



**Regular Session**

**RS**

**Milwaukie City Council**



**MILWAUKIE CITY COUNCIL  
REGULAR SESSION**

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

**AGENDA  
MARCH 7, 2017**

2,241<sup>st</sup> Meeting

- |  | <b>Page #</b> |
|--|---------------|
| <b>1. CALL TO ORDER – 6:00 p.m.</b><br>Pledge of Allegiance  |               |
| <b>2. PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS</b>  |               |
| <b>A. Women’s History Month – Proclamation</b><br>Presenter: Pat DuVal and Michelle Hemer, Milwaukie Historical Society  | <b>2</b>      |
| <b>3. CONSENT AGENDA</b><br>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.  |               |
| <b>A. City Council Meeting Minutes</b><br>1. February 7, 2017, Work Session;<br>2. February 7, 2017, Regular Session; and<br>3. February 12, 2017, Council Retreat.  | <b>4</b>      |
| <b>B. Library Fine Amnesty Week – Resolution</b>   | <b>13</b>     |
| <b>4. AUDIENCE PARTICIPATION</b><br>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. |               |
| <b>5. PUBLIC HEARING</b><br>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.  |               |
| <b>A. None Scheduled.</b>  |               |
| <b>6. OTHER BUSINESS</b><br>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.  |               |
| <b>A. Council Input on Legislative, Regional, and County Issues</b><br>Staff: Mitch Nieman, Assistant to the City Manager  |               |
| <b>B. Council Reports</b>  |               |

## 7. INFORMATION

## 8. ADJOURNMENT

### **EXECUTIVE SESSION**

Upon adjournment of the Regular Session the City Council will meet in Executive Session pursuant to Oregon Revised Statute (ORS) 192.660(2)(e) to deliberate with persons designated by the governing body to negotiate real property transactions.

### **Americans with Disabilities Act (ADA) Notice**

The City of Milwaukie is committed to providing equal access to all public meetings and information per the requirements of the ADA and Oregon Revised Statutes (ORS). Milwaukie City Hall is wheelchair accessible and equipped with Assisted Listening Devices; if you require any service that furthers inclusivity please contact the Office of the City Recorder at least 48 hours prior to the meeting by email at [ocr@milwaukieoregon.gov](mailto:ocr@milwaukieoregon.gov) or phone at 503-786-7502 or 503-786-7555. Most Council meetings are streamed live on the City's website and cable-cast on Comcast Channel 30 within Milwaukie City Limits.

### **Executive Sessions**

The City Council will meet in Executive Session pursuant to ORS 192.660(2); all discussions are confidential and may not be disclosed; news media representatives may attend but may not disclose any information discussed. Executive Sessions may not be held for the purpose of taking final actions or making final decisions and are closed to the public.

### **Meeting Information**

Times listed for each Agenda Item are approximate; actual times for each item may vary. Council may not take formal action in Study or Work Sessions. Please silence mobile devices during the meeting.



**MINUTES**  
**MILWAUKIE CITY COUNCIL**  
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**REGULAR SESSION**  
 MARCH 7, 2017  
 City Hall Council Chambers

**Mayor Mark Gamba called the 2,241<sup>st</sup> meeting of the Council to order at 6:01 p.m.**

**Council Present:** Council President Lisa Batey and Councilors Angel Falconer, Wilda Parks, and Shane Abma

**Staff Present:** City Manager Ann Ober, City Recorder Scott Stauffer, City Attorney Peter Watts, Assistant to the City Manager Mitch Nieman, Planning Director Denny Egner, and Engineering Director Charles Eaton

**1. CALL TO ORDER**

Pledge of Allegiance.

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

**A. Women's History Month – Proclamation**

Pat DuVal, Milwaukie Historical Society member, and Michelle Hemer, Milwaukie Historical Society Secretary, introduced the proclamation, and Mayor Gamba proclaimed March 2017 as Women's History Month in Milwaukie.

**3. CONSENT AGENDA**

It was moved by Council President Batey and seconded by Councilor Parks to approve the consent agenda as presented.

**A. City Council Meeting Minutes:**

1. February 7, 2017, Work Session;
2. February 7, 2017, Regular Session; and
3. February 12, 2017, Council Retreat.

**B. Resolution 31-2017: A Resolution of the City Council of the City of Milwaukie, Oregon, establishing a library fine amnesty week from April 9, 2017, through April 15, 2017, in recognition of National Library Week.**

**Motion passed with the following vote: Councilors Falconer, Batey, Parks, and Abma and Mayor Gamba voting "aye." [5:0]**

**4. AUDIENCE PARTICIPATION**

Mayor Gamba reviewed the Audience Participation procedures and Ms. Ober reported that there was no follow-up report from the February 21, 2017, Audience Participation.

