

**CITY OF MILWAUKIE
CITY COUNCIL MEETING
NOVEMBER 3, 1992**

The one thousand six hundred and fifty-eighth meeting of the Milwaukie City Council was called to order by Mayor Lomnicki at 7:02 p.m. in the Milwaukie Center with the following Councilmembers present:

Craig Lomnicki, Mayor	Jean Schreiber
Roger Hall	Bob Knudson
	Rob Kappa

Also present:

Dan Bartlett, City Manager	Dan Olsen, Fire Chief
Jim Coleman, City Attorney	Maggie Collins, Community Development Director
Charlene Richards, Assistant to the City Manager	Paul Roeger, Office Engineer
Angus Anderson, Finance Director	Dave Krogh, Associate Planner
Chuck Mansfield, Police Chief	Pat DuVal, Recorder/Secretary

PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS

Veteran's Remembrance Celebration Day - Proclamation

Mayor Lomnicki read a proclamation naming Wednesday, November 11, 1992, as Milwaukie Elks Veterans Remembrance Celebration Day in the City of Milwaukie.

PUBLIC HEARING

Rezone Request to Rezone from R-10 to R-7 - File No. ZC-92-01- Ordinance

Mayor Lomnicki called the public hearing on the application of David and Cherie Feb, and Roy and June Weedman for the rezoning of approximately ten acres of property located south of Lake Road west of Where Else Lane to order at 7:05 p.m.

Mayor Lomnicki explained the purpose of the hearing was to consider rezoning approximately 10 acres of property in two ownerships from R-10 to R-7 for purposes of subdivision. The applicants were David and Cherie Feb, and Roy and June Weedman. Property owners are the applicants and Peggy A.

Root. The applicants have also submitted a preliminary plat subdivision plan which shows 19 R-7 lots for the

portion of property fronting Where Else Lane, which was conditionally approved contingent upon final City Council approval of the rezone.

Mayor Lomnicki reviewed the order of business. The applicant has the burden of proving that the proposed rezoning of the property is consistent with the City of Milwaukie's Zoning Ordinance and Comprehensive Plan.

Mayor Lomnicki reviewed the substantive criteria to be addressed: (A) sections 903.01.A. - F. of the City Zoning Ordinance; and (B) conformance with the applicable Comprehensive Plan Objectives and Policies as listed in the staff report. All testimony and evidence must be directed toward the applicable substantive criteria just described or other criteria in the plan or land use regulation which one believes to apply to the decision. Failure to address a criterion or to raise any other issue precludes an appeal based on that criterion or issue. Any interested party may appeal the decision of the Council to the State Land Use Board of Appeals according to the rules adopted by the Board.

Mayor Lomnicki reviewed the conduct of the hearing. He said that unless there is a continuance of this hearing, if a participant so requests before the conclusion of the hearing, the record shall remain open for at least seven (7) days after the hearing. If the record remains open, such an extension shall not be subject to the so-called 120 day limit.

Conflicts of Interest: Councilmember Kappa said he had contacted Gordon Jones, Planning Commissioner, regarding the type of soil in that area. No other members of Council wished to announce any ex parte contacts or declare any potential conflicts of interest. No member of Council had visited the site. No member of the audience made a challenge to any member's impartiality.

Jurisdictional Issues: There were no objections to the Council's jurisdiction to consider the proposal.

Staff Report: Dave Krogh, Associate Planner presented the staff report in which the City Council was requested to consider a rezone of approximately ten acres of property. The applicants, Feb and Weedman, were seeking a rezone from R-7 to R-10 for the purpose of subdivision. The site is located south of Lake Road and west of Where Else Lane.

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Krogh provided the Council with a color-coded excerpt from the zoning map which indicated the location of the site and the zoning designation of adjacent properties. There was a plat subdivision plan (S-92-02) submitted concurrently with the zone change and approved with several conditions. Krogh had copies of the subdivision plat available for Council review.

Krogh reviewed the configuration of the property. He said the entire site takes on the appearance of a flag. The rectangular area, phases 1 & 2, is Feb property. The long, narrow portion of the property is owned by Weedman and will be phases 3 & 4. Krogh said 19 lots were proposed in the subdivision plan submitted for phases 1 & 2. The Weedman property would be a future development. The Planning Commission determined that a natural resource review would be required to refine the Natural Resource Overlay Zone Boundary on the Weedman property fronting Kellogg Creek.

