

CITY OF MILWAUKIE
CITY COUNCIL MEETING
AUGUST 3, 1993

The one thousand six hundred and seventy-sixth meeting of the Milwaukie City Council was called to order by Council President Kappa at 7:00 p.m. in the Milwaukie Center with the following Councilmembers present:

Rob Kappa,
Council President
Rick Farley

Jean Schreiber
Bob Knudson
Craig Lomnicki, absent

Also present:

Dan Bartlett,
City Manager
Charlene Richards,
Assistant to the
City Manager
Tim Ramis,
City Attorney
Angus Anderson,
Finance Director
Dan Olsen,
Fire Chief

Chuck Mansfield,
Police Chief
Tim Corbett,
Public Works Director
Steve Moist,
Police Officer
Darrell Lyons,
Program Specialist
Kelly Somers,
Public Works Superintendent
Pat DuVal,
Recorder/Secretary

PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS

National Night Out

Council President Kappa announced *National Night Out* in the City of Milwaukie.

"COP CAMP" Project

Charles Mansfield, Police Chief, presented information on the "Cop Camp" Project scheduled to begin on August 10, 1993. He explained that this was a pilot project for 10 - 15 year old youths who have been determined by the school staff or juvenile authorities to be "at risk" of involvement in delinquent behavior. The camp is designed to offer role modelling and team building skills. He described the activities that were being planned for the participants. Mansfield stated that a third camp had been added for female participants.

Officer Steve Moist was introduced. Moist was responsible for implementing the project and seeking donations from local organizations and businesses. He will also attend the camp. Moist explained that the camp was a joint effort by the City of Milwaukie Police Department, Clackamas County Sheriff's Office, North Clackamas School District, and Clackamas County Juvenile Court.

Council President Kappa asked what activities would be available. Mansfield said the camp site would already be set up when the participants arrive, and activities would include fishing and hiking.

Moist discussed the group camp facility at Indian Henry Campground and the donations received from various local businesses.

Council President Kappa asked how the campers were selected. Mansfield said those invited to attend were not seriously involved with the criminal justice system. The participants' behavior indicated that role modelling would be effective. Participation is voluntary, not mandatory.

City Hall Elevator Project

Kelly Somers, Public Works Superintendent, presented information on the City Hall elevator project and the remodel of the restrooms in City Hall and the Ledding Library to comply with Americans with Disabilities Act (ADA) requirements. The project includes the elevator that will serve all three levels, restroom improvements, and miscellaneous improvements such as door handles, lighting, drinking fountains, and resurfacing the main lobby.

Somers discussed the amount of the grant funds and the matching City funds. City and County representatives had worked with OTAK on the project design. The low bidder for the construction project was Michael J. Watts, in the amount of \$192,000.00. The Clackamas County Board of Commissioners is scheduled to award the contract on August 12, 1993.

Councilmember Schreiber said the City's match was \$142,500, with a balance of \$22,500. She asked how this money would be spent. Bartlett said the remaining balance would be treated as contingency and used if other needs at City Hall arose.

Councilmember Knudson asked if there was any remodelling proposed for the Council Chambers. Bartlett said the only plans for the Council Chambers at this time was a ramp.

Councilmember Farley asked if bad weather might delay the project. Somers said all the work would be done inside.

Council President Kappa asked if there would be a problem with asbestos. Somers said if some pipes needed to be recovered, asbestos abatement might be required.

Councilmember Schreiber asked what would happen if rock was struck when the elevator shaft was dug, such as happened at the library. Somers said there is a rock removal clause with the contractor.

PUBLIC HEARING

Regulation of Alcoholic Liquor

Council President Kappa called the public hearing to order at 7:27 p.m., to discuss the adoption of an ordinance regarding alcohol regulations.

Council President Kappa said the purpose of the hearing was to consider adopting an ordinance regulating the use of alcoholic liquor in public places. He reviewed the conduct of the hearing.

Staff Report: Charles Mansfield, Police Chief, presented the staff report in which the City Council was requested to consider an ordinance regarding alcohol regulations. This issue had been discussed during a work session in May. The ordinance under consideration would add a chapter to the City Code by making it illegal to consume an alcoholic beverage in public.

The proposed ordinance would address problems of alcohol consumption on a public street or sidewalk or public places such as parks, the Jefferson St. boat ramp, and the transit center.

Councilmember Farley asked if he believed there was anything lacking in this particular ordinance. Mansfield said the ordinance addressed most instances in which consumption of alcohol has been a problem.

