



Regular Session

RS

Milwaukie City Council

COUNCIL REGULAR SESSION

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

2283rd Meeting**REVISED AGENDA**

JANUARY 2, 2019

(Revised December 28, 2018)

Note: times are estimates and are provided to help those attending meetings know when an agenda item will be discussed. Times are subject to change based on Council discussion. **Page #**

SWEARING-IN OF NEWLY ELECTED COUNCIL MEMBERS (6:00 p.m.)

Oaths of Office for Councilors Lisa Batey and Kathy Hyzy, and Mayor Mark Gamba, will be administered by City Attorney Justin Gericke followed by the seating of the new Council.

1. CALL TO ORDER (6:10 p.m.)**A. Pledge of Allegiance****2. PROCLAMATIONS AND SPECIAL REPORTS****A. City Manager Updates (6:01 p.m.)**

Staff: Ann Ober, City Manager

3. CONSENT AGENDA (6:40 p.m.)

Consent items are routine matters that are not discussed during the meeting; they may be approved in one blanket motion and any Councilor may remove an item from the Consent Agenda for separate consideration.

A. Approval of Council Meeting Minutes of:**1****1. December 4, 2018, Work Session;****2. December 4, 2018, Regular Session; (removed December 28, 2018)****3. December 11, 2018, Special Session; and (added December 28, 2018)****4. December 11, 2018, Study Session.****B. Establish 2019 Council Meeting Schedule – Resolution****8****C. Designate 2019 Papers of Record – Resolution****11****D. Establish New Right-of-Way (ROW) Fees for Small Cells – Resolution****13****4. AUDIENCE PARTICIPATION (6:45 p.m.)**

To address Council, complete a comment card and submit it to staff. The Mayor will call for comments regarding City business. Per the Milwaukie Municipal Code (MMC) only issues that are “not on the agenda” may be raised; issues that await a Council decision and for which the record is closed may not be discussed; “all remarks shall be directed to the whole Council, and the presiding officer may limit comments or refuse recognition.” The presiding officer may limit the time permitted for comments and may request that a spokesperson be selected for a group of persons wishing to speak. **The public is also invited to make comments in writing and may submit comments before the meeting, by mail, e-mail, or in person to City staff.**

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.

A. None Scheduled.

6. OTHER BUSINESS

These items will be presented by staff or other individuals. A synopsis of each item together with a brief statement of the action requested shall be made by those appearing on behalf of an agenda item.

A. None Scheduled.

7. INFORMATION (6:50 p.m.)

The Council and City Manager will provide reports on City events, projects, and programs.

8. ADJOURNMENT (6:55 p.m.)

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 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 may 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.



COUNCIL REGULAR SESSION

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

2283rd Meeting

MINUTES

JANUARY 2, 2019

Mayor Mark Gamba called the Council meeting to order at 6:00 p.m.

Council Present: Councilors Lisa Batey, Wilda Parks, Kathy Hyzy

Council Absent: Councilor Angel Falconer

Staff: Assistant City Manager Kelly Brooks
City Attorney Justin Gericke
City Manager Ann Ober
City Recorder Scott Stauffer

Community Development Director Alma Flores
Planning Director Denny Egner
Right-of-Way and Contracts Coordinator Reba Crocker
Senior Planner David Levitan

Swearing-In of Newly Elected Council Members

Mr. Gericke administered oaths of office to Mayor Mark Gamba, Councilor Lisa Batey, and Councilor Kathy Hyzy.

1. CALL TO ORDER

Pledge of Allegiance.

2. PROCLAMATIONS, COMMENDATION, SPECIAL REPORTS AND AWARDS

A. City Manager Update

Ms. Ober reported that in follow-up to the December 18, 2018, Audience Participation, staff would be meeting with representatives of the Lewelling Neighborhood District Association (NDA) regarding the Winter Solstice and Christmas Ships event. She noted that Council would discuss a possible Council compensation task force at the January 15, 2019, Regular Session and would hold its annual retreat on January 12, 2019.

3. CONSENT AGENDA

Council President Batey asked that Consent Agenda Item 3. D. be removed for separate consideration.

It was moved by Councilor Parks and seconded by Council President Batey to approve Consent Agenda Items A, B, and C.

A. City Council Meeting Minutes:

1. December 4, 2018, Work Session;
2. ~~December 4, 2018, Regular Session;~~ (removed from the agenda)
3. December 11, 2018, Special Session; and
4. December 11, 2018, Study Session.

B. Resolution 1-2019: A Resolution of the City Council of the City of Milwaukie, Oregon, designating the first and third Tuesdays of each month as the regularly scheduled City Council meeting dates, establishing the times of said meetings, and repealing Resolution 1-2018.

