



Regular Session

RS

Milwaukie City Council



MINUTES
MILWAUKIE CITY
COUNCIL
www.milwaukieoregon.gov

REGULAR SESSION
MARCH 15, 2016
City Hall Council Chambers

Council President Lisa Batey called the 2,218th meeting of the City Council to order at 6:14 p.m.

Council Present: Councilors Scott Churchill, Wilda Parks, and Karin Power

Excused: Mayor Mark Gamba

Staff Present: City Manager Bill Monahan, City Attorney Dan Olsen, City Recorder Pat DuVal, Assistant to the City Manager Mitch Nieman, Code Compliance Coordinator Tim Salyers, and Sustainability Director Clare Fuchs.

CALL TO ORDER

Pledge of Allegiance.

PROCLAMATIONS, COMMENDATION, SPECIAL REPORTS AND AWARDS

A. Milwaukie High School (MHS) Outstanding Student Achievement Award for March 2016 presented to Lucille Polich

MHS Principal Mark Pinder introduced Lucille Polich and highlighted her achievements at the Milwaukie Academy of the Arts notably in the areas of graphic design, ceramics, and conservation. Council President Batey and the Councilors congratulated Ms. Polich on her selection as the Outstanding Student Achievement Award recipient for March 2016.

CONSENT AGENDA

It was moved by Councilor Parks and seconded by Councilor Power to approve the consent agenda as amended with the removal of Item C.

A. City Council Meeting Minutes of the March 1, 2016, Work Session

B. Resolution 19-2016: A Resolution of the City Council of the City of Milwaukie, Oregon, establishing a library fine amnesty week from April 10, 2016, through April 16, 2016, in recognition of National Library Week.

~~**C. A Resolution of the City Council of the City of Milwaukie, Oregon, to purchase a TV inspection van for the Stormwater Division through the Cooperative Purchasing Program of the Houston-Galveston Area Council at a cost of \$207,000. (item pulled for individual consideration)**~~

D. Resolutions Making Board, Commission, and Committee Appointments:

- 1. Resolution 20-2016: A Resolution of the City Council of the City of Milwaukie, Oregon, appointing Chris Davis to the Arts Committee;**
- 2. Resolution 21-2016: A Resolution of the City Council of the City of Milwaukie, Oregon, reappointing Denise Emmerling-Baker to the Arts Committee;**
- 3. Resolution 22-2016: A Resolution of the City Council of the City of Milwaukie, Oregon, reappointing Chris Haberman to the Arts Committee;**

4. Resolution 23-2016: A Resolution of the City Council of the City of Milwaukie, Oregon, reappointing Lars Campbell to the Arts Committee;
5. Resolution 24-2016: A Resolution of the City Council of the City of Milwaukie, Oregon, reappointing Troy Reichlein to the Audit Committee;
6. Resolution 25-2016: A Resolution of the City Council of the City of Milwaukie, Oregon, reappointing Vince Alvarez to the Citizens Utility Advisory Board (CUAB);
7. Resolution 26-2016: A Resolution of the City Council of the City of Milwaukie, Oregon, reappointing Kevin Hasey to the CUAB;
8. Resolution 27-2016: A Resolution of the City Council of the City of Milwaukie, Oregon, reappointing Joel Bergman to the CUAB;
9. Resolution 28-2016: A Resolution of the City Council of the City of Milwaukie, Oregon, reappointing Sherry Grau to the Milwaukie Design and Landmarks Committee (DLC);
10. Resolution 29-2016: A Resolution of the City Council of the City of Milwaukie, Oregon, reappointing James Fossen to the DLC;
11. Resolution 30-2016: A Resolution of the City Council of the City of Milwaukie, Oregon, reappointing Gary Klein to the Kellogg Good Neighbor Committee (KGNC);
12. Resolution 31-2016: A Resolution of the City Council of the City of Milwaukie, Oregon, reappointing Charles Bird to the KGNC;
13. Resolution 32-2016: A Resolution of the City Council of the City of Milwaukie, Oregon, reappointing Neil Hankerson to the KGNC;
14. Resolution 33-2016: A Resolution of the City Council of the City of Milwaukie, Oregon, reappointing Erin Lee to the Milwaukie Library Board;
15. Resolution 34-2016: A Resolution of the City Council of the City of Milwaukie, Oregon, reappointing Ryan Healy to the Milwaukie Library Board;
16. Resolution 35-2016: A Resolution of the City Council of the City of Milwaukie, Oregon, reappointing Krista Downs to the Milwaukie Library Board;
17. Resolution 36-2016: A Resolution of the City Council of the City of Milwaukie, Oregon, reappointing Linda Blue to the Park and Recreation Board (PARB);
18. Resolution 37-2016: A Resolution of the City Council of the City of Milwaukie, Oregon, reappointing Erin Willett Holcomb to the PARB;
19. Resolution 38-2016: A Resolution of the City Council of the City of Milwaukie, Oregon, reappointing Shaun Lowcock to the Milwaukie Planning Commission;
20. Resolution 39-2016: A Resolution of the City Council of the City of Milwaukie, Oregon, reappointing Sine Adams to the Milwaukie Planning Commission.

Motion passed with the following vote: Councilors Churchill, Parks, and Power and Council President Batey voting "aye." [4:0]

Resolution Authorizing Purchase of a TV Van

Mr. Monahan said this item was pulled from the Consent Agenda for modifications that were reviewed by the City Council during the work session. Language was added that authorized the City Manager to purchase the van and adjusted the dollar amount from \$207,000 to \$207,174.

It was moved by Councilor Power and seconded by Councilor Churchill to approve a Resolution to purchase a TV inspection van for the Stormwater Division through the Cooperative Purchasing Program of the Houston-Galveston

Area Council at a cost of \$207,174, as amended. Motion passed with the following vote: Councilors Churchill, Parks, and Power and Council President Batey voting “aye.” [4:0]

RESOLUTION NO. 40-2016:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, TO PURCHASE A TV INSPECTION VAN FOR THE STORMWATER DIVISION THROUGH THE COOPERATIVE PURCHASING PROGRAM OF THE HOUSTON – GALVESTON AREA COUNCIL AT A COST OF \$207,174.

AUDIENCE PARTICIPATION

Council President Batey reviewed the Audience Participation process and noted that no one had signed up to speak.

Mr. Monahan provided follow up to public comments made at the March 1, 2016, City Council regular session regarding air quality issues related to the Department of Environmental Quality (DEQ) and to Precision Castparts Corporation (PCC). DEQ was addressing the environmental issues. Several people expressed their support for the potential ban of neonicotinoids on public property which will be considered at the April 5, 2016, Council regular session. One participant discussed library funding and what would happen to tax dollars if Oak Grove incorporated.

PUBLIC HEARING

None scheduled.

OTHER BUSINESS

Museum Lease [Moved from March 15, 2016, Work Session Agenda]

Mr. Nieman sought Council direction on the lease renewal with the Milwaukie Historical Society for the Milwaukie Museum building located at 3737 SE Adams Street. He provided a brief overview of the agreement and the responsibilities of the City and the Historical Society. The current lease was executed April 16, 1996 and is scheduled to end on April 16, 2016.

The City Council discussed the term of the lease, renewal periods, and adding a reporting schedule. **Councilor Power** was interested in cleaning up the language in the lease along with a review of any stipulations.

Councilor Churchill favored a 5 or 10 year lease with 5 year renewal periods. **Councilor Power** thought it would be a good idea to clearly outline the maintenance responsibilities. She suggested an extension of the current lease and that staff work with Milwaukie Historical Society to draft the new lease. It was agreed to extend the current contract for 90 days.

A. Amend Milwaukie Municipal Code (MMC) Section 10.20.090 Violation – Citation – Ordinance

Mr. Salyers said this was a minor amendment to the code resulting from the implementation of an electronic parking citation device that calculated violations based on a rolling 365 day period rather than a calendar year as the previous model had. People receiving four citations for overtime violations were charged more when the fifth citation was issued, and the slate would not be wiped clean at the beginning of each calendar year with the new device.

It was moved by Councilor Power and seconded by Councilor Parks to approve the first and second readings by title only and adoption of the ordinance amending section 10.20.090 of the Milwaukie Municipal Code language to change

the time frame for escalation related to 5 or more parking violations from one calendar year to a rolling 365-day timeframe. Motion passed with the following vote: Councilors Churchill, Parks, and Power and Council President Batey voting “aye.” [4:0]

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

Ms. DuVal polled the Council: Councilors Churchill, Parks, and Power and Council President Batey voting “aye.” [4:0].

ORDINANCE No. 2114:

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING SECTION 10.20.090 OF THE MILWAUKIE MUNICIPAL CODE LANGUAGE TO CHANGE THE TIME FRAME FOR FINE ESCALATION RELATED TO 5 OR MORE PARKING VIOLATIONS FROM ONE CALENDAR YEAR TO A ROLLING 365-DAY TIMEFRAME.

B. Amend MMC Chapter 2.24 Public Safety Advisory Committee (PSAC) – Ordinance

Mr. Nieman noted the changes based on earlier City Council direction and the evolving role of the Committee.

Mr. Monahan added that the PSAC chair had reviewed the amendments and concurred with the changes that better reflected PSAC’s vision.

It was moved by Councilor Parks and seconded by Councilor Power to approve the first and second readings by title only and adoption of the ordinance amending Milwaukie Municipal Code Chapter 2.24 Public Safety Advisory Committee, revising Sections 2.24.010 Purpose and 2.24.020 Membership-Qualifications. Motion passed with the following vote: Councilors Churchill, Parks, and Power and Council President Batey voting “aye.” [4:0]

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

Ms. DuVal polled the Council: Councilors Churchill, Parks, and Power and Council President Batey voting “aye.” [4:0].

ORDINANCE No. 2115:

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING MILWAUKIE MUNICIPAL CODE CHAPTER 2.24 PUBLIC SAFETY ADVISORY COMMITTEE, REVISING SECTIONS 2.24.010 PURPOSE AND 2.24.020 MEMBERSHIP-QUALIFICATIONS.

C. Amend Milwaukie Municipal Code Chapter 16.32 – Tree Cutting – Ordinance

Mr. Nieman reviewed the background of the proposed code amendment that would meet the Tree City USA application guidelines for future designation in Fall 2016. The Ordinance applied only to public rights of way and to City owned properties. Further, it would trigger formation of a City Tree Board with oversight responsibilities that included an annual Arbor Day Event, clarified the role of the permitting department, and established professional planting standards and tree designations. He discussed compliance with Title 19, the Zoning Ordinance.

Councilor Power thanked the Park and Recreation Board (PARB) for its hard work to draft this code amendment and to residents like Dion Shepard for their foresight and dedication to developing a tree program in Milwaukie.

Council President Batey hoped the next project would be to consider a Heritage Tree program.

It was moved by Councilor Churchill and seconded by Councilor Power to approve the first and second readings by title only and adoption of the ordinance amending Milwaukie Municipal Code Chapter 16.32 Tree Cutting. Motion passed with the following vote: Councilors Churchill, Parks, and Power and Council President Batey voting "aye." [4:0]

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

Ms. DuVal polled the Council: Councilors Churchill, Parks, and Power and Council President Batey voting "aye." [4:0].

ORDINANCE No. 2116:

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, MILWAUKIE MUNICIPAL CODE CHAPTER 16.32 TREE CUTTING.

D. Council Input to Legislative, County, or Regional Issues

Mr. Monahan briefly discussed the housing measures that had been considered during the short legislative session. This item will be removed from the City Council agenda until the next legislative session.