**5. PUBLIC HEARING**

None scheduled.

**6. OTHER BUSINESS**

**A. Council Input on Legislative, Regional, and County Issues**

Mr. Nieman provided an update on proposed State legislation being tracked by the City, and Council agreed to approve a letter in opposition to Senate Bill 202 (SB202).

Mayor Gamba commented on the need for Council to take official positions on issues being considered by the State Legislature.

The group discussed the number of bills the City was tracking and identified 5 broad policy categories that Council was most interested in. They assigned a member of Council to draft a policy statement for Council to consider on each category: Councilor

Parks would take recreational immunity, Councilor Abma would work on right-of-way (ROW) issues, Councilor Falconer would take housing, Council President Batey would work on oil train issues, and Mayor Gamba would work on transportation. The group discussed the public process required for Council to consider policy statements and official City positions. **Ms. Ober** remarked on the legal requirement for Council to deliberate only in public meetings and not via email, and reported that staff would provide weekly updates to Council on the status of pending legislation.

**Council President Batey** commented on the desirability of Council taking a position on a bill supporting drug take back programs. **Ms. Ober** remarked on how individual members of Council could express personal positions on issues before Council has officially taken a stand on a specific policy.

The group discussed how the City and League of Oregon Cities (LOC) tracked legislation.

**Mr. Egner** provided a brief update on the status of House Bill 2039 (HB2039) and House Bill 2040 (HB2040) which addressed annexations. He noted several groups that opposed HB2040 and suggested the City consider opposing HB2040. **Mr. Nieman** confirmed that the City was tracking HB2040 and other land use bills. **Mayor Gamba** and **Council President Batey** remarked on other government reactions to HB2040.

It was Council consensus to oppose HB2040 and authorize Mayor Gamba to speak on behalf of the City on the topic.

The group noted the status of legislation addressing urban renewal and special districts. They reviewed the Council and staff process to draft policy positions for Council to consider and noted the logistics that go into maintaining the Legislative Tracker. They noted that the State Legislature and LOC provided alert services for bills.

**Councilor Abma, Council President Batey, Mr. Nieman, and Mr. Watts** cited situations when the City and LOC took opposing positions on issues.

**Councilor Abma, Ms. Ober, and Mr. Nieman** commented on the need for Council to be able to react quickly to the legislative process while adhering to public meeting laws.

**Mayor Gamba** and **Mr. Watts** noted the status of Senate Bill 557 (SB557) and Senate Bill 748 (SB748) and **Mr. Nieman** noted the City would track those bills.

The group discussed legislation dealing with finance, taxes, and climate issues. They noted the State Legislature's deadlines for new legislation and hearings timeline.

## B. Council Reports

**Council President Batey** and **Mr. Nieman** announced a Kronberg Park clean-up event and **Mayor Gamba** noted upcoming events including the Milwaukie Police Department's Officer of the Year Dinner, a St. Patrick's Day fundraiser at American Legion Post 180, the Milwaukie Center's Airing of the Quilts event, and Earth Day 2017.

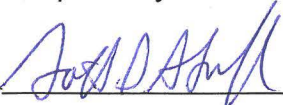
## 7. INFORMATION

## 8. ADJOURNMENT

It was moved by Councilor Parks and seconded by Council President Batey to adjourn the Regular Session. Motion passed with the following vote: Councilors Falconer, Batey, Parks, and Abma and Mayor Gamba voting "aye." [5:0]

**Mayor Gamba** moved to adjourn the regular session at 7:15 p.m.

Respectfully submitted,



Scott S. Stauffer, City Recorder



**Regular Session  
Agenda Item No.**

**2**

**Proclamations,  
Commendations,  
Special Reports,  
& Awards**



**CITY OF MILWAUKIE**  
*"Dogwood City of the West"*

**PROCLAMATION**

**WHEREAS**, Milwaukie women of every race, class, and ethnic background have made historic contributions to the growth and strength of our City in countless recorded and unrecorded ways; and

**WHEREAS**, Milwaukie women have played and continue to play critical economic, cultural, and social roles in every sphere of the City by constituting a significant portion of the labor force working inside and outside the home; and

**WHEREAS**, Milwaukie women have played a unique role throughout the history of the City by providing the majority of the volunteer labor force of the City; and

**WHEREAS**, Milwaukie women were particularly important in the establishment of early charitable, philanthropic, and cultural institutions in our City; and

**WHEREAS**, Milwaukie women of every race, class, and ethnic background served as early leaders in the forefront of every major progressive social change movement; and