Councilmember Farley asked if the ordinance would apply to Elk Rock Island and the Kellogg Treatment Plant. Mansfield said the sewage treatment facility was owned by Clackamas Service District #1. The County Board of Commissioners recently enacted an ordinance that would allow the City to enforce regulations.

Councilmember Schreiber asked if there was a way that the ordinance could go into effect sooner. Ramis said Council could direct staff to add an emergency clause prior to the next reading of the ordinance.

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Council President Kappa said there was some concern that this type of ordinance might cause problems between neighbors. Mansfield said the ordinance applies only to public property and does not usually involve personal payback situations.

Correspondence: None.

Testimony: None.

Staff Comments: None.

Questions of Clarification: Councilmember Schreiber asked if the emergency clause suggestion would create a hardship on anyone. Bartlett said an emergency clause is common, and the City Attorney could redraft the ordinance.

Ramis said he believed in this case, there would be a reasonable cause for adding an emergency clause.

Close Hearing: Council President Kappa closed the public testimony portion of the hearing on the adoption of the alcohol regulations ordinance at 7:40 p.m.

Discussion among Councilmembers: It was moved by Councilmember Schreiber and seconded by Councilmember Farley to read the ordinance amending the Milwaukie Municipal Code by adding Chapter 9.06, Alcohol Regulations, to Title 9, by title only with the addition of an emergency clause. Motion passed 4 - 0 with the following vote: Council President Kappa, Councilmember Farley, Councilmember Schreiber, and Councilmember Knudson aye; no nays; no abstentions; Mayor Lomnicki absent. The ordinance was read for the first time.

The second reading of the ordinance was scheduled for August 17, 1993.

Rate Review and Administrative Rules for Solid Waste and Recycling

Council President Kappa called the public hearing to order at 7:42 p.m., to discuss the rate review and administrative rules for solid waste and recycling.

Council President Kappa said the purpose of the hearing was to consider the request for both a 5% rate increase in residential and commercial drop box services, and for adopting changes to the administrative rules for solid waste debris. He reviewed the conduct of the hearing.

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Staff Report: Darrell Lyons, Project Specialist/Recycling, presented the staff report in which the City Council was requested to consider a rate increase of 5% in residential and commercial drop box services and changes to the administrative rules for solid waste debris. There was a proposal that the drop box service charge be capped at \$63.00 in any one month.

Lyons reviewed the rate review evaluation criteria which included: (1) prevailing rates in the region; (2) operating costs; (3) rate of return; and (4) investments of an extraordinary nature required to fulfill local or federal requirements.

Councilmember Farley asked how many entities were being compared on prevailing rates. Lyons said fourteen entities were being compared.

Councilmember Farley asked how the rate of return compared to previous years. Lyons said Milwaukie's rate of return has always been relatively low, but 13.1% indicates an increase.

Councilmember Knudson asked what created the 8% increase in total expenses. Lyons said an increase in total expenses is usually due to increased labor expenses and equipment costs.

Lyons discussed the financial projections through June, 1994. These projections included assumptions of increased annual inflation and insurance costs. The projected operational cost increase would average 4%. The net effect would be an operating margin of 2% with a disposal increase of 7.4%.

Councilmember Farley asked who owned the dump site. Lyons said Arlington is owned by Waste Management, and Metro controls the disposal fee.

Lyons said the projected rate increase in 1994 could be 9.4%.

Council President Kappa asked what the cost of a 90-gallon roller can would be with a 9.4% increase. Lyons said the increase would be about \$2.

Councilmember Farley asked how the 10% insurance increase was determined. Lyons said this estimate is based on industry standards.

Councilmember Schreiber said the projected figures are from the haulers, not City staff. Lyons said these are the same figures used by the haulers for internal operations.

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Lyons reviewed the options for Council consideration which included: (1) approval of a 5% increase which would lessen the impact of the projected 9.4% next year; (2) approval of a rate increase of less than 5%; or (3) not approve a rate increase and review financial data for 1994 rate review. Staff recommended that Council grant no increase at this time.

Lyons discussed the second request regarding administrative rules on solid waste, recycling and yard debris. These referred to franchisee and customer responsibilities including: Section 3.0 "Solid Waste Collection Requirements" and Section 4.0 "Recycling Collection Requirements."

Councilmember Schreiber asked if the cost of providing these services would drop if Council adopted these changes. Lyons said the administrative rule changes offer definition, not a cost reduction.

Council President Kappa referred to Section 5.2.3 regarding inspection of franchisee's books and records. Bartlett said inspection of individual hauler's books might typically be done by the Finance Director or franchise staff.