Farmers Market Event Permit and Traffic Control Plan [Moved from March 15, 2016, Work Session Agenda]

Council President Batey recused herself as a Celebrate Milwaukie, Inc. (CMI) Board Member, and Councilor Parks took over as the presiding officer.

Mr. Nieman said the City Council asked staff to bring back the 2016 event permit for additional review related to the closure of Main Street between Harrison and Jackson Streets on Market days. He discussed parking patterns and signage.

Councilor Churchill felt it would still be advisable to close Main Street and expressed his concerns about pedestrian safety.

Councilor Power asked Councilor Churchill if he thought the City should absorb the costs related to the street closure.

Councilor Churchill felt safety took precedence and suggested sharing the costs with CMI.

Councilor Parks thought having Main Street open during the Market had worked satisfactorily over the years.

Dave Aschenbrenner, CMI Board member, was concerned about controlling the space and maintaining vendor access for set up and tear down of their booths. Some vendors need access during the Market to bring in additional produce. Shutting down Main Street at that point would put vehicles in direct conflict with buses. The CMI Board would have to consider the question of sharing the costs. The Farmers Market did not wish to close Main Street and take on the additional burden. Any issues would have to be negotiated.

Councilor Churchill reiterated that his main concern was safety.

Councilor Power did not want to put the burden on the Market.

Mr. Monahan discussed the costs if City staff were deployed to the Market when it opened and closed.

Mr. Nieman added that there would be additional costs to police the area.

Councilor Power thought the closure of Main Street sounded onerous for existing vendors and the Market. Given this information, she was not in favor of closing Main Street during the Market. She suggested budgeting for a pilot in the next biennium.

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Mr. Monahan will schedule approval of the event permit for the April 5, 2016, City Council Regular Session consent agenda. CMI and staff will work on a plan for the 2017 season.

E. Council Reports

Councilor Churchill announced that the Downtown Milwaukie Business Association (DMBA) was hosting Clackamas County Commissioner Martha Schrader to talk about business challenges in Milwaukie. It would be held at the Pond House on March 16.

Councilor Parks commented on the importance of getting information on the upcoming primary and urged people to attend upcoming forums.

Council President Batey encouraged people to show their support for the Milwaukie Sunday Farmers Market by participating in the OregonLive poll. Other announcements included the Metro Storefront Improvement Grant Program, the 2016 Milwaukie Earth Day Volunteer Event, the Clackamas Community College open house at the Harmony Campus, the Airing of the Quilts at the Milwaukie Center, the Meals on Wheels fundraiser, the Gardening Class series at the Pond House, the Elders in Action Fraud Prevention Panel, and the Dogwood Dash on April 2.

ADJOURNMENT

It was moved by **Councilor Parks** and seconded by **Councilor Power** to adjourn the regular session. Motion passed with the following vote: **Councilors Churchill, Parks, and Power** and **Council President Batey** voting "aye." [4:0]

Council President Batey adjourned the regular session at 7:41 p.m.

Respectfully submitted,



Pat DuVal, Recorder



**MILWAUKIE CITY COUNCIL
REGULAR SESSION**

City Hall Council Chambers
10722 SE Main Street
www.milwaukieoregon.gov

**AGENDA
MARCH 15, 2016**

2,218th Meeting

- 1. CALL TO ORDER** **Page #**
- Pledge of Allegiance.
- 2. PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS**
- A. Milwaukie High School (MHS) Outstanding Student Achievement Award for March 2016 presented to Lucille Polich**
Presenter: Mark Pinder, MHS Principal
- 3. CONSENT AGENDA**
- These items are considered routine, and therefore, will not be allotted discussion time on the agenda; these items may be passed by the Council in one blanket motion; any Councilor may remove an item from the "Consent" agenda for discussion by requesting such action prior to consideration of that part of the agenda.
- A. City Council Minutes of the March 1, 2016, Work Session** **2**
- B. Resolution Approving a Library Fine Amnesty for the Week of April 10 through April 16, 2016, in Recognition of National Library Week** **4**
- C. Resolution Authorizing the Purchase of a Public Works TV Van for the Stormwater Division** **6**
- D. Resolutions Making Board, Commission, and Committee Appointments** **9**
1. Appoint Chris Davis to the Milwaukie Arts Committee
 2. Reappoint Denise Emmerling-Baker to the Milwaukie Arts Committee
 3. Reappoint Chris Haberman to the Milwaukie Arts Committee
 4. Reappoint Lars Campbell to the Milwaukie Arts Committee
 5. Reappoint Troy Reichlein to the Audit Committee
 6. Reappoint Vince Alvarez to the Citizens Utility Advisory Board
 7. Reappoint Kevin Hasey to the Citizens Utility Advisory Board
 8. Reappoint Joel Bergman to the Citizens Utility Advisory Board
 9. Reappoint Sherry Grau to the Design and Landmarks Committee
 10. Reappoint James Fossen to the Design and Landmarks Committee
 11. Reappoint Gary Klein to the Kellogg Good Neighbor Committee
 12. Reappoint Charles Bird to the Kellogg Good Neighbor Committee
 13. Reappoint Neil Hankerson to the Kellogg Good Neighbor Committee
 14. Reappoint Erin Lee to the Library Board
 15. Reappoint Ryan Healy to the Library Board
 16. Reappoint Krista Downs to the Library Board
 17. Reappoint Linda Blue to the Park and Recreation Board
 18. Reappoint Erin Willett Holcomb to the Park and Recreation Board
 19. Reappoint Shaun Lowcock to the Planning Commission
 20. Reappoint Sine Adams to the Planning Commission

4. AUDIENCE PARTICIPATION

The presiding officer will call for citizen statements regarding City business. Pursuant to Milwaukie Municipal Code (MMC) Section 2.04.140, 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 submit it to the City Recorder. Pursuant to MMC Section 2.04.360, “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 under this part of the agenda following a brief staff report presenting the item and action requested. The presiding officer 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. Amend Milwaukie Municipal Code (MMC) Section 10.20.090 Violation – Citation – Ordinance 32

Staff: Tim Salyers, Code Compliance Coordinator

B. Amend MMC Chapter 2.24 Public Safety Advisory Committee (PSAC) – Ordinance 37

Staff: Charles Eaton, Engineering Director

C. Amend MMC Chapter 16.32 – Tree Cutting – Ordinance 45

Staff: Mitch Nieman, Assistant to the City Manager

D. Council Input to Legislative, County, or Regional Issues

Staff: Bill Monahan, City Manager

E. Council Reports

7. INFORMATION

8. ADJOURNMENT

Public Notice

Executive Sessions: The Milwaukie City Council may meet in Executive Session immediately following adjournment pursuant to ORS 192.660(2). All Executive Session discussions are confidential and those present may disclose nothing; representatives of the news media may attend as provided by ORS 192.660(3) but must not disclose any information discussed. Executive Sessions may not be held for the purpose of taking final actions or making final decisions and they are closed to the public.

The Council requests that mobile devices be set on silent or turned off during the meeting.

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**Regular Session
Agenda Item No.**

3

Consent Agenda



MINUTES
MILWAUKIE CITY COUNCIL
www.milwaukieoregon.gov

WORK SESSION
MARCH 1, 2016
City Hall Conference Room

Mayor Gamba called the Work Session to order at 4:30 p.m.

Council Present: Council President Lisa Batey and Councilors Scott Churchill, Wilda Parks, and Karin Power

Staff Present: City Manager Bill Monahan, City Recorder Pat DuVal, Assistant to the City Manager Mitch Nieman, Public Affairs Specialist Jordan Imlah, Administrative Assistant III Hannah Wells, Engineering Director Chuck Eaton, Sustainability Director Clare Fuchs, and Public Works Director Gary Parkin

Web Refresh Update

Mr. Nieman provided an outline of the web refresh project and activities accomplished to date. He explained the decision for a three-pronged team: use the City's existing website provider, aHa; work with another group to contract out the user experience piece; and use local designer Gabe Storm for the visuals. The total cost would be \$25,000 to \$30,000. He discussed the website migration and the process moving forward. **Mr. Nieman** felt the project could be completed by July 1.

Mayor Gamba had some concerns about using the same provider. **Mr. Nieman** understood the concerns and discussed the customization that would come with utilizing multiple vendors to create a unique and practical web presence.

Councilor Churchill asked what could be done if more money were budgeted, and **Mr. Nieman** discussed helpful web tools that could be implemented in the future.

The group discussed the importance of creating a website that benefits the public and those utilizing and accessing the information. **Mr. Nieman** touched on compliance related to the American with Disabilities Act (ADA).

2015 Ed Zumwalt Volunteer of the Year Award

Mr. Nieman reported that the City received 16 nominations for 11 individuals, and he discussed the process. **Council President Batey** nominated David Aschenbrenner as the 2015 Volunteer of the Year, and **Councilor Parks** seconded. **Councilor Churchill** nominated Tom Hogan. The group discussed the attributes of each. A show of hands resulted in Hogan receiving 1 vote and Aschenbrenner 4 votes. **Mr. Nieman** would inform Mr. Aschenbrenner and prepare the Proclamation for the April 5, 2016, meeting.

Fee in Lieu of Construction (FILOC) and Public Safety Advisory Committee (PSAC) Updates

Mr. Eaton explained the switch of the PSAC liaison from the Police Chief to the Engineering Director. He provided a brief overview of expansion of responsibilities from public safety to a combination of police and public safety, related to transportation issues. **Mr. Monahan** discussed the pros and cons of changing the term end date, but the group agreed to keep the current June date. **Councilor Power** thought the new broad overview of responsibilities read more positively than before. **Mr. Eaton** would return with the item on March 15, 2016, Consent Agenda.

Mr. Eaton discussed the correction of language, including the elimination of the word “transportation”, in order to fund other utilities projects that needed to be installed which were not restricted to transportation. The City will still have to do the rough proportionality analysis to help determine the fund and required payment. In addition, Mr. Eaton explained the desire to remove the FILOC section from Chapter 19 Zoning and including it in Chapter 13, Public Services.

Mr. Eaton discussed other possible changes and explained the process of how they might be adopted in the future. One change could include criteria to allow people to apply for a program that was more logical, and give the Engineering Director more leeway. The group discussed the issues, and Council gave direction for Mr. Eaton to work on different wording concepts for City Council comment.

Mr. Eaton talked about other items related to the FILOC administrative section and Neighborhood District Association (NDA) boundaries. He explained the restriction related to the NDA boundaries and suggested the possibility of adding some distance limitation, such as 1,000 feet from development. Finally, he discussed the feasibility of eliminating that 10-year timeframe that was currently required for the use of FILOC. The group discussed funds being committed and the need for time limits.

City Council members agreed to remove item B in the FILOC Administrative section of the Code but to deal with distance from the source of funds. **Councilor Churchill** would like to see a distance within the NDA itself. Council discussed if the City should supersede the distance within the neighborhood boundary. **Mr. Eaton** said he would look at how priorities were established and review the program PSAC was putting together.

Mr. Eaton discussed Kronberg Park related to Mr. Bird’s suggestion and the concern from the Oregon Department of Transportation (ODOT) about getting people to the signal. The group discussed ADA compliance on a temporary path or structure. The group discussed protection of the newly planted trees while opening the area. **Mayor Gamba** and **Councilor Power** expressed their desire to get the park and a temporary path open soon. The group also discussed the long-term raised boardwalk designed by ODOT and the effects it might have on the intersection.

City Manager’s Follow-Up Items

Mr. Monahan discussed the Clackamas Fire District #1 (CFD#1) subcommittee meeting at the end of March or in early April. The group suggested a date of March 24.

