

Mayor Bernard announced people would be given 3 minutes to comment.

Councilor Stone thought people usually had 5 minutes and asked if it was 5 minutes according to the Charter.

Mr. Firestone said the length of time was at the discretion of the Mayor. Since it was a procedural ruling the Council could over rule the Mayor by motion if it wished.

Councilor Stone asked if there was some reason people could not be given 5 minutes.

It was moved by Councilor Stone and seconded by Councilor Loomis to give 5 minutes for comments. Motion passed unanimously. [5:0]

- Kiran Das Bala, SE 29th Avenue

Ms. Bala was new in the City, and she was having some problems. She came to the Council meeting on August 1 and complained that she was being billed for some else. The police chief thought someone had stolen her ID, and the other police officer seconded that. She made a police report, and when she asked for a copy of the report they gave her only half of it. They would not give her the whole report, and she wanted to know how to get a copy. She talked to the chief of police again, and he said that he would talk to her later. She went to the police station many times, but she could not find him. There was no one willing to let her know. It said her ex-husband was the suspect, and she had known that for a long time because one of her friends in Kentucky where her divorce became final they said he was pretending to be her. She went to her Fidelity Investment, and there was \$83,000 missing from her account. He ex-husband took part of her IRA money and moved it to different places. She went there to find out why he did that, but they were not willing to give her that information. Things like that were happening to her. She has come to a new city. Her water bill was so high. She has lived in America for 35 years, and she has never paid that high a bill in her whole life. It seemed outrageously high. She moved here from Georgia. She owned a condo in Georgia after the divorce and she had sole custody of her son who was 14 years old at that time. Her ex-husband did a lot of bad things to her. Her son visited him in Kentucky, and the ex-husband kept him. For six months she went to Kentucky to fight for custody. She could not get him back because he was a man, and he would never let Ms. Bala win his son back. She turned around and went back to Atlanta. In her sleep in her condo she owned she had an alarm system. Someone came and medically examined her in her sleep on June 25, 1989.

Mayor Bernard did not believe this was anything the Council had the power to do anything about. This was not appropriate in this format. The police chief did not handle cases, so she should refer to her case number and ask for the officer. The Council was

not lawyers, police officers, or judges and could not advise Ms. Bala on that issue. He was sorry things happened to her in the past, but it did not belong in the chambers.

Ms. Bala needed to know. They already knew who stole her ID. Her friends in Kentucky told her. Why did they not give her the whole report?

Mayor Bernard recommended Ms. Bala go to the police department with her case number.

Ms. Bala would not sit there and pay anyone else's bill – gas, electric, telephone, and water.

Mr. Firestone thought a lot of this might be outside the realm of the Milwaukie police department because it occurred outside the City. The person providing testimony might consider consulting with an attorney for assistance.

Councilor Collette understood Ms. Bala had been referred to adult legal services.

Ms. Bala needed to have her entire report, but they did not give it to her.

- **Catherine Brinkman, SE Lake Road**

Ms. Brinkman had a bad day. She had the kind of day that etched itself in one's memory, so there would be no comparison to October 3, 2006. To help herself get through the day she had decided to splurge on a handbag she had been coveting for many months. Instead of purchasing the handbag, she decided she needed to talk to the City Council, so her story underscored the importance of being at this meeting. Her day was so bad, she forgot most of what she wanted to say. She was there to say thank you for all of the hard work and commitment and dedication to the City. Thank you for all of the beautiful changes that were being seen in the landscape and the buildings and services offered to the community. Thank you for taking the time to do this and making the personal and professional sacrifices that have been required and sometimes above and beyond what the Council members had signed up for. The Council was elected to lead, and to lead required making decisions. Public input was important and should be weighed in every circumstance to the extent able. Ultimately the Council has to make the decision. The Council will make mistakes as does everyone. Everyone stumbles, and the question was how to pick oneself back up and move forward. With that and based on her day and her approach, she encouraged the Council to stay focused, keep your heads high, be proud of what you are doing, and in all cases go forth and do good things.

