

REGULAR SESSION

**Revised
AGENDA**

**MILWAUKIE CITY COUNCIL
MAY 3, 2011**

MILWAUKIE CITY HALL
10722 SE Main Street

2101ST MEETING

REGULAR SESSION – 7:00 p.m.

- | | Page
No. |
|---|---------------------|
| 1. CALL TO ORDER
Pledge of Allegiance | |
| 2. PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS | 1 |
| A. Milwaukie High School Student of the Month Erik Morris | |
| B. Safety Break Proclamation | 2 |
| 3. CONSENT AGENDA <i>(These items are considered to be routine, and therefore, will not be allotted Council discussion time on the agenda. The items may be passed by the Council in one blanket motion. Any Council member may remove an item from the “Consent” portion of the agenda for discussion or questions by requesting such action prior to consideration of that portion of the agenda.)</i> | 3 |
| A. Adopt Riverfront Board Bylaws – Resolution | 4 |
| B. Library Expansion Task Force Appointments – Resolution | 9 |
| C. City Council Meeting Minutes: | 10 |
| 1. February 15, 2011 Work Session | |
| 2. March 1, 2011 Work Session | |
| D. OLCC Application – Envision Classics 10613 SE Main St. | 18-1 |
| 4. AUDIENCE PARTICIPATION <i>(The Presiding Officer will call for statements from citizens regarding issues relating to the City. Pursuant to Section 2.04.140, Milwaukie Municipal Code, only issues that are “not on the agenda” may be raised. In addition, issues that await a Council decision and for which the record is closed may not be discussed. Persons wishing to address the Council shall first complete a comment card and return it to the City Recorder. Pursuant to Section 2.04.360, Milwaukie Municipal Code, “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.” The Presiding Officer may limit the time permitted for presentations and may request that a spokesperson be selected for a group of persons wishing to speak.)</i> | |
| 5. PUBLIC HEARING <i>(Public Comment will be allowed on items appearing on this portion of the agenda following a brief staff report presenting the item and action requested. The Mayor may limit testimony.)</i> | |

None scheduled

6. **OTHER BUSINESS** *(These items will be presented individually by staff or other appropriate individuals. A synopsis of each item together with a brief statement of the action being requested shall be made by those appearing on behalf of an agenda item.)* **19**
- A. **Photo Radar Contract Authorization – Resolution** **20**
Staff: Milwaukie Police Chief Bob Jordan
- B. **Construction of Wastewater Main Repair at Jefferson Street and Hwy. 99E– Resolution** **21**
Staff: Jason Rice, Civil Engineer
- C. **Consider Suspension of Public Area Requirements – Resolution**
Staff: Bill Monahan, City Manager
- D. **Council Reports**
7. **INFORMATION**
8. **ADJOURNMENT**

Public Information

- **Executive Session:** The Milwaukie City Council may meet in executive session immediately following adjournment of the regular session pursuant to ORS 192.660.
- All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions as provided by ORS 192.660(3) but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.
- For assistance/service per the Americans with Disabilities Act (ADA), please dial TDD 503.786.7555
- The Council requests that all pagers and cell phones be either set on silent mode or turned off during the meeting.

2.

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

PROCLAMATION

Proclamation by *Mayor* _____ *Jeremy Ferguson* _____

Workplace Safety Awareness Day in _____ *City of Milwaukie* _____

Wednesday, May 11, 2011

WHEREAS, the City of Milwaukie, Oregon OSHA and other organizations in Oregon recognize that ensuring safe workplaces in our state is a responsibility we all share; and

WHEREAS, Workplace injuries and deaths take a profound toll on Oregon's economy and working families; and

WHEREAS, Oregon's safety community has made significant progress in reducing worker deaths and injuries in the thirty-eight years since the passage of the Oregon Safe Employment Act in 1973; and

WHEREAS, Oregon benefits from safe workplaces enabled by business, labor, and government collaborating to reduce the human suffering and financial burdens that stem from workplace injuries and deaths; and

WHEREAS, Various employers and employees will join together in an effort to further heighten awareness of the benefits of working more safely on May 11, 2011.

Now, therefore, I, Jeremy Ferguson, *Mayor* of the City of Milwaukie, hereby proclaim May 11, 2011 to be SAFETY BREAK FOR OREGON in Milwaukie and encourage all citizens of Milwaukie to join in this observance.

Jeremy Ferguson, Mayor

ATTEST:

Pat DuVal, City Recorder

3.
CONSENT AGENDA

3.A.



To: Mayor and City Council
Through: Bill Monahan, City Manager
From: JoAnn Herrigel, Community Services Director
Subject: Riverfront Board Bylaws
Date: April 20, 2011

Action Requested

Approve a resolution adopting proposed by laws for the Riverfront Board.

History of Prior Actions and Discussions

Section 2.10.050 A of the Milwaukie Municipal Code states that Council "shall adopt bylaws for each board, commission, and committee's meetings and the performance of its duties. These bylaws shall be reviewed and updated annually by each board, commission, or committee. Bylaws and bylaw revisions shall be reviewed and accepted by Council and approved by Council resolution".

The Riverfront Board drafted the attached bylaws at their February and March 2011 meetings. The Board shared these bylaws with Council in a March staff report and then discussed them with Council at the April 5, 2011 work session.

The Board proposes that Council now approve the bylaws as written.

Concurrence

The Riverfront Board members and the Community Services Director support the adoption of the attached by laws.

Attachments

Resolution with bylaws attached

ORDINANCE NO. 1848

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, ADDING MUNICIPAL CODE CHAPTER 2.26 – RIVERFRONT BOARD.

WHEREAS, the City Council directs a Riverfront Board be created to act in an advisory capacity to the Council in matters regarding the redevelopment of the riverfront and downtown area; and

WHEREAS, the Milwaukie City Council establishes this Board and charges it with providing recommendations supporting the City Vision and Council Goals;

NOW, THEREFORE, THE CITY OF MILWAUKIE DOES ORDAIN AS FOLLOWS:

Section 1: There is hereby added to the Municipal Code of Milwaukie Chapter 2.26 – Riverfront Board which is to read as follows:

2.26.010: Established -- Purpose

The Riverfront Board is established for the purpose of advising and making recommendations to the City Council and providing long-term continuity and short-term problem solving in the successful completion of the riverfront. The Board shall be responsible for, but is not limited to, the following activities:

- A. Serve in an advisory capacity to the City Council by following the Milwaukie Downtown and Riverfront Master Plan: Riverfront Element through its duration including consultant selection, scope of work specifications, plan development, implementation, and successful completion; and
- B. Provide leadership and act as liaison in the public involvement process in order to recommend the roles the City should or ought to pursue in attaining its vision of a well-designed community.