C. Resolution 2-2019: A Resolution of the City Council of the City of Milwaukie, Oregon, designating *The Clackamas Review*, *The Oregonian*, and *The Daily*

Journal of Commerce as the papers of record for the City of Milwaukie for calendar year 2019.

- D. ~~A Resolution of the City Council of the City of Milwaukie, Oregon, establishing the fees for small cell wireless provider and utilities operating in the City of Milwaukie and repealing Resolution 77-2018. (removed for separate consideration)~~**

Motion passed with the following vote: Councilors Batey, Parks, and Hyzy and Mayor Gamba voting “aye.” [4:0]

3. D. Consideration of a Resolution Establishing Fees for Small Cell Wireless Providers and Utilities Operating in the City’s Right-of-Way (ROW)

Mayor Gamba provided an overview of the ongoing nationwide discussion between cities, the Federal Communication Commission (FCC), and cell phone service providers. He remarked that the proposed resolution would ensure that the City followed current law. He noted that many cities planned to fight recent FCC rulings.

Council President Batey reported that she had read the FCC’s recent ruling and agreed with the staff recommendation to adopt the proposed resolution. She remarked on what cities could do under current law and discussed what the FCC ruling said in terms of aesthetic regulations of small cells. She and **Ms. Ober** noted that the City’s engineering and planning departments were aware of the FCC’s aesthetic regulations.

Councilor Parks and **Ms. Crocker** noted where power lines had been placed underground in the City and where small cells might be attached to existing utility poles.

Mayor Gamba and **Ms. Crocker** discussed how close together small cell towers would need to be placed and how many may be installed in Downtown Milwaukie.

Council President Batey and **Ms. Crocker** commented on the proposed ROW fee amounts and the likelihood that cell phone providers would be installing small cells soon. **Mayor Gamba** and **Ms. Crocker** remarked on the need to revise the Milwaukie Municipal Code (MMC) to require fiber cables be buried underground with room in the conduit to add future lines.

Council President Batey pointed out that the FCC ruling maintained cities’ control to determine where new cell towers would be located. **Ms. Crocker** agreed and commented on the limitations of cities’ ability to determine new tower locations. She noted that Portland General Electric (PGE) owned and controlled access to the utility poles in City limits. She reported that several cities were looking at conducting a study to determine future costs of the anticipated increased utility work.

Council President Batey and **Ms. Ober** noted several scrivener’s errors in the resolution that staff would correct in the final version.

It was moved by Council President Batey and seconded by Councilor Parks to approve the resolution establishing fees for small cell wireless facilities and utilities operating in the City of Milwaukie and repealing Resolution 77-2018, including modifications to the resolution presented by staff at the current meeting and allowing for the correction of scrivener’s errors by staff. Motion passed with the following vote: Councilors Batey, Parks, and Hyzy and Mayor Gamba voting “aye.” [4:0]

RESOLUTION 3-2019:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ESTABLISHING THE FEES FOR SMALL CELL WIRELESS FACILITIES AND UTILITIES OPERATING IN THE CITY OF MILWAUKIE AND REPEALING RESOLUTION 77-2018.

4. AUDIENCE PARTICIPATION

Mayor Gamba declined to read the Audience Participation procedures since no audience members wished to address Council.

5. PUBLIC HEARING

A. None Scheduled.

6. OTHER BUSINESS

A. None Scheduled.

7. INFORMATION

Mayor Gamba announced upcoming events, including Christmas tree recycling options, a poetry celebration in honor of William Stafford's birthday, a work party at Homewood Park, and City facility closures for Martin Luther King, Jr. Day.

Council President Batey noted the statewide insect issue related to Christmas trees that had been imported from the east coast. She urged anyone with an infected tree to follow the recommended disposal methods.

The group welcomed Councilor Hyzy to Council. **Councilor Hyzy** remarked on her time in the City, expressed appreciation for staff and Council, and commented that it was a privilege to serve the public.

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 Batey, Parks, and Hyzy and Mayor Gamba voting "aye." [4:0]

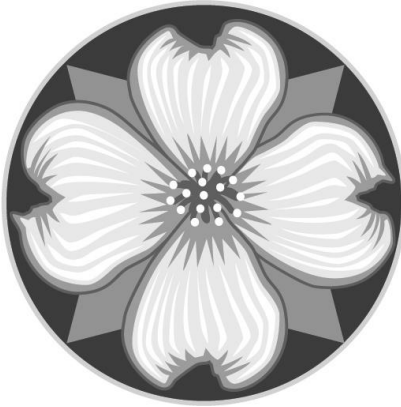
Mayor Gamba moved to adjourn the regular session at 6:33 p.m.