- **Larry Lancaster, SE 55th Avenue**

Mr. Lancaster raised some issues and concerns about the intergovernmental agreement (IGA) with Metro. He was sure everyone knew him well enough to know that he was very pro-downtown development. Her hoped none of his concerns would be construed as anti-development. Having said that the quality and way we develop is critical. He was also very sensitive that on a strategic basis we need to keep projects in the queue in order to maintain momentum to keep downtown development successful. It was absolutely critical to Milwaukie's survival. He has said this before. He wanted to be clear on that before he raised his issues. He did not have a chance to see the work session and hoped he would not be repetitive, but he just wanted to go over things that jumped out at him.

One was the development started out at 4 – 5 stories. He had not been following it closely, so he did not know how it got to 4 or 5 stories. Height would be a sensitive issue so there needed to be some clarification of how we start out and at what height. It speaks to it in the recitals, and it speaks to 4 or 5 stories in the general objectives. One of the most troubling things he saw was on page 3, item 3.6 where it said the city would

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exert its best efforts – he had a problem with the words “best efforts.” It was kind of like “I’ll try.” Either you are going to do it or not. What did best efforts really mean? What if it did not happen – then what? There were two key things in that phrase alone that were really bad for us. One was it said specifically a minimum of 5 stories. There were limited ways to read that other than City staff would do the best it could to convince you that we need 5 stories or more. He had to question why is this even in the agreement. He did not understand. It was made worse – he had to say that because what about the downtown standards, our development standards. We spent 2 years and go national recognition. Unless he remembered wrong that did not include a minimum of 5 stories in order to have quality development. We do not have the infrastructure to support that. It also went on to say, “a building type that is economically feasible.” We need to revisit what that really means. It means however cheap I need to spend in order to do the deal to make it pencil. From a developer’s standpoint that is what that means. That is totally contrary to the design guidelines.

On page 2, 2.2 it says that Metro would give the City 5% of its site. He assumed that was in Metro’s property – the Texaco property. He knew on the face it sounded like a great deal – 5% of the \$750,000 purchase priced. He was not good at math but unless he did the math wrong that was only \$37,500. When one considered the language that was very specific about this agreement puts all the responsibility, all of the risk, all the liability on the City. Metro had liability for almost nothing. The City would eat up \$37,500 easily just securing the site until it can be developed. He did not see any real advantage to that. If for whatever reason the agreement was cancelled, then the City would have to give it back. Would Metro punish us because it went wrong? He didn’t get that. Provision 3.2 speaks to either an unsolicited process or a competitive process. He thought that was a good thing. The only thing that troubled him about that was that the City had a local businessman, Stan Link, who came before and proposed to the City not a single block but a 2 full City block with no public money and off street parking, and he didn’t even get his proposal looked at. He thought that was seriously wrong. We had to be careful about how we were going to look at projects.

The environmental assessment or responsibility. It was one thing to dig up dirt, but what about the groundwater. He has heard nothing that speaks to how the groundwater would be remediated. When the contamination goes across McLoughlin Boulevard we were talking serious money to dig up under McLoughlin Boulevard and the City would be responsible for that. Or it gets shifted to the potential seller, and then Metro writes down the amount it can be sold for to make it work. He did not think that was a good deal for Milwaukie. There was a whole page of responsibilities that got shifted to the City that he did not think the City should take on. He has looked at a number of intergovernmental agreements in the 6 years. This was probably the most one-sided agreement he had ever seen. He encouraged Council to take another very close look at this. This needed another serious look before going forward.

Councilor Stone asked what the possibilities were of taking another look at this agreement.

Mr. Firestone replied legally the City was free to try to negotiate an agreement with Metro to renegotiate the terms of the agreement at any time. The practicality was that Metro would say the agreement was negotiated and saw no reason to change it. Legally if Metro agreed it was a possibility.

Councilor Loomis suggested that Mr. Swanson briefly reiterate his work session report.