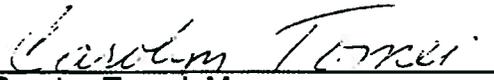
2.26.020: Membership -- Qualifications

The board shall consist of seven at-large members. These members are appointed by the council. One ex-officio member will be assigned from staff to provide technical and administrative support. Whenever possible, persons will be appointed who have demonstrated interest, experience, or expertise in some area of parks and greenspaces, recreation, housing, transportation, planning and urban design, commercial development, or related services.

Read for the first time on November 5, 1998, and moved to second reading by unanimous vote of the City Council.

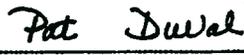
Read the second time and adopted by the City Council on November 5, 1998.

Signed by the Mayor on November 5, 1998.



Carolyn Tomei, Mayor

ATTEST:



Pat DuVal, City Recorder

APPROVED AS TO FORM:



O'Donnell, Ramis, Crew, Corrigan & Bachrach

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON,
ADOPTING BYLAWS FOR THE MILWAUKIE RIVERFRONT BOARD.**

WHEREAS, Section 2.10.050 (A) of the Milwaukie Municipal Code states that Council shall adopt bylaws for each board, commission, and committee's meetings and the performance of its duties; and

WHEREAS, the Milwaukie Riverfront Board developed the attached bylaws at their February and March 2011 monthly meetings; and

WHEREAS, the Riverfront Board met with Council in April 2011 to discuss these bylaws and their annual work plan;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby adopts the bylaws drafted by the Milwaukie Riverfront Board and recommends that the board adhere to these bylaws.

Introduced and adopted by the City Council on May 3, 2011 .

This resolution is effective immediately.

Jeremy Ferguson, Mayor

ATTEST:

APPROVED AS TO FORM:

Jordan Schrader Ramis PC

Pat DuVal, City Recorder

City Attorney

Riverfront Board Bylaws

March 2011

Article I

This Board was established by ordinance # 1848, a copy of which is attached.

Article II

- 1) Membership consists of seven regular members
- 2) Members must attend all meetings or notify the Board Chair or staff of absence prior to next regularly scheduled meeting. Frequent absences by a member will be reviewed by the Board and brought to Council's attention when deemed necessary.
- 3) Four members must be present, for motions to be voted on

Article III

- 1) Officers are Chairman and Vice Chairman
- 2) Chairman presides over the meetings following informal parliamentary procedure outlined in Roberts Rules
- 3) The Chairman works with the staff liaison to develop meeting agendas
- 4) Board members may add issues to the agenda at any time
- 5) The Vice Chair presides over the meeting in the absence of the Chairman
- 6) Staff liaison takes and prepares minutes of each meeting, keeps attendance records and posts minutes and agendas on the City's web site.
- 7) Meeting agendas shall be distributed to the Board 3 days before the meeting.
- 8) Draft meeting minutes shall be distributed to Board members within 7 days after a meeting.

Article IV

- 1) Elections will be held in May. Candidates will be nominated from the floor. If there is more than one candidate, a vote will be taken by secret ballot. The candidate receiving the highest number of votes wins.
- 2) Board will attend annual work session with City Council in June.
- 3) Each successful candidate assumes office on the first day of the month following the election. He/she serves until successor is installed.
- 4) In the event an officer vacates an office before the end of his/her term, an emergency election will be held to complete the term.

Article V

- 1) Regular meetings will be held on a monthly basis.
- 2) Special meetings may be called by the Chairman or two members
- 3) Regular meetings may be cancelled if approved by four or more Board members.



To: Mayor and City Council
From: Bill Monahan, City Manager
Subject: Appointment of members to Library Expansion Task Force
Date: April 28, 2011 for the May 3, 2011 Regular Session

Action Requested

Approve the attached resolution appointing the Library Expansion Task Force.

Background

On March 8, 2011, the City Council approved a resolution authorizing the creation of the Library Expansion Task Force to assist the Library staff and Board to conduct a broad based discussion of the community need for library facilities, the options available, and the process needed to pursue locations and funding.

In accordance with the resolution, the composition of the task force includes eleven members:

- Two Citizens at large
- Two Neighborhood District Association representatives
- Two Ledding Library board members
- A member of the City Council
- A local business person
- A Library Foundation member
- A Planning Commissioner
- A Budget Committee member

A press release was issued and notice of the opportunity to volunteer to serve on the Task Force was placed on the City web page. In addition, the Library Board, Budget Committee, Planning Commission, Library Foundation, and Neighborhood District Association (NDA) leadership were invited to make appointments to the Task Force.

Appointments have been received from the City Council as well as the groups authorized to make appointments. A small number of names were submitted for the citizen at large positions. ODS has agreed to designate one of its employees as the local business representative. Mayor Jeremy Ferguson has reviewed the applicants for citizen at large positions and recommends appointment of the citizens listed in the Resolution. Both the NDA and citizen at large positions were broken into two groups, one to represent the Historic Milwaukie, Lake Road and Island Station NDAs and the other to represent the other NDAs.

If adopted, the Task Force will be constituted and a meeting set in the coming weeks so the work of the Task Force may commence.

Alternatives

1. Accept the attached resolution as written to appoint the initial members of the Library Expansion task Force.
2. Direct staff to modify the attached resolution.
3. Deny approval of the attached resolution and direct staff on further action.
4. Take no action.