**WHEREAS**, Milwaukie women have served our country courageously in the military; and

**WHEREAS**, Milwaukie women have been leaders, not only in securing their own rights of suffrage and equal opportunity, but also in the industrial labor movement, the civil rights movements, and especially the peace movement, which have promoted for a fairer and just society for all; and

**WHEREAS**, despite these contributions, the role of Milwaukie women in history has been overlooked and undervalued.

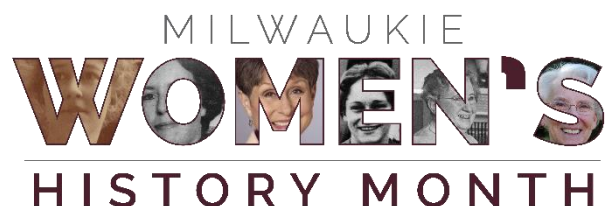
**NOW, THEREFORE**, I, Mark Gamba, Mayor of the City of Milwaukie, a municipal corporation in the County of Clackamas, in the State of Oregon, and with the full support and sponsorship of the Milwaukie Historical Society, do hereby proclaim **MARCH 2017** to be **Women's History Month** in Milwaukie and do recommend its observance with appropriate programs, ceremonies, and activities.

**IN WITNESS WHEREOF**, and with the consent of the City Council of the City of Milwaukie, I have hereunto set my hand on this 7<sup>th</sup> day of **MARCH, 2017**.

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Mark Gamba, Mayor

ATTEST:



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Scott S. Stauffer, City Recorder



**Regular Session  
Agenda Item No.**

**3**

# **Consent Agenda**



**MINUTES**  
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**WORK SESSION**  
FEBRUARY 7, 2017  
City Hall Conference Room

**Mayor Mark Gamba called the Work Session to order at 4:01 p.m.**

Council Present: Council President Lisa Batey and Councilors Angel Falconer, Wilda Parks, and Shane Abma

Staff Present: City Manager Ann Ober, City Recorder Scott Stauffer, City Attorney Peter Watts, Right-of-Way (ROW) Contracts Coordinator Reba Crocker, Human Resources Director Gary Rebello, Planning Director Denny Egner, Senior Planner David Levitan, Engineering Director Charles Eaton, and Assistant to the City Manager Mitch Nieman

**Intergovernmental Agreement (IGA) with ROW Accountability Coalition (ROWAC)**

**Ms. Crocker** introduced the topic, reviewed the staff report, and highlighted key points. She clarified the IGA would be between five cities, discussed the partnership, and noted the cost savings. She explained the 2-year audit of Portland General Electric (PGE) that ROWAC planned to complete.

The group discussed the street lights in the City, the related contract with PGE, and cost savings. The group noted the related franchise agreement with PGE.

**Ms. Crocker** clarified that the City would be responsible for the Request for Proposal (RFP) and the scope would be developed as a joint effort between the 5 cities.

**Council President Batey** noted her wish to audit Comcast in the future. **Ms. Crocker** agreed this IGA was a good framework for the future, and noted it would not be wise to audit all utilities at once, due to work loads.

It was the group consensus that the item would be placed on the February 7, 2017, Regular Session Consent Agenda.

**457 Deferred Compensation Plan Consolidation**

**Mr. Rebello** provided background on the topic and explained that the City offered its employees three different service providers for 457 retirement plans. He noted the multiple plans and fees currently involved, and explained why consolidating would save money, provide transparency, and reduce complexity. He provided examples of cities and organizations that had reduced their service providers from multiple options to one.

**Mr. Rebello** discussed hiring a consultant to help with the RFP process and the changeover. He also noted the establishment of a 457 Investment Oversight Committee made up of employees.

**Ms. Ober** noted the desired outcomes and the goal to provide greater education about the plans and more money for employees' retirement funds. This would be included in the Budget Committee packet on Thursday, February 2, 2017, and then would go back to Council on February 21, 2017.

**Community Vision Update**

**Mr. Levitan** provided a brief introduction and noted recent visioning meetings and events. He discussed the successful community engagement that had occurred

throughout the visioning process. He explained the results of the pre-Town Hall survey and discussed the responses to the proposed vision statement and action plan. The next steps would be to consolidate the most common action items at the next Town Hall meeting on February 15, 2017. He provided details for the Town Hall and discussed the next steps moving forward.

Council thanked Mr. Levitan and his team for their hard work.

### **Street Surface Maintenance Program (SSMP) Program Review with the Citizens Utility Advisory Board (CUAB) and the Public Safety Advisory Committee (PSAC)**

**Mr. Eaton** provided background on the topic and noted recently completed and upcoming SSMP projects. The group discussed the upcoming paving projects. **Mr. Eaton** provided the Overall Network Pavement Condition Ratings (PCI) of the City's streets, and summarized the original 3 options proposed for moving forward.