Mr. Swanson responded to the reference to 2.2 and the local businessman who made the proposal that involved no public money. It involved no public money, but it involved his being given the property free and clear which was \$750,000 on the Metro side. He

did not know the value of the City's portion. It may not have been a cash deal, but it was probably \$1.25 to \$1.5 million in real property that was requested in order to do that deal. He addressed the comment regarding this being a one-sided agreement. In terms of the contamination the issue of what Metro had done thus far and what it plans to do in the future. They did all of the testing and removed all of the tanks. He understood from talking with Phil Whitmore that it was Metro's intention to remove the contaminated soil at such time as the development was going to take place. Metro did all of the testing and removed the tanks. It was Metro's intention to remove the contaminated soil when the development took place in the amount of approximately \$100,000. In terms of whether or not it should be revisited – it could be but the agreement was mutually agreed upon. Metro has been good partners and is likely to spend about \$1 million total.

Councilor Stone would like to sit down with Mr. Swanson to go over it more.

- **David Loomis, SE Aldercrest Road**

Mr. Loomis moved to the area this spring. From what he heard this was something that would go through in some form or another. He was worried when he read the flyer he got two days ago that the building height was so high it would probably cast a shadow over the park in the morning. He did not think that was symbolically pleasant. He went to the Market each Sunday after church to buy food which saved him several hundred dollars each month. He really enjoyed experiencing the Milwaukie community that he had access to as a new resident. The Market was so interactive and so many people attended that he has met a lot of people. That was really warm. He liked seeing how many people participated at the Council meeting. He was not sure what was being done, but he hoped the City Council was careful in preserving some sense of community for people to interact and meet each other and particularly near the park which is so nice. That was why he moved here, and he understood why people would like to build some frontage for a view. In driving through old Milwaukie he only saw two buildings over two stories high, so it seemed odd that something would be built that was so much taller than anything else around. It did not seem to have much of an architectural flow. He thought it might be too much and too big. He thought it would be nice to have a kid's water park like in northwest Portland that was always packed with people. It would be a good avenue for bringing people to spend time and money in Milwaukie.

Mayor Bernard suggested that Mr. Loomis check the City website for upcoming Market transition team meetings as well as meetings that would be held on the development of the site.

Councilor Collette said there had been some brainstorming sessions about Kronberg Park, and one of the elements that had been discussed was one of those kid's fountains. They were wonderful and were used more than lakes and rivers.

- **Les Poole, SE Lee**

Mr. Poole commented on regional issues. His address was in the Oak Grove neighborhood. He was outside of the City limits. Issues like the riverfront, transit, Kronberg Park, and the Farmer's Market were regional issues. Those were the things he dealt with. A couple of times during some of the turmoil that takes place in any growing community, people asked to him or made mention of where he lived as though it was pertinent to the issues he was dealing with. He wanted to put everyone at ease that it was not. He would not ask for a correction of the minutes that said "Oak Grove" because he was not hung up on that. When he came down and talked, when he brought input to the City whether it was for or against an issue, he really appreciated the opportunity to speak. Milwaukie was growing. He just heard it was the 17th largest city

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in the state. Someday Milwaukie may annex his neighborhood. He would not run for Council because the job was too tough. The reality was the preoccupation with personal issues was one of the reasons things got so ugly last year. He read something pertinent from *The Pilot*, "The time has come to say what an honor it has been to serve you as a City Councilor and representative." That was from Councilor Stone. "It is time for leaders at all levels of government, certainly not just here in Milwaukie, but all levels of government to be ethically motivated to do the right thing and weave values-based decision making into the political arena. The movement to utilize ethical leadership principles as a barometer for our actions is a sign of the times that a political makeover is well underway and long overdue. It is time to move forward together toward a future bright with possibilities and potential." Well said, Councilor Stone. With regard to the Texaco site, he was not personally involved in it, but anyone that was involved with the Farmers' Market knew that was a valuable piece of property, and someday there would be development there, and the Farmers' Market will move. That was a given. The real issue was where we put the Farmers' Market and what happens to that property. The Council heard some questions and concerns this evening, and Mr. Poole would not reiterate them. One might recall the letter he wrote in November in *The Clackamas Review* during the controversy over the transit center. At the bottom of the letter he wrote, "Les Poole, Oak Grove." The reason he wrote Oak Grove was because he felt the letter was so factual that the only thing someone could attack in the letter was the "Oak Grove." He would appreciate it in the future if people were not preoccupied with where he was from. He had customers in the City. His family had owned property here. He could assure the Council he knew the City better than probably anyone in this room. He could also assure the Council that there was hardly anyone in the room who knew where Milwaukie met Oak Grove, so he did not wish to belabor that any further. He was certainly not going to request the minutes be corrected. He did have one question. From time to time he reviewed the minutes and noted the minutes from the June 6 regular session had still did not been released. Would he have to make a request or would he see them soon? That was the day Dena Swanson visited the Council not the Park.