Attachments:

Resolution Appointing Members of the Library Expansion Task Force

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON,
APPOINTING THE LIBRARY EXPANSION TASK FORCE.**

WHEREAS, the Ledding Library Board recommended the formation of a Library Expansion Task Force to assist the Board and Council to assist in evaluation and development of alternatives; and

WHEREAS, the Board recommended that the Task Force be comprised of representatives from the citizens at large, the neighborhood district associations (NDAs), the Library Board, the Council, the Planning Commission, the Budget Committee and the local business community, with the assistance of the Library Director and staff from the Planning and Finance department as ex officio members; and

WHEREAS, Council stipulated that the citizen at large members and the NDA representatives should be appointed to represent the areas on either side of Highway 224, as follows - position A. the Lake Road, Historic Milwaukie and Island Station NDAs and position B. Hector Campbell, Ardenwald, Linwood, and Lewelling NDAs, and

WHEREAS, on March 15, 2011 the City Council passed Resolution 35-2011 creating a task force, and

WHEREAS, staff informed the various boards and committees of the opportunity to appoint representatives to the Task Force and on March 22, 2011 staff issued a press release and advertised the need for citizen and business member volunteers; and

WHEREAS, the designated groups have appointed representatives to serve on the Task Force and citizens have either applied or been nominated to serve, and

WHEREAS, Mayor Jeremy Ferguson has reviewed the list of applicants and recommends that the initial members of the Task Force be appointed,

NOW, THEREFORE, BE IT RESOLVED that the City Council:

1. Appoints the initial members of the Library Expansion Task Force as follows:
 - a. Library Board – Mark Docken
 - b. Library Board – Tom Hogan
 - c. City Council – Greg Chaimov
 - d. Library Foundation – Ed Zumwalt
 - e. Budget Committee – Jon Stoll
 - f. Planning Commission – Lisa Batey

- g. Local Business person – ODS representative
- h. NDA Position A – Scott Churchill
- i. NDA Position B – Paul Klein
- j. Citizen At Large Position A – Christie Schaeffer
- k. Citizen At Large Position B – Kathi Schroeder

Introduced and adopted by the City Council on _____ .

This resolution is effective on _____ .

Jeremy Ferguson, Mayor

ATTEST:

APPROVED AS TO FORM:
Jordan Schrader Ramis PC

Pat DuVal, City Recorder

City Attorney

Document2 (Last revised 09/18/07)

**MINUTES
MILWAUKIE CITY COUNCIL WORK SESSION
FEBRUARY 15, 2011**

Mayor Ferguson called the work session to order at 5:00 p.m. in the City Hall Council Chambers.

Council Present: Mayor Jeremy Ferguson, Council President Greg Chaimov, and Councilors Dave Hedges, Joe Loomis, and Mike Miller

Staff Present: City Manager Bill Monahan, Community Services Director JoAnn Herrigel, Administrative Specialist II Hannah Wells, Information Coordinator Grady Wheeler, Civil Engineer Jason Rice, Resource and Economic Development Specialist Alex Campbell and Engineering Director Gary Parkin

City Manager's Report

Mr. Monahan gave his report.

City Website Tour including online Bid/RFP Management Feature

Grady Wheeler, Public Information, Hannah Wells, Administrative Specialist II and Jason Rice, Civil Engineer, and Brian Gilday, founder of aHa Consulting were introduced.

Mr. Gilday gave a brief background of his company and explained that in June aHa Consulting contracted with the City on its website redesign project. He would continue to work with City staff on future enhancements.

Mr. Wheeler explained his role as the webmaster including content management. He worked with department heads to populate the highlights section on the home page.

Ms. Wells explained her role as the infrastructure manager which provided technical support to internal users. She showed a survey created for the Planning Department and the City Council pages and the information provided on the page. She reviewed the email notification subscriptions and the "stay connected" feature on the homepage.

Mr. Wheeler discussed elements on the website that tied in with the Council goal of better two-way communication. There have been 83 contacts to date and the number was on the rise.

Mr. Gilday explained the functionality of the Webform and how responses were tracked. He described a database the City might consider implementing to track response times and other history.

Mr. Wheeler explained they were working on an A-Z list which he hoped to have up shortly. He highlighted the social media aspect of the City website which was maintained by Beth Ragel.

Mayor Ferguson liked the fact that has Ms. Ragel posts information on Twitter and Facebook. She also kept him informed he can post items of interest on his Facebook page and Twitter account.

Ms. Wells showcased the E-Services tab where a citizen can fill out a records request, apply for a building permit, library renewal or checkout, and stop and start utility billing services. Staff anticipated having online payments ready soon.

Mr. Rice discussed the bid/RFP management feature he was working on with aHa Consulting. The intent was to reach a greater number of interested bidders plus reduce administration costs by having the process online.

Mr. Wheeler explained the current maintenance contract with aHa runs through this fiscal year and reviewed the elements of the current contract. Staff would come to Council in May asking for an additional \$5,000 that would cover the RFP work and a small list of other things they would like to add.

Councilor Hedges could see the website was evolving and thought it looked better. He still found some searches difficult but part of it was getting used to the new features.

Mayor Ferguson said the website is a good product and suggested visiting the neighborhood associations with an overview.

Mr. Gilday suggested creating a video to post on the page that could be very impactful. He briefly talked about the City Alert feature that will be deployed in the event of a weather or other type of emergency.

Councilor Hedges would like to see the comments that are coming in. As an example he brought up the new monthly utility billing.

Monthly Neighborhood District Association Dialogue

Matt Rinker and Bryan Dorr from Ardenwald/JC, Linda Hedges, David Aschenbrenner and Mary Weaver from Hector Campbell, Beth Kelland from Linwood, Pepi Anderson and Art Ball from Lewelling.

Ms. Weaver said the Walk Safely Milwaukie Program (WSMP) reports were due, and a lot of work had gone into those. Last week they discovered that there had been an RFP put out for project design and management services to a consulting firm for this project and they had not been aware of that, and it generated a lot of questions. The group would appreciate a follow-up to the questions. Would the contract amount be funded from the WSMP and if so would those costs be itemized into the project budget? Was it a matter of skill or time? The neighborhoods wanted to make sure as much money as possible went into the projects. Will the neighborhood chairs have a relationship or role with the consultant for the work being done in their neighborhoods?

Mayor Ferguson appreciated the time spent in developing the questions. He preferred to defer to Mr. Monahan to answer in detail for the next work session.

Mr. Monahan said the information could get out sooner to the NDA's. This was an open-ended contract to have the resources available to complete the projects as well as to speed up the process.

Mayor Ferguson noted the anticipated contract amount was \$20,000, but it might not end up being that much.

Ms. Weaver asked if that was coming out of the WSM project fund money.

Mr. Parkin replied yes, there was only one funding source.

Ms. Weaver asked to know how much was in the budget.

Mr. Campbell said the balance was approximately \$145,000. The bulk of the money would be spent on engineering the projects. It would be spent on project. The exception was help for the March workshop which would cost approximately

\$1500. The number of projects completed would be dependent on how much can be done in house.

