MILWAUKIE
CITY COUNCIL MEETING
January 7, 1980

COUNCIL CHAMBERS 1351st Meeting

The one thousand three hundred fifty-first meeting of the Council of the City of Milwaukie, Oregon, was held at 7 p.m. on the 7th day of January, 1980, with the following councilpersons present:

Mel Paulson
Anne Nickel
Joy Burgess
Robert Ewald
Mayor Allen Manuel

Also present:

Kenneth S. Whorton, City Mgr.
Donald Oblander, Finance Direct.
Steven Hall, P.W. Director
Gregory Eades, City Att'y
Dorothy E. Farrell, Sec'y

The invocation was given by the Reverend Lewis Davies, First United Pentecostal Church, and the Pledge of Allegiance was recited.

AUDIENCE PARTICIPATION

1. Dave Strauss, 10120 SE Waverly Court, said it is his understanding regarding possible consolidation of Oak Grove and Milwaukie with unincorporated areas, that there was no public hearing or public input to the Milwaukie Council, but the Council decided they would not participate or study the proposal. Mr. Strauss said he feels the proposal is worth investigation, that he is not speaking in favor of consolidation or annexation, but is in favor of the city actively participating in the investigation.
2. James Backenstos, 3626 SE Harrison, said, regarding consolidation or annexation, it should be determined what the area has to offer the City of Milwaukie, and that there should be no loss of Milwaukie's identity.
3. City Manager introduced the newly-appointed Senior/Community Center Director, Mary Jo Durand.
4. City Manager introduced the newly-appointed City Attorney, Gregory Eades.

PUBLIC HEARING - ENERGY CONSERVATION

Public hearing was declared open at 7:30 p.m. Frank Godwin of PGE was invited to the meeting and had planned to attend, but because of the bad weather was unable to attend. Public Works Director has written memo, dated December 21, concerning cost of converting street lights from existing mercury vapor lamps to sodium vapor lamps. Burgess suggested that the police, as they make their daily routes through the city, observe street lights that are on during the day, note addresses, and notify the Manager, who could notify PGE. Police Chief has written memo, dated December 31, concerning reduction of city street lighting and its impact on police services.

It was MOVED by Ewald, SECONDED by Burgess, to read Resolution Number 1-1980 (A RESOLUTION DECLARING AN ELECTRICAL ENERGY SUPPLY EMERGENCY IN THE CITY OF MILWAUKIE AND INSTITUTING VOLUNTARY ENERGY CONSERVATION MEASURES) by title only, with the addition of Section 3, as follows: "3. The expiration date of this resolution shall be six months from date of adoption."

MOTION CARRIED unanimously. It was MOVED by Burgess, SECONDED by Nickel, to adopt Resolution 1-1980, as amended. MOTION CARRIED unanimously. It was Council consensus to publish the resolution in the Milwaukie Review.
It was Council consensus not to turn off part of the city's street lights at this time.
Mayor suggested Council and Budget Committee look at a long-range conversion program from Mercury vapor to sodium vapor street lights, on a steady, annually-funded program. Staff was asked for better cost figures from PGE.
Asking questions:
James Backenstos, 3626 SE Harrison

APPOINTMENT TO METRO LOCAL OFFICIALS ADVISORY COMMITTEE
Metropolitan Service District has sent letter, dated December 17, 1979, asking for appointment of an elected official representative to LOAC for 1980. It was MOVED by Nickel, SECONDED by Ewald, to reappoint Joy Burgess to serve on the Local Officials Advisory Committee. MOTION CARRIED unanimously.

RESOLUTION NUMBER 2-1980 - PARKING RATES FOR CITY PARKING LOTS
Finance Director has written memo, dated December 7, 1979, concerning parking rates and fines. It was MOVED by Ewald, SECONDED by Burgess, to read Resolution Number 2-1980 (A RESOLUTION ESTABLISHING PARKING RATES FOR MUNICIPAL PARKING LOTS) by title only, deleting the second paragraph. MOTION CARRIED unanimously. It was MOVED by Ewald, SECONDED by Burgess, to adopt Resolution 2-1980. MOTION CARRIED unanimously.