**Mr. Eaton** explained that CUAB had asked for a new utility fee comparison, and he presented that information. He noted CUAB's considerations of the original options and discussed their recommendation of a new option, Option 4. This recommendation would retroactively adjust the SSMP rate for inflation and revise the program to require indexing for inflation annually beginning July 1, 2017. He explained the details of Option 4, including the additional funding it would provide.

**Regis Niggemann**, PSAC Chair, discussed CUAB and PSAC's support for Option 4.

The group discussed possible fee increase amounts and the unknown of the actions of the County and State governments regarding transportation funding. **Mr. Eaton** noted a code amendment would be required to put the recommendation into place, which would go before Council at the first meeting in May 2017. The group agreed that regardless of County and State actions, the SSMP fee needed to be indexed. The group discussed the current conditions of the roads following the recent snow and ice storms.

The group discussed bonding road fees to complete projects sooner, the upcoming timeline, and next steps. It was Council consensus to have staff complete Milwaukie Municipal Code (MMC) revisions now, to have staff work on SSMP goals and targets, to return to the SSMP rate and funding discussion in April 2017, and to move forward with bonding as the assumed course.

Council thanked Mr. Eaton, CUAB, and PSAC for their work.

### **21<sup>st</sup> Avenue and Washington Street Traffic Signal Update**

**Mr. Eaton** reported that the improvements at 21<sup>st</sup> Avenue and Washington Street had been completed. He provided details on the traffic signal improvements and explained the reasoning behind the changes.

**Mayor Gamba adjourned the Work Session at 5:45 p.m.**

Respectfully submitted,

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Amy Aschenbrenner, Administrative Specialist II



**MINUTES**  
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**REGULAR SESSION**  
FEBRUARY 7, 2017  
City Hall Council Chambers

**Mayor Mark Gamba called the 2,239<sup>th</sup> meeting of the Council to order at 6:10 p.m.**

**Council Present:** Council President Lisa Batey and Councilors Angel Falconer, Wilda Parks, and Shane Abma

**Staff Present:** City Manager Ann Ober, City Recorder Scott Stauffer, City Attorney Peter Watts, Assistant to the City Manager Mitch Nieman, Associate Planner Vera Kalias, Planning Director Denny Egner, and Right-of-Way (ROW) Contracts Coordinator Reba Crocker

**1. CALL TO ORDER**

Pledge of Allegiance.

**Mayor Gamba** announced that Council would convene as the Milwaukie Redevelopment Commission (MRC) upon adjournment of the Regular Session.

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

**A. Milwaukie High School (MHS) Outstanding Student Achievement Award for January 2017 presented to Carissa Nott**

**Mr. Pinder** introduced Ms. Nott and Council remarked on her academic and extra-curricular achievements.

**3. CONSENT AGENDA**

**It was moved by Council President Batey and seconded by Councilor Parks to approve the consent agenda as presented.**

**A. City Council Meeting Minutes:**

1. January 3, 2017, Work Session; and
2. January 3, 2017, Regular Session.

**B. Resolution 18-2017: A Resolution of the City Council of the City of Milwaukie, Oregon, Approving Council and Staff Appointments to various Local and Regional Committees.**

**C. Board, Commission, and Committee (BCC) Appointments:**

1. Resolution 19-2017: A Resolution of the City Council of the City of Milwaukie, Oregon, Appointing Cynthia Schuster to the Design and Landmark Committee (DLC);
2. Resolution 20-2017: A Resolution of the City Council of the City of Milwaukie, Oregon, Appointing Michael Corrente to the DLC;
3. Resolution 21-2017: A Resolution of the City Council of the City of Milwaukie, Oregon, Appointing Martha Germany to the Park and Recreation Board (PARB);
4. Resolution 22-2017: A Resolution of the City Council of the City of Milwaukie, Oregon, Appointing Sherry Grau to the Planning Commission; and

5. **Resolution 23-2017: A Resolution of the City Council of the City of Milwaukie, Oregon, Appointing Mark Taylor to the Public Safety Advisory Committee (PSAC).**
- D. **Resolution 24-2017: A Resolution of the City Council of the City of Milwaukie, Oregon, Assessing the Costs of Abatement of the Nuisance located at 2305 SE Clatsop St and entering the same on the Docket of City Liens pursuant to Milwaukie Municipal Code (MMC) Section 8.04.200(D).**
- E. **Resolution 25-2017: A Resolution of the City Council of the City of Milwaukie, Oregon, Authorizing the Mayor to sign an Intergovernmental Agreement (IGA) with the Rights-of-Way Accountability Coalition (ROWAC) for the purpose of a Joint Audit of Utility Providers.**
- F. **Resolution 26-2017: A Resolution of the City Council of the City of Milwaukie, Oregon, approving a Contract for services between Clackamas County and the City of Milwaukie related to the close out of the Portland-Milwaukie Light Rail Project.**

