

**CITY OF MILWAUKIE  
CITY COUNCIL MEETING  
AUGUST 20, 1996**

The one thousand seven hundred and forty-ninth meeting of the Milwaukie City Council was called to order by Council President Trotter at 7:00 p.m. in the Council Chambers at Milwaukie City Hall. The following Councilors were present:

Don Trotter,  
Council President  
Rick Farley

Jean Schreiber  
Rob Kappa

Also present:

Dan Bartlett,  
City Manager  
Tim Ramis,  
City Attorney  
Angus Anderson,  
Finance Director

Maggie Collins,  
Community Development Director  
Brent Collier,  
Police Chief  
Mike Swanson,  
Interim Fire Administrator

**PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS**

**My Fair Lady**

**Yvonne Haddix**, Milwaukie Center, discussed the My Fair Lady contest recently held in conjunction with the Clackamas County Fair. She introduced this year's winner, Dottie Boggs, who was selected by the Milwaukie Center. **Boggs**, 79, said she is very active with landscaping, art, and communicating with her family on the Internet.

**Healthy Start of Clackamas County**

**Mary Ann Hard** discussed the pre- and post-natal family services offered to the community by the Healthy Start program. The goal of the program is to help prevent child abuse and develop good parenting skills. The services are free, voluntary, and confidential. She looked forward to working cooperatively with the City of Milwaukie.

**Councilmember Kappa** expressed his appreciation for the work she has done with the community through Healthy Start and suggested information be distributed through the Neighborhood Services Coordinator.

**Councilmember Farley** suggested working with the Milwaukie Center's Networking group.

## **Measure 3-77 Information**

**Swanson** presented information on the upcoming ballot measure that, if passed by the voters, would authorize Clackamas County to issue \$30.5 million of ten-year general obligation bonds for a new 800 MHz radio system. In July, City Council adopted Resolution 29-1996 which supported the CREG project. Milwaukie already purchased an 800 MHz system for which it would be reimbursed upon passage of this measure. A county-wide system would allow a more seamless communication between police, fire, and emergency personnel when responding to emergencies. He showed a video prepared by Clackamas Regional Elected Group (CREG).

**Councilmember Kappa** said this is a topic currently discussed in the neighborhood districts. Some people think the other people in the County should pay for their own systems since Milwaukie already purchased its own. He felt it was important to educate residents about the importance of a region-wide system.

**Swanson** pointed out there would be a payoff to the citizens of Milwaukie. Although the City has made a substantial investment, it is still unable to communicate with some of its neighbors. Milwaukie residents would benefit in two ways: first, the City would be reimbursed for the purchase of its system, and second, the public could be assured that public safety agencies are able to communicate with each other.

**Councilmember Schreiber** commented she has attended CREG and felt the public would benefit by seeing this video. She added she has seen first-hand how the system can work when Milwaukie's equipment returns to the base station while others are still arriving.

**Councilmember Kappa** indicated his support and recommended a public education program. Swanson responded CREG is made up of 27 jurisdictions, and it is trying to generate as much information as possible.

**Councilmember Farley** felt many people were bothered because they did not understand the technology.

## **CONSENT AGENDA**

**It was moved by Councilmember Farley and seconded by Councilmember Schreiber to approve the Consent Agenda which consisted of one item:**

**OLCC Application for Peak Northwest Brewing Company (new outlet)**

**Motion passed unanimously.**

## AUDIENCE PARTICIPATION

None.

## PUBLIC HEARING

None.

## OTHER BUSINESS

### Code Amendment Authorizing Inventory of Contents of Impounded Vehicles and Personal Effects of Arrested Persons -- Ordinance

**Council President Trotter** pointed out the title of the ordinance had been reworded and City Council received the revision during the work session. The body of the ordinance had not been changed.

**Collier** discussed the need for an inventory of impounded vehicles and personal property of arrested persons. Until recently, the City's general order had withstood challenges, but a court decision in Washington County initiated a requirement for an ordinance authorizing the inventory.

**Councilmember Kappa** asked if this was in response to any current or future grant requirements. **Collier** said the proposed ordinance was not related to any grant process.

**Councilmember Kappa** asked if the administrative guidelines had been changed as a result of a court decision. **Collier** said the department is still relying on General Order #4, but the legal standard as to admissibility now requires an ordinance.

**Ramis** said the point of the ordinance is to get a conviction. The search would be authorized by an ordinance rather than a general order, and the fruits of the search could be used in a prosecution.

**Councilmember Farley** asked what happened to probable cause. **Collier** said probable cause has not been replaced. The proposed ordinance would allow seized evidence to be used for prosecution.