Mr. Monahan said that starting April 5, the Downtown Milwaukie Business Association (DMBA) would begin quarterly meetings with Kelli Keehner. He also discussed the Pride Parade in June and the City’s participation with Clackamas County. Mr. Monahan asked for direction on the Council stipend and suggested a citizen review after July 1, with regular reviews that included an electronics stipend discussion. He added that such a consideration could be brought before Council in September.

Mayor Gamba adjourned the Work Session at 5:57 p.m.

Respectfully submitted,

Amy Aschenbrenner, Administrative Specialist II



MILWAUKIE CITY COUNCIL
STAFF REPORT

RS 3. B.
March 15, 2016

To: Mayor and City Council
Through: Bill Monahan, City Manager
Subject: **Resolution to approve a library fine amnesty for the week of April 10 through April 16, 2016, in recognition of National Library Week**
From: Katie Newell
Date: February 23, 2016

ACTION REQUESTED

Adoption of the proposed resolution.

BACKGROUND

The City Council annually adopts a resolution establishing a fee schedule for various fees and charges for the Ledding Library. Included in the resolution are fines for overdue materials. Resolution No.72-2015, adopted on June 16, 2015, set the overdue fine for adult material at \$0.25 per day with a maximum of \$3.00 and for children's material at \$0.10 per day with a maximum of \$1.00. In recognition of National Library Week, the Library proposes to waive \$1.00 of a patron's fine for each can or package of food they donate. The food collected is then sent to the Oregon Food Bank for local distribution.

All libraries in the district will be participating in the Food for Fines program during National Library Week.

FISCAL IMPACTS

It is not possible to accurately predict the financial impact of the proposed fine amnesty. For the fiscal year ended June 30, 2015, the total fines collected amounted to \$59,910, or approximately \$1,152 per week. The amount budgeted for library fine revenue during FY2015-16 is \$63,000.

RECOMMENDATION

Katie Newell, Library Director, recommends this action. It is a visible way to recognize the City's Ledding Library and the contributions of the Library and its patrons to the community.



CITY OF MILWAUKIE
"Dogwood City of the West"

Resolution No.

A resolution of the City Council of the City of Milwaukie, Oregon, establishing a library fine amnesty week from April 10, 2016, through April 16, 2016, in recognition of National Library Week.

WHEREAS, the City Council adopted Resolution No. 72-2015 on June 16, 2015; and

WHEREAS, Resolution No. 62-2015 established a schedule of fees and charges for all City services, including an overdue library fine for adult material at \$.025 per day with a maximum of \$3.00 and for children’s material at \$0.10 per day with a maximum of \$1.00; and

WHEREAS, April 10, 2016, through April 16, 2016, is National Library Week, and in recognition thereof, the Library Director has proposed a waiver of a patron’s accumulated library fines in the amount of \$1.00 for each can or package of food donated; and

WHEREAS, the food collected will be distributed to the Oregon Food Bank for distribution to those in need; and

WHEREAS, the fine waiver is for a limited period of time and is a visible way in which to demonstrate and recognize the Ledding Library’s contributions to the community during National Library Week; and

WHEREAS, a resolution is required to establish a fee waiver program for 2016,

Now, Therefore, be it Resolved by the City Council of the City of Milwaukie, Oregon that:

Section 1. This Resolution is adopted to permit a waiver of a patron’s accumulated overdue library fines in the amount of \$1.00 for each can or package of consumable food donated by the patron during the week of April 10, 2016, through April 16, 2016, in recognition of National Library Week.

Section 2. This Resolution is effective immediately.

Introduced and adopted by the City Council on **March 1, 2016.**

Lisa Batey, Council President

APPROVED AS TO FORM:
Jordan Ramis PC

ATTEST:

Pat DuVal, City Recorder

City Attorney



MILWAUKIE CITY COUNCIL
STAFF REPORT

Agenda Item: **RS 3. C.**
Meeting Date: March 15, 2016

To: Mayor and City Council

Through: Bill Monahan, City Manager

Subject: **Purchase of Replacement TV Inspection Van for the Stormwater Division**

From: Kenny Hill

Date: March 7, 2016

ACTION REQUESTED

Authorize the City Manager to approve the purchase of the Stormwater TV inspection van at a cost of \$207,000 as provided for in the current budget.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

June 17, 2014, City Council meeting during which the Budget Hearing Adopting the BN2015 - 2016 Budget was held.

BACKGROUND

The City's current Stormwater TV inspection van was purchased in 1987 for use by the Wastewater division. It was turned over to the Stormwater division when Wastewater purchased a new TV inspection van in 2007.

The TV inspection van has been well utilized by Stormwater. After several upgrades and rebuilds the vehicle requires frequent repairs and the equipment is obsolete and difficult to operate and integrate with office equipment.

The new vehicle is a small box (14') gas powered van. It is outfitted with the latest in TV inspection equipment. The current van is functionally obsolete and rarely in use.

Preventive maintenance has been deferred because of the TV inspection van's condition. The new van will allow the Stormwater division to quickly catch up on the work and move forward with more efficiency and productivity.

This TV inspection van will be equipped with technology and capabilities that will allow for the direct transfer of inspection records and work records into the City's asset management program. It has a much greater data transfer capacity and is easier to quickly provide information.

This van will serve as a backup for the Wastewater crew as it will be outfitted with the newest TV inspection equipment matching the Wastewater TV inspection van although it is a smaller and more economical vehicle.

CONCURRENCE

The Stormwater crew selected this TV inspection van after reviewing available alternatives.

The Sustainability Director appreciated that the selection process considered economical and sustainable principles and selected a van that is smaller and more economical than other vans.

FISCAL IMPACTS

This is a budgeted purchase that fits within the Stormwater budget plan. The TV inspection van was purchased through the cooperative purchasing program of the Houston-Galveston Area Council (H-GAC) at a competitive price.

WORK LOAD IMPACTS

This purchase will improve the capability and efficiency of the Stormwater crew. Maintenance of the new vehicle will also be easier than for the current TV inspection van.

ALTERNATIVES

Not purchasing the TV inspection van or delaying its purchase will result in deferred maintenance of the piped system with ramifications including pipe failures that may lead to sinkholes and flooding. Asset management will also be impacted as TV inspection is used to prioritize work plans.

There are companies that offer inspection services. However their high cost, about \$200/hour, precludes their long-term use. The crews will be using the TV inspection van about 16 hours per week. The \$207,000 cost of the TV inspection van is equivalent to approximately 1.3 years of contract use (adding in maintenance costs). There are benefits from having equipment that is dedicated for use by the City to consider.

ATTACHMENTS

1.- Resolution



CITY OF MILWAUKIE
"Dogwood City of the West"

Resolution No.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, TO PURCHASE A TV INSPECTION VAN FOR THE STORMWATER DIVISION THROUGH THE COOPERATIVE PURCHASING PROGRAM OF THE HOUSTON-GALVESTON AREA COUNCIL AT A COST OF \$207,000.

WHEREAS, the Stormwater Division has need for TV inspection of stormwater pipes to determine condition and asset management; and

WHEREAS, the existing TV inspection van is over 20 years old and functionally obsolete; and

WHEREAS, a replacement TV inspection van has been budgeted in the BN15-16 City budget and is available within the budgeted amount for \$207,000;

Now, Therefore, be it Resolved that the City purchase a replacement TV inspection van for the Stormwater Division at a cost of \$207,000.

Introduced and adopted by the City Council on _____.

This resolution is effective on _____.

Lisa Batey, Council President

ATTEST:

APPROVED AS TO FORM:
Jordan Ramis PC

Pat DuVal, City Recorder

City Attorney

Added March 15, 2016



CITY OF MILWAUKIE
"Dogwood City of the West"

Resolution No.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, TO PURCHASE A TV INSPECTION VAN FOR THE STORMWATER DIVISION THROUGH THE COOPERATIVE PURCHASING PROGRAM OF THE HOUSTON-GALVESTON AREA COUNCIL AT A COST OF \$207,174.

WHEREAS, the Stormwater Division has need for TV inspection of stormwater pipes to determine condition and asset management; and

WHEREAS, the existing TV inspection van is over 20 years old and functionally obsolete; and

WHEREAS, a replacement TV inspection van has been budgeted in the BN15-16 City budget and is available within the budgeted amount for \$207,174;

Now, Therefore, be it Resolved that the City Council authorizes the City Manager to purchase a replacement TV inspection van for the Stormwater Division at a cost of \$207,174.

Introduced and adopted by the City Council on _____.

This resolution is effective on _____.

Lisa Batey, Council President

ATTEST:

APPROVED AS TO FORM:
Jordan Ramis PC

Pat DuVal, City Recorder

City Attorney



MILWAUKIE CITY COUNCIL
AGENDA ITEM SUMMARY

Agenda Item: **RS 3. D.**

Meeting Date: **March 15, 2016**

Title: **Appointments to Boards, Commissions, and Committees**

Prepared By: Jason Wachs, Community Programs Coordinator

Department Approval: Mitch Nieman, Assistant to City Manager

City Manager Approval: Bill Monahan, City Manager

Approval Date:

ISSUES BEFORE COUNCIL

Recommendation to reappoint three members to the Arts Committee, one member to the Audit Committee, three members to the Citizens Utility Advisory Board, two members to the Design and Landmarks Committee, three members to the Kellogg Good Neighborhood Committee, three members to the Library Board, two members to the Park & Recreation Board, and two members to the Planning Commission. Also, appoint one new member to the Arts Committee.

STAFF RECOMMENDATION

Reappoint the following current members of boards, committees, and commissions whose terms expire on March 31, 2016, would like to continue serving, and are in good standing with their board, commission, or committee:

- Arts Committee – Reappoint Denise Emmerling-Baker (Position #4), Chris Haberman (Position #5), and Lars Campbell (Position #10).
- Audit Committee – Reappoint Troy Reichlein (Position #2).
- Citizens Utility Advisory Board (CUAB) – Reappoint Vince Alvarez (Position #1), Kevin Hasey (Position #3), and Joel Bergman (Position #5).
- Design and Landmarks Committee (DLC) – Reappoint Sherry Grau (Position #4) and James Fossen (Position #5).
- Kellogg Good Neighbor Committee – Reappoint Gary Klein (Position #3 Historic Milwaukie Member), Charles Bird (Position #1 Island Station Member), and Neil Hankerson (Position #6 Downtown Business Owner).
- Library Board – Reappoint Erin Lee (Position #2), Ryan Healy (Position #3), and Krista Downs (Position #6).
- Park & Recreation Board (PARB) – Reappoint Linda Blue (Position #1) and Erin Willett Holcomb (Position #3)
- Planning Commission – Reappoint Shaun Lowcock (Position #6) and Sine Adams (Position #7).

Appoint the following new member to the Arts Committee as a result of interviews conducted on Wednesday, March 2, 2016 with Mayor Gamba, Councilor Power, and Mitch Nieman:

- Arts Committee – Appoint Chris Davis (Position #9).

KEY FACTS & INFORMATION SUMMARY

Refer to staff recommendations.

OTHER ALTERNATIVES CONSIDERED

NA

CITY COUNCIL GOALS

NA

FISCAL NOTES

NA

ATTACHMENTS

Resolutions for appointments.



CITY OF MILWAUKIE
"Dogwood City of the West"

Resolution No.

A resolution of the City Council of the City of Milwaukie, Oregon appointing Chris Davis to the Arts Committee.