Ms. Weaver felt that staff knew our neighborhoods really well, including the issues and history.

Mr. Campbell said they would like a few paragraphs about the projects before the workshop that could be given to a consultant in advance. Staff would supplement that information with aerials and other information vital to the project.

Mr. Ball said in the interest of transparency and communication wouldn't it be fair for staff to outline the estimated costs and then give that information to the NDAs so they can look at it and question it.

Mr. Campbell said he would look to Council and the City Manager on how they would like the project operated. That was not a decision that he would be making at his level.

Mr. Monahan said we can spend resources making reports and graphs and preliminary analysis or we can put the resources in the projects. This was a new process for a new program which was explained at numerous meetings. They would document how this year was done as a template for the future. The process can be corrected to reduce inefficiencies and best spend the resources.

Mayor Ferguson added there would be more answers as we went along and the process refined.

Councilor Hedges said the NDAs had the impression that the projects would be done in house. They understood they had \$47,000 to spend in the first year and \$100,000 in second year on neighborhood projects. Staff was already paid for, and they felt that they would be able to use all of the money on the projects and not consultants. The cost of the banner was not discussed with the NDAs ahead of time, which caused some friction. One of the bidders contacted a member of the NDA to find out what they were bidding on and that was the first inkling that money would be spent on consultants. A lot of citizens think the City wastes a lot of money on consultants.

Mr. Monahan agreed with Councilor Hedges that it was a matter of perception as to whether the use of consultants was a good thing or a bad thing. This community is run very lean in terms of staffing and in some cases we need an area of expertise that we cannot afford to have on staff on a full-time bases. There was some expertise that the staff needs now. Should the \$147,000 all go into projects and then other expenses be paid by engineering?

Councilor Hedges said his biggest concern with consultants was spending \$20,000, which was waste of money. The Walk Safely handout gave a clear indication that the work would be done by City Staff. It should have been clear that the staff would need to use consultants. The NDAs should not have found out from a bidder.

Mr. Ball agreed would have been more acceptable if they would have been told in advance that consultants were needed.

Mr. Miller knew the City staff was competent, so it was difficult to justify the consultant. There are times when the City did not have the money to hire a consultant. The neighborhoods would be happy to get something done. The costs of consultants eat up the money for these small projects. We need to take a look at the size of projects to determine whether they need to be done in-house or not.

Mayor Ferguson said the placeholder was for \$20,000, but that did not mean we would spend that much. An NDA may come in with a proposal outside the normal range of staff expertise.

Ms. Hedges said the RFP included 20 hours for workshop assistance to help us decide which were the best projects, and the rest was for project management.

Mr. Campbell said it was not for project management but for project design to develop plan sheets.

Mr. Parkin said engineering did the work in house whenever possible. There would be an analysis done to see if the engineering staff could do the work.

Councilor Hedges fought to get the Public Safety Advisory Committee (PSAC) as the decision making body.

Ms. Anderson thought there may have been a lack of understanding on the engineering staff's role. She felt it was the lack of communication and transparency, and it was solvable.

Councilor Hedges said in the old process PSAC ranked the projects to get the biggest bang for the buck. He did not know what was going on with the project. There was a lot of paperwork and plans, but nobody knew what that meant.

Ms. Patten asked if we would be spending money on a consultant for projects that would not get done.

Mr. Campbell replied no. There are two possible work orders envisioned under the RFQ to identify a firm to draw upon as needed. First was the workshop. The second part would be engineering services for design of the projects once they are selected. He thought PSAC was going to choose the project but was not aware of that every management decision needed approval. This was not an attempt to hide but to communicate. He would go through the reports tomorrow and will determine what part of the reports was most important.

Councilor Hedges said the NDAs knew how much they had to spend and saw the pot diminishing. They were not sure why or where that money had gone.

Mr. Campbell said initially the thought was to do the small scale projects in-house, but they may need consultant support to get a group of small projects out quickly.

Ms. Anderson asked if PSAC would have a better sense of the workshop agenda.

Mr. Campbell said they could talk about that at the next PSAC meeting.

Ms. Weaver felt email would be satisfactory. She had worked 30 years in education and spent hours at workshops that were useless to her.

Ms. Hedges said business as usual was to use consultants instead of staff. She heard from citizens that we should not be using consultants. We need to make sure when identifying projects that we have the staff that can do the work.

Mayor Ferguson noted there are a number of projects that staff works on in their area of expertise. Projects requiring consultants often come before Council for approval, so there may be a perception that people thought that was normal business practice.

Mr. Monahan said there are many projects staff would like to work on and there are projects for which the City did not have the expertise. The website was one such example. The City contracts with a consultant to learn from and launch a project.

Councilor Hedges observed the website was different from a traffic calming project. He was scheduled to visit the Johnson Creek Facility in order to get a better understanding of the work.

Ms. Hedges passed around a card that her neighborhood created to personally invite people to their NDA meetings. Each person at their meeting took 3-4 cards and were asked to invite 3-4 people that they were personal acquaintances with and included information about their upcoming meeting.

Mayor Ferguson adjourned the work session at 6:55 p.m.

Respectfully submitted,

Pat DuVal, City Recorder

**MINUTES
MILWAUKIE CITY COUNCIL WORK SESSION
MARCH 1, 2011**

Mayor Ferguson called the work session to order at 5:06 p.m. in the City Hall Council Chambers.

Council Present: Mayor Jeremy Ferguson, Council President Greg Chaimov, and Councilors Dave Hedges, Joe Loomis, and Mike Miller

Staff Present: City Manager Bill Monahan, City Recorder Pat DuVal, Planning Director Katie Mangle, Resource and Economic Development Specialist Alex Campbell.

City Manager's Report

Mr. Monahan reviewed the possible upcoming Budget Committee meeting dates. At the March 2 study session City Council would review the City Manager goals. He distributed an analysis of City website activity and noted 96 contacts had been made.

Mr. Monahan reported on Library Expansion project and formation of a task force.

Councilor Miller would like to meet the new people applying for boards and commissions and asked if background checks were done.

Mr. Monahan strongly encouraged applicants to attend the City Council meeting when appointments were made. The City did not do background checks on board and commission volunteers.

Mr. Monahan discussed photo radar report for the past year and the City Council goal adoption process.

Annual Joint Work Session with the Planning Commission

Planning Commissioners present: Jeff Klein, Lisa Batey, Chris Wilson, Russ Stoll, Mark Gamba, and Scott Churchill.