**Councilmember Schreiber** asked if there were significant changes from the general order to the ordinance. **Collier** replied the general order actually refers directly to the inventory of an impounded vehicle. The proposed ordinance includes reference to the personal effects or property of persons in police custody.

**Council President Trotter** said this seemed to be a housekeeping item and added authority to the general order. **Ramis** said that was correct in addition to changing the source of that order.

**Bartlett** said Council would not find 100% correlation between the ordinance and the general order. The attorney who drafted the ordinance made some clarifications and added some definitions based on the Washington County case.

**Council President Trotter** asked if General Order #4 would be superseded or revised. **Collier** said the order would be revised based on the ordinance.

**Councilmember Kappa** said adopting an ordinance is more than a housekeeping item; it has to do with the delegation of authority. He asked if there would be other administrative or definition changes. **Collier** responded he did not anticipate any changes in the definition unless the court reverses its decision.

**Councilmember Schreiber** pointed out a typographical error in Section 10.50.040.(3)(c)(ii). **Ramis** said this would be corrected.

**It was moved by Councilmember Kappa and seconded by Councilmember Farley to read the ordinance amending Municipal Code Title 10 by adopting provisions authorizing inventory of personal property of an arrested person and the contents of impounded vehicles for the first time by title only with the correction noted. Motion passed unanimously. The ordinance was read for the first time by title only.**

**It was moved by Councilmember Kappa and seconded by Councilmember Farley to read the ordinance amending Municipal Code Title 10 by adopting provisions authorizing inventory of personal property of an arrested person and the contents of impounded vehicles for the second time by title only with the correction noted. Motion passed unanimously. The ordinance was read for the second time by title only.**

**It was moved by Councilmember Kappa and seconded by Council President Trotter to adopt the ordinance amending Municipal Code Title 10 by adopting provisions authorizing inventory of personal property of an arrested person and the contents of impounded vehicles with the correction noted. Motion passed unanimously.**

**ORDINANCE NO. 1811:**

**AN ORDINANCE AMENDING TITLE 10 OF THE MILWAUKIE MUNICIPAL CODE BY ADOPTING PROVISIONS AUTHORIZING INVENTORY OF PERSONAL PROPERTY OF AN ARRESTED PERSON AND THE CONTENTS OF IMPOUNDED VEHICLES, AND DECLARING AN EMERGENCY.**

**Purchase Police Vehicles**

**Collier** presented the staff report in which the City Council was requested to allow the City Manager to approve an open proposal to allow the Police Department to negotiate the purchase of three vehicles for the detective unit from the best source. Four surplus vehicles will be traded at a value between \$6,000 - \$10,000. The total price would not exceed \$54,177.

**Councilmember Kappa** indicated he had a problem with putting a value on used vehicles. **Bartlett** said staff feels it has sufficient room to deal with program cars or rental fleet vehicles. The trade-in value of the surplus cars will come to the City as a check and will not be a direct offset to the purchase price.

**Councilmember Farley** asked if these vehicles replaced current police cars. **Collier** said the proposed vehicles did replace current cars, but they will be used as unmarked cars and were not police package vehicles.

**Councilmember Kappa** asked if certain equipment would have to be added. **Collier** said accessories are included in the not-to-exceed price.

**It was moved by Councilmember Kappa and seconded by Councilmember Schreiber to allow the City Manager to approve an open proposal to allow the Police Department to negotiate the purchase of three vehicles for the detective unit from the best source with a total price not exceeding \$54,177. Motion passed unanimously.**

**Metro Functional Growth Management Plan**

**Collins** presented the staff report in which the City Council was requested to authorize the Mayor to sign a letter to Metro Council regarding the Urban Growth Management Functional Plan.

**Councilmember Kappa** had concerns about Neighborhood District planning. He did not want to authorize a letter to Metro Council that might impede the neighborhood process. **Collins** said the Planning Commission reviewed the letter supporting the MPAC draft, and a copy was sent to each neighborhood for comment. She discussed a neighborhood urban design task force working simultaneously with the Regional Center Master Plan Project.

**Councilmember Farley** said he felt the letter should be sent. There needs to be a collaborative starting point. **Collins** said she felt it was timely for Milwaukie to make a statement.

**Councilmember Schreiber** reported most other cities have responded, and she felt MPAC was trying to remain flexible and open. Metro is not making any mandates at this point, and it is looking for input from the local level. She indicated she was comfortable with the process and encouraged moving forward.

**Council President Trotter** referred to the third paragraph of the draft letter and asked if it had been discussed with the Planning Commission. Collins indicated the proposal was from her as a staff person and added it was Council's decision whether it was an appropriate statement.

**Councilmember Kappa** said we are setting a framework all of us will have to live under when looking at population and job growth. It is important to follow through with public involvement and give the NDAs time to respond. Some neighborhoods are not comfortable with the density numbers since they have not had the opportunity to go through the process.