FEES FOR PARKING VIOLATIONS
At their December 3, 1979 meeting, Council moved to increase overtime parking fines to $5 and directed staff to prepare a resolution. That resolution has been prepared.
Finance Director's memo on the subject recommended Council authorize $200 for part-time clerical help for follow-up on delinquent parking citations. It was MOVED by Burgess, SECONDED by Nickel, to allow $200 for part-time help to bring the fine collection up to date. After discussion, the MOTION was WITHDRAWN, and it was MOVED by Burgess, SECONDED by Nickel, that the City Council authorize up to $500 for part-time help to bring delinquent parking citations collection up to date. MOTION CARRIED unanimously.
It was MOVED by Nickel that (A RESOLUTION ESTABLISHING FINES FOR PARKING VIOLATIONS) be read by title only. MOTION FAILED for lack of a second. Ewald made the following recommendations for changes in the fee schedule: overtime parking reduced to $4; bus zone and double parking reduced to $4; fire hydrant, emergency zone and safety zone increased to $15; loading zone, no parking zone, crosswalks reduced to $4; taxi zone and permit only parking reduced to $4. Nickel WITHDREW her motion, and it was Council consensus that the Manager meet with downtown merchants to discuss the fines, and ask the Municipal Judge for his opinion, and the resolution will be on the next agenda.

RESOLUTION NUMBER 3-1980 - LIEN CHECK FEES
It was MOVED by Ewald, SECONDED by Nickel, to read Resolution Number 3-1980 (A RESOLUTION ESTABLISHING A CHARGE FOR LIEN CHECK (TITLE SEARCH) SERVICES PROVIDED BY THE CITY OF MILWAUKIE) by title only. MOTION CARRIED unanimously. It was MOVED by Ewald, SECONDED by Burgess, to adopt Resolution 3-1980. MOTION CARRIED unanimously.

MEMO FROM PLANNING COMMISSION RE ELIGIBLE LIST FOR VACANCIES
Planning Commission has sent memo, dated December 12, 1979, concerning Planning Commission appointments. It was MOVED by Ewald to appoint new members based on the last interviews. MOTION FAILED for lack of a second. It was Council consensus to continue tonight's meeting to the work session January 8 for discussion of appointment guidelines, terms of office, prohibition of reappointments after two terms, and for appointments to be made.

MEMO FROM FINANCE DIRECTOR RE LOW INCOME PLANNING FEES
Finance Director has written memo, dated December 7, 1979, concerning low income planning fees. The Planning Department will analyze the entire fee structure in light of the new Comprehensive Plan, and will include this issue in their study. Staff was asked to prepare necessary resolution or ordinance amendment to allow the Manager to waive or lower planning-related fees for low-income individuals on a case by case basis.

(Meeting recessed at 8:40 p.m., reconvened at 8:50 p.m. with all present.)

MEMO FROM SENIOR CITIZEN ADVISORY COUNCIL RE TRANSPORTATION TO CENTER
Senior Citizen Advisory Council has sent memo, dated December 12, 1979, concerning transportation for elderly to the new Center. Staff was asked to work on a survey asking how many would need transportation, and the routes. Staff was asked to continue writing letters to Tri-Met asking for a bus route to the Center.

MEMO FROM PUBLIC WORKS DIRECTOR RE WESTFALL TRAILER OCCUPANCY
Public Works Director has written memo, dated December 7, 1979, asking for an extension of City Council exception granted August 6, 1979 to allow Mr. and Mrs. R. Westfall, 11300 SE Beckman Road to live in a travel trailer at that address until they have constructed a new home to replace a structure which was destroyed by fire. It was MOVED by Nickel, SECONDED by Burgess, to give an extension of four months. MOTION CARRIED unanimously.

MEMO FROM PUBLIC WORKS DIRECTOR RE PARKS USER FEES
Public Works Director has written memo, dated December 6, 1979, concerning Parks and Recreation Commission recommendation on user fee revisions. It was MOVED by Burgess, SECONDED by Nickel, that the Council adopt the recommended revision to the user fees for picnic areas in North Clackamas Park. Ewald asked for a copy of written policies for the park. MOTION CARRIED unanimously.