Ms. Mangle said one of the biggest accomplishments was an update to the bylaws, which had not been updated since 1998. She discussed their work program outlined in the staff report. There three main areas of responsibilities were holding land use hearings; residential development standards project; and helping strategize on regional plans. She discussed the need for dialogue with the Planning Commission to address Council goals and getting feedback on the work plan.

The Commission attended two meetings per month and did "homework" on weekends. They have had a few extra meetings including sub-committee meetings this month to go over code amendments. They also conduct site visits as needed.

Councilor Hedges said he would like more consultation with the neighborhood associations before codes are written so they can provide input.

Ms. Batey said they try to get information out to the neighborhoods through the referrals, and she thought staff did a good job of communicating. People may or may not attend the Planning Commission meetings.

Councilor Hedges said that was his point. People should not have to attend the Planning Commission meetings; they should provide input prior to the meetings.

Mr. Wilson noted there had been extensive outreach on residential design standards.

Mr. Gamba added there were Neighborhood District Association (NDA) members on the sub-committee.

Ms. Batey said the NDAs had actual land use committees for outreach purposes, but getting them engaged did not always happen.

Mr. Klein agreed that was something to work on and discussed the importance of training. He felt there would be an advantage to drawing from NDA land use committees when there was a Planning Commission vacancy.

Councilor Chaimov thanked the Commissioners for their good work. He referred to p. 2 of the staff report and the chart with the planning department work allocation. Did that match with what the Planning Commission thought staff should be doing? Or should we be focusing more effort in other areas?

Ms. Batey replied it was elastic and might change. It was what was being done currently and was not what they were saying is ideal.

Mr. Klein said it was 50/50 on dealing with land use, development policy and long-range planning vs. applications that came in.

Mr. Gamba felt if staff could spend more time on long-range planning it would add future stability to the course of the City.

Councilor Chaimov asked which issues listed in part B had the highest priority.

Mr. Churchill responded the sign code. There were major holes in the sign code. Main issues were around LED lighting and large electronic visual distractions. Many people do not want it to look like McLoughlin Boulevard south, which it could without changes to the sign code. Another key issue was commercial area planning and right-zoning for certain areas and adjustments for a better transition.

Councilor Chaimov asked if that tied into the 20-minute neighborhood issue.

Mr. Gamba responded that was driving his interest in working on that goal.

Mr. Klein observed there is a vision but until they are on paper it was difficult. Things dealing with the sign code were painful and took a lot of political will. It was important to have a dialogue between Council and Planning Commission regarding these difficult issues.

Ms. Batey added commercial areas were not just about 20-minute neighborhoods and several applications had come in over the years showing the lack of flexibility.

Councilor Miller said when looking at the commercial area including Murphy and MacFarlane how can we plan when they are privately-owned and no applications have been received.

Ms. Mangle replied the City needed to involve the property owners. Both of these sites were Brownfields and had physical problems. In addition, the zoning in those areas made development difficult. They want to take a step back and look at site in context including areas challenged with transportation issues. Waiting for applications to come in put the City in a reactionary mode and as a result opportunities could be missed.

CITY COUNCIL WORK SESSION – MARCH 1, 2011

DRAFT MINUTES

Page 2 of 4

Mr. Gamba added they were trying to be proactive and fix some of the problems through zoning.

Mr. Klein discussed redevelopment rather than development and stress on the infrastructure. Can something be done to make a better environment? Yes. The City can make it known it was open to different types of zoning. Until the City owns property it cannot decide what goes there.

Mr. Miller noted strict zoning was limiting, so there should be some flexibility.

Mr. Churchill commented there were some key transitional parcels that affected the neighborhoods. We need to do a little forward thinking without being too idealistic.

Ms. Mangle added the code was sending mixed messages and not just on the two sites mentioned.

Mayor Ferguson recognized Mr. Klein for his tenure as Chair and thanked him for his hard work and also acknowledged Ms. Batey as the incoming Chair. He was interested to hear how the Commission would prioritize the projects and how those fit with the City Council goals. He was interested in Natural Step training. He addressed the goal to improve communication between the Planning Commission and Design and Landmarks Committee as well as the City Council and was pleased to see interest in working on the sign code. He added sustainability should be an element of all the City Council goals.

Ms. Batey asked if Council had gotten complaints about signs.

Councilor Loomis replied he had not.

Mayor Ferguson got one call about the digital sign.

Councilor Miller got one call comparing the gas station sign with the large digital sign.

Mr. Gamba explained that was the difference with a downtown sign.

Mr. Klein added it was important to get feedback from Council on the Commission's vision.

Mr. Churchill said signs were important in a visual environment. Most successful communities have strong sign codes. The City was playing catch-up relating to the sign code, but the effort will pay off in the long run.

Ms. Mangle said the plan for the sign code was to do it in 2 phases. Phase 1 was electronic billboard designs, and Phase 2 was taking a comprehensive look at signs of all sizes.

Councilor Chaimov said his personal view on signs was that he did not mind or notice billboards. The lighted signs with pictures that move struck him as dangerous and a potential distraction to drivers. He saw it more as an issue of safety than as a function of land use.

Mr. Churchill commented on statistics related to moving signs.

Mr. Miller thanked the Commissioners for all of their hard work.

Mayor Ferguson discussed the benefits of a team building session.

Ms. Mangle said there was a suggestion of Natural Step training. There had not been a training budget for the Planning Commission.

Mr. Gamba said Natural Step training was \$1,000 for a group of 8 or so. It seemed worthwhile.

Mr. Klein commented Mart Hughes did a wetland review which was the single most influential outside study group on which he had participated.

Ms. Mangle asked how communication between the City Council and Planning Commission might be improved.

Councilor Chaimov suggested a joint study session in September to share information on major projects.

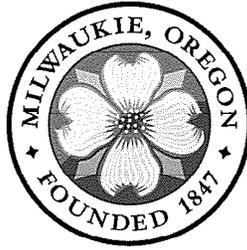
Metro Council Update

Metro Councilor Carlotta Collette discussed the Opt-In program, storefront program to improve the look and feel of Main Street and Brownfield grants for Milwaukie at the Cash Spot and ODOT building. Ground would be broken for the Trolley Trail this spring, and the in-water work for the light rail bridge would begin this summer. She discussed changes on the Metro Council, adoption of the Regional Transportation Plan, and the elephant reserve at Roslyn Lake

Mayor Ferguson adjourned the work session at 6:44 p.m.