Councilmember Schreiber said the review should be done by someone who could interpret and understand the books. Lyons said it could be done by staff or by an outside accounting firm.

Lyons discussed the yard debris recycling program which started on April 1, 1992. Milwaukie has one of the highest program participations in the area. Staff recommends maintaining the yard debris recycling program and schedule another review in 1994.

Councilmember Knudson asked what is done with the money collected during Down-to-Earth Day. Lyons said the money is used to pay disposal fees on the refuse collected on clean up day.

Correspondence: None.

Audience Testimony: Estele Harlan, Consultant, reviewed the criteria. She discussed a letter dated June 20, 1993, regarding exceptional customer service from Wichita Sanitary. She reviewed the rate summaries which indicated that if a rate increase was not granted, Milwaukie would have the lowest rates in the region.

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Harlan discussed several questions asked during the staff report. She said the insurance cost estimates were from a premium quotations and labor costs were from current contracts. All figures included in the evaluation criteria were conservative or actual.

Harlan said that Metro sets the rates and controls the gate at Arlington. She discussed the vehicle and labor costs absorbed by the haulers on Down-to-Earth Day.

Councilmember Farley asked why there was a proposed increase in the 32-gallon can residential rate, but not the identical commercial can. Harlan said it had been agreed to look only at residential and drop box services.

Council President Kappa asked what the haulers had done to work more closely with their customers. Harlan said haulers provide a quarterly recycling report which is relatively expensive.

Councilmember Farley said he was still concerned that the residential costs were increased, but not the commercial. Harlan said initial commercial costs were higher.

Staff Comments: Lyons reviewed the staff recommendations.

Questions of Clarification: None.

Close Public Testimony: Council President Kappa closed the public testimony portion of the hearing on the rate review and administrative rules for solid waste and recycling at 8:25 p.m.

It was moved by Councilmember Farley and seconded by Councilmember Knudson to not approve a rate increase for 1993, and review financial data for the 1994 rate review. Motion passed 4 - 0 with the following vote: Council President Kappa, Councilmember Farley, Councilmember Schreiber and Councilmember Knudson aye; no nays; no abstentions; Mayor Lomnicki absent.

It was moved by Councilmember Schreiber and seconded by Councilmember Farley to adopt all changes to the Administrative Rules for solid waste, recycling and yard debris and direct staff to prepare an ordinance. Motion passed 4 - 0 with the following vote: Council President Kappa, Councilmember Farley, Councilmember Schreiber, and Councilmember Knudson aye; no nays; no abstentions; Mayor Lomnicki absent.

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It was moved by Councilmember Knudson and seconded by Councilmember Farley to continue yard debris program and review in 1994. Motion passed 4 - 0 with the following vote: Council President Kappa, Councilmember Farley, Councilmember Schreiber, and Councilmember Knudson aye; no nays; no abstentions; Mayor Lomnicki absent.

AUDIENCE PARTICIPATION

None.

OTHER BUSINESS

Consider Liquor License Fees - Resolution

Dan Bartlett, City Manager, presented the staff report in which the City Council was requested to consider a resolution increasing fees charged for liquor licenses. Staff surveyed several cities in the region, and it was recommended that Milwaukie raise its liquor license fees to be in line with other jurisdictions.

Councilmember Schreiber asked the length of a temporary license. Bartlett said a temporary license might be good for one day or cover a longer event such as Festival Daze.

It was moved by Councilmember Schreiber and seconded by Councilmember Farley to adopt the resolution adopting fees for processing liquor license applications. Motion passed 4 - 0 with the following vote: Council President Kappa, Councilmember Farley, Councilmember Schreiber, and Councilmember Knudson aye; no nays; no abstentions; Mayor Lomnicki absent.

RESOLUTION NO. 24-1993:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE OREGON, ADOPTING FEES FOR PROCESSING OF LIQUOR LICENSE APPLICATIONS; CLASSIFYING THE FEES IMPOSED BY THIS RESOLUTION AS NOT SUBJECT TO ARTICLE XI, SECTION 11B OF THE OREGON CONSTITUTION; AND REPEALING RESOLUTION NUMBER 2-1987.

Consider Amending Resolution Adopting Budget, Making Appropriations, Levying Taxes - Resolution

Angus Anderson, Finance Director, presented the staff report in which the City Council was requested to consider a resolution amending Resolution 19-1993, which adopted the budget, made appropriations, and levied taxes. This was a

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result of a transposition of figures in FY 1992-93 Notice of Property Tax Levy filed with the tax assessor. The total reduction was \$15.27.