Councilor Loomis commented that he did not know what the issue was with the Oak Grove thing, but this City had a history of welcoming people who lived outside their City limits. At this meeting the Council appointed a Sellwood resident to the Design and Landmarks Committee. The Council realizes there was an effect on those living outside the boundaries and welcomed people to participate. He did not know where Mr. Poole got that information, but it was not factual from the standpoint of the City's letting people participate and speak to the Council

PUBLIC HEARING

None scheduled.

OTHER BUSINESS

A. Meeting Date Change -- Resolution

It was moved by Councilor Barnes and seconded by Councilor Collette to adopt the resolution changing the first Council meeting date in November. Motion passed unanimously. [5:0]

RESOLUTION NO. 48-2006:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, PROVIDING NOTICE OF CHANGES TO THE FIRST NOVEMBER 2006 MEETING DATE.

B. Council Reports

Councilor Stone attended the League of Oregon Cities (LOC) Conference and would participate in the Walk Your Child to School Day event.

Councilor Loomis attended the LOC Conference, the opening of the artificial turf field at Aldercreek School, and the Blind Golfers' National Championship.

Councilor Collette attended the LOC conference and assisted with the Milwaukie walking tour by coordinating an art show at North Main Village. She met with board members of the Clackamas Arts Alliance that was interested in sharing space at the City house on 37th Avenue. At the LOC conference she had an opportunity to talk with Brady Adams of Grants Pass who donated to the arts in the community.

Councilor Barnes attended the LOC meeting. She met with the panel on cities and schools and making the connection. She will testify before the Senate Education Commission and will co-sponsor a meth forum with Sen. Kurt Schrader, Gladstone Mayor Byers, and Lake Oswego Councilor Lynn Peterson. The economic develop team meets on Thursday at Key Bank. Her students would video tape the October 16 Candidates' Forum.

Mayor Bernard will attend the Walk Your Child to School Event. He would attend the Pacific Program the following week and the Metro Mayors' Forum. The Library Board will hold a special meeting on October 24 to brainstorm on uses for the Pond House.

Councilor Stone added that the City of Milwaukie was showcased on one of the LOC metro area tours and was unofficially given the best goodie bag award. LOC Director McCauley noted that Milwaukie had the best food, wine, and art reception of all the tours. Many people commented positively on the event.

ADJOURNMENT

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

Mayor Bernard adjourned the regular session at 8:05 p.m.

Pat DuVal

Pat DuVal, Recorder

AGENDA

MILWAUKIE CITY COUNCIL OCTOBER 3, 2006

MILWAUKIE CITY HALL
10722 SE Main Street

1991st MEETING

REGULAR SESSION – 7:00 p.m.

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

2. **PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS**
 - A. **5-Year Public Safety Operating Local Option Tax – Clackamas County Sheriff Craig Roberts**
 - B. **Drive Safely Work Week Proclamation**
 - C. **Fire Prevention Week Proclamation**
 - D. **Walk a Child to School Day Proclamation**

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.)*
 - A. **Resolution Appointing Andrew Tull to the Design and Landmarks Committee**
 - B. **Resolution Appointing Mary Weaver to the Public Safety Advisory Committee as the Hector Campbell Neighborhood Representative**

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.)*

None scheduled.