Respectfully submitted,

Pat DuVal, City Recorder



3.D.



To: Mayor Ferguson and Milwaukie City Council
Through: Bill Monahan, City Manager
From: Bob Jordan, Chief of Police 
Date: April 13, 2011
Subject: **O.L.C.C. Application – Envision Classics – 10613 SE Main Street**

Action Requested:

It is respectfully requested the Council approve the O.L.C.C. Application To Obtain A Liquor License from Envision Classics – 10613 SE Main Street.

Background:

We have conducted a background investigation and find no reason to deny the request for liquor license.

POLICE DEPARTMENT
3200 SE Harrison
Milwaukie, Oregon 97222
P) 503 786 7400 / F) 503 786 7426
www.cityofmilwaukie.org

RS PAGE 18-1



OREGON LIQUOR CONTROL COMMISSION
LIQUOR LICENSE APPLICATION

Application is being made for:

LICENSE TYPES

- Full On-Premises Sales (\$402.60/yr)
 - Commercial Establishment
 - Caterer
 - Passenger Carrier
 - Other Public Location
 - Private Club
- Limited On-Premises Sales (\$202.60/yr)
- Off-Premises Sales (\$100/yr)
 - with Fuel Pumps
- Brewery Public House (\$252.60)
- Winery (\$250/yr)
- Other: _____

ACTIONS

- Change Ownership
- New Outlet
- Greater Privilege
- Additional Privilege
- Other _____

90-DAY AUTHORITY

Check here if you are applying for a change of ownership at a business that has a current liquor license, or if you are applying for an Off-Premises Sales license and are requesting a 90-Day Temporary Authority

APPLYING AS:

- Limited Partnership
- Corporation
- Limited Liability Company
- Individuals

CITY AND COUNTY USE ONLY

Date application received: _____

The City Council or County Commission:

(name of city or county)

recommends that this license be:

- Granted
- Denied

By: _____
(signature) (date)

Name: _____

Title: _____

OLCC USE ONLY

Application Rec'd by: AP

Date: 4-8-11

90-day authority: Yes No

1. Entity or Individuals applying for the license: [See SECTION 1 of the Guide]

- ① ~~Mark Tatom~~ ③ Envision Tile + Design LLC
- ② ~~Daniel Tatom~~ ④ _____

2. Trade Name (dba): Envision Classics

3. Business Location: 10613 S.E. Main St. Milwaukie Clackamas OR 97222
(number, street, rural route) (city) (county) (state) (ZIP code)

4. Business Mailing Address: 5573 S.E. Ancon Ct. Milwaukie OR 97267
(PO box, number, street, rural route) (city) (state) (ZIP code)

5. Business Numbers: 503 353-6980 N/A
(phone) (fax)

6. Is the business at this location currently licensed by OLCC? Yes No

7. If yes to whom: _____ Type of License: _____

8. Former Business Name: _____

9. Will you have a manager? Yes No Name: _____
(manager must fill out an Individual History form)

10. What is the local governing body where your business is located? Milwaukie
(name of city or county)

11. Contact person for this application: Mark Tatom 503-780-7605 / 503-654-0634
(name) (phone number(s))
5573 S.E. Ancon Ct. Milwaukie OR 97267 Tatom1e@hotmail.com
(address) (fax number) (e-mail address)

I understand that if my answers are not true and complete, the OLCC may deny my license application.

Applicant(s) Signature(s) and Date:

- ① Mark Tatom Date 4-2-11 ③ _____ Date _____
- ② [Signature] Date 4/3/11 ④ _____ Date _____



OREGON LIQUOR CONTROL COMMISSION
LIMITED LIABILITY COMPANY QUESTIONNAIRE

● See section 2 of Guide for help with this form

Please Print or Type

LLC Name: Envision Tire & Design LLC Year Filed: 2005
 Trade Name (dba): Envision classics
 Business Location Address: 10613 S.E. Main St.
 City: Milwaukie OR ZIP Code: 97222

List Members of LLC:

Percentage of Membership Interest:

1. <u>Mark Tatom</u> (managing member)	<u>50</u>
2. <u>Daniel Tatom</u> (members)	<u>50</u>
3. _____	_____
4. _____	_____
5. _____	_____
6. _____	_____

(Note: If any LLC member is another legal entity, that entity must also complete an LLC, Limited Partnership or Corporation Questionnaire. If the LLC has officers, please list them on a separate sheet of paper with their titles.)

Server Education Designee: Mark Tatom DOB: 5-17-66

I understand that if my answers are not true and complete, the OLCC may deny my license application.

Signature:  member Date: 4-2-11
 (name) (title)



OREGON LIQUOR CONTROL COMMISSION BUSINESS INFORMATION

Please Print or Type

Applicant Name: Mark Tatom Phone: 503-780-7605

Trade Name (dba): Envision Classics

Business Location Address: 10613 S.E. Main St

City: Milwaukie OR ZIP Code: 97222

DAYS AND HOURS OF OPERATION

Business Hours:

Sunday	<u>10</u>	to	<u>3</u>
Monday	_____	to	_____
Tuesday	_____	to	_____
Wednesday	<u>12</u>	to	<u>10</u>
Thursday	<u>12</u>	to	<u>10</u>
Friday	<u>12</u>	to	<u>12</u>
Saturday	<u>12</u>	to	<u>12</u>

Outdoor Area Hours:

Sunday	<u>10</u>	to	<u>3</u>
Monday	_____	to	_____
Tuesday	_____	to	_____
Wednesday	<u>12</u>	to	<u>10</u>
Thursday	<u>12</u>	to	<u>10</u>
Friday	<u>12</u>	to	<u>12</u>
Saturday	<u>12</u>	to	<u>12</u>

The outdoor area is used for:

- Food service Hours: 12^{pm} to 12^{am}
- Alcohol service Hours: 6 to 12
- Enclosed, how _____

The exterior area is adequately viewed and/or supervised by Service Permittees.