Respectfully submitted,



Scott Stauffer, City Recorder

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RS Agenda Item

3

Consent Agenda

COUNCIL WORK SESSION

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

MINUTES

DECEMBER 4, 2018

Mayor Mark Gamba called the Council meeting to order at 4:00 p.m.

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

Staff: Assistant City Manager Kelly Brooks	City Recorder Scott Stauffer
Associate Engineer Tessie Prentice	Climate Action and Sustainability Coordinator Natalie Rogers
City Attorney Justin Gericke	Environmental Services Coordinator Jere Sonne
City Manager Ann Ober	Public Works Director Peter Passarelli

1. Clackamas Cities Association (CCA) Dinner – Discussion

Mayor Gamba noted that the topic would be discussed at the end of the December 4, 2018, Regular Session.

2. Milwaukie Bay Park – Update

Ms. Brooks introduced Heather Koch with the North Clackamas Parks and Recreation District (NCPRD), and Melinda Graham with 2.ink Studio. She noted that they had recently completed a community design workshop.

Ms. Koch provided a project update and explained the three Park design alternatives that had been presented to the public. She summarized the public engagement process and distributed the comment from a public engagement meeting. She noted the important work of the project's Steering Advisory Committee (SAC) in the process. She reported the number of open house attendees and online survey respondents and observed that there seemed to be a preference for design alternatives 1 and 2. **Ms. Graham** discussed community responses to the different design elements and where they should be located within the park.

The group discussed the location of the trolley trail and regional connectivity to the Park.

It was noted that Councilor Falconer left the meeting at 4:29 p.m.

Ms. Koch discussed design concept cost estimates. **Ms. Graham** discussed the process of finalizing program elements in relation to costs. **Council President Batey** asked about elements that may have been originally cut from the project due to costs and the possibility of adding those elements back if funding was available. **Ms. Graham** noted that while it was not impossible, she discussed the importance of finalizing the design. **Ms. Koch** noted funding options that could be used for the project.

Mayor Gamba asked if there were parts of the design that were significantly expensive. **Ms. Graham** noted the biggest cost at this stage in the project was related to preparing the site for construction. She added that certain features were more expensive.

Council President Batey noted her desire to solicit funding from private sources. She wondered if it was worth hiring someone with corporate fundraising experience.

Councilor Abma asked about district-wide funds and discussed NCPRD system development charge (SDC) zone funding.

Ms. Koch noted the project completion timeline and discussed next steps.

Mayor Gamba noted the location of the amphitheater and he and **Ms. Graham** discussed the likelihood of parts of the Park flooding seasonally.

The group noted their desire to continue the conversation and discussed when **Ms. Koch** and **Ms. Graham** could provide an update to Council in early 2019.

3. Kellogg Good Neighbor Committee (KGNC) – Annual Review

Mr. Passarelli introduced Charles Bird, KGNC Chair. He noted that the committee did not have any proposed amendments to the bylaws.

Mr. Bird noted his history with the Kellogg Treatment Plant (also known as the Kellogg Creek Water Resource Recovery Facility). He explained the creation of the KGNC and its goals. He noted KGNC's completed tasks and the group discussed past odor problems and solutions. **Mr. Bird** summarized additional completed tasks from 2018.

It was noted that Councilor Falconer returned to the meeting at 5:08 p.m.

Mr. Bird explained items on the KGNC's 2019 workplan, including the maintenance and replacement plantings around the Kellogg Treatment Plant.

4. Kellogg Dam Removal – Update

Ms. Brooks introduced Ms. Prentice and Neil Schulman, the North Clackamas Urban Watershed Council (NCUWC) Executive Director. She noted the agencies involved in the project and noted regional funds that could be used to fund the dam removal.

Ms. Prentice summarized the Portland State University (PSU) Capstone Projects that had been completed over the past two years. She noted lessons learned from the projects regarding possible interim or immediate solutions.

Ms. Brooks believed the next step was to meet with agency partners like the Oregon Department of Fish and Wildlife (ODFW) and the Department of Environment Quality (DEQ). She explained the need to gauge the dam removal interest level and to talk through possible alternative concepts.

The group discussed how to reduce pollutants in the contaminated soil around the dam.

Mr. Schulman described his background and reported that the removal of the Kellogg Dam was the NCUWC's top priority. He noted the importance of maintaining public support for the project while managing expectations. He discussed funding opportunities and explained NCUWC's approach to projects and partners. **Council President Batey** and **Mr. Schulman** discussed the possibility of working with fishing groups.

Mayor Gamba, **Mr. Schulman**, and **Council President Batey** discussed the Portland Harbor Superfund site and pollution mitigation potential related to the dam removal.

Mayor Gamba, **Ms. Brooks**, and **Mr. Schulman** discussed potential project funding.

