

**CITY OF MILWAUKIE  
CITY COUNCIL MEETING  
MAY 3, 2005**

**City Manager Swanson** announced that the City Attorney was excused from the meeting pursuant to Resolution No. 9-2003.

**CALL TO ORDER**

**Mayor Bernard** called the 1957<sup>th</sup> meeting of the Milwaukie City Council to order at 7:10 p.m. in the City Hall Council Chambers. The following Councilors were present:

|                                  |             |
|----------------------------------|-------------|
| Council President Deborah Barnes | Joe Loomis  |
| Carlotta Collette                | Susan Stone |

Staff present:

|  |   |
|--|---|
| Mike Swanson,<br>City Manager                  | Kelly Somers,<br>Public Works Operations Director |
| JoAnn Herrigel,<br>Community Services Director |   |

**PLEDGE OF ALLEGIANCE**

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

**Advisory Board Interview**

**Charmaine Coleman** was interviewed for a vacant position on the Design and Landmarks Committee

**Proclamations**

- Workplace Safety Awareness Day, May 11, 2005
- Building Safety Week, May 8 –14, 2005

**CONSENT AGENDA**

It was moved by Councilor Barnes and seconded by Councilor Collette to approve the Consent Agenda that consisted of the following:

- A. City Council Minutes of April 5 and 19, 2005;
- B. Painting Contract; and
- C. Resolution No. 20-2005: A Resolution of the City Council of the City of Milwaukie accepting a quote from Professional Video and Tape, Inc. for government access equipment.

**Motion passed unanimously. [5:0]**

**AUDIENCE PARTICIPATION**

None.

**PUBLIC HEARING**

None scheduled.

**OTHER BUSINESS**

None scheduled.

**INFORMATION****Social Gaming**

**Mr. Swanson** reported that the City received an inquiry from a local business asking whether or not it allowed social gaming. It was defined as gambling if there were betting, which was using tokens in exchange for money and risking something of value on the outcome of a contest. Social gaming was not allowed and was illegal. It was a second-degree misdemeanor if one was doing it and a first-degree felony if the businesses supported it. If the City Council did nothing, then it remained illegal. The City Council did not have to establish a regulation to outlaw social gaming because it was already done. The only reason a council would want to consider an ordinance was to allow the activity and to establish some rules; otherwise it was a crime.

**Mayor Bernard** suggested looking at the Lake Oswego ordinance that made it a requirement that structures built in neighborhoods conform to the neighborhood character. He commented on the adult foster care facility on Guilford Drive.

**Mr. Swanson** believed that was on Planning Director Gessner's list of things to do.

**Councilor Stone** understood that would protect neighborhoods in terms of what could actually be built and commented on businesses such as the care facilities that have been going in all over the City. The other issue was design standards for neighborhoods and keeping the character of the overall predominant design structure. In her neighborhood there were many homes that were built in the 1920's and 1930's with mobile homes interspersed that did not really match the prevalent design. She would like to see something drafted that would protect neighborhoods from having some of that design mishmash. She did not believe that did anything positive for property values. She discussed keeping neighborhoods to the original style similar to the how one restored a home.

**Mayor Bernard** said by state law manufactured housing cannot be restricted. Milwaukie added the allowable standards earlier.

**Councilor Stone** was not singling out mobile homes because there were other houses being built that were not in conformance with the original homesteads in the neighborhoods.

**Councilor Collette** commented the City Council had talked about asking the Design and Landmarks Committee to look at residential guidelines as it did with the Downtown guidelines. She did not believe any decision was made.

**Councilor Stone** suggested that residential design guideline development be added to the Committee's work plan.

**Mayor Bernard** said his concern would be problems with someone who wanted to come in and improve the neighborhood. Would these be quality standards?

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**Councilor Collette** replied there could be design guidelines similar to those downtown. She noted that a lot of cities had them.

**Mr. Swanson** believed this project was also on Mr. Gessner's list. The Design and Landmarks Committee could recommend guidelines, but someone had to do the research and write them. Currently, the Planning Department was inundated with cases.

**Councilor Stone** went back to the social gaming issues and asked Mr. Swanson what was expected of the City Council.

**Mr. Swanson** replied it was information for the Council because the question was asked. If the Council did nothing, then social gaming would remain illegal. If the City Council wished to establish an ordinance to regulate and license social gaming, then it could be done. If there were a desire to do that, he would like Chief Kanzler to speak to the Council about his previous experience. It was on the agenda because a local business had asked the question.

**It was the consensus of Council not to adopt any social gaming regulations.**

**Councilor Stone** understood there was one inquiry.

**Councilor Loomis** thought it likely had to do with a recent Corvallis ordinance and the popularity of such games as Texas Hold'em on television.

**It was moved by Councilor Collette and seconded by Councilor Barnes to adjourn the meeting. Motion passed unanimously. [5:0]**

**Mayor Bernard** adjourned the regular session at 7:22 p.m.

Pat DuVal  
Pat DuVal, Recorder