

**CITY OF MILWAUKIE
CITY COUNCIL MEETING
JULY 21, 1998**

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

Larry Lancaster	Jeff Marshall
Mary King	

Also present:

Dan Bartlett, City Manager	Brent Collier, Police Chief
Charlene Richards, Assistant City Manager	Ella Gossett, Dispatch Supervisor
Jim Coleman, City Attorney	Jim Brink, Public Works Director
Michelle Gregory, Neighborhood Services Coordinator	Ruthanne Bennet, Civil Engineer

PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS

National Night Out -- Proclamation

Collier presented the staff report. National Night Out is a nationwide crime and drug prevention event in which the City of Milwaukie has participated for several years. The theme is "Give Neighborhood Crime and Drugs a Going Away Party."

It was moved by Councilor King and seconded by Councilor Lancaster to approve the proclamation naming Tuesday, August 4, 1998 as "National Night Out in Milwaukie." Motion passed unanimously among the members present.

Teen Center Code of Conduct

Gregory reported on the Milwaukie Teen Center pilot project. The facility opened on July 14, and 140 youths attended the first day. After being open for two weeks, there are 250 participants entered into the database, and 56% of them are from Milwaukie.

Each person who enters and wishes to engage in an activity must register. Although about 30 adult volunteer applications are being processed, the program is still in desperate need of adult volunteers to maintain hours of operation. The Clackamas Town Center donated the coins from its fountain, and one individual donated a pool table. There have been only minor problems such as enforcing the helmet regulation and identifying the skate zone.

Victory Joy Knight, age 16, 2685 SE Brookside Drive, Milwaukie. The participants are well behaved and treat the facility and each other respectfully. The Center urgently needs adult volunteers.

Councilor Lancaster thanked Knight and all her peers for working hard on the project.

Officer Bill Wells, Milwaukie Police Department. He had his doubts about the project before it opened, but the teens have been respectful and are happy to have the facility. He was glad the City Council went forward on the project because it fills a real need. He hoped the project would continue beyond the pilot phase.

Councilor Lancaster asked Wells how much time he was spending on teen-related calls per day before the Center opened. **Wells** said he responded to three or four calls per day with each call taking about ten minutes.

Councilor King said, as a retired educator, she appreciated the clarity of the code of conduct.

CONSENT AGENDA

It was moved by Councilor Marshall and seconded by Councilor King to adopt the Consent Agenda that consisted of:

- 1. City Council minutes of July 1 and July 7, 1998; and**
- 2. Grogan Street Improvement Project (R-98-03).**

Motion passed unanimously among the members present.

AUDIENCE PARTICIPATION

Annaliese Hummel, 2802 SE Monroe, Milwaukie. She addressed the City Council at the request of the Historic Milwaukie Neighborhood District Association (NDA). There is a blatant disregard for the “no trucks” signs and speed limits on Monroe Street. During Festival Daze, traffic on Monroe was intolerable. Signs are in locations that make them difficult to read. She wanted a commitment from the City Council to do something about trucks and speeding on Monroe Street.

Hummel went on to discuss light rail. She urged the Mayor and Council to stand up against Metro and its density plans. It is not a matter of growth; it is greed. She also suggested fundraising to purchase the McFarland site to protect the City's natural elements. She hoped the City Council would change its mindset because people are becoming alarmed by the swift execution of development plans.

PUBLIC HEARING

None scheduled.

OTHER BUSINESS

Consider an Intergovernmental Agreement with the City of Lake Oswego for Shared Dispatch Resources

Gossett presented the staff report. The City Council was requested to authorize the City Manager to sign an intergovernmental agreement between the City of Lake Oswego and the City of Milwaukie to share an employee. This person would be responsible for computer aided dispatch (CAD) systems management and provide other technical expertise.

The two cities will have the same CAD system, and Lake Oswego is migrating to an 800 MHz system. With identical systems, the cities will be able to support each other in emergency situations.