MEMORANDA RE BUDGET COMMITTEE APPOINTMENTS

Acting City Attorney John H. Hammond has written opinion, dated December 20, 1979, concerning proposed short extension to term of Budget Committee members. City Recorder and Finance Director have written memoranda, dated January 2, 1980, concerning Budget Committee appointments.

It was MOVED by Nickel, SECONDED by Manuel, to reappoint Wallace Bischoff to the Budget Committee. The MOTION was WITHDRAWN until Council has decided on policy on number of terms that can be served. Staff was asked to contact former applicants who did not respond to letters asking for an expression of continued interest. Applicants who have not yet been interviewed will be contacted in an attempt to set up interviews prior to the work session January 8.

INTERIM GUIDELINES FOR COMMUNITY CENTER OPERATION

Manager has written memo, dated December 14, 1979, concerning interim guidelines for Community Center operation.

Forrest Sandburg, 2524 SE Lake Road, past commander of Milwaukie Veterans of Foreign Wars, asked for use of the Center for meetings of that organization.

It was Council consensus to add to the interim guidelines Section 5 as follows: "5. Guidelines will remain in effect until permanent guidelines adopted." City Attorney was asked for a legal opinion on what citizens (seniors only or other citizens as well) can use the Community Center.

It was MOVED by Burgess, SECONDED by Nickel, to adopt the guidelines proposed by the Manager, with the addition of Section 5 as mentioned above. MOTION CARRIED unanimously.

RESOLUTION NUMBER 4-1980 - RE-ESTABLISHING NEIGHBORHOOD COUNCILS

Neighborhood Council Executive Committee has requested City Council to re-adopt the existing resolution on Neighborhood Councils. It was MOVED by Nickel to read (A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE CREATING NEIGHBORHOOD COUNCILS) by title only. MOTION FAILED for lack of a second.

A work session was scheduled for 7 p.m. February 7, 1980, to discuss Neighborhood Councils.

It was MOVED by Ewald, SECONDED by Nickel, to read Resolution Number 4-1980 (A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE CREATING NEIGHBORHOOD COUNCILS) by title only, with the change of the date in the first line of Section 12 to March 31, 1980. MOTION CARRIED unanimously. It was MOVED by Ewald, SECONDED by Burgess, to adopt Resolution 4-1980. MOTION CARRIED unanimously.

ORDINANCE NUMBER 1442 - CORRECTING STREET VACATION ORDINANCE NUMBER 1422

It was MOVED by Nickel, SECONDED by Paulson, to read Ordinance Number 1442 (AN ORDINANCE VACATING A PORTION OF S.E. LARK STREET, A PORTION OF 1ST AVENUE AND A PORTION OF S.E. 18TH AVENUE LOCATED IN SECTION 35, T1S, R1E, W.M., MILWAUKIE, CLACKAMAS COUNTY, OREGON, AND REPEALING ORDINANCE NUMBER 1422) the first time by title only. MOTION CARRIED unanimously. It was MOVED

by Nickel, SECONDED by Paulson, to read the ordinance the second time by title only. MOTION CARRIED unanimously. It was MOVED by Burgess, SECONDED by Ewald, to adopt Ordinance 1442. Ordinance 1442 was put on its passage with the following roll-call vote: AYES: Paulson, Nickel, Manuel, Burgess and Ewald. NOES: None. Ordinance 1442 passed the Council and was so declared by the Mayor.

LEASE PURCHASE AGREEMENT - MILWAUKIE AUTOMOTIVE

Manager said Acting City Attorney Hammond has been unable to come up with a lease/purchase agreement that is legal and satisfactory to both Mr. Downs and the city, for lease/purchase of Milwaukie Automotive property for city shop site facility. Manager recommends as the only alternative, a special election in March for revenue bonds to pay for the property in total. It was MOVED by Burgess, SECONDED by Paulson, that an election on this matter to obtain revenue bonds for the purchase be set in the May primary election. MOTION FAILED with the following roll-call vote: AYES: Paulson and Burgess. NOES: Nickel, Manuel and Ewald.