WHEREAS, A vacancy currently exists on the Arts Committee; and

WHEREAS, Milwaukie Charter Section 26 provides that, "the mayor, with the consent of the council, shall appoint the various committees provided for under the rules of the council or otherwise and fill all vacancies in committees of the council from that body," and

WHEREAS, Chris Davis possesses the necessary qualifications to serve on the Arts Committee.

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

SECTION 1: That Chris Davis is appointed to the Arts Committee position #9.

SECTION 2: That her term of appointment shall commence April 1, 2016 and shall expire March 31, 2018.

Introduced and adopted by the City Council on **March 15, 2016.**

This resolution is effective immediately.

Lisa Batey, Council President

ATTEST:

APPROVED AS TO FORM:
Jordan Ramis PC

Pat DuVal, City Recorder

City Attorney



CITY OF MILWAUKIE
"Dogwood City of the West"

Resolution No.

A resolution of the City Council of the City of Milwaukie, Oregon reappointing Denise Emmerling-Baker to the Arts Committee.

WHEREAS, Denise Emmerling-Baker has served a portion of one full term on the Arts Committee; and

WHEREAS, Milwaukie Charter Section 26 provides that, "the mayor, with the consent of the council, shall appoint the various committees provided for under the rules of the council or otherwise and fill all vacancies in committees of the council from that body," and

WHEREAS, Denise Emmerling-Baker possesses the necessary qualifications to serve on the Arts Committee.

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

SECTION 1: That Denise Emmerling-Baker is reappointed to the Arts Committee position #4.

SECTION 2: That her term of appointment shall commence April 1, 2016 and shall expire on March 31, 2018.

Introduced and adopted by the City Council on **March 15, 2016**.

This resolution is effective immediately.

Lisa Batey, Council President

ATTEST:

APPROVED AS TO FORM:
Jordan Ramis PC

Pat DuVal, City Recorder

City Attorney



CITY OF MILWAUKIE
"Dogwood City of the West"

Resolution No.

A resolution of the City Council of the City of Milwaukie, Oregon reappointing Chris Haberman to the Arts Committee.

WHEREAS, Chris Haberman has served a portion of one full term on the Arts Committee;
and

WHEREAS, Milwaukie Charter Section 26 provides that, "the mayor, with the consent of the council, shall appoint the various committees provided for under the rules of the council or otherwise and fill all vacancies in committees of the council from that body," and

WHEREAS, Chris Haberman possesses the necessary qualifications to serve on the Arts Committee.

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

SECTION 1: That Chris Haberman is reappointed to the Arts Committee position #5.

SECTION 2: That his term of appointment shall commence April 1, 2016 and shall expire on March 31, 2018.

Introduced and adopted by the City Council on **March 15, 2016**.

This resolution is effective immediately.

Lisa Batey, Council President

ATTEST:

APPROVED AS TO FORM:
Jordan Ramis PC

Pat DuVal, City Recorder

City Attorney



CITY OF MILWAUKIE
"Dogwood City of the West"

Resolution No.

A resolution of the City Council of the City of Milwaukie, Oregon reappointing Lars Campbell to the Arts Committee.

WHEREAS, Lars Campbell has served two full terms on the Arts Committee; and

WHEREAS, Milwaukie Charter Section 26 provides that, "the mayor, with the consent of the council, shall appoint the various committees provided for under the rules of the council or otherwise and fill all vacancies in committees of the council from that body," and

WHEREAS, Lars Campbell possesses the necessary qualifications to serve on the Arts Committee.

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

SECTION 1: That Lars Campbell is reappointed to the Arts Committee position #10.

SECTION 2: That his term of appointment shall commence April 1, 2016 and shall expire on March 31, 2018.

Introduced and adopted by the City Council on **March 15, 2016**.

This resolution is effective immediately.

Lisa Batey, Council President

ATTEST:

APPROVED AS TO FORM:
Jordan Ramis PC

Pat DuVal, City Recorder

City Attorney



CITY OF MILWAUKIE
"Dogwood City of the West"

Resolution No.

A resolution of the City Council of the City of Milwaukie, Oregon reappointing Troy Reichlein to the Audit Committee.

WHEREAS, Troy Reichlein has served one full term on the Audit Committee; and

WHEREAS, Milwaukie Charter Section 26 provides that, "the mayor, with the consent of the council, shall appoint the various committees provided for under the rules of the council or otherwise and fill all vacancies in committees of the council from that body," and

WHEREAS, Troy Reichlein possesses the necessary qualifications to serve on the Audit Committee.

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

SECTION 1: That Troy Reichlein is reappointed to the Audit Committee position #2.

SECTION 2: That his term of appointment shall commence April 1, 2016 and shall expire on March 31, 2018.

Introduced and adopted by the City Council on **March 15, 2016**.

This resolution is effective immediately.

Lisa Batey, Council President

ATTEST:

APPROVED AS TO FORM:
Jordan Ramis PC

Pat DuVal, City Recorder

City Attorney



CITY OF MILWAUKIE
"Dogwood City of the West"

Resolution No.

A resolution of the City Council of the City of Milwaukie, Oregon reappointing Vince Alvarez to the Citizens Utility Advisory Board.

WHEREAS, Vince Alvarez has served one full term on the Citizens Utility Advisory Board;
and

WHEREAS, Milwaukie Charter Section 26 provides that, "the mayor, with the consent of the council, shall appoint the various committees provided for under the rules of the council or otherwise and fill all vacancies in committees of the council from that body," and

WHEREAS, Vince Alvarez possesses the necessary qualifications to serve on the Citizens Utility Advisory Board.

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

SECTION 1: That Vince Alvarez is reappointed to the Citizens Utility Advisory Board position #1.

SECTION 2: That his term of appointment shall commence April 1, 2016 and shall expire on March 31, 2018.

Introduced and adopted by the City Council on **March 15, 2016**.

This resolution is effective immediately.

Lisa Batey, Council President

ATTEST:

APPROVED AS TO FORM:
Jordan Ramis PC

Pat DuVal, City Recorder

City Attorney



CITY OF MILWAUKIE
"Dogwood City of the West"

Resolution No.

A resolution of the City Council of the City of Milwaukie, Oregon reappointing Kevin Hasey to the Citizens Utility Advisory Board.

WHEREAS, Kevin Hasey has served one full term on the Citizens Utility Advisory Board;
and

WHEREAS, Milwaukie Charter Section 26 provides that, "the mayor, with the consent of the council, shall appoint the various committees provided for under the rules of the council or otherwise and fill all vacancies in committees of the council from that body," and

WHEREAS, Kevin Hasey possesses the necessary qualifications to serve on the Citizens Utility Advisory Board.

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

SECTION 1: That Kevin Hasey is reappointed to the Citizens Utility Advisory Board position #3.

SECTION 2: That his term of appointment shall commence April 1, 2016 and shall expire on March 31, 2018.

Introduced and adopted by the City Council on **March 15, 2016**.

This resolution is effective immediately.

Lisa Batey, Council President

ATTEST:

APPROVED AS TO FORM:
Jordan Ramis PC

Pat DuVal, City Recorder

City Attorney



CITY OF MILWAUKIE
"Dogwood City of the West"

Resolution No.

A resolution of the City Council of the City of Milwaukie, Oregon reappointing Joel Bergman to the Citizens Utility Advisory Board.

WHEREAS, Joel Bergman has served a portion of one full term on the Citizens Utility Advisory Board; and

WHEREAS, Milwaukie Charter Section 26 provides that, "the mayor, with the consent of the council, shall appoint the various committees provided for under the rules of the council or otherwise and fill all vacancies in committees of the council from that body," and

WHEREAS, Joel Bergman possesses the necessary qualifications to serve on the Citizens Utility Advisory Board.

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

SECTION 1: That Joel Bergman is reappointed to the Citizens Utility Advisory Board position #5.

SECTION 2: That his term of appointment shall commence April 1, 2016 and shall expire on March 31, 2018.

Introduced and adopted by the City Council on **March 15, 2016**.

This resolution is effective immediately.

Lisa Batey, Council President

ATTEST:

APPROVED AS TO FORM:
Jordan Ramis PC

Pat DuVal, City Recorder

City Attorney



CITY OF MILWAUKIE
"Dogwood City of the West"

Resolution No.

A resolution of the City Council of the City of Milwaukie, Oregon reappointing Sherry Grau to the Milwaukie Design and Landmarks Committee.

WHEREAS, Sherry Grau has served one full term on the Milwaukie Design and Landmarks Committee; and

WHEREAS, Milwaukie Charter Section 26 provides that, "the mayor, with the consent of the council, shall appoint the various committees provided for under the rules of the council or otherwise and fill all vacancies in committees of the council from that body," and

WHEREAS, Sherry Grau possesses the necessary qualifications to serve on the Milwaukie Design and Landmarks Committee.

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

SECTION 1: That Sherry Grau is reappointed to the Milwaukie Design and Landmarks Committee position #4.

SECTION 2: That her term of appointment shall commence April 1, 2016 and shall expire on March 31, 2018.

Introduced and adopted by the City Council on **March 15, 2016**.

This resolution is effective immediately.

Lisa Batey, Council President

ATTEST:

APPROVED AS TO FORM:
Jordan Ramis PC

Pat DuVal, City Recorder

City Attorney



CITY OF MILWAUKIE
"Dogwood City of the West"

Resolution No.

A resolution of the City Council of the City of Milwaukie, Oregon reappointing James Fossen to the Milwaukie Design and Landmarks Committee.

WHEREAS, James Fossen has served one full term on the Milwaukie Design and Landmarks Committee; and

WHEREAS, Milwaukie Charter Section 26 provides that, "the mayor, with the consent of the council, shall appoint the various committees provided for under the rules of the council or otherwise and fill all vacancies in committees of the council from that body," and

WHEREAS, James Fossen possesses the necessary qualifications to serve on the Milwaukie Design and Landmarks Committee.

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

SECTION 1: That James Fossen is reappointed to the Milwaukie Design and Landmarks Committee position #5.

SECTION 2: That his term of appointment shall commence April 1, 2016 and shall expire on March 31, 2018.

Introduced and adopted by the City Council on **March 15, 2016**.

This resolution is effective immediately.

Lisa Batey, Council President

ATTEST:

APPROVED AS TO FORM:
Jordan Ramis PC

Pat DuVal, City Recorder

City Attorney



CITY OF MILWAUKIE
"Dogwood City of the West"

Resolution No.

A resolution of the City Council of the City of Milwaukie, Oregon reappointing Gary Klein to the Kellogg Good Neighbor Committee.

WHEREAS, Gary Klein has served one full term on the Kellogg Good Neighbor Committee; and

WHEREAS, Milwaukie Charter Section 26 provides that, "the mayor, with the consent of the council, shall appoint the various committees provided for under the rules of the council or otherwise and fill all vacancies in committees of the council from that body," and

WHEREAS, Gary Klein possesses the necessary qualifications to serve on the Kellogg Good Neighbor Committee.

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

SECTION 1: That Gary Klein is reappointed to the Kellogg Good Neighbor Committee position #3.

SECTION 2: That his term of appointment shall commence April 1, 2016 and shall expire on March 31, 2018.

Introduced and adopted by the City Council on **March 15, 2016**.

This resolution is effective immediately.

Lisa Batey, Council President

ATTEST:

APPROVED AS TO FORM:
Jordan Ramis PC

Pat DuVal, City Recorder

City Attorney



CITY OF MILWAUKIE
"Dogwood City of the West"

Resolution No.

A resolution of the City Council of the City of Milwaukie, Oregon reappointing Charles Bird to the Kellogg Good Neighbor Committee.

