

## MINUTES

MILWAUKIE CITY COUNCIL WORK SESSION  
JANUARY 3, 2006

**Mayor Bernard** called the work session to order at 5:34 p.m. in the City Hall Conference Room.

Council Present: Councilors Barnes, Collette, Loomis, and Stone.

Staff Present: City Manager Mike Swanson, Finance Director Stewart Taylor, and Engineering Director Paul Shirey.

**Budget Committee Interview**

**Mr. Ferguson's** interview would be rescheduled.

**Council Process**

**Mr. Swanson** discussed process and how parties communicated verbally, in e-mail, and through body language. His intent was to discuss process, and he was not questioning whether or not each Council member had the best interest of the City in mind when substantive decisions were made. Each member looked at the decision on the transit center from the perspective of what he or she thought was best for the City and would enhance respect for the Council. He would focus his comments on process and how members communicated. He asked that no one use anything others had done as a good or bad example. He wanted the Council to focus on the City's business. In the "Friday Memo" and during discussions with David Aschenbrenner, he realized that a lot had been accomplished, but only one or two issues had taken away from the positives. City business was not about the Council member and his/her future, and members did not have to like each other. The Council members were responsible for ensuring his/her actions advanced the best interests of the City and furthered respect for the Council as an institution, which sometimes meant supporting people one did not like. If someone was addressing Council in an abusive manner, then one may want to say the behavior was inappropriate. It was a matter of defending the Council as an institution that would outlive everyone in the room. He wanted the Council members to focus on their individual responsibilities and to do the best job possible for the City. He wanted a clean slate without discussion of past problems or practices. He urged Council members to do their own report cards – not someone else's.

Why was the discussion important? There were a couple initiatives what were in danger – for example, Clearwater. The County decision was not known at this time. If the City wanted to realize the goals embodied for Milwaukie – which he recommended not just be the removal of the Kellogg Treatment Plant from the riverfront – then he suggested it had to do with how best to provide wastewater treatment services throughout the entire eastern side of the Willamette in Clackamas County. Now there was an answer to one of the transit center

matters, but the City had to re-group and solve that issue. The City could not continue its current trend and hope to come close to where it wanted to be on both of those issues.

Why was this discussion important? **Morale.** For him, it was hard coming into work, and he did not like the first and third Tuesdays of the month. He gets his paycheck but also wants to accomplish something. Thoreau said most people lead quiet lives of desperation, and he did not want to do that. One of his feelings was sadness. The conduct and outcomes of the meetings needed to change because they simply did not look good. He heard more comments about the meeting rather than the substance.

Why were things not happening the way they should? He thought one of the reasons, from a process point of view, was that the Council needed to be looking at the best outcome for the City while maintaining respect for the City Council as an institution. There is a space between a stimulus and a response, and in that space was everything – the point at which one was able to make a decision on how to deal with what came next. He probably writes 50 e-mails to the President and sends three of them. Over the next couple of weeks, he asked that each time a Council member be presented with an opportunity to communicate to think before responding. The standard was what was best for the City and for maintaining respect for the Council. Elected people have to put up with a lot, and the ones who are really good think before responding.

**Mr. Swanson** would talk about the rules set forth in the Charter and Code at a future work session. Over the next two weeks, he asked the Council members to stop and take a breath and to think about the best interest of the City and respect of the Council. He would provide copies of *Roberts Rules of Order*. He asked the Council members to focus only on their personal responsibility to ensure that every communication – even a simple response to something in a meeting or in an e-mail – furthers the best interests of the City and maintains respect for the Council as an institution. At the next work session he would spend a few minutes reviewing how each Council member felt about taking that time to think. Councilor Loomis made similar closing comments at the last meeting about stopping to think about what he was going to say to make sure it was in the best interest of the City. The stakes were high in order to make headway on those important City initiatives.

**Councilor Loomis** noted past surveys indicated how goes Mike so goes the staff. It was important for the Council to work together because it reflected on everyone. He thought it was a good start and was willing to try.

**Mr. Swanson** observed it was difficult to put emotional responses aside, so this was not easy.

**Councilor Barnes** thanked people for working together as a team on her behalf and especially Councilor Stone. That was a chance to be a team under adverse conditions, and she appreciated all the help.

**Councilor Loomis** noted that Mr. Swanson's comments about the good things getting lost in the shuffle, and the "Friday Memo" was excellent. Most of the problems were self-inflicted, and the point gets lost in the negative.

**Councilor Stone** commented that she had not looked forward to the first and third Tuesdays for a very long time. She hoped in 2006 that everyone could look forward to the meetings.

**Councilor Collette** said from a practical perspective, it would help her to have an opportunity to comment on the agenda before it went out. When she gets the agenda, she has no idea why an item is on it. The last couple of weeks she tried to call Mr. Swanson but had not been able to connect. The Council sometimes came into the meetings not knowing what the agenda items were and had not discussed them in a work session. She felt unprepared to deal with them in a public setting. The Lake Oswego Council has early morning public meetings that no one actually attends to go through the agenda and review the items. Short of that, even sending out a draft agenda would help her out. She would like to know what was going to be on the agenda and why it was on the agenda the way it was. For example, the transit center issue was a public hearing, and she felt problems could have been avoided with a different heading. She wished the Council could provide feedback before the agenda was finalized. Since this discussion was on Council process, she asked if this was something that could be discussed.

**Councilor Stone** had concerns with the number of things on the consent agenda that a Council member had questions about or wished they had had the opportunity to have staff review it at a work session. There were times rather than having something on a blanket agenda, she would like more information as a group.