Krogh said the Planning Commission only reviewed the Feb property. The Commission required only a conceptual plan for phases 3 & 4. Approval of the subdivision was dependent upon final action of the rezone by City Council. In granting the preliminary plat, the Planning Commission required that the applicant would have to complete requirements and submit the final plat for approval within one year. Krogh clarified that no lots were being approved on phases 3 & 4 at this time.

Krogh said the site is bounded by already existing R-7 zones and R-7 configured lots. The criteria are sections 903 and 905 of the Zoning Ordinance. The Planning Commission held two public hearings on the application. The first hearing was on July 28, 1992 and was continued to September 8, 1992 to answer some of the questions brought up at the initial meeting. The proposed staff findings for approval of the application were located in Exhibit C of the staff report.

Councilmember Kappa asked about curb and street improvements to tax lot 2101. Krogh said tax lot 2101 was the stone house near Lake Road. It has been indicated that family members are living in that house, and they do not wish to donate land for a sidewalk. Half street improvement could be made along the existing right-of-way. There would not be sufficient room for a sidewalk. In that case, the applicant could be required to install a sidewalk within the next two years. Councilmember Kappa asked if the stone house was on the list of historic resources. Krogh replied that is was.

Correspondence: There was no additional correspondence on this matter other than those items included in the agenda materials.

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Applicant's Presentation: John Middleton with Zarozinski-Tatone Engineers, Inc. said he concurred with the comments in the staff report. He said he would answer any specific questions Council might have.

Councilmember Kappa asked for clarification on the road on Weedman Ct. between phases 3 & 4. He asked if it would end in a cul-de-sac.

Middleton said the street plans for phases 3 & 4 were conceptual at this time. The plans indicate potential locations. He discussed the possible street locations that would aid in improving traffic flow in the area.

Mayor Lomnicki said the application before Council at this time was for phases 1 & 2.

Others in Support: None.

Opponent's Presentation: Julia McCullar, 4306 SE Else Where Lane, questioned if there would be a party responsible for building the roadway in the proper location. She expressed concern that a roadway would be put through her property, that the wetlands would be negatively impacted, and that stormwater runoff would be handled properly.

Thor Sanden, 12914 SE Vernie Ln., discussed his experiences with Kellogg Park Estates construction. He said it did not seem that the City supervised a situation of goodwill between the established neighborhood and the new development. He said he was concerned that the new subdivision would have the same types of problems.

Mayor Lomnicki asked Sanden if his concerns were with road construction and runoff. Sanden said he would like to have the opportunity to discuss his concerns and experiences regarding the previous subdivision. He said he had information for property owners about what he believed to be improperly supervised work.

Sanden reviewed his concerns. He said he did not believe Lake Road was being given sufficient consideration. As the area is developed, the increased volume of vehicles will put more stress on Lake Road. He said he did not believe the property, located in a rural area, should be zoned R-7. He said he understood that some property owners were being asked to give away their right-of-way rights. He said he had heard a rumor that a property owner was put under duress to sign over certain property rights in order to get his building permit.

Krogh said that the Council was considering only phases 1 & 2 at this time. Further approval would have to be sought prior to phases 3 & 4.

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Sanden had photos of his property which he showed to Council but did not leave as an exhibit. He said he was no longer able to trim his hedge because the roadway was cut at such a severe angle. He said other pictures showed the paving which he believed was substandard or marginal. He said the ground above the City water main keeps sinking.

Dedi Juhala, 12845 SE Where Else Lane, urged that the project be done correctly and that the City supervise. She discussed the drainage problems at the Pennywood subdivision. She said she did not agree that the subdivisions should be zoned R-7. The lots are very small, and the children have no place to play. She said she believed parents would prefer more green space for their children, but home buyers can only purchase what is available. **Juhala** urged that Council look to the future and quality of life. She said Ballot Measure 26-1 was an indication that Oregonians were realizing the value of greenspace.

Juhala said she agreed with Sanden on his concerns with traffic on Where Else Lane and Lake Road. She said she had discussions with teachers at Milwaukie Elementary indicating that classrooms were not prepared to take additional children. She urged that Council consider denying the rezone and reduce the number of lots in the subdivision.

