

**CITY OF MILWAUKIE
CITY COUNCIL MEETING
JULY 18, 2000**

Call to Order

The one thousand eight hundred and forty-third meeting of the Milwaukie City Council was called to order by Council Mayor Tomei at 6:00 p.m. in the City Hall Council Chambers. The following Councilors were present:

Mary King
Jeff Marshall

Larry Lancaster
Brian Newman

Also present:

Dan Bartlett,
City Manager
Dom Colletta,
City Attorney
Charlene Richards,
Assistant City Manager
Sue Stepan,
Public Works Director

Jan Gehlen,
Finance Director
Ali Safayi,
Associate Engineer
Craig Armstrong,
City Labor Attorney

Pledge of Allegiance

Proclamations, Commendations, Special Reports and Awards

Proclamation Honoring Bill Brod

Mayor Tomei read a proclamation in remembrance of Bill Brod's contributions to the community.

Boat Ramp Relocation Committee

James Bernard, Riverfront Board Chair, 12255 SE 41st Court, Milwaukie. The Board met earlier in July to discuss the possible relocation of the Jefferson Street Boat Ramp and recommended the ad hoc committee charge and membership makeup to the City Council. The Committee would advise the Council through the Riverfront Board on the feasibility and timing of a relocation project. The work would include reviewing any restrictions or conditions relating to the current ramp and parking lot, assembling data user and frequency data, and looking for alternate sites on the east side of the river.

The seven-member Committee would include two boaters, Mike Stacey and Steve Olson; one Milwaukie Park and Recreation Board member; current Riverfront Board member, Kathi Cardinalli, who will act as Chair as well as liaison to the Island Station Neighborhood District Association (NDA); former Riverfront Planning Committee member, Mike Miller; habitat representative, Bob Roth; downtown business owner Diane Weisenberg; and two ex-officio technical advisors.

It was moved by Councilor Marshall and seconded by Councilor King to approve the Boat Ramp Relocation Charge and membership recommendation. Motion passed unanimously.

Consent Agenda

It was moved by Councilor Marshall and seconded by Councilor Newman to adopt the Consent Agenda consisting of:

- A. City Council Minutes of July 10, 2000;
- B. Acceptance of 42nd Avenue CDBG Sidewalk Project;
- C. Resolution 25-2000: A Resolution of the City Council of the City of Milwaukie, Oregon, Determining There Will Be a Special Meeting on July 31, 2000, to Be Called to Order at 7:00 p.m.; and
- D. Resolution 26-2000: A Resolution of the City Council of the City of Milwaukie, Oregon, Determining the First Regular Session of August Will Be Held on August 1, 2000, at the Island Station Neighborhood District Association's National Night Out Event.

Motion passed unanimously.

AUDIENCE PARTICIPATION

Siri Bernard, 12255 SE 41st Court, Milwaukie, Milwaukie Festival Daze, Inc. She provided a written response to a letter submitted to the City Council at its previous meeting by Best Elephant Ears, Inc.

Sally Jacob, 10050 SE 44th Avenue. She referred to brief City of Milwaukie annual financial report that was published several years ago and suggested a similar report be published in *The Pilot* this year.

Art Ball, 4960 SE Harvey Street, Lewelling Neighborhood District Association (NDA) Co-chair. He invited Council to the annual neighborhood picnic at Seth Lewelling School on August 5 starting at noon.

PUBLIC HEARING

None scheduled.

OTHER BUSINESS

Furnberg Park Construction Bid Award

Richards and **Gehlen** presented the staff report in which the City Council was requested to authorize the City Manager to sign a contract for the Furnberg Neighborhood Park Phase 2 Improvement Project. The project was put out for bid in May, and ten companies responded. The low bidder was Caribou Investments, L.L.C. in the amount of \$85,588.12, and, after checking references, staff recommended the bid be awarded to that contractor. Caribou indicated it would be able to meet the project timelines. The project is funded through a Metro Local Share Grant with \$30,000 from

the North Clackamas Parks and Recreation District (NCPRD) for the boardwalk. **Richards** noted the local share grant began in 1993.

Mayor Tomei suggested that staff prepare a slide show when the project is complete at the end of February.

Councilor King noted this was a very environmentally sensitive area.

It was moved by Councilor Marshall and seconded by Councilor Lancaster to authorize the City Manager to sign a contract for the Furnberg Park Phase 2 Improvement Project with Caribou Investments L.L.C. in the amount of \$85,588. Motion passed unanimously.

Intergovernmental Agreement with Oak Lodge Sanitary District

Bartlett presented the staff report in which the City Council was requested to authorize the Mayor to sign an intergovernmental agreement with Oak Lodge Sanitary District to share mutual resources. Contract partially a result of SB 122 regulations requiring cities and districts to work together and share resources. Talks with Oak Lodge first centered around the vactor which is used to clean utility lines. Milwaukie did not have the equipment but had funds budgeted. Oak Lodge had a vactor, but it was underutilized, so an agreement was discussed. As negotiations continued other opportunities for shared services and equipment came to light. The proposed intergovernmental agreement spells out the general terms for sharing staff and equipment and provides a foundation for future cooperative endeavors.

It was moved by Councilor Newman and seconded by Councilor King to authorize the Mayor to sign an intergovernmental agreement with Oak Lodge Sanitary for mutual sharing of various resources. Motion passed unanimously.

Appeal City Manager Decision Regarding Alleged Discrimination Complaint

Bartlett requested the City Council to consider an alleged discrimination complaint submitted to the City by Terrance T. McDonald. He reviewed the process as outlined in Resolution No. 38-1976 as amended by Resolution No. 24-1984. On April 27, 2000, McDonald submitted a grievance alleging the City's consultant had discriminated against him. Human Resources Director Richards investigated the allegation and determined McDonald had not been discriminated against. McDonald then appealed this determination to the City Manager who investigated the allegation. Bartlett determined McDonald had not been discriminated against. McDonald appealed the City Manager decision to the City Council.

It was Council consensus to direct Armstrong to write a finding and determination for City Council consideration at the July 31, 2000, special Council meeting

Board and Commission Appointment

Mayor Tomei, with Council consensus, appointed Linda Montgomery to Traffic Safety Board position #4.

Interim Council Appointment

Mayor Tomei recommended appointing Brian Newman to Council position 3 until January 2001. All Councilors concurred.

Other

Councilor Marshall thought it might be prudent to get an outside attorney to review the McDonald appeal in the event it went to a higher level.

Colletta said that would be at the discretion of Council and added the city attorney and labor attorney were not from the same firm. Armstrong has substantial experience and is well qualified to represent the City in labor matters. Regardless of who renders the findings, there is always potential for taking cases further. The actual facts of the case would be considered if it went to trial.

Councilor Lancaster was comfortable in the selection of Preston Gates & Ellis to represent the City in labor issues and to prepare findings for the McDonald complaint.

INFORMATION

The Council announced various National Night Out events, and Gregory will have a complete list on July 31.

Bartlett reported on the demolition of the Lowry Apartments and Boat Works.

Mayor Tomei was concerned the sidewalk had been blocked for some time by the Reliable Credit project and asked if there were any time limits. Bartlett replied the building permits are generally for 180 days with the opportunity to extend. As long as a hazard exists, the sidewalk will be closed.

ADJOURNMENT

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

Mayor Tomei adjourned the meeting at 6:35 p.m.

Pat DuVal, Recorder