WHEREAS, Charles Bird has served one full term on the Kellogg Good Neighbor Committee; and

WHEREAS, Milwaukie Charter Section 26 provides that, "the mayor, with the consent of the council, shall appoint the various committees provided for under the rules of the council or otherwise and fill all vacancies in committees of the council from that body," and

WHEREAS, Charles Bird possesses the necessary qualifications to serve on the Kellogg Good Neighbor Committee.

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

SECTION 1: That Charles Bird is reappointed to the Kellogg Good Neighbor Committee position #1.

SECTION 2: That his term of appointment shall commence April 1, 2016 and shall expire on March 31, 2018.

Introduced and adopted by the City Council on **March 15, 2016**.

This resolution is effective immediately.

Lisa Batey, Council President

ATTEST:

APPROVED AS TO FORM:
Jordan Ramis PC

Pat DuVal, City Recorder

City Attorney



CITY OF MILWAUKIE
"Dogwood City of the West"

Resolution No.

A resolution of the City Council of the City of Milwaukie, Oregon reappointing Neil Hankerson to the Kellogg Good Neighbor Committee.

WHEREAS, Neil Hankerson has served one full term on the Kellogg Good Neighbor Committee; and

WHEREAS, Milwaukie Charter Section 26 provides that, "the mayor, with the consent of the council, shall appoint the various committees provided for under the rules of the council or otherwise and fill all vacancies in committees of the council from that body," and

WHEREAS, Neil Hankerson possesses the necessary qualifications to serve on the Kellogg Good Neighbor Committee.

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

SECTION 1: That Neil Hankerson is reappointed to the Kellogg Good Neighbor Committee position #6.

SECTION 2: That his term of appointment shall commence April 1, 2016 and shall expire on March 31, 2018.

Introduced and adopted by the City Council on **March 15, 2016**.

This resolution is effective immediately.

Lisa Batey, Council President

ATTEST:

APPROVED AS TO FORM:
Jordan Ramis PC

Pat DuVal, City Recorder

City Attorney



CITY OF MILWAUKIE
"Dogwood City of the West"

Resolution No.

A resolution of the City Council of the City of Milwaukie, Oregon reappointing Erin Lee to the Milwaukie Library Board.

WHEREAS, Erin Lee has served a portion of one term on the Milwaukie Library Board;
and

WHEREAS, Milwaukie Charter Section 26 provides that, "the mayor, with the consent of the council, shall appoint the various committees provided for under the rules of the council or otherwise and fill all vacancies in committees of the council from that body," and

WHEREAS, Erin Lee possesses the necessary qualifications to serve on the Milwaukie Library Board.

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

SECTION 1: That Erin Lee is reappointed to the Milwaukie Library Board position #2.

SECTION 2: That her term of appointment shall commence April 1, 2016 and shall expire on March 31, 2018.

Introduced and adopted by the City Council on **March 15, 2016**.

This resolution is effective immediately.

Lisa Batey, Council President

ATTEST:

APPROVED AS TO FORM:
Jordan Ramis PC

Pat DuVal, City Recorder

City Attorney



CITY OF MILWAUKIE
"Dogwood City of the West"

Resolution No.

A resolution of the City Council of the City of Milwaukie, Oregon reappointing Ryan Healy to the Milwaukie Library Board.

WHEREAS, Ryan Healy has served one term on the Milwaukie Library Board; and

WHEREAS, Milwaukie Charter Section 26 provides that, "the mayor, with the consent of the council, shall appoint the various committees provided for under the rules of the council or otherwise and fill all vacancies in committees of the council from that body," and

WHEREAS, Ryan Healy possesses the necessary qualifications to serve on the Milwaukie Library Board.

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

SECTION 1: That Ryan Healy is reappointed to the Milwaukie Library Board position #3.

SECTION 2: That his term of appointment shall commence April 1, 2016 and shall expire on March 31, 2018.

Introduced and adopted by the City Council on **March 15, 2016**.

This resolution is effective immediately.

Lisa Batey, Council President

ATTEST:

APPROVED AS TO FORM:
Jordan Ramis PC

Pat DuVal, City Recorder

City Attorney



CITY OF MILWAUKIE
"Dogwood City of the West"

Resolution No.

A resolution of the City Council of the City of Milwaukie, Oregon reappointing Krista Downs to the Milwaukie Library Board.

WHEREAS, Krista Downs has served one term on the Milwaukie Library Board; and

WHEREAS, Milwaukie Charter Section 26 provides that, "the mayor, with the consent of the council, shall appoint the various committees provided for under the rules of the council or otherwise and fill all vacancies in committees of the council from that body," and

WHEREAS, Krista Downs possesses the necessary qualifications to serve on the Milwaukie Library Board.

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

SECTION 1: That Krista Downs is reappointed to the Milwaukie Library Board position #6.

SECTION 2: That her term of appointment shall commence April 1, 2016 and shall expire on March 31, 2018.

Introduced and adopted by the City Council on **March 15, 2016**.

This resolution is effective immediately.

Lisa Batey, Council President

ATTEST:

APPROVED AS TO FORM:
Jordan Ramis PC

Pat DuVal, City Recorder

City Attorney



CITY OF MILWAUKIE
"Dogwood City of the West"

Resolution No.

A resolution of the City Council of the City of Milwaukie, Oregon reappointing Linda Blue to the Park and Recreation Board.

WHEREAS, Linda Blue has served a portion of one full term on the Park and Recreation Board; and

WHEREAS, Milwaukie Charter Section 26 provides that, "the mayor, with the consent of the council, shall appoint the various committees provided for under the rules of the council or otherwise and fill all vacancies in committees of the council from that body," and

WHEREAS, Linda Blue possesses the necessary qualifications to serve on the Park and Recreation Board.

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

SECTION 1: That Linda Blue is reappointed to the Park and Recreation Board position #1.

SECTION 2: That her term of appointment shall commence April 1, 2016 and shall expire on March 31, 2018.

Introduced and adopted by the City Council on **March 15, 2016**.

This resolution is effective immediately.

Lisa Batey, Council President

ATTEST:

APPROVED AS TO FORM:
Jordan Ramis PC

Pat DuVal, City Recorder

City Attorney



CITY OF MILWAUKIE
"Dogwood City of the West"

Resolution No.

A resolution of the City Council of the City of Milwaukie, Oregon reappointing Erin Willett Holcomb to the Park and Recreation Board.

WHEREAS, Erin Willett Holcomb has served a portion of one full term on the Park and Recreation Board; and

WHEREAS, Milwaukie Charter Section 26 provides that, "the mayor, with the consent of the council, shall appoint the various committees provided for under the rules of the council or otherwise and fill all vacancies in committees of the council from that body," and

WHEREAS, Erin Willett Holcomb possesses the necessary qualifications to serve on the Park and Recreation Board.

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

SECTION 1: That Erin Willett Holcomb is reappointed to the Park and Recreation Board position #3.

SECTION 2: That her term of appointment shall commence April 1, 2016 and shall expire on March 31, 2018.

Introduced and adopted by the City Council on **March 15, 2016**.

This resolution is effective immediately.

Lisa Batey, Council President

ATTEST:

APPROVED AS TO FORM:
Jordan Ramis PC

Pat DuVal, City Recorder

City Attorney



CITY OF MILWAUKIE
"Dogwood City of the West"

Resolution No.

A resolution of the City Council of the City of Milwaukie, Oregon reappointing Shaun Lowcock to the Milwaukie Planning Commission.

WHEREAS, Shaun Lowcock has served one full term on the Milwaukie Planning Commission; and

WHEREAS, Milwaukie Charter Section 26 provides that, "the mayor, with the consent of the council, shall appoint the various committees provided for under the rules of the council or otherwise and fill all vacancies in committees of the council from that body," and

WHEREAS, Shaun Lowcock possesses the necessary qualifications to serve on the Milwaukie Planning Commission.

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

SECTION 1: That Shaun Lowcock is reappointed to the Milwaukie Planning Commission position #6.

SECTION 2: That his term of appointment shall commence April 1, 2016 and shall expire on March 31, 2020.

Introduced and adopted by the City Council on **March 15, 2016**.

This resolution is effective immediately.

Lisa Batey, Council President

ATTEST:

APPROVED AS TO FORM:
Jordan Ramis PC

Pat DuVal, City Recorder

City Attorney



CITY OF MILWAUKIE
"Dogwood City of the West"

Resolution No.

A resolution of the City Council of the City of Milwaukie, Oregon reappointing Sine Adams to the Milwaukie Planning Commission.

WHEREAS, Sine Adams has served a portion of one full term on the Milwaukie Planning Commission; and

WHEREAS, Milwaukie Charter Section 26 provides that, "the mayor, with the consent of the council, shall appoint the various committees provided for under the rules of the council or otherwise and fill all vacancies in committees of the council from that body," and

WHEREAS, Sine Adams possesses the necessary qualifications to serve on the Milwaukie Planning Commission.

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

SECTION 1: That Sine Adams is reappointed to the Milwaukie Planning Commission position #7.

SECTION 2: That her term of appointment shall commence April 1, 2016 and shall expire on March 31, 2020.

Introduced and adopted by the City Council on **March 15, 2016**.

This resolution is effective immediately.

Lisa Batey, Council President

ATTEST:

APPROVED AS TO FORM:
Jordan Ramis PC

Pat DuVal, City Recorder

City Attorney



**Regular Session
Agenda Item No.**

6

Other Business



MILWAUKIE CITY COUNCIL
STAFF REPORT

Agenda Item: **RS 6. A.**
Meeting Date: **March 15, 2016**

To: Mayor and City Council

Through: Bill Monahan, City Manager
Steve Bartol, Police Chief
Mark Dye, Police Captain

Subject: **Ordinance- Changing the parking fine increase language to a rolling 365-day timeframe from a calendar year**

From: Tim Salyers, Code Compliance Coordinator

Date: February 15, 2016

ACTION REQUESTED

Approve an ordinance that amends section 10.20.090 of the Milwaukie Municipal Code language to change the time frame for fine escalation related to 5 or more parking violations from one calendar year, to a rolling 365-day time frame.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

2009- Ordinance 2005 created the code sub-section 10.20.090E

BACKGROUND

In 2009, Ordinance 2005 was adopted by Council to create an additional measure to vehicles and vehicle owners who continuously violate the same code (Scofflaw). The code caused the vehicle that was cited four times in the same calendar year to be charged more than the previous citations when the fifth citation was issued.

The most common violation where this code has been used is the overtime violation. When someone parks a vehicle in excess of a 15 minute, 2 hour or 4 hour timed parking space they receive a citation for overtime. As the calendar year went on, the same car received multiple overtime citations. On the fifth citation within the same calendar year, the fine amount increased by half (\$40 ticket was now \$60). The fine amounts are set by the fee schedule.

Enforcement of this code was a possibility due to an electronic parking citation device (Handheld) that was purchased in 2009. We have recently purchased a new Handheld that does not calibrate its enforcement of the scofflaw within the parameters of the current code.

The change to the code that is proposed removes the "calendar year" in favor of a "rolling 365-day timeframe." Our new Handheld will prompt the user if a vehicle is about to be issued its fifth citation for the same violation within the last 365 days. This allows our enforcement of parking rules to be more consistent. It will take away the "clean slate" that occurs at the first of every year. Any vehicle issued four citations for the same violation in November would now be eligible for an increased citation in January, whereas now would have the same fine amount that they received in November.

CONCURRENCE

Chief of Police, Police Captain, City Manager and City Attorney have all reviewed the Ordinance and code change.

FISCAL IMPACTS

The revenues from this code change will be minimal.