Councilor Lancaster asked if this person's priority would be to maintain the system after it is operational. **Gossett** responded the employee will be responsible for designing the system and later maintaining it on a 24-hour on call basis. Other duties would include implementing unit changes, working with the City of Portland, and serving on a systems tech committee.

Councilor Lancaster was concerned with what would happen if both systems were down. Since the employee will work for the City of Lake Oswego, will it have priority? **Gossett** said Milwaukie and Lake Oswego would develop a priority listing of calls, and the identical systems would provide for dual backup. The systems tech person will assure uninterrupted service. She and the Lake Oswego 9-1-1 manager will be fully trained to provide short-term backup.

Councilor King asked for clarification if the back up plan included transferring 9-1-1 calls, call forward non-emergency calls, CAD shadowing, and radio relay. **Gossett** replied CCOM is currently the City's backup. With Lake Oswego and Milwaukie moving toward having the same system, backup would be a matter of switching between the two systems.

Councilor Lancaster asked if hiring an employee was more cost effective than bringing in a consultant. **Gossett** said both entities believed it was important to bring in a knowledgeable person that would be available to maintain both systems. The system tech will design the CAD system and reprogram it as needed. The agreement will be reviewed annually.

Councilor Lancaster wanted complete parity and asked if the personnel costs would be shared equally. **Gossett** said the annual cost for each jurisdiction was approximately \$25,000 for wages and benefits.

It was moved by Councilor Lancaster and seconded by Councilor King to authorize the City Manager to sign an agreement with the City of Lake Oswego for shared dispatch resources. Motion passed unanimously among the members present.

Collier was in complete support of the recommendation to share an employee resource with a jurisdiction that has an identical system.

Monroe Street Truck Traffic

Councilor Marshall asked Collier for his views of truck traffic on Monroe Street.

Collier said traffic enforcement officers have sustained some injuries, so traffic concerns on Monroe are being addressed as well as possible. Milwaukie is working with the sheriff and weighmaster to train on truck enforcement issues. The City is also developing a program to notify trucking companies and educate drivers on the City's regulations.

Mayor Tomei asked for clarification of the training needs if the street is posted for "no trucks." She understood, unless the trucks were making local deliveries, the drivers could be cited. **Collier** said there are a variety of citations that can be issued, and officers need to be trained.

Gossett added this was a relatively complicated process that cites drivers into district court. These are commercial citations and special training is needed.

Councilor Marshall suggested the City might need a stricter policy

Mayor Tomei was concerned the citizens were confused and might feel misled.

Councilor King felt Monroe Street, from her experience, was a serious problem and she asked if Milwaukie Lumber trucks were considered local. **Collier** confirmed that Milwaukie Lumber trucks were local.

Amend Municipal Code Section 2.04.070 to Change Start Time of Regular Council Sessions -- Ordinance

It was moved by Councilor Marshall and seconded by Mayor Tomei to read the ordinance amending Municipal Code section 2.04.070 -- Regular Meetings and declaring an emergency for the first time by title only.

Councilor King said, when the City Council begins its work sessions at 4:30 and perhaps continues the regular session until midnight, decisions may not be made under the best circumstances. The Council has agreed to hold its work sessions the Monday preceding the regular session, and the regular sessions will start at 6:00 p.m. beginning August 4.

Councilor Marshall said another purpose for beginning the regular session at 6:00 p.m. was to shorten the evening for those wishing to testify during public hearings.

Councilor Lancaster added Council will have more time to consider critical issues and not feel rushed to get through the work sessions in order to start the regular sessions at 7:00 p.m. He noted the work sessions would also be televised.

Councilor King said the work sessions will be at the Public Safety Building Community Meeting Room.

Motion passed unanimously among the members present. The ordinance was read for the first time by title only.

