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MILWAUKIE
CITY COUNCIL MEETING
OCTOBER 15, 1985

COUNCIL CHAMBERS

1490th MEETING

The one thousand four hundred ninetieth meeting of the Milwaukie City Council was called to order at 7:04 p.m. on October 15, 1985, with the following councilors present:

Ron Kinsella, Mayor
Craig Lomnicki
Mike Richmond

Roger Hall
Chere' Sandusky

Also present:

Hugh Brown,
City Manager
Topaz Faulkner,
Planning Director

Sandra Miller,
Asst. to City Manager
Joy Brookhouse,
Executive Secretary

AUDIENCE PARTICIPATION

GOOD NEWS - Mayor Kinsella announced that a letter had been received from Mr. Mastbrook of Loaves & Fishes thanking all those involved in developing the by-laws for Loaves & Fishes at the Milwaukie Center. Mr. Mastbrook also requested that copies of his letter be placed in the personnel file of each person named.

Councilmember Lomnicki reported that grass had been seeded at Dogwood Park and that the park was looking very good. He expressed appreciation on behalf of the City Council for student and citizen participation.

Mayor Kinsella explained that 'baskets for needy families' would be placed at all City Council meetings, all Board/Commission meetings and in designated areas throughout City Hall. He further explained that from this date on there would be admission requested to each of these meetings, the minimum charge to be one can of food for the basket, and that donations collected will be distributed through existing holiday programs to Milwaukie families.

OTHER BUSINESS

CONSIDERATION OF CONDITIONS AND FINDINGS REGARDING APPROVAL OF REQUEST BY KING BELL HOUSING, INC. - Mayor Kinsella announced that a decision had been made at the October 1st Council meeting to approve the King Bell Housing facility and that the matter at hand was now to determine the conditions and findings attached to that decision. He explained that there would be an opportunity for audience comments after Council discussion. As there was no additional staff report to be presented, Mayor Kinsella reviewed the recommendation made by the City Attorney regarding the proposed review period and proceeded to outline the nine conditions proposed in the packet. He then explained that the only condition that might require additional time to accomplish was the paving of the parking area which was contingent on good weather.

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Topaz Faulkner stated that the condition regarding the review period required a change: i.e., a community service overlay is a conditional use and does not require a zone change. She then reaffirmed the planning department policy providing for the continual monitoring of compliance with a conditional use and the consideration of neighbor concerns. Topaz stressed that, although King Bell Housing counsel had offered a review period without standards, standards were considered necessary to that review process.

Councilmember Lomnicki indicated his concern with screening of potential clients being done on the premises in emergency situations and recommended that the conditions not include a provision for on-site screening. Mayor Kinsella expressed concern that this would not allow an opportunity for emergency housing over a weekend and Councilmember Sandusky stressed that the caretakers would be trained to provide preliminary screening in emergency situations. Councilmember Lomnicki stated that his concern was that the facility would become an attraction to people seeking convenient, rather than necessary, lodging and asked if Council would be given the ability to make policy changes rather than rescinding the conditional use at the time of review. Staff indicated that policy changes would be an option at that time.

AUDIENCE COMMENT

Fairy Mills, residing in the neighborhood, asked for justification for the omission of several of the conditions contained in the staff report and the definition of 'unreasonably disruptive', which was referred to in condition #10. Mayor Kinsella responded that each of the initial 15 conditions had been considered thoroughly to determine whether it was substantiated by the testimony and evidence that had been presented before including it in the final recommendation. He then explained that 'unreasonably disruptive' was a term that differed in each situation and would be determined based on the neighborhood's normal activities and resident's concerns.

Ms. Mills directed questions to Council regarding the criteria to be used by the caretakers when screening potential clients, the people or agency to whom King Bell Housing and staff at the facility would report, and her concern that clients would not be able to obtain a job in the specified time frame, recommending that the facility be required to maintain a 50% success rate in finding jobs for their clients and that there be a continuing review process by the City.

Councilmember Hall asked if the City had the right to review on a continuous basis, expressing concern that the phrasing of condition #10 would limit the review process to a one-year time frame and Mayor Kinsella stated that he was in favor of a continuing, rather than a limited, process. Staff then provided information that reaffirmed the City's ability to review on a continuing basis and defining the review process in condition #10 as an intensified process. Councilmember Richmond explained that the City has ordi-

nances and restrictions that govern compliance and provide for citizen recourse.

Ms. Mills requested Council's response to the suggested 50% job success rate and clarification of the perceived benefits to the community. Mayor Kinsella responded that the City was not funding the project and, therefore, was not in a position to impose such restrictions and that the benefit to be derived was in having a shelter available in our community.

Councilmember Lomnicki stressed that the facility was for temporary housing to enable people to focus on finding employment.