(Investigator's Initials)

Seasonal Variations: Yes No If yes, explain: ~~Seasonal variations~~

ENTERTAINMENT

Check all that apply:

- | | |
|--|---|
| <input type="checkbox"/> Live Music | <input type="checkbox"/> Karaoke |
| <input checked="" type="checkbox"/> Recorded Music | <input checked="" type="checkbox"/> Coin-operated Games |
| <input type="checkbox"/> DJ Music | <input type="checkbox"/> Video Lottery Machines |
| <input type="checkbox"/> Dancing | <input type="checkbox"/> Social Gaming |
| <input type="checkbox"/> Nude Entertainers | <input type="checkbox"/> Pool Tables |
| | <input type="checkbox"/> Other: _____ |

DAYS & HOURS OF LIVE OR DJ MUSIC

Sunday	_____	to	_____
Monday	_____	to	_____
Tuesday	_____	to	_____
Wednesday	_____	to	_____
Thursday	_____	to	_____
Friday	_____	to	_____
Saturday	_____	to	_____

SEATING COUNT

Restaurant: _____ Outdoor: _____

Lounge: _____ Other (explain): Arcade/Lounge 40

Banquet: _____ Total Seating: 40

OLCC USE ONLY

Investigator Verified Seating: ____ (Y) ____ (N)

Investigator Initials: _____

Date: _____

I understand if my answers are not true and complete, the OLCC may deny my license application.

Applicant Signature: [Signature] Date: 4-2-11

1-800-452-OLCC (6522)
www.oregon.gov/olcc

(rev. 12/07)

6.
OTHER BUSINESS



To: Mayor and City Council
Through: Bill Monahan, City Manager
From: Bob Jordan, Chief of Police 
Re: Contract to renew Photo Radar

Photo Radar Program Audit

Introduction

The City of Milwaukie has been authorized to utilize photo radar by the Oregon State Legislature for speed enforcement since March 2008. The main purpose of photo radar has been to enhance traffic safety through the reduction of motor vehicle accidents in the City of Milwaukie. We are uniquely situated for the successful deployment of this technique because of the presence of two major highways, Highway 224 and McLoughlin Boulevard, which bisect the city and are adjacent to residential neighborhoods. MPD had contracted with a vendor named Affiliated Contract Services (ACS), to facilitate the program. Although we have never lost the statutory authority to operate photo radar, our contract with ACS expired in mid-January 2011

Essentially, the photo radar program consists of an officer assigned to a marked police van. The van is equipped with state-of-the-art radar and photographic equipment. When deployed on the highway, this equipment will measure the speed of traffic, and take simultaneous photographs of the driver and the license plate of the speeding vehicle. Those photographs are used to identify the registered owner of the vehicle. The driver's license photograph of the owner is then compared with the actual photograph taken on the highway. If there is a sufficient match of the two photographs, a citation is issued.

The enabling statute requires that the van be occupied by a police officer and that the measured speed be ten miles or more over the posted speed limit. ACS, our vendor assists in the processing of the data.

On February 1, 2011, I provided a briefing to the City Council about the photo radar program, which included:

- 1) A history of the photo radar program in the City
- 2) Statistical information about the prevention of motor vehicle accidents
- 3) A report on the financial costs and benefits of the program since its inception
- 4) Anecdotal information about support for the program among our neighborhood district associations

POLICE DEPARTMENT

3200 SE Harrison

Milwaukie, Oregon 97222

P) 503 786 7400 / F) 503 786 7426

www.cityofmilwaukie.org

RS PAGE 20

We solicited information from two vendors, ACS and RedFlex. RedFlex has Photo Radar Contracts with other Oregon cities, notably Beaverton and Medford. We are submitting a photo radar renewal contract from ACS, our original vendor. The contract includes several improvements that will enhance the efficiency and effectiveness of the program. Some of the improvements were the result of our discussion with our Municipal Court personnel and the observations of the Judge himself. Notably those improvements are:

- 1) A \$500 per month reduction in the fee that ACS charges for the lease of their equipment and processing fees
- 2) The installation of newer digital photo equipment to replace the older "wet-film" camera previously supplied
- 3) An agreement on the part of ACS to make their training manuals subject to the Court's discovery orders on photo radar cases. (see attachment #3)
- 4) An agreement on the part of ACS to observe the Court's rulings relative to the need to provide a date of issuance on citations that require re-issuance (see attachment #4)
- 5) The term of the contract is for a three year period
- 6) If approved, the photo radar will be fully operational and equipped with a new digital camera system within 60 days of the signing of the contract
- 7) Other minor coordination and administrative matters such as the contract being modified to be a stand-alone contract, and no longer as a "piggy-back" contract to a related City of Portland contract

The contract submitted includes these changes. It has been reviewed by Ron Guerra of the City's law firm.

Recommendation

That the City Council approve a resolution to allow the Mayor to sign the proposed Photo Radar Contract.



6.B.

To: Mayor and City Council

Through: Bill Monahan, City Manager
Kenneth Asher, Community Development and Public Works Director
Gary Parkin, Engineering Director

From: Jason Rice, Civil Engineer

Date: April 21 for the May 3, 2011 Regular Session

Subject: Jefferson and McLoughlin Sewer Repair

ACTION REQUESTED

Authorize the City Manager to sign a contract for the construction of the Jefferson Street Wastewater Repair Project.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

No actions or prior discussions with Council have taken place.

BACKGROUND

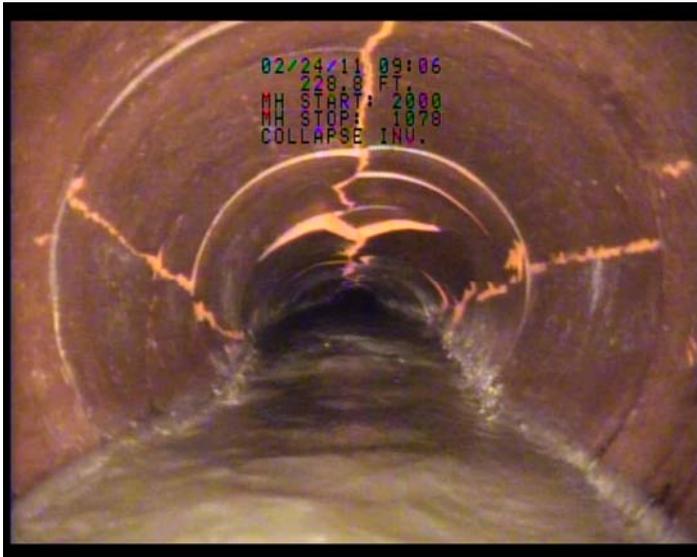
Video inspections of the wastewater sewer mains (TV reports) are a regular maintenance function for the City's wastewater system. On January 5th, 2011, the City became aware of a partial sewer blockage near Highway 224 and Main Street. This line is one of 150 inspection elements that have not received regular maintenance or inspection due to inaccessibility or high flow. The Wastewater Operations Department is working to systematically address this situation where possible¹. In some cases this means inspecting at lower flows and in other cases it means developing complex traffic control plans to allow for inspections to occur.