5. Adjourn

Mayor Gamba adjourned the Work Session at 5:43 p.m.

Respectfully submitted,

Amy Aschenbrenner, Administrative Specialist II

COUNCIL SPECIAL SESSION

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

MINUTES

DECEMBER 11, 2018

Mayor Mark Gamba called the Council meeting to order at 5:16 p.m.

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

Staff: Assistant City Manager Kelly Brooks
City Manager Ann Ober
City Recorder Scott Stauffer
Development Manager Leila Aman

Library Director Katie Newell
Planning Director Denny Egner
Senior Planner David Levitan

1. Ledding Library Improvement Project Guaranteed Maximum Price (GMP) Contract - Resolution

Ms. Aman explained staff's recommendation that Council approve a resolution adopting Change Order 01 that would set a GMP for the library project. She reviewed the details of the GMP and thanked the staff, contractor, architectural firm, Friends of the Ledding Library, the Library Board, and the Library Construction Task Force for their work. She noted the new building would be energy efficient and would feature salvaged materials from the old building and trees that had been removed.

Councilor Abma asked if any materials from the old building had been given to the Milwaukie Museum. **Ms. Aman** reported that nothing from the old library had been given to the Museum yet but some things may be offered in the future. **Ms. Ober** added that per state historic preservation requirements, salvaged items would be installed in the new building. **Council President Batey** and **Ms. Aman** noted that there would be video and photographic histories available in the library.

The group noted that "AWP" was an acronym that meant acoustic wall paneling.

Council President Batey asked if project elements not on the alternates list could be added into the project if funding was available. **Ms. Aman** and **Ms. Ober** remarked on the cost and change order implications of adding elements or redesigning components.

Mayor Gamba asked about the emergency radio system included on the alternates list. **Ms. Aman** and **Ms. Ober** explained that such a system would help improve signal quality for first responder radios in a known weak signal area around the library and North Main Village. **Councilor Falconer** and **Ms. Aman** noted that the library may be the only building left standing after an earthquake and could be used for emergency response activity.

Council President Batey remarked on the choices that had to be made to keep the project on budget. The group thanked Ms. Aman for her work negotiating project costs.

Council President Batey expressed disappointment regarding the number of trees scheduled to be removed from the site given previous assurances they would remain. **Ms. Ober** noted steps taken to protect existing trees on the site. The group noted that the disclaimer language used by the contractor regarding trees was meant to protect the contractor in the event trees were damaged. They also noted that some of the trees on the site had fallen due to rot damage.

It was moved by Councilor Falconer and seconded by Councilor Parks to approve the Resolution authorizing the City Manager to execute a Change Order establishing a Guaranteed Maximum Price with Swinerton Builders for the Ledding Library Improvement Project. Motion passed with the following vote: Councilors Falconer, Batey, Parks, and Abma and Mayor Gamba voting “aye.” [5:0]

Resolution 102-2018:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AUTHORIZING THE CITY MANAGER TO EXECUTE A CHANGE ORDER ESTABLISHING A GUARANTEED MAXIMUM PRICE WITH SWINERTON BUILDERS FOR THE LEDDING LIBRARY IMPROVEMENT PROJECT.

2. Adjourn

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

Mayor Gamba adjourned the Special Session at 5:28 p.m.

Respectfully submitted,

Scott Stauffer, City Recorder

COUNCIL STUDY SESSION

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

MINUTES

December 11, 2018

Mayor Mark Gamba called the Council meeting to order at 5:33 p.m.

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

Staff: Assistant City Manager Kelly Brooks
Assistant Planner Mary Heberling
City Manager Ann Ober
City Recorder Scott Stauffer

Planning Director Denny Egner
Planning Intern Tay Stone
Public Works Director Peter Passarelli
Senior Planner David Levitan

1. Safe Access for Everyone (SAFE) Public Engagement - Update

Ms. Brooks introduced Jessica Pickul with JLA Public Involvement. She noted that this conversation was to discuss the SAFE program engagement approach.

Ms. Pickul noted that the first phase of SAFE projects would take place over three years. She explained the different components of the engagement program and reviewed key messages. **Council President Batey** suggested that the work SAFE projects would do to address Americans with Disabilities Act (ADA) accessibility issue be mentioned. **Ms. Brooks** confirmed staff would include that information.

Ms. Pickul reviewed the outreach activities that would take place. **Mayor Gamba** suggested getting before and after project photos and videos showing how children and others navigate the streets and areas.

Ms. Pickul explained additional outreach activities, including neighborhood walking tours with community members. The group discussed types of community groups that staff should work with to promote SAFE projects. **Ms. Brooks** noted the goal was to inform those who would be impacted or would benefit from the SAFE program.