Milt Palm, 4182 SE Lake Rd., said he owns property adjacent to the proposed subdivision sight. He discussed the rights of the property owners. He said because of the type of soil, that additional housing would deteriorate the existing homes.

Bill Stroup, 12999 SE Vernie, asked why all four phases of the project were being considered for rezoning at this time. **Mayor Lomnicki** said the applicant has the right to do this. Rezoning is a separate issue from plat and subdivision applications.

Stroup said he did not understand why the applicant could submit conceptual plans before the issue was taken up with the neighbors. The Planning Commission had told him that this was a conceptual plan, but if the road goes through, he would lose what he likes about his home. He said he was concerned that the value of his property would go down. He expressed concern that Council was giving into pressure from developers. He questioned who really received the benefits.

Dave Parker, said his attorney had sent a letter to the City Council regarding tree removal for the proposed roadway. He said a developer had told him that some of his family property could be taken by eminent domain. He said he believed that cheap housing would attract buyers equal to the value.

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Neutral Testimony: None.

Staff Comments: Krogh addressed some of the issues discussed in the public testimony. He said that zone change criteria requires that street and utility extensions be conceptual for phases 3 & 4 at this time. These conceptual plans indicate a potentially feasible configuration. The possible configurations include extension of Else Where and connection of Weedman to Vernie.

Mayor Lomnicki discussed the purchase of property for street improvements. The developer would have to revise the conceptual plans if the proposed connections cannot be made.

Krogh discussed drainage issues. The Weedman property is located within the Natural Resource Overlay Zone and would require a review at the time of subdivision proposal. The Planning Commission chose to incorporate the Natural Resources Overlay Zone Review into the rezone proposal for the Weedman property. The Natural Resource Overlay Zone boundary would be at the extreme top of the slope. An erosion control plan would be required for the proposal.

Mayor Lomnicki said there was public concern expressed about the ability of Lake Road to absorb more traffic. He asked how Lake Road would be impacted. Krogh said that the average single family residence generates ten trips per day on a national average. Therefore, phases 1 & 2 of the subdivision could generate 190 trips per day.

Krogh discussed the impact on the school district. He said that correspondence had been received from the school district indicating that there was sufficient capacity to accept the anticipated enrollment from the development.

Mayor Lomnicki asked how many lots would be allowed with an R-10 designation. Krogh said there would be 14 lots instead of 19.

Mayor Lomnicki asked Krogh to respond to Sanden's remarks about a property owner being asked to sign an agreement under duress. He requested that Krogh review the conditions a developer must meet to construct a subdivision.

Krogh said the issue Sanden discussed referred to a situation in which a neighbor requested to replace a house. Public Works had required that a developer's agreement be signed according to Municipal Code.

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Questions of Clarification: Councilmember Kappa asked if utilities were accessible for phases 1 & 2 and if they could be continued to phases 3 & 4. Krogh stated that utilities were readily available to the first phases. Development of the remaining property would require a natural resources review.

Councilmember Knudson asked if all property owners and residents had been notified of the Planning Commission hearings. Krogh said all those who testified at this Council hearing and a few more had been present at the Planning Commission hearing.

Mayor Lomnicki asked for an explanation of the proposed R-7 designation. Krogh said one viewpoint in support of R-7 zoning was the efficient use of infill property. This designation also considers projected housing needs in the metropolitan area. He said the R-7 zone is cost effective when installing street and utility improvements.

Mayor Lomnicki said both R-7 and R-10 are defined as low-density residential designations.

Krogh said the Community Development Department had received correspondence from Parker's attorney. It was determined that the intent of submitting the letter regarded standing in future actions.

Paul Roeger, Office Engineer, responded to questions regarding the condition and ability of Lake Road to serve increased traffic needs. He clarified that gas tax monies fund street improvements, not property taxes. Lake Road is estimated to operate at an adequate level of service and users experience few delays. Roeger said safety on Lake Road is being considered. A proposal to lower the speed limit to 40 miles per hour is being considered. Recently the street has been posted for "no passing" within the City limits and no passing in the bike lanes. He said the City is working on ways to make Lake Road safer.