WORK LOAD IMPACTS

This code change allows the parking enforcement program to be more efficient. The device will monitor the violations instead of personnel requesting reports and keeping track of violation numbers and when they occur.

ALTERNATIVES

Deny the Ordinance.

ATTACHMENTS

1. Ordinance
2. Milwaukie Municipal Code 10.20.090- strikethrough version



CITY OF MILWAUKIE

"Dogwood City of the West"

Ordinance No.

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING SECTION 10.20.090 OF THE MILWAUKIE MUNICIPAL CODE LANGUAGE TO CHANGE THE TIME FRAME FOR FINE ESCALATION RELATED TO 5 OR MORE PARKING VIOLATIONS FROM ONE CALENDAR YEAR TO A ROLLING 365-DAY TIMEFRAME.

WHEREAS, Section 10.04 of the Milwaukie Municipal Code generally defines vehicle and traffic terms; and

WHEREAS, Section 10.20.090 of the Milwaukie Municipal Code defines parking violation citation procedures; and

WHEREAS, The City wishes to strengthen enforcement of repeat violators of parking regulations; and

WHEREAS, The city wishes to have the Municipal Code reflect fine increases that result from five (5) or more violations of the same parking offense; and

Now, Therefore, the City of Milwaukie does ordain as follows:

Section 1. The Municipal Code of Milwaukie Chapter 10.20.090, is amended to read as follows:

10.20.090 Violation—Citation.

E. The bail amount for a parking citation(s) may increase whenever a registered vehicle owner has received four (4) issued citations for the same parking offense for the registered vehicle within a rolling 365-day timeframe. Each citation thereafter, beginning with the fifth (5th) citation in a rolling 365-day timeframe, will be at a higher bail amount.

Section 2. Severability

If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. This City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the ordinance be enforced.

Section 3. Effective Date and Publication

This Ordinance shall take effect immediately after its adoption.

Read the first time on _____, and moved to second reading by _____ vote of the City Council.

Read the second time and adopted by the City Council on _____.

Signed by the Mayor on _____.

Lisa Batey, Council President

ATTEST:

APPROVED AS TO FORM:
Jordan Ramis PC

Pat DuVal, City Recorder

City Attorney

Strikethrough Version

10.20.090 VIOLATION—CITATION

- A. Whenever a vehicle without an operator is found parked in violation of a restriction imposed by this chapter or State law, the officer finding the vehicle shall conspicuously affix to the vehicle a traffic citation instructing the operator to answer to the charge against him or her or pay the penalty imposed by the court date stated in the citation, at a place specified in the citation. If bail is not posted by the court date the fine will be doubled.
- B. Whenever an operator accumulates five (5) or more traffic citations affixed to a vehicle and the bail or fines remain unpaid, a certified letter may be sent to the registered owner of the vehicle, return receipt requested, informing the owner that the bail or fines must be paid within ten (10) days from the date of mailing of the certified letter or the vehicle may not be parked or allowed to stand on a street and may be impounded in accordance with Section 10.20.095 of the Milwaukie Municipal Code.
- C. The owner of a vehicle parked in violation of a parking restriction shall be responsible for the offense, except when the use of the vehicle was secured by the operator without the owner's consent.
- D. In a prosecution of a vehicle owner charging a violation of a restriction on parking, proof that the vehicle at the time of the violation was registered to the defendant shall constitute a presumption that the defendant was then the owner in fact.
- E. The bail amount for a parking citation(s) may increase whenever a registered vehicle owner has received four (4) issued citations for the same parking offense for the registered vehicle within ~~a calendar year (January 1 through December 31)~~ **a rolling 365-day timeframe**. Each citation thereafter, beginning with the fifth (5th) citation **in a rolling 365-day timeframe**, will be at a higher bail amount ~~until the end of the same calendar~~.



MILWAUKIE CITY COUNCIL
STAFF REPORT

Agenda Item: **RS 6. B.**
Meeting Date: **March 15, 2016**

To: Mayor and City Council
From: Mitch Nieman, Asst. to City Manager
Through: Bill Monahan, City Manager
Subject: **Public Safety Advisory Committee (PSAC)
Ordinance Amendment**
Date: **March 15, 2016**

ACTION REQUESTED

Review and approve changes to Chapter 2.24 of the Milwaukie Municipal Code (MMC), PSAC. Adopt an ordinance accepting the changes proposed by PSAC and the staff that serve PSAC.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

March 1, 2016 – City Engineer, Chuck Eaton, presented draft changes to the City Council during a Work Session. Council expressed that the draft ordinance was acceptable to move forward to a Regular Session for action.

September 17, 2015 - PSAC met with Council to discuss the Committee's changing roles and for acting as the Community Planning Advisory Council for the future Americans with Disabilities Act (ADA) Transition Plan.

February 2, 2016 - Council directed the City's engineering director to liaise PSAC to help the Committee facilitate the ADA Plan and plan for other short and long term transportation-related safety improvement projects.

BACKGROUND

Over the past year, the role of PSAC has continued to shift away from strictly police matters toward traffic and pedestrian safety. The role change has created some inconsistency with language in Chapter 2.24 of the MMC, which defines the Committee's roles and responsibilities as primarily police related. Therefore, staff recommends amending Chapter 2.24 and PSAC's role to be consistent with the Committee's new mission and work plan.

FISCAL AND WORK LOAD IMPACTS

There are no financial or work load impacts other than staff time to write and process an ordinance amendment.

ALTERNATIVES

1. Review and provide feedback on the draft ordinance amendment with direction for staff to return with a revised ordinance for further discussion.
2. Conduct a public hearing to consider adoption of the attached ordinance to modify Chapter 2.24 of the MMC.

ATTACHMENTS

1. Ordinance
2. Code Text with Proposed Changes and Staff Comments
3. Code Text Clean Version



CITY OF MILWAUKIE

"Dogwood City of the West"

Ordinance No.

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING MILWAUKIE MUNICIPAL CODE CHAPTER 2.24 PUBLIC SAFETY ADVISORY COMMITTEE, REVISING SECTIONS 2.24.010 PURPOSE AND 2.24.020 MEMBERSHIP-QUALIFICATIONS.

WHEREAS, the City Council by Ordinance No. 1284 created a municipal committee to oversee traffic safety issues in the City on October 1, 1973; and

WHEREAS, the City Council by Ordinance No. 1906 created the Public Safety Advisory Committee (PSAC) on August 6, 2002; and

WHEREAS, the consensus of City Council and PSAC discussions has been to redefine the scope of work of the PSAC to include traffic and pedestrian safety and Americans with Disabilities Act (ADA) planning.

Now, Therefore, the City of Milwaukie does ordain as follows:

Section 1. The Milwaukie Municipal Code Chapter 2.24 is amended to read:

CHAPTER 2.24 PUBLIC SAFETY ADVISORY COMMITTEE

2.24.010 ESTABLISHED—PURPOSE

The Public Safety Advisory Committee is established for the purpose of advising and making recommendations to the City Council and city departments regarding public safety needs in the City and its Urban Growth Boundary. The Committee shall be responsible for, but not limited to, the following activities:

- A. Review and make recommendations on community livability concerns related to public safety issues that affect public safety and neighborhood livability in Milwaukie and within its Urban Growth Boundary.
- B. Review and make recommendations for city-community partnerships to mitigate the negative influence of crime and traffic impacts on the community.
- C. Promote public education and awareness of the effects of traffic impacts and mobility issues in the community.
- D. Review and make recommendations on city infrastructure needs related to streets, sidewalks, trails, multimodal paths, traffic markers, traffic control devices, ADA and various transportation and transit related matters that affect pedestrian, cyclist, and driver safety.
- E. Collaborate with local, County, and State government agencies to develop strategies to mitigate negative community livability concerns by focusing partnership agency resources to reduce or eliminate specific problem areas, or concerns.
- F. Such other activities as the Council may assign.

2.24.020 MEMBERSHIP—QUALIFICATIONS

- A. The Committee shall consist of one voting member representing each of the City’s neighborhood associations plus four (4) at-large members. It is desirable that Committee members have an interest in solving community public safety problems through active involvement with city departments that are responsible for addressing public safety issues. Generally, the Engineering Director will act as the liaison between the Committee and city staff, however other departments such as the police department may occasionally assist or coordinate when appropriate.
- B. At-large members will be appointed to the Public Safety Advisory Committee by the City Council for two (2) year terms. Appointments will expire the last day of June. Up to two (2) additional two (2) year terms, for a total of four (4) additional years past the member’s original appointment, may be approved by the City Council.
- C. Neighborhood district association members shall be appointed by the Council after nomination by the neighborhood association that the person will represent. The recommendation shall be reflected in the neighborhood district association minutes and provided to the City. The Council shall have discretion whether to appoint any person nominated by a neighborhood district association. Neighborhood representatives will be appointed for two (2) year terms with no limit on the number of terms.
- D. A quorum consists of one-half of assigned members to the Public Safety Advisory Committee.

Read the first time on _____, and moved to second reading by _____ vote of the City Council.

Read the second time and adopted by the City Council on _____.

Signed by the Mayor on _____.

Lisa Batey, Council President

ATTEST:

APPROVED AS TO FORM:
Jordan Ramis PC

Pat DuVal, City Recorder

City Attorney

CHAPTER 2.24 PUBLIC SAFETY ADVISORY COMMITTEE

2.24.010 ESTABLISHED—PURPOSE

The Public Safety Advisory Committee is established for the purpose of advising and making recommendations to the ~~Police Chief and the~~ City Council and city departments regarding public safety needs in the City and its Urban Growth Boundary. The Committee shall be responsible for, but not limited to, the following activities:

A. Review and make recommendations on community livability concerns related to crime prevention and traffic safety issues that affect public safety and neighborhood livability in Milwaukie and within its Urban Growth Boundary.

Comment [BS1]: Since PSAC has an interest in continuing with the Public Safety aspect, I'd leave crime prevention in. OR maybe better yet, have it read, "related to public safety issues," and eliminate both the reference to crime prevention and traffic safety, keeping it generic since both would be covered under a "Public Safety" umbrella.

B. Review and make recommendations for police/city-community partnerships to mitigate ~~the negative influence of crime and~~ traffic impacts on the community.

Comment [BS2]: I like removing police and replacing with City-Community partnerships. This covers both police/engineering/planning depending on the project / issue. I would then leave the reference related to the negative impact influence of crime and..

C. Promote public education and awareness of the effects of crime and the fear of crime ~~traffic impacts and mobility issues on~~ in the community.

D. Review and make recommendations on city infrastructure needs related to streets, sidewalks, trails, multimodal paths, traffic markers, traffic control devices, ADA and various transportation and transit related matters that affect pedestrian, cyclist, and driver safety.

Comment [BS3]: This is a good paragraph to keep in.

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DE. Collaborate with local, County, and State government agencies to develop strategies to mitigate negative community livability concerns by focusing partnership agency resources to reduce or eliminate specific crime, problem areas, or concerns.

Comment [BS4]: I agree with removing this, which keeps it generic enough to cover both aspects.

EF. Such other activities as the Council may assign. (Ord. 1906 § 2, 2002: Ord. 1869 § 3, 2000: Ord. 1797 § 3, 1996)

2.24.020 MEMBERSHIP—QUALIFICATIONS

A. The Committee shall consist of one voting member representing each of the City's neighborhood associations plus four (4) at-large members. It is desirable that Committee members have an interest in solving community public safety problems through active involvement with ~~the Police Department, the Police Chief, and various citizen/police/government workgroups. The Council shall consider the recommendation of the Police Chief in making all appointments to the Committee~~ city departments that are responsible for addressing public safety issues. Generally, the Engineering Director will act as the liaison between the Committee and the City staff, however other departments such as the police department may occasionally assist or coordinate when appropriate.