It was moved by Councilmember Schreiber and seconded by Councilmember Knudson to adopt the resolution amending Resolution 19-1993 which declared an ad valorem tax levy for fiscal year 1993-1994. Motion passed 4 - 0 with the following vote: Council President Kappa, Councilmember Farley, Councilmember Schreiber, and Councilmember Knudson aye; no nays; no abstentions; Mayor Lomnicki absent.

RESOLUTION NO. 25-1993:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, APPROVING A RESOLUTION TO AMEND RESOLUTION 19-1993 WHICH DECLARED AN AD VALOREM TAX LEVY FOR FISCAL YEAR 1993-1994.

Consider Street Maintenance Funding Options

Tim Corbett, Public Works Director, said this had been intended to be only a work session item.

Consider Contract Award for Storm Water Implementation Study

Tim Corbett, Public Works Director, presented the staff report in which the City Council was requested to authorize the City Manager to sign a contract with Shaun Piggot Associates in the amount of \$23,650 to provide consulting services to assist the City in implementing a Storm Water Utility fee.

Corbett discussed the impact of the 1987 Clean Water Act and the National Pollutant Discharge Elimination System (NPDES). Implementation of a storm water utility fee is necessary to comply with federal requirements and to enable the City to comply with NPDES permit requirements. A public involvement strategy is very important to implementation of the program.

Councilmember Farley asked what the result would be if the City did not go along with stormwater discharge control. Corbett said the DEQ could possibly fine cities \$25,000 per day for non-compliance.

Council President Kappa asked if there might be an overlapping wellhead protection program. Corbett said because the two programs overlap significantly, there could be a savings on the future wellhead protection program.

It was moved by Councilmember Schreiber and seconded by Councilmember Farley to authorize the City Manager to sign a

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contract with Shaun Piggot Associates in the maximum amount of \$23,650, to provide consulting services to assist the City in implementing a Storm Water Utility fee. Motion passed 4 - 0 with the following vote: Council President Kappa, Councilmember Farley, Councilmember Schreiber, and Councilmember Knudson aye; no nays; no abstentions; Mayor Lomnicki absent.

Consider Resolution Setting Monthly Parking Permit Fees

Tim Corbett, Public Works Director, presented the staff report in which the City Council was requested to consider a resolution setting new monthly parking permit fees. This would be a monthly fee of \$25.00 based upon response to concerns by local businesses. If approved by Council, the new program would begin October 1, 1993.

Councilmember Schreiber said she was concerned that a monthly billing would cause a 30-day program start up delay. Bartlett discussed privatizing parking management.

Corbett added that staff needed the additional time to assure that the correct information and proper forms were distributed.

Councilmember Schreiber asked if it was necessary for a billing to be sent out each month. She suggested that those wishing a permit could come into City Hall each month. Bartlett said an initial permit would be issued on a limited number of parking spaces.

Council President Kappa said it seems that the monthly billing method added more costs. Bartlett said the monthly bill was a result of being responsive to the customer. Many downtown businesses wanted to be able to apply once for a permit and get a new mirror hanger each month. Staff is also looking at the possibility of a parking management group.

Council President Kappa said he was concerned both with being responsive to the customer and keeping expenses down. Bartlett said one component of the fee was administrative charges. There would be funds available to hire a parking management company.

Councilmember Schreiber described the parking permit process in Oregon City.

Bartlett said City staff wants to reinstitute the parking permit program and do it efficiently. The City is not set up at this time to administer a parking program. The City has taken care of most of the parking lot maintenance concerns. He said he believed that permit parking had to be

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instituted if the parking needs of downtown shoppers are to be met.

Councilmember Farley said he believed the program should encourage carpooling.

Corbett said there was a concern that many employees would find it a hardship to pay \$150 at one time for a six-month permit.

Councilmember Schreiber said it seemed that when the Southgate Park and Ride accommodated more cars, there were more spaces available in downtown Milwaukie. Bartlett said there were usually only about six vacant spaces left in the Chevron lot, and the Main Street and railroad parking lots are generally full.

It was moved by Council President Kappa and seconded by Councilmember Knudson to adopt the resolution setting new monthly parking permit fees. Motion passed 4 - 0 with the following vote: Council President Kappa, Councilmember Farley, Councilmember Schreiber, and Councilmember Knudson aye; no nays; no abstentions; Mayor Lomnicki absent.

RESOLUTION NO. 27-1993:

A RESOLUTION OF THE CITY OF MILWAUKIE, OREGON,
SETTING FEES FOR CITY PARKING LOTS AND REPEALING
SECTION 4 OF RESOLUTION 17-1993.