It was MOVED by Nickel, SECONDED by Ewald, to set the election for the available election date in March. MOTION CARRIED with the following roll-call vote: AYES: Paulson, Nickel, Manuel and Ewald. NOES: Burgess. A resolution calling for election will be prepared for the next agenda.

AUDIT REPORT COMMENTS

Finance Director has written memo, dated December 20, 1979, concerning audit report comments. It was Council consensus that the report go to the Budget Committee, and that the City Manager review the report and make recommendations.

LONG RANGE FISCAL PROJECTIONS

It was MOVED by Nickel, SECONDED by EWald, that the Council accept the recommendations of the Finance Director and present Long Range Fiscal Projections to the State of Oregon. MOTION CARRIED unanimously.

MEMO RE COMMITTEE APPOINTMENTS

Recorder has written memo, dated January 2, concerning committee appointments. The subject will be discussed at the meeting on January 8.

CONSENT AGENDA

a) Approval of minutes - December 3, 1979 Council meeting
b) Payment of bills
c) Dismissal order - Home Builders Association v. Lake Oswego et al
d) Preliminary population estimate
e) Liquor license application - Joe's Warehouse - Class A
f) Progress payment/final acceptance - water tank
g) Final payment - Winworth Court sewer extension

It was MOVED by Nickel, SECONDED by Paulson, to adopt the Consent Agenda. Item b was removed for discussion.

b) Questions were asked on bills listed for January 7, 1980 payment.
c) Council has received copy of Motion and Order to Dismiss, dated December 26, 1979, in the case of Home Builders Association of Metropolitan Portland vs. City of Lake Oswego, et al.
d) Portland State University Center for Population Research and Census has sent letter, dated November 28, 1979, concerning error in November 20 preliminary population estimate.
e) Police Department finds no reason to deny issuance of Class A Dispenser's License for Joe's Warehouse Restaurant, 12300 SE Mallard Way.
f) Public Works Director and City Manager recommend approval of progress pay estimate No. 8 for EDA Project No. 07-51-23551, 3-million gallon storage facility, and final acceptance of the project.
g) Public Works Director and City Manager recommend final payment on Winworth Court sewer extension, in the amount of $2,106.00.

LATE ITEMS

1. At 11 a.m. January 9 the County Commissioners will hold a hearing for fiscal year 1980-81 on Revenue Sharing funds. Manager will request approximately $20,000/25,000 to help furnish the Community Center.
2. There will be a meeting with Port of Portland representatives on waterfront development at 7 p.m. January 24, 1980.
3. Manager has authorized installation of stop sign at 49th and Logus Road.
4. Public Works Director will be attending Johnson Creek Task Force January 10 regarding the Local Improvement District project.
5. Manager has prepared proposed appointment guidelines for use in appointing individuals to various city commissions.
6. Manager and Public Works Director recommend progress pay estimate No. 2 and project acceptance of 36th Street L.I.D., in the amount of $52,982.82. It was MOVED by Ewald, SECONDED by Burgess, to accept the recommendation on the 36th Street L.I.D. MOTION CARRIED unanimously.
7. Council has received copy of memo from Acting Fire Chief to City Manager, dated January 3, concerning alarm at Omark Chain Saw on 12/28/79; and memo from Police Chief to City Manager, dated January 7, concerning police vehicle emergency operation.
8. It was MOVED by Nickel, SECONDED by Burgess, to approve the liquor license application for Pietro's Gold Coast Pizza Parlor. MOTION CARRIED unanimously.

COUNCIL REPORTS

1. Burgess reported on progress of discussions of 911 emergency reporting number.
2. Paulson read from regulations for placement of the U.S. flag.

The meeting recessed at 10:55 p.m., to be continued on January 8.

ATTEST:

Allen Manuel

Allen Manuel, Mayor

Dorothy E. Farrell

Dorothy E. Farrell, Secretary