It was moved by Councilor King and seconded by Mayor Tomei to read the ordinance amending Municipal Code section 2.04.070 -- Regular Meetings and declaring an emergency for the second time by title only. Motion passed unanimously among the members present. The ordinance was read for the second time by title only.

It was moved by Councilor King and seconded by Mayor Tomei to adopt the ordinance amending Municipal Code section 2.04.070 -- Regular Meetings and declaring an emergency. Motion passed unanimously among the members present.

ORDINANCE NO. 1840:

**AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON,
AMENDING MUNICIPAL CODES SECTION 2.04.070 --
REGULAR MEETINGS AND DECLARING AN EMERGENCY.**

Award Contract for Brookside Storm Drainage Improvement Project

Bennett presented the staff report in which the City Council was requested to authorize the City Manager to sign a contract with Les Brown Excavating in the amount of \$228,556. The Brookside area has experienced problems with high ground water resulting in flooded yards, garages, and driveways. The City is now in a position to re-route the outfall and eliminate the potential hazard of deep water collecting in an open ditch. This project was identified in the 1998 – 1999 Capital Improvement Plan (CIP). In order to stay within budget, staff recommended deleting the portion of the project that goes up to Meadowcrest Drive.

Councilor Lancaster asked if this contractor did satisfactory work. **Bennett** said Brown has worked for the City of Milwaukie in the past, and she had personal experience on the Washington Street/33rd, 34th, 35th Avenue project. This contractor has large, well-organized crews, and the work is done quickly and results in minimum disruptions. Brown also has experience working on other high ground water projects. He has been in business for thirty years and recently completed the McLoughlin Blvd./22nd Avenue/Sparrow Street waterline project.

Councilor Lancaster commented on the disparity of the bid amounts. **Bennett** said Brown commented he did not believe the project would be that difficult. Clackamas County has also been impressed with Brown's work.

Councilor Lancaster had concerns with \$22,000 from the project. He asked if the bid would be good until next year. **Bennett** said that portion of the project would have to be rebid. The phase that staff recommended be cut from this year's project would likely become part of another Meadowcrest project. **Councilor Lancaster** questioned tearing up the neighborhood a second time to save such a small amount of money.

Brink said it is difficult for the storm budget to make up large amounts of money, and the only way to do this would be by supplemental budget. The Brookside project is at the top of the priority list based on citizen contacts. The disruption of postponing that part of the project would be relatively minor.

Councilor Marshall asked if the proposed project would take care of the Brookside problem. **Brink** said the ancillary project would not make the Brookside project better or worse. This part of the project takes care of the problems for Brookside and Regents Drive residents, which is the major concern. He discussed taking the Meadowcrest drywells offline in the future.

Councilor King asked why there were drywells in a relatively new development. **Brink** responded there was no storm system in that area.

Patty Seawell, 4716 SE Brookside Drive, Milwaukie. She has lived in that area for eleven years and has had to keep sandbags available because she was concerned about her home flooding. When looking into flood insurance, her agent said storm water flooding was the City's responsibility. She was concerned about the deep, open ditch where children play. Additionally, there is a spring that constantly runs in front of her house. In 1991, she wrote to the Mayor concerning her water problems, and she was informed Public Works Director Corbett would review her problem. Now it is 1998, and she still feels she needs to keep sandbags on hand. She urged the Council to approve the project.

Councilor King asked if the problem had worsened since development took place uphill. **Seawell** said it has become worse because of runoff and the natural springs in the area. There are two problems: inadequate storm drains and the springs.

Todd Cornilson, 4706 SE Brookside Drive, Milwaukie. Residents have had to install french drains and sump pumps, and, if Johnson Creek rises, everything backs up. Between the artesian wells and development up above, the water problems have increased. He was present to lend his support to the proposed project. He was also in favor of finding an extra \$22,000 to have the pipe go up the hill.

Mayor Tomei asked about the City's responsibility for taking care of the natural spring. **Brink** said the City has no responsibility for taking care of natural springs, but Public Works feels it could lessen the problem by moving the water off the streets and residents' property.