**Councilmember Schreiber** said the report from the Planning Commission went to each neighborhood. **Collins** reported there has not been any response since it went to the neighborhoods a month ago. One group of residents is particularly concerned with urban design. The best thing to do is to get them to help solve the growth problems.

**Bartlett** felt Milwaukie should be concerned with the numbers but perceive them as goals, not as something onerous.

**Councilmember Schreiber** said she assumed the City of Milwaukie would want the flexibility to work with its neighborhoods similar to Metro's work with local jurisdictions.

**Councilmember Kappa** said one reason the region looks to the City of Milwaukie is because of its active City Council and staff. His first concern and responsibility is for the City of Milwaukie.

**Council President Trotter** asked which portion of the draft letter did not go along with wanting to proceed with the process -- a part of which is the citizen involvement.

**Councilmember Kappa** said it is implied, but he said it should be written that the City of Milwaukie wanted citizen involvement. He felt it was the City Council's responsibility to have it in the letter for the citizens.

**Councilmember Farley** felt it was stated indirectly. Citizens still have the right in the neighborhood to align themselves. This is our opinion to Metro, but it is not the final statement.

**Councilmember Kappa** recommended a sentence stressing citizen participation be added to the second paragraph.

**Collins** suggested a separate paragraph to the effect that, as the City of Milwaukie goes forward, it is important to involve all of its citizens in the program.

**Council President Trotter** said the date "August 6, 1996" should be added to clarify the Growth Management Committee Draft in paragraph 3. His other comment, from a record-keeping standpoint, was to change "Council Work Session, August 20, 1996" on page seven of the staff report to "Council Meeting, August 20, 1996."

**Councilmember Kappa** asked if there were other questions or concerns from a planner's point of view. **Collins** commented the MPAC draft is the one Milwaukie will come back to again and again.

**It was moved by Council President Trotter and seconded by Councilmember Kappa to authorize the Mayor to sign the letter to the Metro Council regarding the Urban Growth Management Functional Plan. Motion passed unanimously.**

### **Tri-Met Letter**

**Councilmember Kappa** discussed a letter from the Multnomah County District Attorney regarding Tri-Met's drip-line ordinance. Since other members of Council had not received the letter, staff would make copies available prior to any City Council discussion.

### **Sewerage Treatment Facility**

**Council President Trotter** said at a previous work session Council discussed sewage facility treatment options. He recommend the City Council direct staff to prepare a letter to the Regional Sewerage Facility Advisory Committee regarding zoning and expansion of the Kellogg Treatment Plant. He felt it was important to let the committee know about criteria and land use issues on the riverfront.

**Councilmember Schreiber** felt it was important to ask the County if it is aware of Milwaukie's technical and political issues.

**Bartlett** suggested having Community Development staff draft a letter so the City Council could maintain its impartiality. Copies of information on the Willamette Greenway, Natural Resources, and McLoughlin Overlay zones should be sent in addition. There is a lot more than the underlying C-L zone that needs to be addressed.

**Ramis** said this is typical pre-application conference information. The City Council, as a decision-making body, needs to be careful not to commit to a pre-conclusion.

**Councilmember Schreiber** said Council needs to remain impartial as a group and not prejudge. **Bartlett** warned against “conflicting out” and not being able to hear the issue and make a decision about an expansion of the Kellogg Plant.

**Councilmember Farley** said Milwaukie’s waterfront will be the focal point of several counties, and we need to ask what will be on the river.

**Ramis** said the City, but not the Council, should communicate with the County about the project. **Bartlett** recommended a letter, directing Collins to prepare a letter to Clackamas County on behalf of the City regarding the process of applying for a Community Service Overlay. Ramis added it was important to judge the application on its merits.

**It was consensus that Collins prepare a letter with supporting documentation for Clackamas County regarding land use applications specific to the riverfront.**

## **INFORMATION**

1. **Councilmember Farley** announced the Healthy Communities Conference in Eugene;
2. **Councilmember Kappa** discussed the work being done on Johnson Creek, specifically the Milport reconstruction project;
3. **Bartlett** announced the upcoming Budget Committee meetings starting August 27 regarding a tax base proposal;
4. **Councilmember Farley** announced a meeting of the League of Oregon Cities General Government Committee;
5. **Councilmember Schreiber** announced a Senior Field Day on September 13 to celebrate wellness; and
6. **Councilmember Farley** announced the groundbreaking ceremony at Providence Milwaukie.

**It was moved by Councilmember Farley and seconded by Councilmember Kappa to adjourn the meeting. Motion passed unanimously.**

**Council President Trotter** adjourned the meeting at 8:45 p.m.

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Pat DuVal, Recorder/Secretary