Councilor Abma asked if there were visual renderings to show how streets would look with the additions of sidewalks and other SAFE additions. **Ms. Brooks** would research options for how to visually show the program benefits.

Ms. Pickul explained the plan to provide a real-time tracker on the project website to demonstrate project performance measures. **Councilor Falconer** suggested providing statistics on number of students impacted instead of schools. The group discussed how to measure which schools are impacted by the SAFE program. Council provided additional feedback on the performance measures.

Ms. Pickul noted the SAFE website was currently under development. She discussed the level of project detail the website would provide and the schedule for the Linwood Avenue and Monroe Street intersection safety improvements. **Councilor Falconer** wondered if there was a way to track the effectiveness of the public outreach. The group discussed the benefits of knowing outreach effectiveness.

Mayor Gamba and **Ms. Brooks** discussed how the changes at the Linwood/Monroe intersection would reduce speed and traffic incidents.

Ms. Pickul provided an update on the Sellwood Street to Madison Street SAFE project. The group discussed the importance of explaining Right-of-Way (ROW) encroachments.

The group briefly discussed the Rowe Middle School tennis courts project.

Ms. Brooks provided an update on the Sellwood and Ardenwald SAFE projects. **Mayor Gamba** and **Ms. Brooks** discussed the materials for the Ardenwald path.

Mayor Gamba recessed the Study Session at 6:28 p.m. for a dinner break and reconvened the Study Session at 6:52 p.m.

2. Comprehensive Plan Block 2 Policies - Discussion

Mr. Levitan provided an overview of the Comprehensive Plan and the four block areas. He reviewed the public engagement that had taken place and noted both the proposed changes to the Block 2 Goals and Policies. **Mr. Egner** noted staff was hoping for Council to “pin down” the policies in January 2019. He and **Mr. Levitan** explained the public hearing and adoption process moving forward.

Councilor Falconer discuss the graphs included in the public engagement report. She asked to see more graphs demonstrating the representative sample of respondents related to Milwaukie’s population.

Mr. Levitan walked through the four policy areas and asked for Council feedback. He began with the parks and recreation policies. The group discussed the section of the overarching chapter goal of preserving the opportunity for future public recreational use of vacant private lands. They discussed the wording of the goal and the intent behind it. It was the group consensus to remove the section from the overarching chapter goal, as it was better worded in Policy 4.4.3.

The group debated using generic terms or specific proper names in the document, such as using “parks district” or North Clackamas Parks and Recreation District (NCPRD). It was the group consensus to use generic names over specific district names.

The group discussed the wording of Policy 4.4.7.

Mr. Egner noted that Policy 4.4.2 referenced an appendix which included definitions of different types of parks. He explained why these definitions were moved to an appendix to serve as background information, instead of being included in the policy itself. He reviewed the Willamette Greenway (WG) policies and explained the intent behind the Greenway Compatibility Review Boundary and the Greenway Design Plan. He pointed out boundary areas on the WG Flood Risk map and noted that the boundary would be updated to include Elk Rock Island.

The group discussed protecting views of the river and noted potential and actual flooding related to Kellogg Creek and Lake.

Councilor Falconer asked if Kellogg Creek should be specifically named in the policy and suggested just including the Willamette River. She and **Mr. Egner** discussed the greenway boundary. The group discussed protecting views of the river versus planting trees to shade waterways and cool fish habitats. They noted other plans that protected Kellogg Creek and discussed the possibility of talking Kellogg Creek out of the WG.

Mr. Levitan reviewed the Natural Hazards policies. He noted related Comprehensive Plan Advisory Committee (CPAC) discussions. He asked for Council feedback on Policy 7.1.3 and Council noted their agreement with the proposed changes.

Councilor Abma noted the potential future use of drones for floodplain mapping. The group discussed the re-mapping of certain areas.

The group discussed minor word changes to the Natural Hazards policies.

Mr. Levitan reviewed the Climate Change and Energy policies. **Mayor Gamba** discussed compact neighborhoods and **Mr. Levitan** noted how an explanatory statement could be added. **Councilor Falconer** agreed that more explanatory “pop-up” statements should be included throughout the document. The group discussed the need to plan for climate change and noted other cities’ actions to address climate change.

Mr. Passarelli and the group commented on the great work done by the CPAC, the community, and staff in creating the policies.

Mr. Levitan noted the upcoming timeline for the Block 2 Goals and Policies.

Clackamas Cities Association (CCA) Dinner Update

Ms. Ober reported that the City of Oregon City had offered to let Milwaukie host the CCA Dinner in June 2019. The group noted which staff members may or may not be in town and it was the Council consensus to host the dinner in June 2019.

Wichita Park Update

Council President Batey asked when Wichita Park would open. **Ms. Ober** reported that the Park would not be ready until spring and noted minor project setbacks. The group discussed grass seed plantings.