**Motion passed with the following vote: Councilors Parks, Abma, Falconer, and Batey, and Mayor Gamba voting “aye.” [5:0]**

#### **4. AUDIENCE PARTICIPATION**

**Mayor Gamba** reviewed the Audience Participation procedures and **Ms. Ober** reported that there was no follow-up report from the January 17, 2017, Audience Participation.

It was noted that no member of the Audience wished to address Council.

#### **5. PUBLIC HEARING**

##### **A. Housekeeping Code Amendments – Ordinance**

Opening: **Mayor Gamba** called the public hearing on the Ordinance making housekeeping amendments to the Milwaukie Zoning Ordinance, File #ZA-2016-002, initiated by the City, to order at 6:24 p.m.

Purpose, Conflict of Interest: **Mayor Gamba** reviewed the purpose of the hearing and asked if any member of Council wished to declare an actual or potential conflict of interest or if any member of the audience wished to challenge a member of Council’s ability to participate in the hearing.

It was noted that no member of Council declared a conflict of interest and there were no audience challenges to a member of Council’s ability to participate in the hearing.

Staff Presentation: **Ms. Kalias** explained that the goal of the proposed Milwaukie Municipal Code (MMC) amendments was to provide clarification and consistency and not to change City policy. She reviewed the public process used to vet the amendments and noted that changes to Title 14, the Sign Ordinance, had been removed for separate consideration per the Planning Commission’s request. She summarized the amendments presented in the proposed ordinance, which included: changes to the Zoning Code, the Willamette Greenway (WG) Overlay, the Natural Resources Review process, and the sections of the MMC addressing Accessory Structures and Public Facility Improvement requirements; the deletion of a duplicate Fee-in-Lieu of Construction (FILOC) section; changes to the Wireless Communication Facilities section; and changes to the Downtown Design Review process, Type II variances, and the Expedited Annexation process.

**Council President Batey** and **Ms. Kalias** discussed WG Overlay exemptions and differences between the WG Overlay and the Natural Resources Review process.

**Mayor Gamba** expressed an interest in encouraging property owners to build accessory dwelling units (ADUs) while balancing the requirement for property owners to pay the cost of full street improvements. **Mr. Egner** and **Mayor Gamba** discussed the City’s street improvement fees, system development charges (SDCs), and what improvements were

triggered through the ADU permit process. **Mr. Watts** noted that frontage improvement requirements were separate from SDCs, that an ADU could trigger SDCs, and that an ADU could impact property taxes depending on how the County Auditor interpreted state law. He remarked that cities could set policies to identify when frontage improvements would be required by different types of development.

The group remarked on the role of non-remonstrance agreements and local improvement districts (LIDs) and the City's history with such agreements.

**Ms. Kolias** introduced 2 key issues for Council to consider: accessory structures and fence height. She reviewed the proposed MMC changes related to accessory structures. **Council President Batey, Mayor Gamba, and Ms. Kolias** discussed accessory structures on Bobwhite Street and Stanley Avenue, and noted the Planning Commission's work to set size standards for accessory structures.

**Council President Batey** expressed concern about accessory structures not fitting with the neighborhood and the potential for property owners to build fake connections between buildings to bypass MMC requirements.

The group discussed an accessory structure built on Bobwhite Street. **Mr. Egner** suggested the City could set a standard for accessory structures based on non-inhabitable space and provide a discretionary review process for accessory structures.

The group noted staff's ongoing MMC and Comprehensive Plan review projects.

**Mr. Egner** remarked that limiting what a property owner could do could trigger Measure 56 review processes, and noted that staff would study the issue. He suggested that Council consider adopting the proposed code language as a stopgap measure.

**Ms. Kolias** provided an overview of the current and proposed MMC language regarding fence height and the review processes for fence installations.

The group discussed the fence height of a property on 22<sup>nd</sup> Avenue and the challenges of setting a clear and objective goal for fences. **Ms. Kolias** reported that staff and the Planning Commission had recommended that fences on properties with elevation changes trigger a Type III review process.

**Mayor Gamba and Ms. Kolias** discussed why the City set a fence height limitation, noting the need to balance property owner and pedestrian concerns regarding the streetscape. **Council President Batey and Mr. Egner** remarked on staff's ability to grant variances through the proposed changes to the discretionary review process.