The 24" clay sewer main running under Jefferson Street from Main and crossing McLoughlin is one of the pipe segments to have recently received its first documented inspection. When this main was inspected in February 2011, it was found to have a structural failure; the upper half portion of the clay pipe was fractured. This failure does not yet impact the flow in this line. The pipe is fully functioning since the damaged portion has not fully collapsed.

¹ The Wastewater Crew is currently documenting the issues with inspecting these difficult elements. Once these issues are populated, staff will create a strategy for each of these elements so that regular inspection may occur.



A snapshot from the video inspection of a undamaged section of the same pipe.



A snapshot from the video inspection of a portion of the damaged section.



A closeup of a crack on the top of the pipe. Beyond this point TV inspection is not possible due to depth of flow.

The result of a failure at this location in the system would be costly. The pipe failure would block about 20% of the City's wastewater flow. This location, just west of McLoughlin Blvd at Jefferson, is near the Willamette River into which sewerage would flow. Traffic on McLoughlin Blvd would need to be detoured until the repair could be completed.

The work to be performed under this contract includes the replacement of the failed main by a pipe bursting and bypass method. This involves fusing sections of pipe together to make one seamless pipe section to be installed under McLoughlin Boulevard from the middle of the boat ramp to mid-block between McLoughlin Blvd. and Main Street (see Attachment 2).

The bypass requires working with the property owner of the 76 Gas Station located at 10966 SE McLoughlin Boulevard. One of the three entrances to this business will be closed for the duration of the bypass, the other two will remain open by digging a small trench across an entrance to allow a pipe to be buried and covered. Keeping these two entrances open is crucial to this business since it receives fuel delivery trucks every 2-3 days. This property also happens to be one of the businesses eligible for the City's "Main Street Main Grant Program". Staff worked with the owner to create a plan to disconnect this property from the old Main Street line that is planned to be abandoned in the fall of 2014. Taking care of the gas station's lateral as a part of this project will reduce the overall cost for both the property owner and the City.

This project also impacts the City's boat ramp and Waterfront Park. Both will be closed to public access for the duration of the project. The estimated dates of impact at this time are May 16th through June 17th. Depending on the contractor's proposed schedule, working weekends may be explored to reduce the length of time on-site. However, opening the ramp during non-working hours is not possible due to the erosion control measures being installed to protect the Willamette River. Options will be explored during the contracting phase of work.

The engineer's estimate is \$200,000 with a \$25,000 contingency in case of pipe failure during the burst under McLoughlin. A bid tabulation will be provided after bids are opened on April 28th at 2:00pm.

CONCURRENCE

The Public Works Wastewater Operations Division has assisted with this project and supports the project as a high priority repair despite not being in the budget.

The Community Services Department has coordinated the boat ramp closure and with affected businesses as noted in this report.

The Finance Department has verified that funds are available in the Wastewater Cap and Reserve fund.

While the project is in the right-of-way and thus has no Water Quality Resource impacts, the Planning Department is still aware of the potential impacts this project has on the Willamette River.

ODOT reviewed the project plans and issued a permit for the work within the state-maintained right of way.

Although no impacts are presented within the project documents to The Kellogg Wastewater Treatment Plant, the Plant Operator was made aware of the upcoming project.

FISCAL IMPACT

This project, estimated at \$200,000, is not included in the current year budget. However it is included within the proposed Wastewater Master Plan as a future project. Staff recently presented to Council a plan to replace all clay lines within the City over the next 6 years. This project was designed and bid just as it would have been, albeit ahead of the proposed schedule in the master plan. Contingency levels in the Wastewater fund are sufficient to cover the cost of this project.

WORK LOAD IMPACTS

This project is unexpected and not accounted for within the Engineering work plan, thereby stressing the Engineering Department's workload. Current work that was delayed as a result of working on this project include the Safe Routes to School Grant Application for Lake Road and the process documentation for changing over street tree permitting to Engineering from the Planning Department. The City has not (and will not) lose the grant money as a result of this delay, nor have there been any tree permits that have been negatively impacted by not having the process documented

In an effort to minimize project cost, staff designed the project and will perform its inspections saving the City an estimated \$15-20,000 had an outside consultant been used to perform these duties.

ALTERNATIVES

- 1) Do not award project (defer indefinitely). However, this project addresses an issue that must be dealt with soon.
- 2) Reject all proposals and direct staff to re-advertise for new proposals for any reason. However, there is a small pool of qualified contractors for this work.

ATTACHMENTS

1. Project Vicinity Map
2. Resolution



Jefferson Street Wastewater Repair Vacinity Map Attachment #1



ATTACHMENT 2

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, APPROVING THE AWARD OF CONTRACT FOR THE CONSTRUCTION OF THE JEFFERSON STREET WASTEWATER REPAIR PROJECT.

WHEREAS, the sewer main section west of the intersection of Main Street and Jefferson Street structure was found to be compromised; and

WHEREAS, without immediate repair, the pipe segment will completely fail in the near future; and

WHEREAS, failure would result in excavating in the southbound lane of McLoughlin Boulevard and would be far more costly than as presented today; and

WHEREAS, replacement of this clay sewer main is included within the draft version of the 2010 Wastewater Master Plan; and

WHEREAS, pipe bursting is the preferred method of replacement due to traffic impacts on SE McLoughlin Boulevard; and

WHEREAS, Emery & Sons Construction Inc. is the lowest responsive and responsible bidder;

NOW, THEREFORE, BE IT RESOLVED that the City of Milwaukie authorizes the City Manager to sign a contract for the construction of the Jefferson Street Wastewater Repair Project with Emery & Sons Construction Inc., in the amount of \$179,985.

Introduced and adopted by the City Council on May 3, 2011.

This resolution is effective on May 3, 2011.

Jeremy Ferguson, Mayor

ATTEST:

APPROVED AS TO FORM:
Jordan Schrader Ramis PC

Pat DuVal, City Recorder

City Attorney