3. Adjourn

Mayor Gamba adjourned the Study Session at 8:21 p.m.

Respectfully submitted,

Amy Aschenbrenner, Administrative Specialist II

COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, City Manager

Date Written: Dec. 20, 2018

Reviewed: Amy Aschenbrenner, Administrative Specialist II

From: Scott Stauffer, City Recorder

Subject: **Establish 2019 Council Meeting Dates**

ACTION REQUESTED

Council is asked to designate its regular meeting schedule for calendar year 2019.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

Council has established the precedence of designating regular monthly meeting days on an annual basis, through adoption of the first Council Resolution of the calendar year. The proposed resolution establishes the dates and times of the Work, Regular, and Study Session meetings.

Work Sessions typically precede Regular Sessions and are less formal meetings where Council may consider a limited number of agenda items. Regular Sessions are the formal business meetings of the Council where ceremonial and formal business items are considered and acted upon as appropriate. Work and Regular Sessions have historically been held on the first and third Tuesdays of each month.

Study Sessions are less formal meetings where new topics and issues may be considered in-depth. These meetings have been scheduled to occur once a month and have recently been held on the second Tuesday of each month.

ANALYSIS

The Council is required by Milwaukie Municipal Code (MMC) Chapter 2.04.070 to provide notice of its regularly scheduled meeting times and locations. By historic precedence, the Council had annually adopted a resolution establishing the meeting schedule for the calendar year.

BUDGET IMPACTS

None.

WORKLOAD IMPACTS

None.

COORDINATION, CONCURRENCE, OR DISSENT

Staff has not received any requests from members of Council or the public to change the previously established, or the proposed, Council meeting schedule.

STAFF RECOMMENDATION

Staff recommends Council adopt the proposed resolution to establish its 2019 meeting calendar.

ALTERNATIVES

Council may direct staff to set different meeting dates and times for its regular meetings.

ATTACHMENTS

1. Resolution

**COUNCIL RESOLUTION No.**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, DESIGNATING THE FIRST AND THIRD TUESDAYS OF EACH MONTH AS THE REGULARLY SCHEDULED CITY COUNCIL MEETING DATES, ESTABLISHING THE TIMES OF SAID MEETINGS, AND REPEALING RESOLUTION 1-2018.

WHEREAS, Section 20 of the Milwaukie City Charter requires the City Council to hold a regular meeting at least twice a month in the City at a time and at a place which it designates; and

WHEREAS, the Milwaukie Municipal Code (MMC) Chapter 2.04.070 states that the City Council must provide notice of its regular meeting times and locations; and

WHEREAS, the City Council adopted Resolution 1-2018, which established that Regular Session meetings would be held on the first and third Tuesday of each month.

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

Section 1. Regular Session City Council meetings will be held on the first and third Tuesday of each month at 6:00 p.m. in the Council Chambers at City Hall, 10722 SE Main Street, or at a designated alternate location as required by the Public Meetings Laws of the State of Oregon.

Section 2. The City Council may schedule Work or Study Sessions, if deemed necessary by the members, and hold them either before or after the Regular Session or on alternative meeting dates. Further, the City Council may cancel any Work Session or Study Session if there are insufficient agenda topics to warrant convening a meeting.

Section 3. The City Recorder is directed to provide notice to the public of all City Council meetings as required by law.

Section 4. Resolution 1-2018 adopted January 16, 2018, is repealed.

Section 5. This resolution is effective January 2, 2019.

ATTEST:

Mark F. Gamba, Mayor

APPROVED AS TO FORM:

Scott S. Stauffer, City Recorder

Justin D. Gericke, City Attorney

COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, City Manager

Date Written: Dec. 20, 2018

Reviewed: Amy Aschenbrenner, Administrative Specialist II

From: Scott Stauffer, City Recorder

Subject: **Designation of the Papers of Record for 2019**

ACTION REQUESTED

Council is asked to designate the City's newspapers of record for calendar year 2019.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

To ensure that the citizens of Milwaukie are properly informed of the proceedings of their municipal representatives, and per Oregon Revised Statute (ORS) 192.620, the Public Meetings Law, proper public notice is required for all "deliberations and decisions of the governing bodies." To communicate and give official notice of City Council actions and topics, three newspapers which serve the greater Milwaukie area have been identified by staff. Per ORS 193.010 and 193.020, the three newspapers identified in the proposed Council Resolution meet the ORS-prescribed definition as "newspapers of general circulation," and have served as the City's papers of record for many years.

ANALYSIS

The Council is required by State Law to designate the City's newspapers of record, which are used by staff throughout the year to announce and distribute meeting, event, and bid and request notices. By historic precedence, the Council has annually adopted a resolution establishing the City's papers of record for the calendar year.