Bob Gudgel, residing in the neighborhood, indicated his concern that a portion of the conditions had not been adopted and that there would be no provision for specific operating rules. He pointed out that the conditions at the Hillsboro facility included the adoption of operating rules. Mayor Kinsella stated that it was not the City's role to govern the operation of city businesses.

Mr. Gudgel addressed specific requests to the Council regarding the possibility of a member of the neighborhood sitting on the steering committee, elimination of the proposed basketball court due to the potential to do harm to adjacent property, maintenance of area around the proposed fence to be the responsibility of King Bell Housing, and the relinquishment of rights of easement to access driveway by King Bell Housing. Councilmember Hall stated that, as a resident of a city, each of us is asked to contend with potential problems such as those mentioned by Mr. Gudgel and it was the consensus of the Council that the concerns expressed by Mr. Gudgel could be addressed individually on an informal basis rather than be made a part of the conditions.

Mary Thorson, residing in the neighborhood, urged the use of the review process.

Linda Banks, residing in the neighborhood, stressed that the review process should be very structured and the screening of potential clients should be very specific.

Mayor Kinsella stressed that the decision by the Council had been based on the total view of the impact and benefits and that Council would avail itself of every possible way to ensure that the good of the community and it's citizens is continually considered and upheld.

Frank Josselson, King Bell Housing counsel, addressed Council in response to concerns expressed by residents of the neighborhood. He stated that King Bell Housing is a non-profit, charitable organization to help people and that they would agree to the one-year review, allowing for the possibility of policy changes or revoking of permit for noncompliance during that time. He emphasized that, as previously established, the City would retain the ability to review the facility even after the proposed one-year period. Mr.

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Josselson stated that King Bell Housing welcomed neighborhood participation in the organization and development of the facility and that they were very eager to be a good neighbor.

Mayor Kinsella requested additional clarification of the wording contained in condition #10. Topaz Faulkner indicated that the proposed wording was necessary in order to provide the City with an effective and expedient means of rescinding the conditional use permit, but would not limit the City to one year for the normal review process.

Councilmember Lomnicki stressed that other avenues of recourse would be available if a problem should arise after the one-year review period.

Councilmember Hall moved to find that Objective 3, Neighborhood Element of the Comprehensive Plan does not apply to this proposal; that the Applicant proposes to provide adequate open space to satisfy the needs of residents and to assure an aesthetically pleasing transition to adjacent properties; that the findings in the 9 July 1985 staff report of the Planning Division are adopted as further findings of this Council; and, in conclusion, to find that the establishment of the emergency shelter is in the general public interest and that the substantial benefits of this use to the public outweigh the possible adverse impacts of the use, if any. The Applicants' request for a Community Service Overlay designation is hereby approved with the findings as submitted by staff and subject to the following conditions:

1. A six (6) foot high, sight-obscuring fence shall be located along the east and south property lines of the site. The fence shall adjoin building #2 at the overhang located approximately 35 feet south of Willard Street and follow the property lines. No gates will be installed along the east line or within 40 feet of the east line.
2. The east door of building #2 will be converted into an emergency exit, and equipped with an alarm to sound when the door is opened.
3. Access to parking lot from Willard Street must be widened to comply with Public Works standard of 18-20 feet.
4. Parking lot configuration and paving to be approved by staff.
5. Damaged sidewalk on Willard Street to be replaced.
6. A supervised alarm system shall be installed per NFPA Standard 72-A, and the occupancy limited as required by the Fire Department.
7. Two staff members shall be on duty at all times.
8. Open space development on the site shall meet, or exceed, the amount shown on the plan produced by the applicant at the 1 October 1985 City Council hearing.

9. Absent unusual or emergency conditions, all screening of clients will occur off-site.

10. Within one year from the date of this order, the City Council may hold a public hearing and reconsider the approval granted herein. Such reconsideration shall be based on a recommendation from within the Planning Division or the Police Department that the Applicant's facility is not in compliance with these conditions or the development plan, or is otherwise unreasonably disruptive to the neighborhood. At the conclusion of the public hearing, the Council may rescind the Community Service Overlay designation approval and restore the existing designation.

Councilmember Richmond seconded the motion and the motion carried unanimously.

Councilmember Hall stressed the phrase "general public interest" and Mayor Kinsella urged the neighbors to take the opportunity to review the operating standards of the facility and to be a part of the development process.

BREAK AT 8:45 p.m.

RECONVENE AT 8:57 p.m.

CONSIDERATION OF MERGER OF SENIOR CITIZEN ADVISORY COMMISSION AND CENTER ADVISORY BOARD - Sandra Miller presented a brief summary of the proposal for merger recommended by the Senior Citizen Advisory Commission and Center Advisory Board, which included a recommended procedure for appointing members to the new commission. Councilmember Hall moved to read the ordinance the first time by title only and Councilmember Sandusky seconded the motion. The motion carried unanimously.