Roeger discussed drainage options. The developer could run storm drainage directly to Kellogg Creek either through a pipe or open channel prior to development of phases 3 & 4. Detention will not be necessary. He said if allowed, drainage could run across Kellogg Parks subdivision. He said staff was sensitive to maintaining the existing wetlands on Palm's property.

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Councilmember Kappa asked for more information on the runoff going directly into Kellogg Creek. **Roeger** said there would be a system of catchbasins. A channel would probably run directly down through phase 4. He discussed the property placement and number of catchbasins needed to adequately drain the proposed development.

Councilmember Schreiber asked if phases 1 & 2 could be developed independent of phases 3 & 4. **Roeger** said improvements on Where Else Lane would have to provide adequate access for those on the east side of the street. Engineers would have to deal with access to existing properties. **Councilmember Schreiber** said these issues would be reviewed in depth during the design process. **Roeger** said until the rezone application is approved, little engineering work is actually done.

Councilmember Kappa asked if development of phases 3 & 4 was realistic from an engineering standpoint. **Roeger** said a consistent traffic flow would be preferable, however, the developer could apply for a variance to construct a cul-de-sac. **Roeger** said it did not seem that current property owners would be willing to release any land for streets, but it is possible that there may be other property owners involved at the time of development.

Applicant's Rebuttal: **Middleton** said there are many improvements that are required to develop this property. The cost of these improvements requires an R-7 designation. Conceptual plans allow other property owners to become involved in future development if they wish.

Councilmember Schreiber asked **Middleton** for his opinion on the soil conditions. **Middleton** said he had not noticed any driveways cracking in the other development. This type of problem could be addressed by adequate drainage. He pointed out that some of the concrete problems could be a result of the contractors' work.

Councilmember Kappa asked about the accessibility of utilities. **Middleton** said they are readily accessible for phases 1 & 2. Street and storm drainage work would be extensive.

Mayor Lomnicki asked about the lot size.. **Middleton** discussed the varying lot sizes. He said he did not believe a low density designation of R-7 would invite less desirable home buyers.

Close Hearing: **Mayor Lomnicki** closed the public testimony portion of the hearing to consider at 8:36 p.m.

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Discussion among Councilmembers: Councilmember Kappa said he would like to see the property developed, but was concerned with the recent subdivisions constructed in the area. He noted that some residents were not able to construct patio covers and decks on their R-7 lots in the Pennywood subdivision.

Councilmember Schreiber said zoning standards have been set, and the applicants have presented plans to meet these standards. Residents have offered testimony that the Zoning Ordinance does not reflect certain quality of life issues they believe are important.

Mayor Lomnicki discussed the reasons for smaller lots in the metropolitan area. He said there is a concern for the need for greenspaces. Growth must be contained within the urban growth boundary in order to preserve the larger areas of land. Larger lot sizes are valued. He explained that it was not City policy to build to the highest density in order to collect more taxes. The R-7 designation is considered low density and meets housing demands. Builders seem to be finding that buyers want homes on smaller lots. He said land should be developed to meet the needs of the community while staying within the guidelines of the Zoning Ordinance and Comprehensive Plan.

Councilmember Kappa expressed concern that this particular piece of property does not fit the mold of the R-7 designation.

Determination of Findings and Decision: It was moved by Councilmember Schreiber and seconded by Councilmember Knudson to read the ordinance amending Ordinance No. 1710 by rezoning certain property from R-10 to R-7 (ZC-92-01) for the first time by title only. Motion passed 4 - 1 with the following vote: Mayor Lomnicki, Councilmember Hall, Councilmember Schreiber, and Councilmember Knudson aye; Councilmember Kappa nay; no abstentions. The ordinance was read for the first time.

The second reading of the ordinance was scheduled for consideration at the November 17, 1992 meeting in Other Business section. The record is closed and additional information will not be weighed in future votes. No ex parte contacts would be allowed.

AUDIENCE PARTICIPATION

None.

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OTHER BUSINESS

Downtown Parking

Dan Bartlett, City Manager, presented the staff report in which the City Council was requested to consider recommendations to improve downtown parking and adopt a resolution transferring \$18,682 from Contingency to Public Works, Public Parking Facilities and a resolution transferring funds for a code enforcement officer to Public Works, Public Parking Facilities. The Council held a public hearing on October 20, 1992 regarding the MDDA parking proposal. At that time, staff was directed to return with options for Council consideration.