BUDGET IMPACTS

None.

WORKLOAD IMPACTS

None.

COORDINATION, CONCURRENCE, OR DISSENT

Staff has not received any requests from members of Council or the public to change the City's papers of records.

STAFF RECOMMENDATION

Adopt the proposed resolution designating the papers of record as *The Clackamas Review*, *The Oregonian*, and *The Daily Journal of Commerce*.

ALTERNATIVES

Council may direct staff to set different newspapers to designate as the City's papers of record.

ATTACHMENTS

1. Resolution



COUNCIL RESOLUTION No.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, DESIGNATING THE CLACKAMAS REVIEW, THE OREGONIAN, AND THE DAILY JOURNAL OF COMMERCE AS THE PAPERS OF RECORD FOR THE CITY OF MILWAUKIE FOR CALENDAR YEAR 2019.

WHEREAS, Oregon Revised Statute (ORS) 192.620, the State’s Public Meetings Law, requires an “informed public aware of the deliberations and decisions of the governing bodies;” and

WHEREAS, ORS 193.010 defines a newspaper of general circulation, and ORS 193.020 defines a newspaper in which public notices may be published; and

WHEREAS, The Clackamas Review, The Oregonian, and The Daily Journal of Commerce meet the needs of the City and the requirements of State statutes.

Now, Therefore, be it Resolved by the City Council of the City of Milwaukie, that The Clackamas Review, The Oregonian, and The Daily Journal of Commerce are designated as the papers of record for the City of Milwaukie for calendar year 2019.

Introduced and adopted by the City Council on **January 2, 2019**.

This resolution is effective on **January 2, 2019**.

Mark F. Gamba, Mayor

ATTEST:

APPROVED AS TO FORM:

Scott S. Stauffer, City Recorder

Justin D. Gericke, City Attorney

COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, City Manager

Date Written: Jan. 2, 2019

Reviewed: Kelly Brooks, Assistant City Manager

From: Reba Crocker, Right of Way Coordinator

Subject: **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE,
OREGON, ESTABLISHING THE FEES FOR UTILITIES OPERATING IN THE CITY
OF MILWAUKIE AND REPEALING RESOLUTION 77-2018.**

ACTION REQUESTED

Adopt a fee schedule to comply with Federal law.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

In September 2016, Council adopted Title 21.

In September 2018, Council approved and adopted housekeeping edits to Title 21.

On October 15, 2018, the Federal Communications Commission (FCC) published limits on the usage fees allowed for small wireless cell facilities.

ANALYSIS

On January 14, 2019, the limits imposed by the FCC will become effective. In order to comply with the new limits, the City's fee schedule needs to be revised.

BUDGET IMPACTS

The limitations imposed by the FCC reduces the right-of-way usage fees charged by the City.

WORKLOAD IMPACTS

Staff is likely to see an increase in small cell wireless cell facility applications.

COORDINATION, CONCURRENCE, OR DISSENT

The Assistant City Manager concurs.

STAFF RECOMMENDATION

Staff recommends adoption of the revised fee schedule.

ALTERNATIVES

None

ATTACHMENTS

1. Resolution



COUNCIL RESOLUTION No.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ESTABLISHING THE FEES FOR SMALL CELL WIRELESS PROVIDER AND UTILITIES OPERATING IN THE CITY OF MILWAUKIE AND REPEALING RESOLUTION 77-2018.

WHEREAS, the City of Milwaukie has constitutional and charter authority to manage its rights-of-way; and

WHEREAS, on September 16, 2016, the Milwaukie City Council adopted Ordinance No. 2131, amended on September 11, 2018 by Ordinance No. 2164 which regulated utilities operating in the City's rights-of-way and exercised the City's authority to secure compensation for utility use of its rights-of-way;

WHEREAS, under Section 21.04.080 of the Milwaukie City Code (MCC), the Council shall by resolution establish right-of-way license application fees and a right-of-way license fees; and

WHEREAS, under Section 21.04.140 of the MCC, the Council shall by resolution establish right-of-way usage fees. **Now, Therefore, be it Resolved** by the City of Milwaukie, Oregon:

Section 1: Resolution 77-2018 is hereby repealed;

Section 2: The right-of-way -license application fee shall be \$50. (excluding small cell wireless facilities);

Section 3: The right-of-way license application fee for small cell wireless facilities, shall be \$500 for up to five sites and \$100 for each additional site, plus any reasonable fees the City must incur for outside expertise to evaluate such applications, including compliance with the Federal Communication Commission "RF" standards;

Section 4: The right-of-way license fee (excluding small cell wireless facilities) shall be \$250 for a five-year license;

Section 5: The rights-of-way usage fees shall be as follows:

<i>Utility Service</i>	<i>ROW Usage Fee Rate</i>
Electric	5% of gross revenue
Natural Gas	5% of gross revenue
Communications (other than small cell wireless)	7% of gross revenue
Cable System	5% of gross revenue
Usage of the rights-of-way for purposes other than generating revenue within the City.	\$3.00 per linear foot of Utility Facilities in the rights-of-way or a minimum annual fee of \$5,000, whichever is greater. The per-linear-foot fee and the minimum fee shall increase 3% annually on July 1 st of each year, beginning July 1, 2018

"Gross Revenue" shall have the meaning defined in Title 21.