Lillie Moore, a member of the Senior Citizen Advisory Commission, addressed Council to reinforce the reason behind the decision to merge and their choice of a name.

Councilmember Hall moved to read the ordinance the second time by title only and Councilmember Sandusky seconded the motion. The motion carried unanimously. Mayor Kinsella moved to adopt the ordinance and Councilmember Sandusky seconded the motion. Council was polled and, by unanimous vote, ordinance 1582 was adopted.

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, ESTABLISHING THE CENTER/COMMUNITY ADVISORY BOARD AND REPEALING ORDINANCE NOS. 1498 AND 1451.

CABLE COMMISSION MEETING - AMENDMENT TO ORDINANCE - Hugh Brown reviewed the request for quarterly meetings as recommended by the Cable Communications Commission. Councilmember Hall moved to read the ordinance the first time by title only and Councilmember Sandusky seconded the motion. The motion

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carried unanimously. Councilmember Hall moved to read the ordinance the second time by reference only and Councilmember Sandusky seconded the motion. The motion carried unanimously. Councilmember Hall moved to adopt the ordinance and Councilmember Sandusky seconded the motion. Council was polled and, by unanimous vote, ordinance 1583 was adopted.

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING ORDINANCE NO. 1543 REGARDING CABLE COMMUNICATION COMMISSION MEETING.

RESIGNATION OF DIRECTOR OF PLANNING AND COMMUNITY SERVICES - Topaz Faulkner explained that the decision had been very difficult to make and offered comments of encouragement to Council, regarding the fine job they were doing and the excellence of the City staff. She stated that, although she was looking forward to new challenges and opportunities, the more than five years she had spent with the City, gaining experiences and friends, would remain with her.

TRI-MET - Hugh Brown confirmed that changes to Harrison Street routing would not be made until January. He suggested, due to pending Tri-Met Board changes, waiting until Spring to meet with the Board. Mayor Kinsella stated that the last discussion with Tri-Met staff was responsive and Council agreed to set the meeting with the Tri-Met Board for February. Hugh Brown reported that informational meetings were being held in the Portland area and suggested that meetings be scheduled in the Milwaukie area also.

LEAGUE OF OREGON CITIES CONFERENCE - Hugh Brown urged Council to take part in the conference being held in Portland and suggested that the Saturday session was of particular interest and importance.

PRECISION CASTPARTS PRESS RELEASE - Hugh Brown reviewed a press release that had been distributed prior to the meeting, which outlined the City's present position, and indicated that he planned to schedule a meeting with the president of Precision Castparts next week.

BROCHURE FOR STREET/STORM DRAIN BOND ISSUE - Hugh Brown explained that the brochures had been received from the printer and were scheduled to be distributed on Saturday, October 19 at a time to be announced later in order to publicize the Town Hall meetings.

MISCELLANEOUS ANNOUNCEMENTS

1. Hugh Brown announced that a worksession had been scheduled for October 22 from 8 to 11 a.m. at the Senior Center library and that the United Way Pie Throw, organized by the Planning Division, was being held on the same day at noon in the Fire Department bay.
2. Mayor Kinsella announced that he had received a request for nominations for the Governor's Corporate Excellence Award, asking for suggestions and indicating that his own suggestion was Mailwell. He also outlined a 7-month seminar series being offered by the North Clackamas Chamber of Commerce, indicating that a single registration would allow people to take turns attending the presentations and asking that an

application and information be obtained and that the schedule be published.

FLSA - Mayor Kinsella cited a newspaper article that indicated the private sector was not complying with the new requirements.

LEAGUE OF OREGON CITIES MANAGEMENT CHANGE - Mayor Kinsella expressed concern regarding the reason for Edward Ferguson leaving his position as executive officer of the League of Oregon Cities. He indicated that, because of the City's investment in the LOC, it was wise to investigate the situation.

CITIZEN CONCERNS - Councilmember Lomnicki explained that he and Mayor Kinsella had been contacted by citizens who were concerned with the reoccurrence of burglaries in their neighborhoods and suggested that the City consider reinstating the Crime Prevention Program in response to this concern, utilizing Explorer Scouts and Police Reserve Officers. Councilmember Richmond suggested that a worksession be schedule with Police Chief Goodpaster. Council requested that notification of the worksession be given to the individuals who had expressed their concern.

CONSENT AGENDA

Councilmember Hall moved to adopt the minutes of the October 1, 1985, City Council meeting and Councilmember Sandusky seconded the motion. The motion carried unanimously.

INFORMATION

BILLS - Council expressed their appreciation for the bills being returned to their original format until the computer program was capable of offering an account number on the printout.

ADJOURNMENT

Councilmember Hall moved to adjourn the meeting and Councilmember Sandusky seconded the motion. The meeting was adjourned at 9:43 p.m.

Respectfully submitted,


Joy Brookhouse, Excecutive Secretary