**Ms. Kolias and Mr. Egner** noted the costs of Type II and III review processes and that fee changes could be made through the City's Master Fee Schedule.

Correspondence: **Ms. Kolias** reported that 1 phone call regarding the proposed code changes had been received during the Planning Commission hearing. She reported that staff recommended Council approve the application and findings of approval.

Audience Testimony: **Mayor Gamba** noted that no one in the audience wished to address Council regarding the proposed code amendments.

Staff Comments: It was noted that staff did not have any further comments.

Questions of Clarification: It was noted that Council had no additional questions.

Close Public Hearing: **It was moved by Councilor Parks and seconded by Councilor Falconer to close the public hearing. Motion passed with the following vote: Councilors Parks, Abma, Falconer, and Batey, and Mayor Gamba voting "aye." [5:0]**

**Mayor Gamba closed the public hearing at 7:17pm**

**Council President Batey** reported that she had discussed her concerns about the proposed code amendments with staff and remarked on the possibility of addressing her concerns through future changes to the MMC. She expressed frustration with the lack of

public notice given for an accessory structure built in her neighborhood and commented that the proposed code changes were not perfect but would help deter such structures.

The group remarked on the possibility of limiting house sizes and it was suggested that such a topic should be addressed at a future meeting.

**Councilor Abma** concurred with the staff recommendation on variance process types for fence height and suggested that Council review the fees for variances processes. **Councilor Parks** agreed that processes should be made easier.

**Mayor Gamba** discussed balancing fence height with the pedestrian experience from the sidewalk. **Council President Batey** and **Mayor Gamba** commented on the complicated impact of elevation changes on fence height and sidewalks.

**Mayor Gamba** expressed support for most of the proposed code amendments and remarked on the community's general interest in addressing front yard fences.

The group talked about the height of front yard fences around the City and agreed that further discussion on fence height code changes was not Council's top priority at this time.

**Decision by Council:** It was moved by Council President Batey and seconded by Councilor Abma to approve the first and second reading by title only and adoption of the Ordinance Amending Title 19 Zoning to make minor changes to select sections for the purpose of clarification and improved effectiveness (File #ZA-2016-002) with the amended language to section 19.502.2 as distributed by staff. Motion passed with the following vote: Councilors Parks, Abma, Falconer, and Batey, and Mayor Gamba voting "aye." [5:0]

**ORDINANCE No. 2140:**

**AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING TITLE 19 ZONING TO MAKE MINOR CHANGES TO SELECT SECTIONS FOR THE PURPOSE OF CLARIFICATION AND IMPROVED EFFECTIVENESS (FILE #ZA-2016-002).**

## **6. OTHER BUSINESS**

### **A. Audubon Society's BirdSafe Campaign and LightsOut Program**

**Mary Coolidge**, BirdSafe Campaign Coordinator for the Audubon Society of Portland, introduced herself and the group remarked on the effectiveness of the BirdSafe Campaign's mailing to local elected officials.

**Ms. Coolidge** provided an overview of the BirdSafe Campaign, noting that the program focuses on the threat to bird safety posed by building designs and lighting issues.

**Council President Batey** and **Ms. Coolidge** remarked on survey data regarding birds striking windows of single-family and high-rise residential structures.

**Ms. Coolidge** presented examples of how smart building design features and local government guidelines could reduce the number of birds striking windows. She discussed the impact of light-emitting diode (LED) bulbs on light pollution and bird migration, reviewed LED lighting best practices, and noted the changes in LED technology. She reported that the Audubon Society would be expanding its backyard habitat program and would be interested in working with the City where possible.

**Mayor Gamba** and **Ms. Coolidge** discussed Council's support of Portland General Electric's (PGE's) conversion of the City's street lights to LED bulbs, and noted questions regarding LED bulb color temperature, spectrum visibility, and sodium vapors.

The group discussed the technological ability to dim LED bulbs and long-term impact of grime on the street lights. **Mayor Gamba** and **Ms. Coolidge** noted the possibility of the City consulting the Audubon Society on lighting and building design elements of the Ledding Library construction and expansion project.

**Mayor Gamba** and **Ms. Coolidge** reviewed building code and lighting standards adopted by other cities that take into account bird safety concerns, and noted the impact of dark skyscrapers on migrating birds.

**Mayor Gamba** and **Ms. Ober** summarized that the Audubon Society was willing to provide consulting services for the Ledding Library construction project. **Mayor Gamba** asked for information on model bird safety and lighting code language for residential and commercial buildings. **Ms. Coolidge** and **Mayor Gamba** commented on the warranty time period for LED light bulbs.