Bartlett said the first proposed resolution transferred funds for the Chevron lot improvements, boot system, signage, and educational materials. The second resolution concerned funding of a parking professional. Two resolutions were prepared resulting from Council comments at the previous meeting. One resolution transferred funds to the Public Works Department for a Parking/Code Enforcement Officer, which staff recommended to be full time. The second resolution transferred funds to the Police Department for a Parking Enforcement Officer to patrol the downtown business area. He said the third option would be to contract parking enforcement with the MDDA.

Bartlett said the downtown had 502 parking spaces. Staff did not believe a full-time parking enforcement employee would be justified. A Parking/Code Enforcement Officer would cost \$25,278, and a Police Officer would cost \$54,174. He discussed the option of hiring the Parking/Code Enforcement Officer at less than full-time.

Bartlett said staff recommended transferring \$18,682 from contingency for improvements of Public Parking Facilities; and transferring funds to the Public Works Department for a full-time Parking/Code Enforcement Officer.

Sharon Dixon, MDDA Manager, said a full-time patrol would provide coverage three times per day. She said she believed the major problems are caused by employee parking and bus riders using parking spaces in the downtown core area. She said she had testimony from a downtown business owner that the recently instituted 15-minute parking places in front of her store had improved customer turnover.

Mayor Lomnicki discussed funding from MDDA to assist in the program. Dixon said that at this time, MDDA could not make a significant contribution to the funding of a parking enforcement officer.

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Councilmember Schreiber asked if business people had estimated that more turnover would improve their business. Dixon said her previous statement was based on the opinion of one business owner and that other businesses had not made an estimate of improved revenues. Dixon said MDDA would be pleased with staff's recommendation of the Parking/Code Enforcement Officer position.

Councilmember Schreiber said if the City is providing a service that enhances revenue of private businesses, she believed they should pay for a portion of it. Dixon said to assess the downtown businesses again would cause extreme pressure on some of them.

Councilmember Schreiber asked if the downtown businesses would be willing to participate in a survey in six months on the effectiveness of the parking program. Dixon said she believed they would be willing and should be required to do so. Dixon said the MDDA would want to go through proper documentation and review. She said the solution of the parking problem was the first step toward implementation of other projects. She said parking seems to be a barrier.

Councilmember Kappa asked if there might be grants available. Dixon said there would be lottery funds available next August. MDDA has also requested hotel/motel tax funds for minor improvements. She said she believed parking lot improvements would be eligible for lottery funds. She said implementation of the program and education of the downtown businesses and employees would require about two months.

It was moved by Councilmember Schreiber and seconded by Councilmember Hall to adopt the resolution transferring funds from contingency to Public Works in the General Fund. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Hall, Councilmember Schreiber, Councilmember Kappa and Councilmember Knudson aye; no nays; no abstentions.

RESOLUTION NO. 37-1992:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, TRANSFERRING FUNDS FROM CONTINGENCY TO PUBLIC WORKS IN THE GENERAL FUND.

Mayor Lomnicki discussed the options for a parking enforcement officer.

Councilmember Schreiber asked if MDDA had applied to provide the contract parking enforcement. Mayor Lomnicki said they had not, but it was one of the options.

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Councilmember Kappa asked how much it would cost to contract with MDDA for parking enforcement. **Bartlett** said the City Attorney would have to review the issue, and the City would have to develop a RFP. He said there was information available from the City of Portland on this type of contract enforcement service.

Councilmember Schreiber expressed concern with a contract enforcement service citing people into municipal court.

Bartlett discussed the amount of enforcement using a part-time employee. He said one hour parking will deter many of the downtown employee parking problems. He suggested that enforcement rounds be done randomly.

Councilmember Schreiber asked if MDDA had prepared the parking study. **Bartlett** said the parking study was developed from a parking seminar attended by Dixon and himself.

Mayor Lomnicki said if a sworn officer were used for parking enforcement, a community policing presence would be brought to the downtown area. He said he understood the needs of the police department and maybe this would not be the best solution. He said he would like to have the employee be part of the Public Works Department to act as a part-time code enforcement officer.

Mayor Lomnicki discussed the future of the downtown business district and the effectiveness of the business community. He said he believed the City should fund the position, and give to MDDA the opportunity to seek other funding.