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. First Council Meeting Date in November 2006 -- Resolution

B. 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(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.

PROCLAMATION

WHEREAS, the City of Milwaukie is concerned about the Safety and Health of its employees and the public it serves; and

WHEREAS, work-related roadway crashes are the leading cause of death from traumatic injuries in the U.S. workplace; and

WHEREAS, the Network of Employers for Traffic Safety, and employer-led, public-private partnership dedicated to reducing traffic-related deaths and injuries in the nation's workforce by working locally, statewide, and nationally to inform employers about the human and economic costs of roadway crashes and to promote safe driving practices to all employees; and

WHEREAS, Drive Safely Work Week is a roadway safety campaign for the workplace designed to raise awareness about the importance of driving safely on and off the job to eliminate preventable crashes; and

WHEREAS, this year's campaign, **Safe Driving is YOUR Responsibility. Make the Commitment to Safe Driving**, focuses on ten positive steps each driver can take to ensure their safety and the safety of others sharing the road as they drive for work or commute to and from work by "**Knowing What to Anticipate...from YOUR Vehicle, the Roadway and YOURself**"; and

WHEREAS, with ninety-one percent of employees commuting to and from work and eighteen percent of all motor vehicle trips being work-related, employers have an opportunity to make a difference on the nation's roadways by improving the safety in their own communities and neighborhoods; and

WHEREAS, with ninety-one percent of employees commuting to and from work and eighteen percent of all motor vehicle trips being work-related, employers have an opportunity to make a difference on the nation's roadways by improving the safety in their own communities and neighborhoods, and

NOW, THEREFORE, I, James Bernard, Mayor of the City of Milwaukie, Oregon, do hereby proclaim that the week of October 2 - 6, 2006, as

DRIVE SAFELY WORK WEEK

and call upon all employers to join this lifesaving observance and encourage their employees to drive responsibly when they get behind the wheel this week and every week.

IN WITNESS WHEREOF, I have hereunto set my hand this 3rd day of October 2006.

ATTEST:

Pat DuVal,
City Recorder

James Bernard, Mayor
City of Milwaukie

PROCLAMATION

WHEREAS, between 1999-2002, there were 114,000 reported home fires associated with cooking equipment on average per year, resulting in an annual 290 deaths and 4,380 injuries, and

WHEREAS, unattended cooking is the leading cause of home cooking fires, and

WHEREAS, three in 10 reported home fires start in the kitchen -- more than any other place in the home, and

WHEREAS, two out of three reported home cooking fires start with the range or stove, and

WHEREAS, electric ranges or stoves have a higher risk of fires, injuries and property damage, compared to gas ranges or stoves, but gas ranges or stoves have a higher risk of fire deaths.

NOW, THEREFORE, I, James Bernard, Mayor of the City of Milwaukie, Oregon, do hereby proclaim that the week of October 8 - 14, 2006, is designated as

FIRE PREVENTION WEEK Prevent Cooking Fires

and urge all citizens, government agencies, public and private institutions and businesses to increase their participation in our community's fire and burn injury prevention efforts and thereby good citizenship.

IN WITNESS WHEREOF, I have hereunto set my hand this 3rd day of October 2006.

ATTEST:

Pat DuVal,
City Recorder

James Bernard, Mayor
City of Milwaukie

WALK A CHILD TO SCHOOL DAY

WHEREAS, Walk a Child to School Week is sponsored by the Partnership for a Walkable America, a coalition of health promotion, safety and transportation organizations interested in promoting healthy, safe and accessible walking for all Americans; and

WHEREAS, the goals are to encourage adults and children to walk to school together and in the process raise national and individual awareness of three key concepts:

- How easy it is for adults and children to enjoy healthy, active time together doing the world's simplest exercise, walking.
- The importance of teaching children safe pedestrian behaviors, such as how to cross streets and select a safe route to school.
- The need for more walkable communities and specific steps people can take, such as advocating for more crosswalks, sidewalks, crossing guards and lights.

NOW, THEREFORE, I James Bernard, Mayor of the City of Milwaukie do proclaim October 4, 2006, as Walk a Child to School Day in the City.

And I encourage people to join Ardenwald School children, adults and staff, Milwaukie police and fire, and members of the Ardenwald/Johnson Creek neighborhood on October 4th to walk to Ardenwald School together.

Signed this 3rd day of October 2006.

James Bernard, Mayor

Pat DuVal, City Recorder

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, APPOINTING ANDREW TULL TO THE MILWAUKIE DESIGN AND LANDMARKS COMMITTEE.