## **B. City Tree Board**

**Mr. Nieman** provided a brief overview of the City's work to establish a Tree Board, cited recent issues related to trees in development projects and neighborhood notices when trees were removed, and announced the City's recent Tree City USA (TCUSA) designation. He reviewed the Tree Board's membership, terms of office, and rules as an ad hoc board not included in the City Charter. He described possible activities, events, and programs the Tree Board could oversee as the Council's advisors on tree policies. He reported that 16 applications had been received to-date in response to the City's call for applicants to serve on the Tree Board, and noted that 4 of the applicants were certified arborists. He asked for Council direction on whether staff should continue to set up a Tree Board and if any changes to the make-up of the Tree Board should be pursued.

It was noted that Councilor Abma left the Council Chambers at 8:28 p.m.

The group noted PARB's interest in forming a separate Tree Board and if any member of PARB would like to be on the Tree Board. **Andrew Craig**, PARB member, reported that PARB supported a stand-alone Tree Board made-up of 7 members with 3 required to be professional arborists.

The group discussed non-Milwaukie residents serving on the Tree Board, what tasks the Tree Board would work on, and the status of tree boards in neighboring cities.

It was noted that Councilor Abma returned to Council Chambers at 8:31 p.m.

**Mr. Nieman** explained that the PARB could assist staff in interviewing and working with the Tree Board if Council were to give direction to continue to move forward with the Tree Board. **Councilors Parks and Abma**, and **Council President Batey** expressed support for staff's continued work to establish a Tree Board.

The group discussed the length of term for Tree Board members.

**Councilor Abma** and **Mr. Nieman** noted that as long as the City did not remove enforcement procedures and tree protections, the City's TCUSA designation would not be affected by changes to the Tree Board.

**Council President Batey**, **Mr. Nieman**, and **Mr. Craig** noted the importance of PARB and the Tree Board working together on projects and assigned duties.

**Mr. Watts** explained that the existing ordinance addressing the Tree Board would need to be amended for the proposed changes to take effect. **Mr. Nieman** and **Ms. Ober** suggested that staff and PARB could begin the interview process while working to submit ordinance changes regarding Tree Board membership for Council to consider.

**Mayor Gamba** and **Councilor Parks** expressed interest in participating in the Tree Board interviews.

The group reviewed the process and timing for Council to consider the proposed Tree Board membership changes. They discussed how many arborists should be appointed to the Tree Board and it was the group consensus that 1 Tree Board member would be required to be an arborist, with more arborists and specialists encouraged to apply.

**Mr. Craig**, **Mr. Nieman**, **Mayor Gamba**, and **Ms. Ober** discussed the status of a Douglas Fir tree to be removed due to conflicts with the sidewalk and ROW, and they commented

on current neighborhood notice requirements. They noted the possible role of the Tree Board in similar situations in the future.

**Council President Batey** encouraged staff and PARB to spread the word about the TCUSA and Earth Day events in April 2017. **Mr. Nieman** noted that PARB and the Tree Board would support the Earth Day events promoted by the City.

**Mayor Gamba recessed the Regular Session at 8:50 p.m. and reconvened the Regular Session at 8:59 p.m.**

### **C. Council Input on Legislative, Regional, and County Issues**

**Mr. Nieman** distributed handouts related to Council's legislative agenda and the group discussed their itinerary and overall strategy with state legislators at the League of Oregon City's (LOCs) Day at the Capitol event.

**Mr. Nieman** reviewed the Legislative Tracking Sheet and noted it would be updated by staff and distributed to Council weekly.

The group discussed Council preferences for how staff should track bills in the State Legislature and how Council letters and resolutions regarding specific pieces of legislation should be handled and considered. They briefly noted legislation in the Oregon and Washington legislatures being tracked by the City, Council, and LOC.

The group discussed focusing on a few key issues in order to avoid diluting the City's influence and overburdening staff resources. **Ms. Ober** and **Mayor Gamba** thanked **Mr. Nieman** for his work on behalf of the City.

**Ms. Ober** noted that future MRC meetings would be scheduled during Regular Sessions.

### **D. Council Reports**

**Council President Batey** noted that the Milwaukie Sunday Farmers' Market would return in May 2017.

**Mayor Gamba** invited the public to attend an upcoming Visioning Town Hall event and announced that the City was accepting nominations for the 2016 Volunteer of the Year Award. He reported that the City had recently launched an updated website and reformatted *Pilot* newsletter.

The group noted that the maintenance work at Water Tower Park would be ending soon.

**Councilor Falconer** noted translation services would be provided at the Visioning Town Hall and provided a report on recent Library Construction Task Force (LCTF) meetings.