Bartlett said to fund the position from December through June, \$14,745 would have to be transferred. This would be out of the 1992-1993 Budget and be reviewed in the 1993-1994 Budget Committee discussions. He said they would begin presenting Council with information in May on the effectiveness and revenue generated by the program.

It was moved by **Mayor Lomnicki** and seconded by **Councilmember Kappa** to adopt the resolution transferring funds in the amount of \$14,745 from contingency to Public Works in the General Fund. Motion passed 5 - 0 with the following vote: **Mayor Lomnicki, Councilmember Hall, Councilmember Schreiber, Councilmember Kappa, and Councilmember Knudson** aye; no nays; no abstentions.

RESOLUTION NO. 38-1992:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, TRANSFERRING FUNDS FROM CONTINGENCY TO PUBLIC WORKS IN THE GENERAL FUND.

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Consider Request to Lease/Purchase Specific VHF Radio Equipment for Fire-Rescue Department Operations

Dan Olsen, Fire Chief, presented the staff report in which the City Council was requested to consider a lease/purchase of specific VHF radio equipment for Fire-Rescue operations. He said the frontline radios currently in use are up to 20 years old and are from a variety of manufacturers. He said the City is considering the future implementation of an 800 Mhz system. Olsen explained that the VHF radio equipment was for rolling stock. Funds are available in the 1992-1993 Budget.

Olsen discussed Council's options. He recommended that the City of Milwaukie utilize the City of Portland contract with Motorola Communications and Electronics, Inc. for the purchase of radio equipment. He said this option would provide continuity within the systems used in the area. The annual payment for a total radio system would be about \$17,700.

Councilmember Kappa asked if this would include the repeaters. Olsen said this proposed lease purchase did not involve transmitters.

Councilmember Schreiber asked if Council was being asked to improve the system by spending \$5 per capita. Olsen said over five years this would be correct. He said there was \$39,000 budgeted in the lease payment line item.

Bartlett said this is a yearly lease and would not coincide with the City's fiscal year. There were different payment schedules.

Councilmember Schreiber said she was concerned that the amount was budgeted in this fiscal year. Bartlett said the City would try to minimize the lease amount and make a significant down payment. Utilizing an existing contract with a neighboring jurisdiction saves the City from going through the RFP process, and the equipment would be compatible with the City of Portland.

Olsen said the life expectancy of the equipment would be about ten years. Although many jurisdictions will eventually go to 800 Mhz, the VHF equipment will still be in service for other uses beyond that point.

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It was moved by Councilmember Schreiber and seconded by Councilmember Kappa to implement option 3 of the staff report and utilize the City of Portland contract, currently in effect, to lease/purchase VHF radio equipment for the City Fire-Rescue Department as outlined in the RFP and consistent with the approved budget amount. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Hall, Councilmember Schreiber, Councilmember Kappa, and Councilmember Knudson aye; no nays; no abstentions.

Consider Radio Maintenance Agreement

Charles Mansfield, Police Chief, presented the staff report in which the City Council was requested to approve award of a contract between the City of Milwaukie and Clackamas Communications, Inc. to provide radio maintenance services to Fire, Police and Public Works departments for the three-year period ending November 30, 1995.

Mansfield said two companies had responded to an RFP for radio maintenance. Staff reviewed both proposals and determined that the contract with Clackamas Communications would be the most cost effective by using hourly rate rather than fixed cost. The proximity of Clackamas Communications would decrease employee travel-related expenses.

It was moved by Councilmember Kappa and seconded by Councilmember Knudson to approve award of a contract between the City of Milwaukie and Clackamas Communications, Inc. to provide radio maintenance services to Fire, Police, and Public Works departments for the three-year period ending November 30, 1995. Councilmember Schreiber noted that she had a discussion with the owner of Clackamas Communications on an unrelated topic. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Hall, Councilmember Schreiber, Councilmember Kappa, and Councilmember Knudson aye; no nays; no abstentions.

Consider Letter Supporting Springwater Corridor Master Plan

Maggie Collins, Community Development Director, presented the staff report in which the City Council was requested to adopt a letter of support addressed to the Portland City Council for the Springwater Corridor Master Plan.