WHEREAS, a vacancy exists on the Milwaukie Design and Landmarks Committee; and

WHEREAS, Milwaukie Municipal Code Section 19.323.4(A) provides for appointment of members of the Milwaukie Design and Landmarks Committee "by the council;" and

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

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

SECTION 1: That Andrew Tull is appointed to the Milwaukie Design and Landmarks Committee.

SECTION 2: That his term of appointment shall commence upon adoption of this resolution and shall expire on March 31, 2008.

SECTION 3: This resolution takes effect immediately upon passage.

Introduced and adopted by the City Council on October 3, 2006.

James Bernard, Mayor

ATTEST:

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

Pat DuVal, City Recorder

City Attorney

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON,
APPOINTING MARY WEAVER TO THE PUBLIC SAFETY ADVISORY COMMITTEE
AS THE HECTOR CAMPBELL NEIGHBORHOOD REPRESENTATIVE.**

WHEREAS, a vacancy exists on the Public Safety Advisory Committee for the Hector Campbell Neighborhood District Association; 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, Mary Weaver possesses the necessary qualifications to serve on the Committee and has indicated her desire to serve.

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

SECTION 1: That Mary Weaver is appointed to the Milwaukie Public Safety Advisory Committee as the Hector Campbell Neighborhood Association representative.

SECTION 2: That her term of appointment shall commence upon adoption of this resolution and shall expire on March 31, 2008.

SECTION 3: This resolution takes effect immediately upon passage.

Introduced and adopted by the City Council on October 3, 2006.

James Bernard, Mayor

ATTEST:

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

Pat DuVal, City Recorder

City Attorney



To: Mayor and City Council
Through: Mike Swanson, City Manager
From: Pat DuVal, City Recorder
Subject: First Council Meeting Date in November
Date: September 26, 2006

Action Requested

Adopt a resolution changing the first Council meeting date in November.

Background

At the Council's September 5, 2006 meeting it was decided that the first work session and regular session in November would be changed to Thursday November 9, 2006 so Council members could participate in events related to the November 2006 General Election. Municipal Code Chapter 2.04.070 requires that the Council must provide notice of any changes to its regularly scheduled meeting times and locations. The proposed resolution gives adequate notice to the public of this change and directs the city recorder to provide notice of the meetings as required by law.

Alternatives

1. Adopt the proposed resolution.
2. Amend the proposed resolution to an alternate date.
3. Do not change the regular meeting date.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, PROVIDING NOTICE OF CHANGES TO THE FIRST NOVEMBER 2006 MEETING DATE.

WHEREAS, the City Council has determined it appropriate to change the first meeting date in November to allow its members to participate in 2006 General Election events; and

WHEREAS, the 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,

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

Section 1: The first City Council work session of November 2006 will be called to order at 5:30 p.m. on Thursday, November 9, 2006 in the City Hall Conference Room

Section 2: The first regular City Council meeting of November 2006 will be called to order at 7:00 p.m. on Thursday, November 9, 2006 in the City Hall Council Chambers.

Section 3: The City Recorder is directed to provide notice of meetings as required by law.

Section 4: The resolution is effective upon adoption.

Introduced and adopted by the City Council on October 3, 2006.

James Bernard, Mayor

ATTEST:

Pat DuVal, City Recorder

APPROVED AS TO FORM:

Ramis, Crew & Corrigan, LLP

Resolution No. _____



TO: Mayor and City Council
FROM: Mike Swanson, City Manager
DATE: September 15, 2006
RE: Recommendation on CAC Wastewater Treatment Strategic Plan

ACTION REQUESTED

The action requested is Council direction on a Council recommendation regarding the CAC wastewater Strategic plan.