**Council President Batey** announced a Repair Café event at the Wichita Center.

## **7. INFORMATION**

**Mayor Gamba** announced that Council would convene as the MRC upon adjournment of the Regular Session.

## **8. ADJOURNMENT**

**It was moved by Councilor Parks and seconded by Council President Batey to adjourn the Regular Session. Motion passed with the following vote: Councilors Parks, Abma, Falconer, and Batey, and Mayor Gamba voting "aye." [5:0]**

**Mayor Gamba moved to adjourn the regular session at 9:32 p.m.**

Respectfully submitted,

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Scott S. Stauffer, City Recorder



**MINUTES**  
MILWAUKIE CITY COUNCIL  
www.milwaukieoregon.gov

**COUNCIL RETREAT**  
FEBRUARY 12, 2017  
City Hall Conference Room

**Mayor Mark Gamba called the Council Retreat to order at 11:02 a.m.**

Council Present: Council President Lisa Batey and Councilors Angel Falconer, Wilda Parks, and Shane Abma

Staff Present: City Manager Ann Ober, City Recorder Scott Stauffer, Police Chief Steve Bartol, Assistant to the City Manager Mitch Nieman, Engineering Director Charles Eaton, and Finance Director Haley Fish

**Council Meeting Preferences**

Council considered several housekeeping items including meals at Council meetings, and the feasibility of providing childcare during Council meetings. They discussed the possibility of scheduling Study Sessions on the second Tuesday of each month, the Council budget, training opportunities, and reviewed the Staff Report process.

**Mayor Gamba recessed the Council Retreat at 12:42 p.m. and reconvened the Council Retreat at 1:14 p.m.**

**Communication Discussion and Agreement**

Council discussed the Mayor/Council Communication Agreement and proposed modified language. They noted the importance of adhering to State Law regarding serial meetings and electronic communication. They considered how Council members could report on the activities of the local and regional committees on which they serve. It was the Council consensus that the cut-off for revisions to posted Council Packets would be 5:00 p.m. on the Friday prior to a Council meeting.

**Review of Previous Council Goals**

The group discussed the status of the goals adopted by Council in 2015 and potential future goal concepts. It was noted that Council would identify time in April 2017 to identify and consider Council goals.

**Adjourn**

**Mayor Gamba adjourned the Study Session at 4:28 p.m.**

Respectfully submitted,

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Scott S. Stauffer, City Recorder



MILWAUKIE CITY COUNCIL  
**STAFF REPORT**

Agenda Item: **RS 3. B.**  
Meeting Date: **3/7/17**

To: Mayor and City Council

Through: Ann Ober, City Manager

Subject: **Resolution to approve a library fine amnesty for the week of April 9 through April 16, 2017, in recognition of National Library Week**

From: Katie Newell, Library Director

Date: February 21, 2017

### **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.72-2016, 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. In 2016, 11,507 pounds of food were collected with a total of \$14,081.44 fines waived throughout the district. The Ledding Library collected the most food with a total of 3,040 pounds, waiving a total of \$2,723.56. The next closest in food collection were Happy Valley with 1,600 pounds and West Linn with 1,500 pounds.

### **FISCAL IMPACTS**

It is not possible to accurately predict the financial impact of the proposed fine amnesty, though patrons do look forward to this each year as a way to clear their accounts while giving back to the community. For the fiscal year ended June 30, 2016, the total fines collected amounted to \$50,865.11, or approximately \$978.17 per week. The amount budgeted for library fine revenue during FY2016-17 is \$53,000.

### **WORK LOAD IMPACTS**

The Circulation staff will be affected the most, updating patron records and collecting food items.

### **RECOMMENDATION**

The Library Director recommends this action. It is a visible way to recognize the Ledding Library of Milwaukie and the contributions of the Library and its patrons to the community.

## **ATTACHMENTS**

1. Resolution to approve a library fine amnesty



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 9, 2017, through April 15, 2017, in recognition of National Library Week.**

**WHEREAS**, the City Council adopted Resolution No. 62-2016 on June 7, 2016; and

**WHEREAS**, Resolution No. 62-2016 established a schedule of fees and charges for all City services, including an overdue library 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; and

**WHEREAS**, April 9, 2017, through April 15, 2017, 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 FY 2017,

**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 9, 2017, through April 15, 2017, in recognition of National Library Week.

**Section 2.** This Resolution is effective immediately.

Introduced and adopted by the City Council on **March 7, 2017.**

ATTEST:

\_\_\_\_\_  
Mark Gamba, Mayor

APPROVED AS TO FORM:  
Jordan Ramis PC

\_\_\_\_\_  
Scott Stauffer, City Recorder

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City Attorney