Comment [BS5]: This is the paragraph that made the Police Chief the liaison. Do we need to add some language spelling out that Engineering will be the primary liaison? I inserted a suggestion.

B. At-large members will be appointed to the Public Safety Advisory Committee by the City Council for two (2) year terms. Appointments will expire the last day of June. Up to two (2) additional two (2) year terms, for a total of four (4) additional years past the member's original appointment, may be approved by the City Council.

C. Neighborhood district association members shall be appointed by the Council after nomination by the neighborhood association that the person will represent. The recommendation shall be reflected in the neighborhood district association minutes and provided to the City. The Council shall have discretion whether to appoint any person nominated by a neighborhood district association. Neighborhood representatives will be appointed for two (2) year terms with no limit on the number of terms.

D. A quorum consists of one-half of assigned members to the Public Safety Advisory Committee. (Ord. 2049 § 1, 2012; Ord. 2028 § 1, 2011; Ord. 1906 § 3, 2002; Ord. 1869 § 4, 2000; Ord. 1797 § 3, 1996)

CHAPTER 2.24 PUBLIC SAFETY ADVISORY COMMITTEE

2.24.010 ESTABLISHED—PURPOSE

The Public Safety Advisory Committee is established for the purpose of advising and making recommendations to the City Council and city departments regarding public safety needs in the City and its Urban Growth Boundary. The Committee shall be responsible for, but not limited to, the following activities:

- A. Review and make recommendations on community livability concerns related to public safety issues that affect public safety and neighborhood livability in Milwaukie and within its Urban Growth Boundary.
- B. Review and make recommendations for city-community partnerships to mitigate the negative influence of crime and traffic impacts on the community.
- C. Promote public education and awareness of the effects of traffic impacts and mobility issues in the community.
- D. Review and make recommendations on city infrastructure needs related to streets, sidewalks, trails, multimodal paths, traffic markers, traffic control devices, ADA and various transportation and transit related matters that affect pedestrian, cyclist, and driver safety.
- E. Collaborate with local, County, and State government agencies to develop strategies to mitigate negative community livability concerns by focusing partnership agency resources to reduce or eliminate specific problem areas, or concerns.
- F. Such other activities as the Council may assign. (Ord. 1906 § 2, 2002: Ord. 1869 § 3, 2000: Ord. 1797 § 3, 1996)

2.24.020 MEMBERSHIP—QUALIFICATIONS

- A. The Committee shall consist of one voting member representing each of the City's neighborhood associations plus four (4) at-large members. It is desirable that Committee members have an interest in solving community public safety problems through active involvement with city departments that are responsible for addressing public safety issues. Generally, the Engineering Director will act as the liaison between the Committee and city staff, however other departments such as the police department may occasionally assist or coordinate when appropriate.
- B. At-large members will be appointed to the Public Safety Advisory Committee by the City Council for two (2) year terms. Appointments will expire the last day of June. Up to two (2) additional two (2) year terms, for a total of four (4) additional years past the member's original appointment, may be approved by the City Council.
- C. Neighborhood district association members shall be appointed by the Council after nomination by the neighborhood association that the person will represent. The recommendation shall be reflected in the neighborhood district association minutes and provided to the City. The Council shall have discretion whether to appoint any person nominated by a neighborhood district association. Neighborhood representatives will be appointed for two (2) year terms with no limit on the number of terms.

D. A quorum consists of one-half of assigned members to the Public Safety Advisory Committee. (Ord. 2049 § 1, 2012; Ord. 2028 § 1, 2011; Ord. 1906 § 3, 2002; Ord. 1869 § 4, 2000; Ord. 1797 § 3, 1996)



MILWAUKIE CITY COUNCIL
STAFF REPORT

Agenda Item: **RS 6. C.**
Meeting Date: **March 16, 2015**

To: Mayor and City Council
From: Mitch Nieman, Asst. to City Manager
Through: Bill Monahan, City Manager
Subject: **Amendment to Milwaukie Municipal Code (MMC)
Chapter 16.32 - Tree Cutting**
Date: **03/15/2016**

ACTION REQUESTED

Allow members of the public to comment on the subject ordinance amendment.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

August 4, 2015 - the Milwaukie Parks and Recreation Board (PARB) informed City Council that they were working on updating the City's tree ordinance to achieve Tree City USA recognition.

February 16, 2016 – Staff presented a draft tree ordinance before Council for review and comment. Council had no issues with the ordinance and directed Staff to place it on a future agenda for public hearing.

BACKGROUND

Members of PARB, City Staff, the City Attorney's Office, and representatives from the State of Oregon Department of Forestry have been working in unison to create an ordinance that meets Tree City USA application guidelines for future designation. Staff and PARB intend to make application in fall 2016.

Major details of this amendment include:

- It only applies to public rights-of-way and to city-owned properties
- It triggers establishment of a City Tree Board for technical oversight
- It clarifies the role of the permitting department (engineering)
- It establishes professional planting standards and tree designations

**One minor edit has been made since Council's review on February 16, 2016. It involves more coordination with Title 19 of the City's Zoning Ordinance:*

Language has been inserted in 16.32.026 (the permit process), specifically in Section A (Applicability). It includes sub-numbering the section for greater clarity and emphasis (and with the new recommended text underlined):

1. No person shall conduct major pruning or removal of any tree in a public right-of-way or on city-owned land, without first receiving a permit issued by the City, except as provided in chapter 16.32.030. Minor tree pruning shall not require a permit.
2. For trees on City-owned land, this chapter shall be applied in conjunction with any applicable standards in Title 19 Zoning.

A scenario might be that a City park, which was approved as a CSU and that includes some designated Natural Resource areas on the site, needs to have some trees removed. Not only would 16.32 apply, but we might also need to review it as a minor modification to the approved CSU and/or it might need to go through our Natural Resource review process for tree removal.

FISCAL AND WORK LOAD IMPACTS

Financial and work load impacts of achieving this goal involves a combination of paid staff time, unpaid volunteer time, and approximately 20 hours of City Attorney time to prepare materials and/or correspondence for Council consideration, and any required follow-up action.

ALTERNATIVES

1. Review and consider public comments
2. Direct staff to place on a future agenda for first public hearing

ATTACHMENTS

1. Amendment to Municipal Code Chapter 16.32 - Tree Cutting



CITY OF MILWAUKIE

"Dogwood City of the West"

Ordinance No.

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING MILWAUKIE MUNICIPAL CODE CHAPTER 16.32 TREE CUTTING.

WHEREAS, the City Council by Ordinance No. 1836 adopted Milwaukie Municipal Code (MMC) Chapter 16.32 regulating tree cutting in the public right-of-way on June 16, 1998; and

WHEREAS, the consensus of City Council and the Milwaukie Park and Recreation Board (PARB) discussion has been to develop a more comprehensive tree care ordinance to help the City achieve Tree City USA status.

Now, Therefore, the City of Milwaukie does ordain as follows:

Section 1. The Milwaukie Municipal Code Chapter 16.32 is amended to read:

CHAPTER 16.32 TREE CUTTING

16.32.005 PURPOSE

The purpose of this chapter is to encourage preservation of trees located on city-owned land and in the public right-of-way toward the larger goal of creating and maintaining Milwaukie's urban forest for the livability of its citizens. Trees on city-owned land and in the public right-of-way are a public resource that beautify the streetscape and provide ecosystem services such as reducing the urban heat island effect, reducing stormwater flows, and stabilizing soils. The City may allow the removal or pruning of trees in some situations including, but not limited to, removing hazards, avoiding damage to public and private property, and allowing for construction of right-of-way improvements. Preference should generally be given to authorizing the minimal amount of disturbance to the tree that is necessary to address the situation. The intent of this chapter is also to mitigate the authorized removal of trees within the public right-of-way and on city-owned land by replanting new trees in the public right-of-way and on city-owned land wherever practicable.

16.32.010 DEFINITIONS

The following definitions shall apply for terminology, used in this chapter:

"ANSI" The American National Standards Institute is a private non-profit organization that oversees the development of voluntary consensus standards for products, services, processes, systems, and personnel in the United States.

"Arbor Day/Week" means a day/week designated by the City to celebrate and

acknowledge the importance of trees in the urban environment, which can include a variety of public activities such as tree planting or tree maintenance.

“Crown” means area of the tree above the ground, including the trunk and branches, measured in mass or volume.

“City” means the City of Milwaukie.

“City Tree Board” means the City of Milwaukie Park and Recreation Board (Board) plus a certified arborist to be selected by the City Council, or a separate City Tree Board (including a certified arborist) appointed by the Mayor and approved by City Council.

“Council of Tree and Landscape Appraisers (CTLA)” – means the publishers of the Guide for Plant Appraisal.

“Cutting” means the felling or removal of a tree, or any procedure that naturally results in the death or substantial destruction of a tree. “Cutting” does not include normal trimming or pruning, but does include topping of trees.

“Dangerous tree” means the condition of the tree presents a foreseeable danger of inflicting damage that cannot be alleviated by treatment or pruning. A tree may be dangerous because it is likely to injure people or damage vehicles, structures, or development, such as sidewalks or utilities.

“Dead tree” means the tree is lifeless.

“Drip line” means the perimeter measured at the outermost crown.

“Dying tree” means the tree is diseased, infested by insects, deteriorating, or rotting, and cannot be saved by reasonable treatment or pruning, or must be removed to prevent the spread of infestation or disease to other trees.

“Engineering Director” means the Engineering Director of the City of Milwaukie or his or her designee.

“Hazardous tree” means the condition or location of the tree presents a clear public safety hazard or an imminent danger of property damage, and such hazard or danger cannot reasonably be alleviated by treatment or pruning.

“ISA” means the International Society of Arboriculture.

“Large trees” means trees that reach at least 65 feet in height at maturity.

“Major tree pruning” means removal of over 20% of the tree’s crown, or removal or injury of over 10% of the root system, during any 12-month period.

“Medium trees” means trees that at maturity are between 30 and 65 feet in height.

“Minor Tree Pruning” means trimming or removing less than 20% of any part of the branching structure of a tree in either the crown, trunk, or less than 10% of the root areas based on ANSI A300 and ANSI Z133 standards, within a 12-month period.

“Owner” means and includes, for the purposes of this chapter, any person with a freehold interest in land, or a lessee, agent, employee, or other person acting on behalf of the owner with the owner’s consent.

“Park Trees” are defined as trees, shrubs, bushes and other woody vegetation in named public parks or to which the public has free access as a park.

“Person” means any individual, firm, association, corporation, agency, or organization of any kind.

“Relative Value.” Relative value may be calculated using the methods described in the “Guide for Plant Appraisal” published by the CTLA. The values reflect the value to the public as a whole, rather than to the individual property owner. For example, a tree growing in full public view may have a high public value but be of low value to the property owner.

“Root zone” means the area of the ground around the base of the tree measured from the trunk to 5 feet beyond the outer base of the branching system.

“Small trees” are those that at maturity are less than 30 feet in height.

“Street tree” is defined as trees, shrubs, bushes and other woody vegetation on land lying within the City right-of-way on either side of all streets, avenues, or ways within the City and on all non-park properties owned or maintained by the City.