It was moved by Councilor King and seconded by Councilor Marshall to authorize the City Manager to sign a contract with Les Brown Excavating in the amount of \$228,556. Motion passed unanimously among the members present.

Consider Parks Property Acquisition

Richards presented the staff report in which the City Council was requested to consider a resolution declaring the need to acquire property for parkland. This acquisition was discussed in executive session. Milwaukie has an opportunity to purchase property near Home Avenue and Monroe Street for future park land in an underserved neighborhood. By adopting this resolution, the Council authorizes the City Manager to begin negotiations with the property owner on behalf of the City.

It was moved by Councilor Marshall and seconded by Councilor Lancaster to adopt the resolution declaring the need to acquire property for park improvements and direct the City Manager to move forward on negotiations on behalf of the City. Motion passed unanimously.

RESOLUTION NO. 24-1998:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, DECLARING THE NEED TO ACQUIRE PROPERTY FOR THE PURPOSE OF ASSEMBLING LOTS FOR PARK IMPROVEMENTS.

Mayor Tomei said this is one of the Council's first steps in meeting its goal of purchasing property for neighborhood parks. She acknowledged Councilor Marshall's identifying the property as one the City might wish to purchase.

INFORMATION

Tri-Met Board Meeting

Mayor Tomei announced a Tri-Met Board meeting on July 22, 3:30 p.m., at the Public Safety Building. This meeting is open to the public.

Monroe Street Truck Traffic

Councilor Marshall asked Brink for his views on Monroe Street truck traffic and sidewalk repair.

Brink said there is a citizen involvement program on 34th Avenue that has worked well, and he felt it could be successfully implemented on Monroe Street. Citizens notify the City of unauthorized truck traffic, and the City in turn sends a letter to each company. Most companies have been cooperative when violations are brought to their attention, and few have been notified a second time. There is a process in place, and he suggested Monroe Street residents might want to participate.

City Council felt the citizens should be aware this option, and **Councilor Marshall** agreed the City needed help from its proactive citizens.

Mayor Tomei felt it was important for people to understand that Milwaukie Lumber trucks were making local deliveries. **Brink** said, in all fairness, the owners try to use Hwy. 224, 99E, and Harrison Street whenever possible. He has talked to Milwaukie Lumber Company owners many times, and he feels there is a spirit of cooperation. From a business standpoint, Monroe offers a shorter route for the smaller trucks.

Councilor Marshall said, as a taxpaying City business, it is Milwaukie Lumber's right to use the streets for local deliveries.

Curb and Sidewalk Issues

Brink said there is no curb replacement program in place, and problems are dealt with on a case-by-case basis. Curb replacement has a low priority compared to paving streets because it is not comparable to the economic loss of not paving a street on time.

Councilor Marshall asked if the curb, like the sidewalk, is the resident's responsibility. **Brink** said the City's responsibility is from curb-to-curb.

Mayor Tomei noticed downtown sidewalks had been marked for repairs. **Brink** explained summer interns were looking for violations and notifying property owners of tripping hazards. Staff has to be available to answer individual property owners' questions, and the department looks forward to completing that phase of the process this summer.

Brookside Project

Councilor Lancaster asked the last date the City could authorize the additional portion of the Brookside project. **Brink** said the contractor will begin work on Monday, and the project itself will probably take 30 – 45 days. The City would have three or four weeks to decide. Any additional funds would have to come from contingency. He was actually more concerned about the 42nd Avenue project.

Richards said the Council would have to approve the transfer from contingency prior to authorizing the work.

Board and Commission Vacancies

Mayor Tomei announced board and commission vacancies.

ADJOURNMENT

It was moved by Councilor King and seconded by Councilor Lancaster to adjourn the meeting. Motion passed unanimously among the members present.

Mayor Tomei adjourned the meeting at 8:50 p.m.

Pat DuVal, Recorder