Consider Authorizing Council President to Sign Letter
Concerning Ambulance Service Area Request for Proposal

Dan Olsen, Fire Chief, presented the staff report in which the City Council was requested to consider a resolution supporting the efforts of Clackamas Fire District No. 1 and Oak Lodge Fire District to amend certain sections of the Clackamas County Request for Proposal for the provision of Ambulance and Advanced Life Support Services.

Olsen said staff recommends three actions. First, that the Clackamas Fire District #1 staff analysis be adopted as the City of Milwaukie's position paper. Second, that there be modifications to the Clackamas County Request for Proposal. Third, that Milwaukie participate collectively with Clackamas County Fire District #1 (CCFD #1) and Oak Lodge Fire District in expressing their concerns before the Clackamas County Board of Commissioners.

Council President Kappa said he, Councilmember Knudson, Chief Olsen, and City Manager Bartlett had attended meetings on the issue of ambulance service. He asked if the Fire

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Department arrived at a 9-1-1 incident first, they would transport the patient to the hospital. Olsen said the franchise deals only with transport to the hospital.

Councilmember Farley asked if there was an overlap of services. Olsen said the state requires each county to establish a plan for continuity. Residents of North Clackamas County receive good services, but language in the draft RFP raises some concerns with Milwaukie and the Fire Districts.

Councilmember Schreiber asked if this would change the way people are employed by the City. Bartlett said the point being made is that language precludes public agencies from being able to bid on the franchise. If public agencies decide to bid there is language stating that existing ambulance staff must be hired from other providers such as Buck. He said the RFP was delivered on July 15, and there had not been enough time to meet to address these issues. CCFD #1 funded the studies and legal opinions. Milwaukie and Oak Lodge do not have the time or expertise, so they believe it would be advantageous to work with CCFD #1.

Council President Kappa said he believes it could provide a higher quality of service to the citizens.

Bartlett said it seems in the RFP that it would subsidize any private provider that might get the franchise. Public agencies should have the opportunity to respond. Some built-in bureaucratic delays would not be in the best interest of the patient.

It was moved by Councilmember Schreiber and seconded by Councilmember Knudson to adopt the resolution supporting the efforts of Clackamas Fire District No. 1 and Oak Lodge Fire District to amend certain sections of the Clackamas County Request for Proposal for the provision of Ambulance and Advanced Life Support Services. Motion passed 4 - 0 with the following vote: Council President Kappa, Councilmember Farley, Councilmember Schreiber, and Councilmember Knudson aye; no nays; no abstentions; Mayor Lomnicki absent.

RESOLUTION NO. 26-1993:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ON AMBULANCE AND ADVANCED LIFE SUPPORT SERVICES.

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Other Items of Information

Councilmember Farley announced that Jr. High School Exchange students from Iwaki, Japan, had visited Milwaukie on August 3, 1993. The Sister City Association had also met that day.

Council President Kappa discussed *National Night Out*. He suggested that Council consider a more active participation next year by attending neighborhood functions.

Councilmember Schreiber discussed the Neighborhood Park Tour scheduled for August 10.

Councilmember Schreiber announced that she had not received a new draft 190 Agreement from FOCUS.

CONSENT AGENDA

It was moved by Councilmember Schreiber and seconded by Councilmember Farley to adopt the Consent Agenda which consisted of the City Council Minutes of July 20, 1993 and liquor license application for Gary Chan, dba Chan's Steakery. Motion passed 4 - 0 with the following vote: Council President Kappa, Councilmember Farley, Councilmember Schreiber, and Councilmember Knudson aye; no nays; no abstentions; Mayor Lomnicki absent.

INFORMATION

Bartlett pointed out that the packet contained a response to the Carol Riggs' questions.

Council President Kappa announced an executive session potential litigation and labor negotiations.

ADJOURNMENT

Council President Kappa adjourned the meeting at 9:50 p.m.

Pat DuVal

Pat DuVal, Recorder/Secretary

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EXECUTIVE SESSION

In attendance were Council President, Kappa, Councilmember Farley, Councilmember Schreiber, and Councilmember Knudson; Carl Mosely, PSB Project Manager; Charlene Richards, Assistant to the City Manager; Tim Ramis, City Attorney; and Dan Bartlett, City Manager.

The Council discussed potential litigation and heard comments from Carl Mosely, Tim Ramis and Dan Bartlett.

Staff reviewed the status of MPEA labor negotiations and received direction from Council.

The meeting adjourned at 10:50 p.m.



Charlene Richards, Assistant to the City Manager