**Councilor Collette** said it struck her as odd that the only thing the Council could comment on before the meeting was the consent agenda. Sometimes she could call staff and get her questions answered, but that was not always the case. She suggested that the Council have an opportunity ahead of time to review the agenda and to at least have the chance to suggest an item be addressed in work session. She recommended the Council have its questions addressed before it became a public document and a final agenda. She heard it was an issue for Councilor Stone and asked if it was for anyone else.

**Councilor Stone** did not have a problem with a final agenda but with certain items appearing on the consent agenda without an open discussion. Her only suggestion had to do with the Council's being more informed. The work sessions were long enough to do that.

**Councilor Barnes** suggested copying e-mail questions and answers to all members of Council.

**Councilor Collette** wanted to do less with e-mails for reasons that had become obvious and was just calling people to ask her questions.

**Councilor Barnes** thought as everyone's schedules were so different, communication-wise it might be easier if everyone read the information at their own convenience.

**Councilor Collette's** concerns had to do with getting information on items before the agenda was set. Who sets the agenda and how the issues are described on the agenda? The agenda forecaster provided a rough idea, but it was not followed closely. She liked it for what it was, but it would be very useful to have an opportunity to glance at the agenda and be briefed before it became final.

**Mayor Bernard** suggested going through the consent agenda in a work session. Some of the Councilors, for example, were not on Council for the wastewater master plan of 2003. He asked if sending the consent agenda out a few days early would give her time.

**Councilor Collette** said it was not the consent agenda that concerned her because items could be removed for discussion. There was no opportunity to take something off the regular agenda. Not that she wanted that opportunity, but she did want to know what was going out before it became public and was posted on the website. Part of that had to do with strategy and the manner in which issues were addressed and in what context. The meetings were the Council's only opportunity to do that as a group. She felt the Council should have an advanced heads-up and play a role in setting the agenda.

**Mr. Swanson** said he and Ms. DuVal would work on the issue, and it might be a list of items at the meeting before. It could just be a list with a brief description the meeting before; however, things do come up on short notice.

**Councilor Collette** was concerned about how things were described on the agenda and if it was a public hearing or other business.

**Mayor Bernard** said one of the discussions at the League of Oregon Cities had to do with the term "public hearing."

**Councilor Collette** thought the Council needed to know when something was coming up on the agenda and at what level it was. Just getting the draft agenda the day it was available to the public would be helpful – before it went up on the website.

**Councilor Barnes** agreed because it was on the website before she even got home and the packet was on her doorstep. If the Council could get it a day before it was posted on the website, then members would have time to ask questions.

**Councilor Collette** could say up front if Council did not reply by a certain time that the agenda was a go. That would be very helpful for her.

**Councilor Stone** did not feel the need to see the agenda before but wanted information on topics before going into the meeting. She trusted Mr. Swanson in putting the agenda together and how it needed to be presented. There were many times she had questions and would have liked more information. For her it was not so much seeing the agenda but getting information. The agenda

forecaster was helpful in knowing what was coming up in the future. She did agree it would be helpful to get more information about some of the topics and clarification of why some things were a public hearing versus other business.

**Mr. Swanson** asked if there were any other comments or thoughts on the outline.

**Councilors Stone and Loomis** thought it was good.

**Mr. Swanson** discussed the consent agenda item regarding the Wastewater Master Plan and its relationship to Clearwater. The Master Plan had been a hostage for some time. It was largely focused on collection, and Clearwater was a treatment issue. The City needed to move forward on the master plan because it would not get disposition on Clearwater for some time. The collection system was built-out, and the City needed to establish its plans for the future. If Clearwater were ratified tomorrow or pulled with the instruction that it would never happen ever, the master plan would still have to go forward. He recommended keeping it on the agenda because the City needed to address the strained collection system.

**Mr. Swanson** provided a list of questions he posed to the city attorney regarding the six agreements executed with Clackamas County Service District #1 since 1970 regarding wastewater treatment. All six agreements to some extent were still in force.

**Mr. Swanson** would make some comments before the audience participation portion of the agenda. He would cover Municipal Code section 2.04.360 having to do with oral communications. "All remarks shall be directed to the whole council and the presiding officer may limit comments or refuse recognition if the remarks become irrelevant, repetitious, personal, impertinent or slanderous." Mr. Swanson intended to change the description of that section of the agenda to quote code language. In two weeks the Council would discuss rules that existed to promote orderly process and were not chances to cry foul. When one read *Roberts Rules*, it was the Council's meeting. All remarks were to be addressed to the whole Council in recognition of the fact that it was the Council's meeting as a group. He would warn people that the language on the agenda was going to be changed in the future.

**Mr. Swanson** called Dena Swanson after the last meeting, and the answer to Ms. Crites' question about whether Councilor Barnes had talked to her either after the first vote on November or after he got Ms. Swanson's decision. The answer was simply 'no, she did not.' He felt that was left unanswered after the last meeting.

**Mayor Bernard** understood when someone addressed Council that the code did not allow him or her to ask specific Councilors for anything.

**Mr. Swanson** said that was correct. Remarks should be addressed to the whole Council and not individuals. It was not a forum in which the Council was grilled; it was a forum in which questions were asked. The Council was listening to

information in order to make its decision and not people eliciting information or grilling the members. People would be able to get the information in other ways.

**Councilor Loomis** understood if it was like the last meeting and people addressed the whole Council then they could ask their questions and expect a response at a later time. There was a proper time and place.

**Mr. Swanson** would never say 'no' to a request, and it was not a confrontation situation in that forum.

**Councilor Loomis** did not believe anyone was comfortable at the last meeting, even those who were not being grilled at the time. It did not do the City any good on either side.

**Mayor Bernard** discussed the Town Hall with Sen. Ron Wyden at Milwaukie High School.

**Mayor Bernard** adjourned the work session at 6:19 p.m.

*Pat DuVal*

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Pat DuVal, Recorder