Section 6: The annual attachment fee (excluding small cell wireless facilities) shall be \$5,000 per attachment. The attachment fee shall increase 3% on July 1st of each year beginning on July 1, 2018; and

Section 7: The annual attachment fee for small cell wireless facilities shall be the fair market value of such attachments., City staff is directed to establish a reasonable approximation of costs for such attachment, but in no case shall it be less than \$270. per attachment.

*Small cell wireless facilities are defined as an antenna of no more than three cubic feet and equipment totaling no more than 28 cubic feet, placed on a structure that is either (1) no more than 50 feet in height,(2) no more than 10 percent taller than adjacent structure, or (3) no more than 10 percent taller than the structure's preexisting height after the new antenna is placed.

Introduced and adopted by the City Council on _____.

This resolution is effective on January 13, 2019.

Mark Gamba, Mayor

ATTEST:

APPROVED AS TO FORM:

Scott Stauffer, City Recorder

Justin D. Gericke, City Attorney

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Section 7: The annual attachment fee for Small Cell Wireless Facilities shall be the fair market value of such attachments. City staff is directed to establish a reasonable approximation of costs for such attachment, but in no case shall it be less than \$270.00 per attachment.

Section 8: Small Cell Wireless Facilities are defined as an antenna of no more than three cubic feet and equipment totaling no more than 28 cubic feet, placed on a structure that is either (1) no more than 50 feet in height, (2) no more than 10 percent taller than adjacent structure, or (3) no more than 10 percent taller than the structure's preexisting height after the new antenna is placed.

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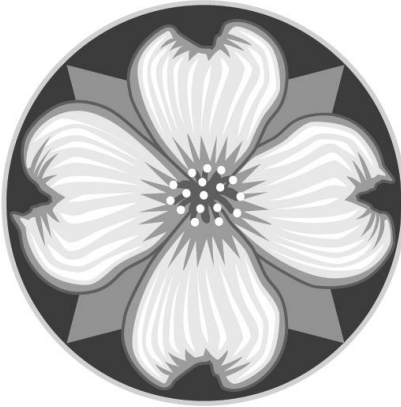
Mark Gamba, Mayor

ATTEST:

APPROVED AS TO FORM:

Scott Stauffer, City Recorder

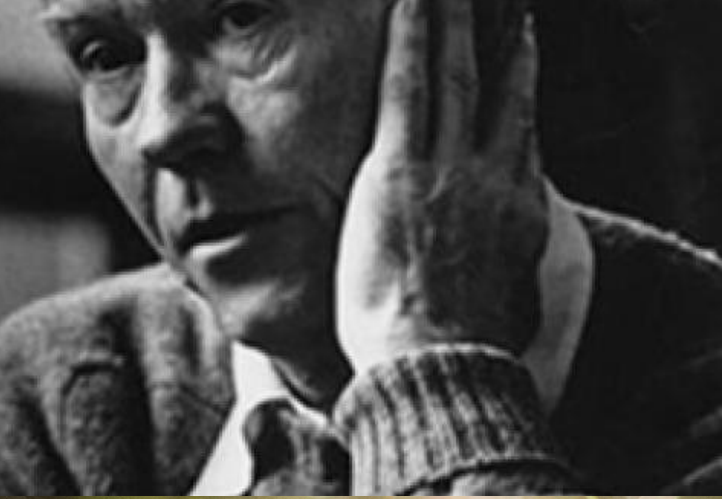
Justin D. Gericke, City Attorney



RS Agenda Item

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Information



Mayor's Announcements – Jan. 2, 2019



- **Christmas Tree Recycling For Salmon** – Sat., Jan. 12 (10 AM – 3 PM)
- **William Stafford Birthday Celebration** – Sat., Jan. 12 (2 – 4 PM)
- **Homewood Park Ivy Pull and Planting** – Sat., Jan. 19 (9 AM – 12 PM)
- **Birthday of Reverend Dr. Martin Luther King, Jr. – City Offices and Ledding Library Are Closed** - Mon., Jan. 21
- **LEARN MORE AT WWW.MILWAUKIEOREGON.GOV**