BACKGROUND

On January 12, 2006 the Clackamas County Board of County Commissioners (BCC), acting in its capacity as the governing board of the Clackamas County Service District No. 1, created the Citizen Advisory Council (CAC). The BCC further charged the CAC "to review, advise, and make recommendations to the District Board regarding the development of a strategic plan for the location and financing of wastewater treatment facilities of the District by September 30, 2006. All viable alternatives will be considered from the standpoint of efficiency, effectiveness, cost and practicality."¹

The CAC began work in February 2006 assisted by contract technical staff, HDR Engineering Consultants, and Clackamas County Water Environment Services (WES) staff. Since February 2006 the CAC has held at least two monthly public hearings as well as individual outreach meetings.² The CAC has followed a planned process that included the development of criteria, alternatives to be considered, and operating assumptions.³ It is scheduled to present its recommended plan to the BCC at its September 28, 2006 regular weekly meeting.

¹ Creation of the CAC and the charge are set forth in BCC Board Order 2006-06.

² As the deadline for submission of its report approaches, the CAC has been conducting two or more meetings each week to seek public input and to discuss issues leading to a final decision.

³ For example, the CAC determined that "ownership" and "self-determination" were principles that should be used in evaluating any final alternatives. It also reviewed future flows and determined that the process should look to an ultimate flow of 16.6 million gallons per day (mgd). It also determined that cost estimates would be calculated assuming a Class-4 treatment level and production of Class-A biosolids in order to anticipate changes in the regulatory environment.

The CAC considered eight different alternatives for treatment of sewage ranging from full to partial expansion of Kellogg to decommissioning the facility. It then adopted five alternatives that were studied in more detail. Those alternatives and the costs developed by HDR are⁴:

Alternative A-1: Kellogg remains in service in its present general configuration. Kellogg would be upgraded to meet new ammonia limitations and the higher standards included in footnote 3 to this report. Plant capacity would remain at somewhere between 4.8 mgd and 8.0 mgd average dry weather flow, with the excess transferred to an upgraded TriCities facility. Cost: \$323.21 million.

Alternative A-2: Kellogg remains in service similar to A-1 above with excess flows being routed to a new treatment facility located within the CCSD1 boundaries. This would require construction of a new plant at an as yet undetermined site. Cost: \$392.42 million.

Alternative B-1: Kellogg remains in service with installation of hydraulic and process upgrades to accommodate up to 12.5 mgd average dry weather flow. The excess would be diverted to the TriCities plant, thus necessitating some expansion of that facility. Cost: \$366.38 million.

Alternative D-1: Decommission Kellogg and route all flows to the TriCities plant, thus necessitating an expansion of that facility. Cost: \$324.33 million.

Alternative D-2: Decommission Kellogg and route all flows to a new treatment plant located within the CCSD1 boundaries. This requires construction of a new plant at an as yet undetermined site. \$397.07 million.

The calendar of events regarding this process published on the WES web site notes that the CAC will select a recommendation on September 20, 2006 and adopt it on September 25, 2006. It also notes that the BCC will conduct hearings on September 28, 2006 and October 5, 2006 and make its decision on October 26, 2006. There is no information on whether or not the BCC will accept written material after its October 5, 2006 hearing. That decision is often made at the time the BCC finishes receiving public input via its hearing process.

⁴ The costs are in 2006 dollars and do not reflect any impact on the value of money due to the passage of time. It is important to remember that work remains to be done on rate impacts. Thus, the costs outlined are illustrative and are not reflective of the actual impact to the ratepayer. These numbers were taken from a preliminary draft and were changed after a peer review process. I do not have the changes that were made, but they do not change the relationship between the alternatives.

Two issues are presented if the Council wishes to forward input on a preferred alternative. First, of course, is the substance of a Council recommendation. The CAC alternatives listed above are presented as a list of possibilities from which you may select a recommendation. Second, does the Council wish to provide input during the CAC process, or does it wish to do so at as part of the BCC process. The decision is both a matter of timing and protocol. The CAC is at a disadvantage because it does not yet have the final HDR report, which will most likely contain information that would be useful in making its decision. That fact places the Council at the same disadvantage.

I recommend that the Council select a recommended alternative when the final HDR report is available. If, given the Council meeting schedule, that does not provide time enough for a written recommendation to the CAC, I also recommend that a letter be forwarded to them noting that there is not a recommendation because of the timing issues and thanking them for their service. A written recommendation would then be developed for Council approval and forwarded to the BCC in advance of its October 5, 2006 hearing. I will draft a letter outlining the Council recommendation in either event.