“Tree Removal” means the cutting or removing of 50% or more of the crown, trunk, or root system of a plant; the uprooting or severing of the main trunk of the tree; or any act which causes, or may reasonably be expected to cause, the tree to die, including without limitation damage inflicted upon the root system by machinery, storage materials, or soil compaction; substantially changing the natural grade above the root system or around the trunk; excessive pruning; or paving with concrete, asphalt, or other impervious materials in a manner which may result in the loss of aesthetic or physiological viability.

“Topping” means the severe cutting back of the main stem and/or limbs to buds, stubs, or laterals large enough to undermine the tree’s crown to such a degree as to remove the normal crown and disfigure the tree.

“Tree” means any living woody plant characterized by one main stem or trunk and many branches, or a multistemmed trunk system with a definitely formed crown at least 16 feet in height at maturity. (Ord. 1836 § 1 (part), 1998)

“Urban Forest” means the trees that exist within the City.

“Utility Tree” means a tree that is less than 20 feet in height at maturity and thus suitable for planting under overhead utility lines.

16.32.015 CREATION AND ESTABLISHMENT OF A CITY TREE BOARD

A. Creation

There is hereby created and established a City Tree Board (Tree Board) for the City of Milwaukie, Oregon, which shall consist of five members, at least four of which shall be residents of the City, and all five of which shall be appointed by the Mayor with approval of the City Council. The Tree Board may consist of the City of Milwaukie Parks and Recreation Board plus a certified arborist.

B. Term of Office

The term of the five persons to be appointed by the Mayor shall be three years except that the term of two of the members appointed to the first board shall be for only one year and the term of two members of the first board shall be for two years. In the event that a vacancy shall occur during the term of any member, his successor shall be appointed for the unexpired portion of the term. Tree Board members shall be limited to three consecutive terms.

C. Compensation

Members of the Tree Board shall serve without compensation.

D. Duties and Responsibilities

It shall be the responsibility of the Tree Board to study, investigate, develop and/or update annually, and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas. Such plan will be presented annually to the City Council and upon their acceptance and approval shall constitute the official urban forestry management plan for the City of Milwaukie, Oregon. The Tree Board will provide leadership in planning the City's Arbor Day/Week proclamation and celebration.

The Tree Board, when requested by the City Council, shall consider, investigate, make findings, report and recommend upon any special matter or question coming within the scope of its work. The Tree Board shall inform and coordinate with the North Clackamas Park and Recreation District (NCPRD) or the City of Milwaukie to ensure that the provisions of this ordinance are complied with during performance of maintenance activities.

E. Operation

The Tree Board shall choose its own officers, make its own rules and regulations and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business.

16.32.017 TREE PLANTING

A. Species

Tree species to be planted on city-owned land or in public rights of way are those approved by the Engineering Department of the City for different types of planting in those specified locations.

B. Spacing

The spacing of Street Trees will be in accordance with the permit issued by the Engineering Department and in accordance with Department standards and specifications. Spacing will be determined in the planting plan for each site as determined by the City's Public Works Standards. In addition, the Engineering Director may approve special plantings designed or approved by a landscape architect, or for ecological restoration projects where seedlings or whips are likely to

be planted at a much higher density to mimic natural conditions in forest regeneration.

C. Distance from Curb and Sidewalk

The City's Public Works Standards shall provide the distance from which small, medium, and large trees may be planted from curbs or curblines and sidewalks

D. Distance from Street Corners and Fire Hydrants

No Street Tree shall be planted closer than 35 feet from any street corner, measured from the point of nearest intersecting curbs or curblines. No Street Tree shall be planted closer than 10 feet from any fire hydrant.

E. Utilities

No Utility Trees other than those species listed in in the City's Public Works Standards may be planted under or within 10 lateral feet of any overhead utility wire, or over or within 5 lateral feet of any underground water line, sewer line, transmission line or other utility.

F. Size

Street trees must meet the size requirements set forth in the City's Public Works Standards for utility, small, medium, and large trees, based on the tree's size at maturity.

16.32.018 PUBLIC TREE CARE

The City shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the property lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to ensure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

The City Tree Board may remove or cause or order to be removed, any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insect or other pest. This Section does not prohibit the planting of Street Trees by property owners adjacent to the street or right-of-way, provided that the selection and location of said trees is in accordance with Section 16.32.017 of this ordinance.

16.32.019 TREE TOPPING

No person, firm, or City department shall top any Street Tree, Park Tree, or other tree on public property. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical, may be exempted from this ordinance at the determination of the City Tree Board.

16.32.020 PRUNING, CORNER CLEARANCE

Pursuant to Milwaukie Municipal Code 12.12.010, every owner of any tree overhanging any street or right-of-way within the City shall prune the branches so that such branches shall not obstruct the right of way. Enforcement of this section shall be pursuant to MMC 12.12 and compliant with ISA Best Management Practices (BMPs).

16.32.021 DEAD OR DISEASED TREE REMOVAL ON PRIVATE PROPERTY

Owner shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which may pose a significant risk to the safety of the public. If owner fails to do so, City shall have the right to cause the removal of such trees. The City Tree Board or its agents will notify, in writing, the owners of such trees. Removal shall be done by said owners at their own expense within sixty days after the date of service of notice. After removal is complete, the property owners shall notify the City in writing. In the event of failure of owners to comply with such provisions, the City shall have the authority to remove such trees and charge the cost of removal to the owners pursuant to MMC 8.04. In cases where the owner demonstrates extreme financial hardship, the City Council may grant a cost waiver. Some dead trees which provide wildlife habitat and are not a hazard may be left uncut.

16.32.022 REMOVAL OF STUMPS

All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground, except for circumstances where the stumps do not pose a hazard to the public and may be left to improve wildlife habitat structure.

16.32.023 INTERFERENCE WITH CITY TREE BOARD

No person shall prevent, delay or interfere with the City Tree Board, or any of its agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying, or removing of any Street Trees, Park Trees, or trees on private grounds, as authorized in this ordinance.

16.32.024 ARBORISTS LICENSE AND BOND

All certified arborists operating in the City of Milwaukie shall be ISA-certified.

16.32.025 REVIEW BY CITY COUNCIL

The City Council shall have the right to review the conduct, acts and decisions of the Tree Board. Any person may appeal from any ruling or order of the Tree Board to the City Council who may hear the matter and make a final decision.

16.32.026 PERMIT FOR MAJOR PRUNING OR REMOVAL OF STREET TREES OR TREES IN PUBLIC RIGHT-OF-WAY AND OTHER PUBLIC LAND

A. Applicability

1. No person shall conduct major pruning or removal of any tree in a public right-of-way or on city-owned land, without first receiving a permit issued by the City, except as provided in chapter 16.32.030. Minor tree pruning shall not require a permit.
2. For trees on City-owned land, this chapter shall be applied in conjunction with any applicable standards in Title 19 Zoning.

B. Review Process

1. A permit application for major pruning or tree removal shall be submitted to the Engineering Department on a Right of Way Permit Application.
2. The Engineering Department shall post notice of the major pruning or removal permit application on the property in a location which is clearly visible to vehicles traveling on a public street and readable by pedestrians walking by the property.
3. The notice shall state that the tree removal permit is pending for trees on the property marked by an orange plastic tagging tape, shall include the date of posting, and shall state that any person may request a meeting with the Engineering Director within 14 days of the date of the posting. The purpose of the meeting is to provide an opportunity to raise questions or concerns about the major pruning or removal prior to issuance of the administrative decision on the permit. The Engineering Director shall consider all concerns raised at such a meeting, but shall have final decision making authority over the issuance of a permit, based on the Approval Standards in Subsection C below.
4. The Engineering Department shall mark each tree proposed to be removed by tying or attaching orange plastic tagging tape to the tree 4 to 6 feet above mean ground level at the base of the trunk.
5. On the date that the tree removal notice is posted on the property, the Engineering Department shall send a letter to the neighborhood district association for the area, to notify the association of the major pruning or removal request.
6. The applicant shall file an affidavit stating that the property has been posted, the trees have been marked, and notice has been mailed pursuant to Section 16.32.026 or subsection 16.32.026.B.
7. The major pruning or tree removal permit shall not be issued for 14 days from the date of filing of the affidavit to allow for the filing of a request for a meeting. The applicant shall maintain the posting and marking for the full 14 days. When a meeting with the Engineering Director is requested, the Engineering Director shall not issue the permit decision until the meeting can be held.

C. Approval Standards

The Engineering Director shall issue a permit for major pruning or removal of trees in

a right-of-way or on city-owned land only if the following criteria are satisfied. The Engineering Director will consult a certified arborist where necessary to evaluate the criteria.

1. The proposed work will be done according to ISA best management practices, and qualified persons will perform the work.
2. One or more of the following criteria are satisfied:
 - a. It is determined that the tree is dead or dying and cannot be saved, according to current ISA standards.
 - b. The tree has become a nuisance by virtue of damage to personal property or improvements, either public or private, on the subject site or adjacent sites, and that extraordinary maintenance is required to prevent damage to such improvements or property.
 - c. The tree has lost its relative value as a street tree due to damage from natural or accidental causes, or for some other reason it can be established that it should be removed.
 - d. The tree has been determined to be unsafe to the occupants of the property, or adjacent property, or the general public.
 - e. Major pruning or removal is necessary to accommodate improvements in the right-of-way or on city-owned land, and it is not practicable to modify the proposed improvements to avoid major pruning or removal.

D. Performance of Permitted Work

All work performed on street trees pursuant to a permit issued by the Engineering Director under this section shall be done within a 60-day period from the issuance of said permit, or within a longer period as specified by the Engineering Director.

E. Replanting

The Engineering Director shall, wherever practicable, require tree replanting as a condition of approval for a major pruning or removal permit on city-owned land or in public rights of way. For major pruning or removal of trees in the public rights of way, replanted trees shall be planted within the right-of-way fronting the property for which the tree permit was issued. For major pruning or removal of trees on city-owned land, replanted trees shall be planted on city-owned land for which the tree permit was issued. The replanted tree shall be a species appropriate for the location where it is planted, as determined by the Engineering Director, in conjunction with the issued permit and in compliance with applicable ANSI standards and ISA best management practices. In addition to the tree maintenance requirements of Milwaukie Municipal Code Chapter 8.04.110, the abutting property owner shall be responsible for maintaining a replanted tree in a healthy condition for 3 years following replanting. (Ord. 2022 § 1, 2011; Ord. 1836 § 1 (part), 1998).

The optimal time of year for planting is the fall (September-November). If planting is necessary in other months, the Engineering Director may include conditions of the permit that require extra measures to ensure survival of newly planted trees.

16.32.030 PERMIT EXEMPTIONS

A. Dangerous Tree

If a tree is determined to be a dangerous tree, the Engineering Director may issue an emergency removal permit. The removal shall be in accordance with ANSI standards and ISA best management practices and be the minimum necessary to eliminate the imminent danger.

B. Maintenance

Regular maintenance or minor pruning which does not require removal of over 20% of the tree’s crown, tree topping, or disturbance of over 10% of the root system during any 12-month period.

C. Non-City Owned Land

Tree cutting anywhere except in a public right-of-way or on city-owned land.

16.32.040 PENALTY

Except where otherwise provided, any person, firm, or corporation violating any of the provisions of this chapter shall, upon conviction thereof, be punished by a fine not to exceed one thousand dollars (\$1,000.00).

Read the first time on _____, and moved to second reading by _____ vote of the City Council.

Read the second time and adopted by the City Council on _____.

Signed by the Mayor on _____.

Lisa Batey, Council President

ATTEST:

APPROVED AS TO FORM:
Jordan Ramis PC

Pat DuVal, City Recorder

City Attorney