Collins suggested that Council review the draft letter and consider the Master Plan at a future date.

Bartlett said eventually in the Urban Growth Management Plan, this property would be developed to the benefit of the City.

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It was moved by Councilmember Schreiber and seconded by Councilmember Knudson to adopt the letter of support addressed to the Portland City Council for the Springwater Corridor Master Plan. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Hall, Councilmember Schreiber, Councilmember Kappa, and Councilmember Knudson aye; no nays; no abstentions.

Consider City Manager Compensation

Mayor Lomnicki said the City Manager had been evaluated during an executive session. The evaluation was favorable, and Bartlett was found to be capable, competent, and respected in the region. Mayor Lomnicki said Bartlett works to meet Council goals and timeframes and is accountable and responsive to citizens. Council proposed an increase to \$5,000 per month retroactive to July 1, 1992 and \$500 per year match for deferred compensation. This action was in keeping with an agreement four years ago that the City Manager salary would be 10% the highest paid department head and be brought in line with the salaries of other City Managers in the region.

Councilmember Schreiber commended Bartlett for declining an increase in February when City funds were low.

It was moved by Mayor Lomnicki and seconded by Councilmember Kappa to increase the City Manager's compensation to \$5,000 per month retroactive to July 1, 1992, and \$500 per year match for deferred compensation. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Hall, Councilmember Schreiber, Councilmember Kappa and Councilmember Knudson aye; no nays; no abstentions.

1992-1993 Insurance Program

It was moved by Councilmember Kappa and seconded by Councilmember Knudson to consider the 1992-1993 insurance program. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Hall, Councilmember Schreiber, Councilmember Kappa, and Councilmember Knudson aye; no nays; no abstentions.

Angus Anderson, Finance Director, presented the staff report in which the City Council was requested to consider recommendations from the Agent of Record for liability and property and casualty insurance program for November, 1992 through November, 1993. It was staff recommendation that coverage be secured from the League of Oregon Cities program rather than from the previous carrier, Zurich American.

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Anderson said there had been a reduction in losses sustained by the City and the insurance market is favorable. He discussed the addition of earthquake insurance to the City's package. If the City elects not to acquire earthquake insurance and does sustain an earthquake, there would be no FEMA funds available for reconstruction. With the addition of earthquake insurance, the City would still realize \$28,000 savings in premiums.

The cost of additional coverage for the Center expansion and the new Public Safety Building were discussed.

Ward Dye, Olson Dye Hunter, said the City is now benefitting from safety factors that have been implemented by the City. He said the City may be impacted by losses suffered by carriers nationally. The League of Oregon Cities pool will probably not be impacted as much by national events.

It was moved by Councilmember Kappa and seconded by Councilmember Knudson to accept the recommendations of the Agent of Record to secure coverage from the League of Oregon Cities program. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Hall, Councilmember Schreiber, Councilmember Kappa, and Councilmember Knudson aye; no nays; no abstentions.

CONSENT AGENDA

Councilmember Knudson said that page 12 of the October 20, 1992 minutes should be amended to accurately reflect his statements regarding the proposed resolution opposing Ballot Measure 9. The minutes should be amended to read: *"Councilmember Knudson said he would consider the issue at the poll. He said he did not believe the Council had the right to speak for the entire community on a issue that would change the state constitution."*

It was moved by Councilmember Knudson and seconded by Councilmember Kappa to adopt the Consent Agenda which consisted of the City Council Minutes of October 20, 1992 with the amendments proposed by Councilmember Knudson. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Hall, Councilmember Schreiber, Councilmember Kappa, and Councilmember Knudson aye; no nays; no abstentions.

INFORMATION

Bartlett discussed a certified letter to Tim Corbett regarding a listing for Milwaukie Ground Water Contamination. Milwaukie is designated as a large confirmed release site and appears on the inventory. The letter clarified that the City was not the Principal Responsible Party.

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Bartlett discussed the transition letter from Parks District employee Kate Demsky on the completion of the transition process. He noted she would be a valuable member of the District staff.

Councilmember Kappa discussed the Bike Rodeo in the downtown area and thanked those who had participated.

ADJOURNMENT

Mayor Lomnicki adjourned the meeting at 10:35 p.m.

Pat DuVal

Pat DuVal, Recorder/Secretary

